

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA GAME COMMISSION
BOARD OF COMMISSIONERS

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COMMISSION MEETING

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BEFORE: RONALD A. WEANER, PRESIDENT
Ralph A. Martone, Vice President
David J. Putnam, Secretary
Gregory J. Isabella, Member
Thomas E. Boop, Member
David W. Schreffler, Member
James J. Delaney, Jr., Member
Robert W. Schlemmer, Member

MEETING: Tuesday, October 4, 2011
8:31 a.m.

LOCATION: Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110

WITNESSES: None

Reporter: Jolynn C. Prunoske

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A P P E A R A N C E S

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ALSO PRESENT:

C.G. Roe, Executive Director

Bradley C. Bechtel, Esquire, Chief Counsel

R. Matthew Hough, Deputy Executive Director

Denise Malone, Executive Secretary 2

I N D E X

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DISCUSSION AMONG PARTIES

5 - 24

E X H I B I T S

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NONE OFFERED

P R O C E E D I N G S

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CHAIR:

I'd like to call this meeting together.
This is the regularly scheduled October meeting of the
Pennsylvania Game Commission. Two announcements.
First of all, if you have cell phones, please turn
them off or disable them. Secondly, as I indicated
yesterday, the Board did meet in executive session
last evening to discuss internal Board policies. At
this point, I would like you all to join me in the
pledge to the flag.

PLEDGE OF ALLEGIANCE RECITED

CHAIR:

Mr. Secretary, will you call the roll of
the members, please?

MR. PUTNAM:

Mr. President, all Commissioners are
present.

CHAIR:

Thank you. Is there a motion to approve
the minutes from the June 28th meeting?

MR. DELANEY:

So moved.

CHAIR:

1 Commissioner Delaney. Is there a second?

2 MR. SCHLEMMER:

3 Second.

4 CHAIR:

5 Commissioner Schlemmer. Is there any
6 discussion? Properly moved and seconded to approve
7 these minutes. All those in favor signify by saying
8 aye.

9 AYES RESPOND

10 CHAIR:

11 Those opposed say no. Mr. Secretary?

12 MR. PUTNAM:

13 Mr. President, the minutes are approved
14 by unanimous vote.

15 CHAIR:

16 Thank you. Motion passes. At this
17 point, we'll turn it over to Brad for the first item
18 under Bureau of Wildlife Management.

19 ATTORNEY BECHTEL:

20 The first item coming before the
21 Commission today is the adoption of proposed
22 amendments to 137.34. To effectively manage the
23 wildlife resources of this Commonwealth, the Game
24 Commission proposed at its June 28, 2011 meeting to
25 amend Section 137.34 relating to chronic wasting

1 disease and the emergency authority of the Director to
2 update its terminology and procedures to be consistent
3 with the Commonwealth's Interagency Chronic Wasting
4 Disease Response Plan. The text of these changes are
5 shown on page three of your agenda.

6 CHAIR:

7 Is there a motion?

8 MR. ISABELLA:

9 Second --- motion.

10 CHAIR:

11 Commissioner Isabella has moved. Is
12 there a second?

13 MR. MARTONE:

14 Second.

15 CHAIR:

16 Commissioner Martone has seconded. Is
17 there any discussion?

18 MR. ISABELLA:

19 Mr. President?

20 CHAIR:

21 Commissioner?

22 MR. ISABELLA:

23 I would like to just submit an amendment.
24 What I would like to do is replace page three, which
25 is in our agenda booklet, and would submit this blue

1 copy. The changes are very minor. There is the
2 change at paragraph 2(b). There is a new paragraph 3
3 and paragraph 3(b).

4 CHAIR:

5 Okay. It's been properly moved to delete
6 page three in our agenda and insert this blue
7 replacement page. Is there a second?

8 MR. MARTONE:

9 Second.

10 CHAIR:

11 Commissioner Martone. Is there any
12 discussion on this amendment?

13 MR. ISABELLA:

14 Yes, Mr. President.

15 CHAIR:

16 Go ahead.

17 MR. SCHREFFLER:

18 Concerning the amendment, I'd just like
19 to express my concern that when time is of the essence
20 with CWD in a particular area, will the Pennsylvania
21 Department of Ag move effectively to curb the imminent
22 danger of CWD in the area? And I have real concerns
23 about that. That's all I have. Thank you.

24 CHAIR:

25 Okay. Is there any further discussion?

1 Hearing none ---.

2 MR. DELANEY:

3 Yes, Mr. President. Just some commentary
4 with regards to this amendment. At the public comment
5 session yesterday, the Department of Agriculture
6 actually was here. And I think it needs to be said
7 this is the second or third meeting that we had
8 business to discuss chronic wasting disease and the
9 effects on the Commonwealth of Pennsylvania and
10 hunting, and I just think it needs to be reiterated
11 that the Pennsylvania Game Commission and the
12 Department of Agriculture, in my opinion, have done
13 everything humanly possible to be prepared for when it
14 arrives. So the general public needs to know and
15 completely understand that our Executive Director and
16 the Commission has done everything possible. And I
17 think that this language just shows the public where
18 we're at with this. Thank you.

19 CHAIR:

20 Any further comments? Okay. We are
21 voting on the motion to amend. All those in favor
22 signify by saying aye.

23 AYES RESPOND

24 CHAIR:

25 Those opposed say no. Mr. Secretary?

1 MR. PUTNAM:

2 Mr. President, the motion to amend
3 Exhibit A passed unanimously.

4 CHAIR:

5 Okay. We now have an amended motion. Is
6 there any discussion on the amended motion? Seeing
7 none, all those in favor of the amended motion signify
8 by saying aye.

9 AYES RESPOND

10 CHAIR:

11 Those opposed say no. Mr. Secretary?

12 MR. PUTNAM:

13 Mr. President, the motion to pass Exhibit
14 A passed unanimously.

15 CHAIR:

16 Okay. Thank you. Brad?

17 ATTORNEY BECHTEL:

18 The next item before the Commission is
19 the adopted rulemaking of proposed amendments to
20 Section 147.701. To effectively manage the wildlife
21 resources of this Commonwealth, the Game Commission
22 proposed at its June 28th, 2011 meeting to amend
23 Section 147.701(relating to general) to reduce the
24 applicability of the CITES tag to bobcats and
25 international exports only. The text of this change

1 is shown on page five of your agenda.

2 CHAIR:

3 Is there a motion?

4 MR. ISABELLA:

5 Motion.

6 CHAIR:

7 Commissioner Isabella moves. Is there a
8 second?

9 MR. BOOP:

10 Second.

11 CHAIR:

12 Commissioner Boop seconds the motion to
13 adopt this. Is there any discussion? Hearing none,
14 we shall take the vote. All of those in favor of this
15 signify by saying aye.

16 AYES RESPOND

17 CHAIR:

18 Those opposed, say no. Mr. Secretary?

19 MR. PUTNAM:

20 Mr. President, the motion passes
21 unanimously.

22 CHAIR:

23 Thank you.

24 ATTORNEY BECHTEL:

25 The next items to come before the

1 Commission are from the Bureau of Wildlife Habitat
2 Management. And they concern the acquisition of two
3 parcels of real estate.

4 The first is Contract Number 3588 on
5 State Game Land Number 238 in Fayette County. The
6 estate of Tito Tiberi is offering for sale 115 acres
7 of land in German Township, Fayette County adjoining
8 State Game Land Number 238 as shown on Exhibit RED 1
9 on page seven of your agenda. The option price is a
10 \$100,000 lump sum to be paid with funds from third-
11 party commitments for compensation of habitat and
12 recreational losses associated with installing an
13 above-ground temporary water line on an existing
14 right-of-way across state game lands. Approximately
15 100 acres of the property is forested, primarily with
16 northern hardwood. There are multiple forest openings
17 covering approximately ten acres with an additional
18 five acres of shrub lands and reverting old fields.
19 The northeast portion of the parcel has significant
20 frontage on SR 166. This tract joins two separate
21 parcels of State Game Land 238 and has an internal
22 road network that connects to existing state game land
23 roads.

24 The second acquisition is Contract Number
25 3589 on State Game Land No. 81 in Huntingdon County.

1 Menno Z. and Martha H. Hoover are offering three
2 tracts of land for sale totaling 413 acres of land in
3 Dublin and Springfield Townships, Huntingdon County,
4 adjoining State Game Land Number 81 as shown on
5 Exhibit RED 2 on page eight of your agenda. The
6 option price is a \$745,000 lump sum to be paid with
7 escrowed funds from the land exchange on State Game
8 Land Number 176 with the Pennsylvania State University
9 and will require approval from the United States Fish
10 and Wildlife Service. The property is forested with
11 mixed oak, hickory and white pine in various stages of
12 regeneration. The entire property will fill in a
13 large indenture and provides much needed access into
14 State Game Land Number 81 from Township Road 301.

15 CHAIR:

16 Is there a motion to approve this?

17 MR. DELANEY:

18 Mr. President, I'll make a motion for the
19 acquisition of Contract Number 3588 and Number 3589.

20 CHAIR:

21 Thank you. That was Commissioner
22 Delaney. Is there a second?

23 MR. SCHREFFLER:

24 Second.

25 CHAIR:

1 Commissioner Schreffler seconded. Is
2 there any discussion? Hearing none, we shall proceed
3 to vote. All those in favor signify by saying aye.

4 AYES RESPOND

5 CHAIR:

6 Those opposed say no. Mr. Secretary?

7 MR. PUTNAM:

8 Mr. President, the motion passes
9 unanimately.

10 CHAIR:

11 Thank you.

12 ATTORNEY BECHTEL:

13 The next item concerns two land
14 exchanges. The first is Contract Number 3590, State
15 Game Land Number 287 in Armstrong County. The
16 Pennsylvania Department of Transportation is offering
17 2.825 acres of land adjacent to State Game Land Number
18 287 as replacement land for .65 acres of State Game
19 Land Number 287. Both tracts are located within Boggs
20 Township, Armstrong County, as shown on Exhibit RED 3
21 on page ten of your agenda. The .65 acres of State
22 Game Land Number 287 was needed during an emergency
23 road repair to correct a landslide on SR 1031, Section
24 5S1, referred to as the Limeback Slide Area Project.
25 The replacement land is forested and is located just

1 north of the project area.

2 The second exchange is Contract Number
3 3591, State Game Land Number 79 in Cambria County.
4 The Nanty Glo Water Authority has agreed to a land
5 exchange involving a right-of-way 6,750 feet long and
6 20 feet wide, and another right-of-way that is 54 feet
7 long and 20 feet wide in exchange for a 2.65-acre
8 parcel of land in Jackson Township, Cambria County
9 adjoining State Game Land Number 79 as shown on
10 Exhibit RED 4 on page 11 of your agenda. The
11 Authority reserves a 25-foot wide easement along the
12 current border of State Game Land 79 and also along
13 that part of the tract which adjoins Ogden Road. The
14 tract is forested with young cherry, maple and beech
15 and has hemlock in the bottomland. Stewart Run, a
16 stocked trout stream, bisects the property.

17 CHAIR:

18 Is there a motion to approve?

19 MR. ISABELLA:

20 Motion.

21 CHAIR:

22 Commissioner Isabella. Is there a
23 second?

24 MR. MARTONE:

25 Second.

1 CHAIR:

2 Commissioner Martone seconds it. Any
3 discussions? Hearing none, we shall proceed to vote.
4 All those in favor signify by saying aye.

5 AYES RESPOND

6 CHAIR:

7 Those opposed say no. Mr. Secretary?

8 MR. PUTNAM:

9 Mr. President, the motion passes
10 unanimously.

11 CHAIR:

12 Thank you.

13 ATTORNEY BECHTEL:

14 The next item concerns the purchase of
15 properties at auction and tax sale. This is an
16 information item, and no action is required. It is
17 Contract Number 3592, State Game Land Number 108, in
18 Cambria County. Subject to certain limitations,
19 Section 135.241 of 58 Pa. Code authorizes the Director
20 to bid on real estate, oil, gas or mineral rights at
21 auction or tax sale and to request down payment checks
22 to bid on property at auction. Successful bids must
23 be made known to the general public at the next
24 regularly scheduled meeting of the Board of
25 Commissioners.

1 On May 20th, 2011, the Game Commission
2 was the successful bidder at a tax sale held at the
3 Cambria County Courthouse and purchased the mineral
4 rights or fractional interests on seven tracts located
5 in Dean and White Townships, Cambria County under
6 State Game Land Number 108 as shown on Exhibit RED 5
7 on page 13 of your agenda. A total of 896 fractional
8 mineral interest acres were purchased for the total
9 amount of \$19,600.

10 The next item that concerns oil, gas and
11 minerals is the Coal Refuse Pile Reclamation Project
12 State Game Land Number 100 in Centre County.
13 Waroquier Coal, Inc. of Clearfield, Pennsylvania has
14 requested a lease to mine and remove abandoned coal
15 refuse on a portion of State Game Land Number 100 as
16 shown on Exhibit OGM 1 on page 15 of your agenda. The
17 proposed project will entail approximately 15.5 acres,
18 of which 3.7 acres consist of unreclaimed coal refuse
19 spoil piles to be removed. The remaining acreage will
20 be utilized for access to the removal site,
21 reclamation of an abandoned surface mine pit and
22 highwall, and construction of E&S controls and
23 operational support.

24 The accumulated coal refuse royalty value
25 of the project has been estimated at approximately

1 \$25,000. Removal and reclamation of the spoil piles
2 will reduce ongoing pollution into Contrary Run,
3 provide for improved water quality and also provide
4 potential wetland restoration along Contrary Run. The
5 operator will implement a site-specific wildlife
6 habitat and reclamation plan as per the direction of
7 the local land management group supervisor. No
8 merchantable timber is to be affected by this
9 reclamation project.

10 In exchange for the refuse removal and
11 reclamation project, the operator will pay the
12 Commission a royalty of ten percent FOB pit price or a
13 minimum of 50 cents per ton, whichever the greater,
14 for each and every ton of coal refuse mined and
15 removed from site. Monies received from the sale of
16 coal shall be credited to the reclamation cost of the
17 abandoned highwall and mine spoils within the project
18 area. Any remaining royalties shall be deposited into
19 the game fund.

20 CHAIR:

21 Is there a motion to adopt this?

22 MR. SCHREFFLER:

23 So moved.

24 CHAIR:

25 Commissioner Schreffler. Is there a

1 second?

2 MR. MARTONE:

3 Second.

4 CHAIR:

5 Commissioner Martone seconds it. Is
6 there any discussion? Hearing none, we shall vote.
7 All those in favor signify by saying aye.

8 AYES RESPOND

9 CHAIR:

10 Those opposed say no. Mr. Secretary?

11 MR. PUTNAM:

12 Mr. President, the motion passed
13 unanimously.

14 CHAIR:

15 Okay. This brings us to old business. A
16 lot of the items that we had --- we had two items
17 yesterday that we heard from the staff on. Are there
18 any motions relative to the grouse plan and Bobwhite
19 plan?

20 MR. SCHLEMMER:

21 Mr. President?

22 CHAIR:

23 We'll start with Commissioner Schlemmer.

24 MR. SCHLEMMER:

25 I move we accept the grouse plan as

1 presented by staff on Monday, October 3rd.

2 CHAIR:

3 Is there a second?

4 MR. ISABELLA:

5 Second.

6 CHAIR:

7 Commissioner Isabella seconds. This is a
8 motion to accept the grouse plan as presented. Is
9 there any discussion on this? Hearing none, we shall
10 vote. All those in favor signify by saying aye.

11 AYES RESPOND

12 CHAIR:

13 Those opposed say no. Mr. Secretary?

14 MR. PUTNAM:

15 Mr. President, the motion to accept the
16 grouse plan is moved unanimously.

17 CHAIR:

18 Thank you. The Bobwhite plan, is there
19 any ---?

20 MR. DELANEY:

21 Yes, there is.

22 CHAIR:

23 Go ahead.

24 MR. DELANEY:

25 Mr. Commissioner, I'm going to make a

1 motion that we accept the Northern Bobwhite Quail plan
2 as presented to us yesterday.

3 CHAIR:

4 Is there a second?

5 MR. SCHREFFLER:

6 Second.

7 CHAIR:

8 Commissioner Schreffler. Properly
9 motioned and seconded to accept the Bobwhite Quail
10 plan. Is there any discussion? Hearing none, we
11 shall vote. All those in favor signify by saying aye.

12 AYES RESPOND

13 CHAIR:

14 Those opposed say no. Mr. Secretary?

15 MR. PUTNAM:

16 Mr. President, the motion to accept the
17 Northern Bobwhite Quail plan is approved unanimously.

18 CHAIR:

19 Okay. Thank you very much. Also under
20 old business, letter A is a Born Free request. We'll
21 turn to Mr. Hough.

22 MR. HOUGH:

23 Thank you, Mr. President. As you heard
24 the staff report yesterday from Director Palmer, it
25 was an integrated effort. And as you look down each

1 one of those items, we felt that some of them were
2 violations of current regulations and certainly didn't
3 need to be changed. We totally agreed with the humane
4 dispatch. However, that's not clearly defined
5 anywhere. We teach humane dispatch in our classes.
6 As you heard yesterday from the Pennsylvania Trappers
7 Association, they also endorse that.

8 The last issue was, in fact, a statutory
9 issue, not a regulatory issue, so that's going to be
10 dealt with by the Assembly, not by the Board. So it's
11 our recommendation that we think we have a very good
12 program both education-wise and enforcement-wise, and
13 we would recommend that the Board take no action on
14 Born Free's petition.

15 CHAIR:

16 Thank you. Having heard that, is there
17 any discussion or any motions from any Board member
18 concerning this? Hearing none, we shall move on.
19 We're going to new business, and at this time I'll
20 call on Commissioner Schlemmer.

21 MR. SCHLEMMER:

22 Thank you, Mr. President. In recognition
23 of staff, on behalf of the Board of Commissioners, I
24 would like to recognize the 14 years of service of the
25 Executive Secretary, Frances Szweda. She retired here

1 on September the 30th. She took care of all of our
2 paperwork. Anything we needed done, presentations,
3 you name it, she took care of it. She is not here
4 today. She cleaned out her desk yesterday. And
5 unfortunately, she had a death in the family. And
6 Fran, on behalf of the Board, we'd like to thank you
7 for your dedicated service. Thank you.

8 CHAIR:

9 Thank you. And I'm certain we all feel
10 the same way. Before we go to announcements, is there
11 any other new business that any Commissioner has to
12 present at this time?

13 MR. DELANEY:

14 Mr. President, this is not really new
15 business, but I should have offered a comment with
16 regard to the quail management plan that we passed
17 today. Since we live stream these meetings anymore,
18 someone might turn around and think, wow, there was no
19 discussion about the quail management plan. But we
20 heard a detailed report yesterday from the biologists
21 and we've been working on this for months, so I didn't
22 want the public to think that we just sat there and
23 there was little discussion. So I just wanted to
24 offer that.

25 CHAIR:

1 Very good. Thank you. Is there other
2 comments for the good of the order or any new
3 business? I will draw your attention to what's
4 published here. Our January meeting will be scheduled
5 January 22nd, 23rd and 24th in Harrisburg. And
6 hearing no further discussion, we stand adjourned.

7 * * * * *

8 HEARING CONCLUDED AT 8:51 A.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Jolynn C. Purnoske