APPEARANCES

ALSO PRESENT:
C.G. Roe, Executive Director
Bradley C. Bechtel, Esquire, Chief Counsel
R. Matthew Hough, Deputy Executive Director
Denise Malone, Executive Secretary
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E X H I B I T S
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:
Commissioner Delaney. Is there a second?

MR. SCHLEMMER:
Second.

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

AYES RESPOND

CHAIR:
Those opposed say no. Mr. Secretary?

MR. PUTNAM:
Mr. President, the minutes are approved by unanimous vote.

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

ATTORNEY BECHTEL:
The first item coming before the Commission today is the adoption of proposed amendments to 137.34. To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its June 28, 2011 meeting to amend Section 137.34 relating to chronic wasting
disease and the emergency authority of the Director to 
update its terminology and procedures to be consistent 
with the Commonwealth’s Interagency Chronic Wasting 
Disease Response Plan. The text of these changes are 
shown on page three of your agenda.

CHAIR:

Is there a motion?

MR. ISABELLA:

Second --- motion.

CHAIR:

Commissioner Isabella has moved. Is 
there a second?

MR. MARTONE:

Second.

CHAIR:

Commissioner Martone has seconded. Is 
there any discussion?

MR. ISABELLA:

Mr. President?

CHAIR:

Commissioner?

MR. ISABELLA:

I would like to just submit an amendment.

What I would like to do is replace page three, which 
is in our agenda booklet, and would submit this blue
copy. The changes are very minor. There is the change at paragraph 2(b). There is a new paragraph 3 and paragraph 3(b).

CHAIR:
Okay. It’s been properly moved to delete page three in our agenda and insert this blue replacement page. Is there a second?

MR. MARTONE:
Second.

CHAIR:
Commissioner Martone. Is there any discussion on this amendment?

MR. ISABELLA:
Yes, Mr. President.

CHAIR:
Go ahead.

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

CHAIR:
Okay. Is there any further discussion?
Hearing none ---.

MR. DELANEY:

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

CHAIR:

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

AYES RESPOND

CHAIR:

Those opposed say no. Mr. Secretary?
MR. PUTNAM:

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

CHAIR:

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

AYES RESPOND

CHAIR:

Those opposed say no. Mr. Secretary?

MR. PUTNAM:

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

CHAIR:

Okay. Thank you. Brad?

ATTORNEY BECHTEL:

The next item before the Commission is the adopted rulemaking of proposed amendments to Section 147.701. To effectively manage the wildlife resources of this Commonwealth, the Game Commission proposed at its June 28th, 2011 meeting to amend Section 147.701 (relating to general) to reduce the applicability of the CITES tag to bobcats and international exports only. The text of this change
is shown on page five of your agenda.

CHAIR:
Is there a motion?

MR. ISABELLA:
Motion.

CHAIR:
Commissioner Isabella moves. Is there a second?

MR. BOOP:
Second.

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

AYES RESPOND

CHAIR:
Those opposed, say no. Mr. Secretary?

MR. PUTNAM:
Mr. President, the motion passes unanimously.

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next items to come before the
Commission are from the Bureau of Wildlife Habitat Management. And they concern the acquisition of two parcels of real estate.

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

The second acquisition is Contract Number 3589 on State Game Land No. 81 in Huntingdon County.
Menno Z. and Martha H. Hoover are offering three tracts of land for sale totaling 413 acres of land in Dublin and Springfield Townships, Huntingdon County, adjoining State Game Land Number 81 as shown on Exhibit RED 2 on page eight of your agenda. The option price is a $745,000 lump sum to be paid with escrowed funds from the land exchange on State Game Land Number 176 with the Pennsylvania State University and will require approval from the United States Fish and Wildlife Service. The property is forested with mixed oak, hickory and white pine in various stages of regeneration. The entire property will fill in a large indenture and provides much needed access into State Game Land Number 81 from Township Road 301.

CHAIR:

Is there a motion to approve this?

MR. DELANEY:

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

CHAIR:

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

MR. SCHREFFLER:

Second.

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

AYES RESPOND

CHAIR:
Those opposed say no. Mr. Secretary?

MR. PUTNAM:
Mr. President, the motion passes unanimously.

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item concerns two land exchanges. The first is Contract Number 3590, State Game Land Number 287 in Armstrong County. The Pennsylvania Department of Transportation is offering 2.825 acres of land adjacent to State Game Land Number 287 as replacement land for .65 acres of State Game Land Number 287. Both tracts are located within Boggs Township, Armstrong County, as shown on Exhibit RED 3 on page ten of your agenda. The .65 acres of State Game Land Number 287 was needed during an emergency road repair to correct a landslide on SR 1031, Section 5S1, referred to as the Limeback Slide Area Project. The replacement land is forested and is located just
north of the project area.

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

CHAIR:

Is there a motion to approve?

MR. ISABELLA:

Motion.

CHAIR:

Commissioner Isabella. Is there a second?

MR. MARTONE:

Second.
CHAIR:
Commissioner Martone seconds it. Any discussions? Hearing none, we shall proceed to vote. All those in favor signify by saying aye.
AYES RESPOND
CHAIR:
Those opposed say no. Mr. Secretary?
MR. PUTNAM:
Mr. President, the motion passes unanimously.
CHAIR:
Thank you.
ATTORNEY BECHTEL:
The next item concerns the purchase of properties at auction and tax sale. This is an information item, and no action is required. It is Contract Number 3592, State Game Land Number 108, in Cambria County. Subject to certain limitations, Section 135.241 of 58 Pa. Code authorizes the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction. Successful bids must be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.
On May 20th, 2011, the Game Commission was the successful bidder at a tax sale held at the Cambria County Courthouse and purchased the mineral rights or fractional interests on seven tracts located in Dean and White Townships, Cambria County under State Game Land Number 108 as shown on Exhibit RED 5 on page 13 of your agenda. A total of 896 fractional mineral interest acres were purchased for the total amount of $19,600.

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

The accumulated coal refuse royalty value of the project has been estimated at approximately
$25,000. Removal and reclamation of the spoil piles will reduce ongoing pollution into Contrary Run, provide for improved water quality and also provide potential wetland restoration along Contrary Run. The operator will implement a site-specific wildlife habitat and reclamation plan as per the direction of the local land management group supervisor. No merchantable timber is to be affected by this reclamation project.

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

CHAIR:
Is there a motion to adopt this?

MR. SCHREFFLER:
So moved.

CHAIR:
Commissioner Schreffler. Is there a
Second?

MR. MARTONE:
Second.

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

AYES RESPOND

CHAIR:
Those opposed say no. Mr. Secretary?

MR. PUTNAM:
Mr. President, the motion passed unanimously.

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

MR. SCHLEMMER:
Mr. President?

CHAIR:
We’ll start with Commissioner Schlemmer.

MR. SCHLEMMER:
I move we accept the grouse plan as
presented by staff on Monday, October 3rd.

CHAIR:

Is there a second?

MR. ISABELLA:

Second.

CHAIR:

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

AYES RESPOND

CHAIR:

Those opposed say no. Mr. Secretary?

MR. PUTNAM:

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

CHAIR:

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

MR. DELANEY:

Yes, there is.

CHAIR:

Go ahead.

MR. DELANEY:

Mr. Commissioner, I’m going to make a
motion that we accept the Northern Bobwhite Quail plan as presented to us yesterday.

CHAIR:
Is there a second?

MR. SCHREFFLER:
Second.

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

AYES RESPOND

CHAIR:
Those opposed say no. Mr. Secretary?

MR. PUTNAM:
Mr. President, the motion to accept the Northern Bobwhite Quail plan is approved unanimously.

CHAIR:
Okay. Thank you very much. Also under old business, letter A is a Born Free request. We’ll turn to Mr. Hough.

MR. HOUGH:
Thank you, Mr. President. As you heard the staff report yesterday from Director Palmer, it was an integrated effort. And as you look down each
one of those items, we felt that some of them were violations of current regulations and certainly didn’t need to be changed. We totally agreed with the humane dispatch. However, that's not clearly defined anywhere. We teach humane dispatch in our classes. As you heard yesterday from the Pennsylvania Trappers Association, they also endorse that.

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

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

MR. SCHLEMMER:
Thank you, Mr. President. In recognition of staff, on behalf of the Board of Commissioners, I would like to recognize the 14 years of service of the Executive Secretary, Frances Szweda. She retired here
on September the 30th. She took care of all of our paperwork. Anything we needed done, presentations, you name it, she took care of it. She is not here today. She cleaned out her desk yesterday. And unfortunately, she had a death in the family. And Fran, on behalf of the Board, we’d like to thank you for your dedicated service. Thank you.

CHAIR:

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

MR. DELANEY:

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

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

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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.

[Signature]

[Name]