

BEFORE THE  
PENNSYLVANIA GAME COMMISSION

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BEFORE:       Ralph A. MARTONE, President  
               Robert W. Schlemmer, Vice-President  
               David J. Putnam, Secretary  
               David W. Schreffler, Commissioner  
               James J. Delaney, Jr., Commissioner  
               Ronald A. Weaner, Commissioner  
               Bradley C. Bechtel, Chief Counsel  
               Carl G. Roe, Executive Director  
               R. Matthew Hough, Deputy Executive Director

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

HEARING:       Tuesday, June 26, 2012, 8:30 a.m.

WITNESSES:    None

Reporter: Danielle S. Ohm

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CHAIR:

Good morning. Welcome to the Pennsylvania Gaming Commission's Board of Commissioners quarterly meeting for June 2012. At this time I'd like to remind you to either turn your cell phones off or put them on mute. And if you would, join me in the pledge of allegiance.

PLEDGE OF ALLEGIANCE RECITED

CHAIR:

Mr. Secretary, would you call roll, please?

MR. PUTNAM:

Commissioner Schreffler?

MR. SCHREFFLER:

Present.

MR. PUTNAM:

Commissioner Putnam?

MR. PUTNAM:

Present.

MR. PUTNAM:

Commissioner Martone?

MR. MARTONE:

Present.

1                   MR. PUTNAM:  
2                   Commissioner Schlemmer?

3                   MR. SCHLEMMER:  
4                   Present.

5                   MR. PUTNAM:  
6                   Commissioner Delaney?

7                   MR. DELANEY:  
8                   Present.

9                   MR. PUTNAM:  
10                  Commissioner Weaner?

11                  MR. WEANER:  
12                  Present.

13                  MR. PUTNAM:  
14                  Mr. President, all Commissioners are  
15 present and accounted for.

16                  CHAIR:  
17                  Okay. At this time I'd like to turn it  
18 over to Executive Director Roe.

19                  MR. ROE:  
20                  As I mentioned yesterday, I just wanted a  
21 few comments so we get to the record that Rob Criswell  
22 our regional director for the Southcentral Region is  
23 retiring in July. He's got a lot on his plate in the  
24 near future. He's got some traveling he wants to do.  
25 I just want to take the opportunity, like I say, for

1 the history of the Game Commission to thank you for  
2 all the hard work that you've given and your many,  
3 many years of service to the Commonwealth. So, Rob,  
4 thank you very, very much and good luck.

5 CHAIR:

6 On behalf of the Board we'd like to thank  
7 you for your service as well and, again, I think  
8 everybody in the Board appreciates the word retirement  
9 very, very much. So, at this time I'd like to approve  
10 the minutes of the Commission meeting held April 24th,  
11 2012. Do I have a motion to accept the minutes from  
12 that meeting? Commissioner Schlemmer?

13 MR. SCHLEMMER:

14 Second.

15 CHAIR:

16 Commissioner Weaner? Is there any  
17 discussion on the minutes? Hearing none, all those in  
18 favor signify by saying aye.

19 ALL RESPOND AYE

20 CHAIR:

21 Those opposed? Mr. Secretary?

22 MR. PUTNAM:

23 Mr. President, the minutes are approved.

24 CHAIR:

25 At this time I'd like to turn the

1 commentary for proposed rulemaking over to Mr.  
2 Bechtel.

3 ATTORNEY BECHTEL:

4 Thank you. The first item to come before  
5 the Commission today concerns proposed rulemaking to  
6 amend 58 Pa.C., Section 133.21 to reflect the current  
7 status of breeding populations in the Commonwealth and  
8 to update scientific nomenclature. The upland  
9 sandpiper, which is a grassland nesting bird, long  
10 classified as threatened has declined precipitously  
11 over the last two decades and has virtually  
12 disappeared from Pennsylvania. Its rarity and  
13 diminished breeding range warrant downgrading its  
14 status to endangered.

15 The northern harrier, once a rare but  
16 regular breeder in the state, has experienced a marked  
17 decline in Pennsylvania as well as declines in  
18 northwest and northcentral regions over the last few  
19 decades, prompting a proposal to list this species as  
20 threatened. The northern harrier is listed as either  
21 endangered or threatened in all neighboring states.

22 Long-eared owls, extremely rare breeders  
23 in Pennsylvania, and difficult to survey. Nesting  
24 locations have been confirmed in only seven locations  
25 in recent years, despite a concerted survey effort

1 over much of the last decade. Most nests are located  
2 in the Ridge and Valley and Appalachian Plateau  
3 regions. The rarity and diffuse scattering of nest  
4 records within this Commonwealth have prompted the  
5 proposal to list this long eared owl as threatened.

6           Finally, in a major reorganization  
7 of warbler nomenclature in 2011 by the  
8 American Ornithologist's Union, the genus Dendroica  
9 was changed to Setophaga necessitating this  
10 administrative change in the scientific name of the  
11 endangered blackpoll warbler. The text of the changes  
12 appear on pages two and three of your agenda.

13           CHAIR:

14           Thank you. Do I have a motion to accept  
15 the changes of Subsection 133.21 changing the listing  
16 of the upland sandpiper to endangered northern area  
17 and long-eared owl to threatened?

18           MR. HOUGH:

19           So moved.

20           CHAIR:

21           Okay.

22           MR. DELANEY:

23           Second.

24           CHAIR:

25           And second was Commissioner Delaney. Is

1 there any discussion on these, Commissioner Putnam?

2 MR. PUTNAM:

3 For the people that are watching the  
4 broadcast of this meeting, the detailed discussion of  
5 this took place yesterday at our working group meeting  
6 and that's available on our website for rebroadcast.

7 CHAIR:

8 I will add to that that if you watched  
9 the working group meeting back in May and then  
10 yesterday's staff reports you realize the Board had  
11 pretty extensive information, pretty extensive  
12 discussion on all of these being changed in status.  
13 And I think we learned a lot and I think this move  
14 makes sense, so I would encourage everybody to vote in  
15 favor of this. At this time, Commissioner Delaney?

16 MR. DELANEY:

17 Yeah. I'd just like to elaborate on that  
18 a bit, too. Not only did we hear the detailed  
19 discussions yesterday, we heard a lot of value of what  
20 the agency is going to try to do to enhance those  
21 species so we don't see further deterioration. So I  
22 don't think we just received a report on the status  
23 and where we may go, but we received the --- some  
24 pretty extensive information on what the agency is  
25 doing to protect those species.

1                   CHAIR:

2                   Thank you. Any further discussion?

3 Okay. At this time all those in favor of the status  
4 change signify by saying aye.

5 ALL RESPOND AYE

6                   CHAIR:

7                   Opposed? Mr. Secretary?

8                   MR. PUTNAM:

9                   Mr. President, the motion passes  
10 unanimously.

11                   ATTORNEY BECHTEL:

12                   The next item also concerns adopted  
13 rulemaking. It comes from the Bureau of Wildlife  
14 Protection. The adoption of proposed amendments to  
15 Section 131.2 to remove two sentences from the  
16 definition of bow relating to draw-locks and the  
17 minimum draw weights of bows. The proposal also adds  
18 definitions for the terms decoy and meat or animal  
19 products. These definitions and the text of the  
20 changes are shown on page five of your agenda.

21                   CHAIR:

22                   Thank you. Do I have a motion to adopt  
23 proposed amendments to Subsection 131.2 removing two  
24 sentences from the definition of bow and adding the  
25 definition terms decoy and meat or animal products in

1 this proposal?

2 MR. SCHREFFLER:

3 So moved.

4 CHAIR:

5 Commissioner Schreffler. Second?

6 MR. WEANER:

7 Second.

8 CHAIR:

9 Commissioner Weaner. Any discussion? I  
10 would like to add that after this was first brought up  
11 at the April meeting there seemed to be quite a few  
12 questions about the use of meat and animal products.  
13 Director Palmer, could you explain the exact text that  
14 this falls into is not just as bait, but a very  
15 specific use of the bait?

16 MR. PALMER:

17 That's correct. When the new definition  
18 specifically states for the purpose of Section  
19 2361(a)(13) that is the section that provides for the  
20 prohibition of bait visible from the air to avoid  
21 non-target captures primarily of raptors.

22 CHAIR:

23 Right. Okay. And I think that's where  
24 the concern arose that this doesn't state --- this is  
25 within the section that is talking about bait visible

1 from the air.

2 MR. PALMER:

3 That's correct.

4 CHAIR:

5 Okay.

6 MR. PALMER:

7 That is the only prohibition that  
8 applies.

9 CHAIR:

10 Okay. I think that was an important  
11 clarification. Thank you. Commissioner Putnam?

12 MR. PUTNAM:

13 One additional question on that. The  
14 visible from the air, some trappers will use rubber  
15 crayfish as a bait. And does --- visible from the air  
16 would that include if the said is under water?

17 MR. PALMER:

18 It would if it's actually visible ---

19 MR. PUTNAM:

20 If you could see through the water?

21 MR. PALMER:

22 --- from the air. Right. And a cubby  
23 set that would be legal, but if it would be visible,  
24 then it would still be a prohibition.

25 CHAIR:

1                   Any other discussion on this? All those  
2 in favor signify by saying aye.

3 ALL RESPOND AYE

4                   CHAIR:

5                   Opposed? Mr. Secretary?

6                   MR. PUTNAM:

7                   Mr. President, the motion passes  
8 unanimously.

9                   ATTORNEY BECHTEL:

10                   The next item before the Commission  
11 concerns the adoption of proposed amendments to  
12 Section 141.20 to amend that section to apply the more  
13 restrictive fluorescent orange requirements to WMUs  
14 1A, 1B and 2A that apply to all other WMUs where use  
15 of rifles to hunt turkey is authorized. The text of  
16 this amendment is shown on page seven.

17                   CHAIR:

18                   Do I have a motion to accept proposed  
19 amendments to Subsection 141.20 changing the  
20 fluorescent orange requirements in WMU 1A, 1B and 2A  
21 to match the other WMUs where rifles are permitted for  
22 fall turkey?

23                   MR. SCHLEMMER:

24                   Motion.

25                   CHAIR:

1 Commissioner Schlemmer. Do I have a  
2 second?

3 MR. WEANER:

4 Second.

5 CHAIR:

6 Commissioner Weaner. Is there any  
7 discussion on this? Okay. All those in favor signify  
8 by saying aye.

9 ALL REPSONDS AYE

10 CHAIR:

11 Opposed? Mr. Secretary?

12 MR. PUTNAM:

13 Mr. President, the motion passes  
14 unanimously.

15 CHAIR:

16 Thank you.

17 ATTORNEY BECHTEL:

18 The next item is the adoption of proposed  
19 amendments to Section 143.13 relating to the change of  
20 residency registration to require holders of hunting  
21 and fur taking licenses who change their residency  
22 status to acquire a change of residency registration  
23 within 30 days of the change, otherwise their licenses  
24 would become invalid. The text of this change is  
25 shown on page nine of your agenda.

1                   CHAIR:

2                   Do I have a motion to accept the proposal  
3 to make amendments to Subsection 143.13? This adds  
4 language showing the changes in residency for license  
5 buyer.

6                   MR. WEANER:

7                   So moved.

8                   CHAIR:

9                   Commissioner Weaner. Second?

10                  MR. SCHREFFLER:

11                  Second.

12                  CHAIR:

13                  Commissioner Schreffler. Any discussion  
14 on this? I will add this is not a very common thing,  
15 but it is an important thing for somebody moving into  
16 the state or out of the state with a Pennsylvania  
17 license. So I think it accomplishes what it set out  
18 to do, but it's not something that we'll see applied  
19 very often. Any further discussion? At this time all  
20 those in favor signify by saying aye.

21 ALL RESPOND AYE

22                  CHAIR:

23                  Opposed? Mr. Secretary?

24                  MR. PUTNAM:

25                  Mr. President, the motion passes

1 unanimously.

2 ATTORNEY BECHTEL:

3 The next item is also an adoption of a  
4 proposed amendment to Section 147.552 to replace the  
5 reference to WMUs 5C and 5D with the more appropriate  
6 reference to the southeast special regulations areas.  
7 This text is shown on page 11 of your agenda.

8 CHAIR:

9 Do I have a motion to approve the  
10 proposed amendments to Subsection 147.552? This is a  
11 final approval to replace the reference in WMUs 5C and  
12 5D to southeast special regulation areas.

13 MR. WEANER:

14 So moved.

15 CHAIR:

16 Commissioner Weaner. Second?

17 MR. SCHREFFLER:

18 Second.

19 CHAIR:

20 Commissioner Schreffler. Is there any  
21 discussion on this motion? Hearing none all those in  
22 favor say aye.

23 ALL RESPOND AYE

24 CHAIR:

25 All those opposed? Mr. Secretary?

1                   MR. PUTNAM:

2                   Mr. President, the motion passes  
3 unanimously.

4                   ATTORNEY BECHTEL:

5                   The next item concerns proposed  
6 rulemaking to amend 58 Pa.C. Section 131.3. On July  
7 1st, 1995, relevant portions of the Conservation and  
8 Natural Resources Act created the Department of  
9 Conservation and Natural Resources  
10 and changed the name of the Department of  
11 Environmental Resources to the Department of  
12 Environmental Protection. The 1995 name changes were  
13 never incorporated into 58 Pa.C. Section 131.3. The  
14 Commission is proposing to amend that section to  
15 eliminate the reference to the Department of  
16 Environmental Resources and replace it with a  
17 reference to Department of Conservation and Natural  
18 Resources. The Commission is also proposing to update  
19 this section's reference to the Commission's officers  
20 as wildlife conservation officers. This proposal is  
21 non-substantive and is not intended to further expand  
22 or further limit the enforcement authority of any  
23 classification of officer. The text is shown on page  
24 12 of your agenda.

25                   MR. WEANER:

1 So moved.

2 CHAIRMAN:

3 Commissioner Weaner believes in brevity.  
4 Second?

5 MR. SCHREFFLER:

6 Second.

7 CHAIR:

8 Any discussion? I would like to take an  
9 opportunity to compliment Director Palmer and his  
10 staff for maintaining the details of the Code. You  
11 know, this type of, I guess, fix shows the depth of  
12 understanding and the amount of time and effort you  
13 put into keeping the Code up to date and being very  
14 thorough about it. So I think this --- these type of  
15 language change, although they're pretty routine, show  
16 the extent to which you apply yourself to the Code and  
17 keeping it current. And I have to compliment you and  
18 your staff on this. Any further discussion? All  
19 those in favor signify by saying aye.

20 ALL RESPOND AYE

21 CHAIR:

22 Opposed? Mr. Secretary?

23 MR. PUTNAM:

24 Mr. President, the motion passes  
25 unanimously.

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ATTORNEY BECHTEL:

The next item concerns the amendment of 58 Pa.C. Section 135.2. Unauthorized all-terrain vehicle, or ATV, operation on State Game Lands and hunter access cooperator properties continues to be one of the top ten violations that wildlife conservation officers, or WCOs, encounter each year. Illegal ATV operation has been identified as a major source of wildlife habitat destruction across the landscapes of these lands and waters. These usage violations are very often accompanied by ATV classification offenses such as registration or insurance, as set forth in the Vehicle Code under Title 75. Under current law, WCOs do not have the authority to enforce Title 75 summary offenses. The Commission normally forwards these violations to other enforcement authorities. And this practice typically ends in mixed results. Often delays and jurisdictional problems result in significant challenges in the processing of these cases successfully. The Commission is proposing to amend Section 135.2 to create a regulatory violation to possess, maintain, operate, occupy or travel by ATV or snowmobile in a manner not in accordance with the standards set forth in Title 75. This amendment will

1 ensure safe and effective enforcement of these  
2 requirements occurring on lands and waters under  
3 Commission ownership, lease, agreement or control.  
4 The text of this change is shown on page 13 of your  
5 agenda.

6 CHAIR:

7 Do I have a motion to accept the changes  
8 to Subsection 135.2?

9 MR. WEANER:

10 So moved.

11 CHAIR:

12 Commissioner Weaner.

13 CHAIR:

14 Second?

15 MR. SCHREFFLER:

16 Second.

17 CHAIR:

18 Commissioner Schreffler. Any discussion?  
19 Commissioner Delaney?

20 MR. DELANEY:

21 Director Palmer, if we approve this  
22 change in the Code or amend it, what will it do for  
23 your officers in the field?

24 MR. PALMER:

25 It'll add another tool for them to be

1 able to address these violations without having to  
2 engage another officer such as a DCNR forest ranger,  
3 potentially a park ranger or the Pennsylvania State  
4 Police or any other jurisdiction of a traditional  
5 police department to handle those violations under  
6 Title 75 that are summary offenses; helmets,  
7 registration, those types of offenses that currently  
8 our officers cannot enforce. We currently would cite  
9 them for being on the property illegally, but those  
10 other violations we have to hand to another  
11 department. That adds a lot of delay in the  
12 processing of that particular citation, sometimes  
13 problems with the prosecution as well.

14 MR. DELANEY:

15 Thanks for the explanation.

16 CHAIR:

17 Commissioner Putnam?

18 MR. PUTNAM:

19 Director Palmer, would you explain the  
20 difference between the lands and waters that we own,  
21 lease or control and, let's say, a farm that's  
22 enrolled in our program and a farm that's not enrolled  
23 in one of our public access programs?

24 MR. PALMER:

25 Obviously, lands that are under our lease

1 and control directly would be --- the best example I  
2 would be able to give you would be Lake Raystown.  
3 There's a lot of Corps of Engineer type properties  
4 that are actually under our lease and control and  
5 given a number very similar to the game lands. Farm  
6 game projects, those type of public access programs  
7 are not.

8 CHAIR:

9 We had some discussion yesterday with the  
10 Farm Bureau about their problems with ATVs and we  
11 pointed out to them that if a landowner really has an  
12 issue with ATVs, that our officers are more than  
13 willing to help them address that issue if they're a  
14 cooperator in one of our programs. But our strategic  
15 plan directs our officers to work on lands under our  
16 --- under agreements with us and to stay off the lands  
17 that are not under agreement with us.

18 MR. PALMER:

19 Well, obviously, where our jurisdiction  
20 would apply would be to those lands for the violation  
21 of operating the ATV. I think some good examples,  
22 very good examples actually, gives some credit to the  
23 northwest region. They have had a number of large  
24 forest game cooperators such as Collins Pine that have  
25 specifically maintained their enrollment in our public

1 access programs of the additional enforcement effort  
2 that we can provide to them in ATV enforcement. And  
3 the northwest region and the northeast region in a  
4 number of cases --- actually most of the regions run  
5 specific enforcement task forces. I picked the  
6 northwest out because it was one of the most recent  
7 ones over the Memorial Day weekend had a couple of  
8 dozen officers out on a holiday weekend specifically  
9 targeting ATV enforcement. And those landowners and  
10 those cooperators are very appreciative of those  
11 efforts.

12 CHAIR:

13 Thank you.

14 MR. SCHREFFLER:

15 I'll add that we do take ATV use on game  
16 lands very seriously, but as you saw yesterday's  
17 testimony from the Farm Bureau, that's one what they  
18 consider their major problem. It's what we consider  
19 our major problem and, you know, it's something we  
20 intend to continue taking very seriously. Talking to a  
21 lot of landowners and the Farm Bureau, a lot of  
22 property gets posted, not because of hunters, but  
23 because of ATV use. So, you know, the more we can  
24 deal with the ATV problem the more land we can keep  
25 open in the cooperative program.

1                   MR. PALMER:

2                   And we do acknowledge the significant  
3 nature of the problem. It has consistently been in  
4 our top five violations for several years now, and we  
5 continue to work on it as we can with targeted  
6 enforcement efforts such as task forces.

7                   MR. DELANEY:

8                   And the good thing is this amendment will  
9 give it more teeth.

10                  MR. PALMER:

11                  That's very true.

12                  CHAIR:

13                  More fines on top of what we already do.  
14 Good. Any further discussion? At this time all those  
15 in favor signify by saying aye.

16 ALL RESPOND AYE

17                  CHAIR:

18                  Opposed? Mr. Secretary?

19                  MR. PUTNAM:

20                  Mr. President, the motion passes  
21 unanimously.

22                  ATTORNEY BECHTEL:

23                  The next item concerns the amendment of  
24 58 Pa.C. Section 141.18. Each year the Commission is  
25 asked to review potential use of certain devices for

1 hunting or trapping purposes that are otherwise  
2 prohibited by statute or regulation, and as part of  
3 this process the Commission generally reviews to what  
4 degree use of a given device might negatively impact  
5 principles of resource conservation, equal opportunity  
6 or public safety. Recently the Commission has been  
7 requested to review the use of electronic crow decoys  
8 for use in the hunting of crows and after thoughtful  
9 review, the Commission has determined that the use of  
10 these devices for crow hunting purposes would be  
11 acceptable due to their negligible impacts to the  
12 above mentioned principles. The text is shown on page  
13 14 of your agenda.

14 CHAIR:

15 Do I have a motion to accept this change  
16 for electronic decoys for hunting crow?

17 MR. PUTNAM:

18 So moved.

19 CHAIR:

20 Commissioner Putnam. Do I ---

21 MR. SCHLEMMER:

22 Second.

23 CHAIR:

24 --- have a second? Commissioner  
25 Schlemmer. Any discussion? Seeing none, all those in

1 favor say aye.

2 ALL RESPOND AYE

3 CHAIR:

4 Opposed? Mr. Secretary?

5 MR. PUTNAM:

6 Mr. President, the motion passes

7 unanimously.

8 ATTORNEY BECHTEL:

9 The next item concerns the amendment of  
10 58 Pa.C. Sections 147.724 and 147.724a. Each year the  
11 Commission processes a few hundred Nuisance Wildlife  
12 Control Operator's applications. The application  
13 process ends with an examination that must be passed  
14 with a minimum score of 80 percent before a  
15 permit will be issued. In numerous instances  
16 applicants never take the examination or contact the  
17 Commission after an extended period of time and  
18 request the opportunity to take the examination.  
19 Currently Section 147.724 does not limit an applicant  
20 from taking the examination months or even years after  
21 their initial application. This deferral in time  
22 often results in unreasonable administrative  
23 difficulties for the Commission in its attempt to  
24 accommodate the delayed testing for these applicants.  
25 The Commission is proposing to amend this section to

1 require applicants to take the required  
2 examination within 180 days of the final approval of  
3 their application by the Bureau of Wildlife  
4 Protection.

5           The Nuisance Wildlife Control Operator's  
6 examination has a high failure rate. This is normally  
7 the result of the applicant not reviewing or studying  
8 the materials provided by the Commission. The  
9 Commission has recently identified a significant rise  
10 in the number of applicants retesting, sometimes  
11 multiple times in a single year, in an attempt to  
12 learn the material from the test and ultimately pass  
13 the examination. Current regulation does not limit  
14 the number of times an approved applicant can take  
15 the required examination. The Commission is also  
16 proposing to amend Section 147.724 to limit approved  
17 applicants to a total of two opportunities to take the  
18 examination each permit year.

19           Lastly, the Commission is proposing to  
20 amend Section 147.724a and relocate its requirements  
21 to 147.724. This amendment is non-substantive and  
22 does not create or remove any regulatory requirements.  
23 The text is shown on pages 15 and 16 of your agenda.

24           CHAIR:

25           Do I have a motion to amend Subsection

1 147.724 and 147.724a?

2 MR. WEANER:

3 So moved.

4 CHAIR:

5 Commissioner Weaner. Second?

6 MR. SCHREFFLER:

7 Second.

8 CHAIR:

9 Commissioner Schreffler. Any discussion?

10 Seeing none all those in favor say aye.

11 ALL RESPOND AYE

12 CHAIR:

13 Opposed? Mr. Secretary?

14 MR. PUTNAM:

15 Mr. President, the motion passes

16 unanimously.

17 ATTORNEY BECHTEL:

18 The next items before the Commission come

19 before the Bureau of Wildlife Habitat Management and

20 concern real estate. There are five acquisitions.

21 Contract No. 3608 State Game Lands No. 51 in Fayette

22 County Bonnie Czirban and Debbie Mostel are offering

23 for sale 113 more or less acres of land in

24 Connellsville Township, Fayette County adjoining State

25 Game Land No. 51 as shown on Exhibit RED-1 on page 18

1 of your agenda. The option price is \$127,000 lump  
2 sum. The property fills an indenture in State Game  
3 Lands No. 51. It is forested with mixed northern  
4 hardwoods and lies within an Important Mammal Area and  
5 supports the existence of both and state and federally  
6 listed species. The property will be purchased with  
7 funds from third party commitments for compensation of  
8 habitat and recreational losses, which occurred on  
9 State Game Lands from previously approved projects and  
10 may also be funded by habitat mitigation commitments  
11 for impacts to state and federally listed species.

12                   The second acquisition is Contract No.  
13 3609, State Game Land No. 87, Clearfield County.  
14 Aquillas J. and Sallie A. Peachey are offering for  
15 sale 650 acres more or less of land in Penn Township,  
16 Clearfield County adjacent to State Game Land No. 87  
17 as shown on Exhibit RED-2 on page 19 of your agenda.  
18 The option price is \$485,000 lump sum to be paid with  
19 funds from third party commitments for compensation of  
20 habitat and recreational losses which occurred on  
21 State Game Lands from previously approved projects.  
22 The majority of the property is forested with mixed  
23 hardwoods and has an 80 acre reclaimed surface mine  
24 covered with grassland and regenerating trees  
25 seedlings. Poplar Run and unnamed tributaries flow

1 through the property. Spring seeps are located on the  
2 hillsides and small riparian wetlands are associated  
3 with Poplar Run. The Peachey's are accepting and  
4 reserving all timber 13 inches or greater DBH until  
5 November 11th, 2026. However, that does not include  
6 any hickory and conifer trees, except for larch. All  
7 reclamation, seeding and infrastructure development  
8 supporting timber operations will be in coordination  
9 with the Game Commission. Settlement on this tract  
10 must be held no later than September 1st, 2012.

11 CHAIR:

12 Do I have a motion to approve --- sorry.

13 ATTORNEY BECHTEL:

14 I'm sorry. There's three more  
15 acquisitions.

16 CHAIR:

17 All right.

18 ATTORNEY BECHTEL:

19 If you go to page 20 of your agenda there  
20 are more acquisitions. The first is Contract No.  
21 3610, State Game Land No. 129 in Carbon and Monroe  
22 Counties. Yamulla Trucking and Excavating Company,  
23 Inc. is offering for sale 165 acres of land in Kidder  
24 Township, Carbon County and Tunkhannock Township,  
25 Monroe County adjoining State Game Lands No. 129.

1 That's shown on page 21 on Exhibit Red Three. The  
2 option price is \$1,100 per acre to be paid with funds  
3 from third party commitments for compensation of  
4 habitat and recreational losses, which occurred on  
5 State Game Lands from previously approved projects.  
6 Predominately this project is hemlock with mixed oaks  
7 transitioning to northern hardwoods. A 25 acre  
8 wetland is located on the property as well as a small  
9 tributary to Tunkhannock Creek. Route 903 runs along  
10 the northern boundary and will provide access into  
11 this portion of State Game Lands No. 129.

12                   The fourth contract is Contract No. 3611,  
13 State Game Lands No. 207 in Luzerne County. The Earth  
14 Conservancy is offering 8.35 acres more or less of  
15 land in Hanover Township and Ashley Borough, Luzerne  
16 County adjacent to State Game Lands No. 207. That's  
17 shown on page 22 on Exhibit RED-4. The option price  
18 is \$4,800 lump sum to be paid with funds from third  
19 party commitments for compensation of habitat and  
20 recreational losses, which occurred on State Game  
21 Lands from previously approved projects. The option  
22 reserves all oil, coal, gas and other minerals, but  
23 not including uranium or any other radioactive  
24 minerals. It also provides the Earth Conservancy  
25 shall not enter into any sale or lease for the removal

1 of coal, oil, or gas or other minerals through the  
2 surface without written consent of the Commission.  
3 After January 1st, 2032 the coal, oil, gas and other  
4 minerals shall revert to the Commission with 50  
5 percent of any future revenue received by the  
6 Commission being allocated for Earth Conservancy. The  
7 property has been timbered resulting in early  
8 successional forested habitat.

9           The fifth and last acquisition is  
10 Contract No. 3612, State Game Land No. 168 in  
11 Northampton County and State Game Lands No. 217 in  
12 Lehigh County. Wildlands Conservancy is offering for  
13 sale 32.43 more or less acres of land close to State  
14 Game Lands Nos. 168 and 217. These are shown on  
15 Exhibits RED 5, 6, 7 and 8 on pages 23 through 26 of  
16 your agenda. There are seven small tracts each  
17 between approximately one and nine acres. The  
18 largest, a tract of 9.11 acres, adjoins State Game  
19 Lands No. 168. Wildlands Conservancy is offering  
20 these tracts to the Commission for \$28,000 lump sum to  
21 be paid with funds from third party commitments for  
22 compensation of habitat and recreational losses, which  
23 occurred on State Game Lands from previously approved  
24 projects. Each of these wooded tracts was acquired by  
25 Wildlands Conservancy with the intent to transfer them

1 to the Commission.

2 CHAIR:

3 Now I can go?

4 ATTORNEY BECHTEL:

5 Sure.

6 CHAIR:

7 Okay. Do I have a motion to accept  
8 Contracts 3608, 3609, 3610, 3611 and 3612?

9 MR. WEANER:

10 So moved.

11 MR. DELANEY:

12 Second.

13 CHAIR:

14 Commissioner Delaney second Commissioner  
15 Weaner. Any discussion?

16 MR. DELANEY:

17 Yes.

18 CHAIR:

19 Mr. Delaney.

20 MR. DELANEY:

21 I'd just like to I guess editorialize the  
22 bid on page 21 from contract 3610 with the proposed  
23 addition to State Game Lands 129. This tract --- we  
24 heard yesterday about the endangered northern flying  
25 squirrel and about a population that sits right there

1 at State Game Lands 29. So I certainly think this  
2 additional acreage will be a plus for that endangered  
3 species. Secondly one of the largest recreational  
4 areas in the Pocono regions, Big Boulder is located a  
5 few thousand feet away, so not to enhance Big Boulder,  
6 but enhance wildlife habitat for that area I think is  
7 critical. So I believe that this is a win/win  
8 situation to my fellow Commissioners and I advocate a  
9 vote for this.

10 CHAIR:

11 I'd like to add a comment on Contract  
12 3609, the addition to State Game Lands 87. You know,  
13 just a couple of years ago that game lands was only, I  
14 believe, about 1,200 acres.

15 MR. CAPOUILLEZ:

16 Correct.

17 CHAIR:

18 What does this bring the acreage up to  
19 now? Can you give me a rough idea or a ---?

20 MR. CAPOUILLEZ:

21 With this acquisition we're in around  
22 1,200 acres.

23 CHAIR:

24 Okay. That's a pretty significant  
25 increase. It's wonderful. I got an opportunity to

1 visit that track back in spring gobbler and it's some  
2 excellent property, excellent habitat and it's going  
3 to make a great, great game lands. At this point I'm  
4 just thrilled that we keep adding to it, so I'd like  
5 to congratulate the Bureau of Habitat Management for  
6 their efforts in getting this --- all these efforts  
7 put together in one big game lands 87. Thank you. At  
8 this time is there any further discussion on the  
9 contract? Seeing none, all those in favor signify by  
10 saying aye.

11 ALL RESPOND AYE

12 CHAIR:

13 Opposed? Mr. Secretary?

14 MR. PUTNAM:

15 Mr. President, the contracts are approved  
16 unanimously.

17 ATTORNEY BECHTEL:

18 There's one land exchange to come before  
19 the Commission today. This is Contract No. 3613,  
20 State Game Lands Nos. 42 and 79 in Cambria County.  
21 Peoples Natural Gas Company, LLC is offering ten acres  
22 of land in Jackson Township, Cambria County as shown  
23 on Exhibit RED-9 on page 28 of your agenda in exchange  
24 for the issuance of a license for right-of-way. This  
25 license would be for the privilege of constructing,

1 operating and maintaining a pig launcher on State Game  
2 Land No. 42 in Lower Yoder Township, Cambria County  
3 shown on Exhibit RED-10 on page 29 of your agenda.  
4 The pig launcher is generally a funnel shaped Y  
5 section in a pipeline, which extends above the ground  
6 and allows for a pig or maintenance/inspection device  
7 to enter the pipeline without stopping the flow of  
8 product in the pipeline. The ten acre tract that we  
9 would be acquiring is an interior on State Game Land  
10 No. 79, which has a one acre clearing from a plugged  
11 well site surrounded by an early successional forest.

12 CHAIR:

13 Thank you. Do I have a motion to accept  
14 Contract 3613?

15 MR. WEANER:

16 So moved.

17 CHAIR:

18 Commissioner Weaner. Second?

19 MR. SCHREFFLER:

20 Second.

21 CHAIR:

22 Commissioner Schreffler. Any discussion?

23 Bill, I have to say for a minute there I thought the  
24 pig launcher was a solution to our wild bore problem.

25 I guess not. We'll have to keep looking for a

1 solution. Okay. Hearing no discussion, all those in  
2 favor signify by saying aye.

3 ALL RESPOND AYE

4 CHAIR:

5 Opposed?

6 MR. PUTNAM:

7 Mr. President, the motion passes  
8 unanimously.

9 CHAIR:

10 Thank you.

11 ATTORNEY BECHTEL:

12 The next item before the Commission  
13 concerns a Restricted Surface Use Oil and Gas  
14 Cooperative Agreement Amendment for Tract 268A-11  
15 State Game Land No. 268 in Tioga County. Endless  
16 Mountain Energy proposes to amend the acreage under a  
17 Restricted Surface Use Oil and Gas Development  
18 Cooperative Agreement for Tract 268A-11 in Morris  
19 Township, Tioga County. Tract 268A-11 is located on a  
20 portion of State Game Land No. 268 and currently  
21 consists of 1,930 acres. Endless Mountain Energy  
22 proposes to include an additional 413.3 acres for  
23 non-surface use and will not require any additional  
24 surface impacts on Tract 268A-11 on State Game Lands  
25 No. 268. This additional acreage is shown on Exhibit

1 OGM-1 on page 31 of your agenda.

2                   The terms of the amendment will remain  
3 consistent with the existing agreement, approved by  
4 the Commission in April 2011. The total bonus payment  
5 will be approximately \$1,446,550 and shall be  
6 deposited into the Game Fund or an interest bearing  
7 escrow account for future purchase of wildlife  
8 habitats, lands or other uses incidental to hunting,  
9 fur taking and wildlife resource management. Oil and  
10 gas development will continue to be regulated by the  
11 Commonwealth's oil and gas regulations and the  
12 Commission's Standard Oil and Gas Development  
13 Agreement, which is currently in place.

14                   CHAIR:

15                   Okay. Do I have a motion to accept the  
16 Restricted Surface Use Oil and Gas Cooperative  
17 Agreement?

18                   MR. WEANER:

19                   So moved.

20                   CHAIR:

21                   Commissioner Weaner. Second?

22                   MR. PUTNAM:

23                   Second.

24                   CHAIR:

25                   Commissioner Putnam. Any discussion?

1 Hearing none, all those in favor say aye.

2 ALL RESPOND AYE

3 CHAIR:

4 Opposed? Mr. Secretary?

5 MR. PUTNAM:

6 Mr. President, the amendment is accepted  
7 unanimously.

8 ATTORNEY BECHTEL:

9 The next item also concerns a Restricted  
10 Surface Use Oil and Gas Cooperative Agreement  
11 offering. This is for Tract 36A-12 on State Game  
12 Lands 36 in Bradford County. Chesapeake Appalachia,  
13 LLC of Oklahoma City, Oklahoma requested the  
14 Commission offer its oil and gas ownership under a  
15 portion of State Game Land No. 36. The proposed  
16 tract, containing a total of 3,710.33 acres, is  
17 located in Albany and Monroe Townships, Bradford  
18 County. It's shown on Exhibit OGM-2 on page 33 of  
19 your agenda.

20 The terms of the agreement are a paid up,  
21 five year, Restricted Surface Use Oil and Gas  
22 Agreement, a \$2,000 per acre bonus payment and a 20  
23 percent royalty. Chesapeake Appalachia, LLC has a  
24 strong lease position surrounding this portion of  
25 State Game Land No. 36 and has initiated well drilling

1 and development programs on adjacent private lands.  
2 Chesapeake Appalachia, LLC has the ability to unitize  
3 the Commission's oil and gas reserve by horizontal  
4 drilling with no disturbance to the State Game Land's  
5 surface. The staff has negotiated with Chesapeake  
6 Appalachia, LLC in an effort to safeguard the prudent  
7 development of the Commission's oil and gas reserve  
8 and simultaneously protect the wildlife resources and  
9 recreational use of State Game Land No. 36.

10           The bonus payment of \$7,420,660 shall be  
11 deposited into the Game Fund or an interest bearing  
12 escrow account for the future purchase of wildlife  
13 habitats, lands or other uses incidental to hunting,  
14 fur taking and wildlife resource management. Future  
15 rentals and royalties shall be deposited into the Game  
16 Fund. Oil and gas development will be regulated by  
17 the Commonwealth's oil and gas regulations and the  
18 Commission's Standard Restricted Surface Use Oil and  
19 Gas Development Agreement.

20           CHAIR:

21           Thank you. Do I have a motion to approve  
22 Restricted Surface Use Oil and Gas Cooperative  
23 Agreement on Tract 36A-12?

24           MR. SCHLEMMER:

25           Moved.

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CHAIR:

Commissioner Schlemmer. Second?

MR. WEANER:

Second.

CHAIR:

Commissioner Weaner. Any discussion?

I'd like to point out --- Director Capouillez, could you explain? Is there any surface use on this agreement at all?

MR. CAPOUILLEZ:

On this particular lease, this is a no drilling lease. We would allow under certain conditions a pipeline or road access to accommodate drilling that might be on the periphery of the lease so we can deunitize. But the reason this particular lease was leased to Chesapeake was because of the fact of their holdings around the game lands and their ability to drill on the private land and access oil and gas underneath those. So, you know, in allowing for us to get that royalty and that revenue off the game lands, we would allow them access, you know, under certain conditions through the game lands to get to those properties.

CHAIR:

But as far as well ---?

1                   MR. CAPOUILLEZ:

2                   There's no drilling, no permit, no well  
3 pads or anything, no.

4                   CHAIR:

5                   Thank you. Any other discussion?  
6 Hearing none, all those in favor signify by saying  
7 aye.

8 ALL RESPOND AYE

9                   CHAIR:

10                   Opposed? Mr. Secretary?

11                   MR. PUTNAM:

12                   Mr. President, the motion passes  
13 unanimously.

14                   ATTORNEY BECHTEL:

15                   The next item also concerns a Restricted  
16 Surface Use Oil and Gas Cooperative Agreement offering  
17 for Tract 36B-12, State Game Lands No. 36, Bradford  
18 County. The Commission offered its oil and gas  
19 ownership under a portion of State Game Lands No. 36  
20 in Monroe and Overton Townships, Bradford County,  
21 for oil and gas development by competitive royalty  
22 bid. Tract 36B-12, Exhibit OGM-3 shown on page 35 of  
23 your agenda, containing approximately 3,177.7 acres,  
24 was announced for competitive royalty bid in May 2012  
25 with a one time bonus/rental payment of \$2,000 per

1 acre for a five year paid up primary term and a  
2 minimum bid of 20 percent royalty.

3                   Additionally, the bid provides the  
4 Commission a well pad location fee of \$250,000 per  
5 well pad if well pads are necessary on the State Game  
6 Land's surface. The agreement restricts surface use  
7 to a 260 acre area and a limit of two well pads for  
8 development. The agreement will include a free gas  
9 provision for the Commission to use free of charge up  
10 to 350,000 cubic feet of gas annually or an annual  
11 payment for non-use of the free gas.

12                   Oil and gas development will be regulated  
13 by the Commonwealth's oil and gas regulations and the  
14 Commonwealth's (sic) Standard Restricted Surface Use  
15 Oil and Gas Development Cooperative Agreement to  
16 include a \$50,000 performance bond. The agreement  
17 will include the Commission's standard wildlife and  
18 environmental protection measures. The bonus payment  
19 of \$6,355,400 shall be deposited into the Game Fund or  
20 an interest bearing escrow account for the future  
21 purchase of wildlife habitats, lands or other uses  
22 incidental to hunting, fur taking and wildlife  
23 resource management.

24                   Bids for this tract were opened on May  
25 30th, 2012 with Chesapeake Appalachia, LLC of Oklahoma

1 City, Oklahoma submitting the highest royalty bid of  
2 25.5 percent for each thousand cubic feet of gas or  
3 MTF produced and sold from the premises. The results  
4 of the royalty bid are listed on page 34 of your  
5 agenda.

6 MR. DELANEY:

7 Mr. President?

8 CHAIR:

9 Yes, Commissioner Delaney?

10 MR. DELANEY:

11 I propose a motion to accept the  
12 Restricted Surface Use Oil and Gas Cooperative  
13 Agreement for Tract 36B-12 State Game Lands No. 36  
14 Bradford County with the following conditions.  
15 Strictly follow the Board of Commissioner's resolution  
16 for Marcellus Shale dated April 20th, 2010, have a  
17 minimum disruption of hunting and maximize hunting  
18 seasons, no drilling or limited drilling, limited  
19 heavy hauling and limited pipeline construction during  
20 the fall hunting seasons. And prioritize replacement  
21 lands for the purchase of wildlife, habitats or lands  
22 to the extent possible for the local region.

23 MR. WEANER:

24 Second.

25 CHAIR:



1 is the opportunity to acquire additional tracts to  
2 further manage so, you know, had we not picked up that  
3 50 acres, this 650 acres that you're acquiring now  
4 would not have as much value. So we try to close in  
5 game lands complexes so interiors, indentures --- one  
6 of the acquisitions that you approved you happened to  
7 mention about, you know, threatening endangered  
8 species. That's another thing we're looking for.  
9 Critical unique habitats, wetlands. Are they an  
10 important bird area, are they important mammal area?  
11 You know, do they further our mission for wildlife for  
12 sportsmen? Do they provide additional recreational  
13 access for the hunting community?

14                   One of the other ones you approved was a  
15 ten acre interior. You know, those are extremely  
16 important for us to close out as opposed to somebody  
17 building a cabin or something there and then you have  
18 150 yard safety zone around it. And so that takes  
19 away from our management. So they're just some of the  
20 attributes that we look for in land acquisition.  
21 Certainly need to have a willing seller. Certainly  
22 need to have a cost or a fee to acquire that's  
23 acceptable to us. You know, we look at appraised  
24 values and use that.

25                   I would take a moment and, you know,

1 identify staff, Mike DeMatteo, Kerry Speelman, Dennis  
2 Neideigh. You know, there's a lot of people in the  
3 regions and in the Bureau that get involved in looking  
4 at, you know, what acquisitions we have, what monies  
5 we have available to do those things. I mean, for  
6 example, if you look at our budget from last year you  
7 might be surprised to know that we only had \$150,200  
8 for land acquisition the entire year. Yet you're  
9 seeing right here over 1,000 acres of acquisition.  
10 That acquisition is occurring because of these leases  
11 that you're approving, because of the resolution, you  
12 know, that you mentioned, which was April of 2010  
13 where you said as a Board, you know, replacement  
14 lands.

15                   If we're going to do leases we need to do  
16 replacement lands. We need to minimize disruption.  
17 When you're making your motion now you're reconfirming  
18 what we've been doing. Minimizing disruption by way  
19 of hunting season restrictions. Minimizing disruption  
20 by way of where you can drill, improving habitat,  
21 using that money to acquire lands, those kinds of  
22 things. That particular lease --- you know, if you  
23 couple that with the lease that we had prior to that,  
24 which was a non-drilling lease at 6,888 acres, 10.7  
25 square miles of lease area that, you know, you're on

1 the verge of approving with this next motion of which  
2 260 acres we're allowing drilling to occur of which 26  
3 acres roughly if there were two pads to occur. I mean,  
4 you're getting down, you know, into the 1-100th of a  
5 percent of potential surface impact for the ability  
6 for the Commission to reap that revenue on 2.4 square  
7 miles. And then all that money as per the resolution  
8 goes towards replacement lands and also towards, you  
9 know, furthering our mission, whether it goes into the  
10 Game Fund or whether it goes into the escrow for land  
11 acquisitions. So hugely important.

12                   One of the other things that I would  
13 mention on this particular lease you'll see where  
14 there's a quarter million dollar well location fee.  
15 You know, that's a deterrent I will tell you. For  
16 most oil and gas companies they don't want to come in  
17 after they've spent this kind of money to acquire a  
18 land where they're extremely restricted on where they  
19 can drill to further have to pay another quarter  
20 million dollars to even put the pad in. But having  
21 those wells on the Game Commission under certain  
22 circumstances is critical for us to be able to  
23 actually extract the resource we have.

24                   One of the other things you'll see on  
25 this particular lease because it allows for that

1 limited drilling there's a 350,000 cubic feet of free  
2 gas allotment. We cannot use free gas unless the well  
3 is physically drilled on our property and within that  
4 lease. So where there's acreages that are being  
5 unitized on private lands if they're drilling a well,  
6 we don't have the ability to use that free gas. We do  
7 use free gas on game lands. In fact, the northwest  
8 regional headquarters is supplied by free gas that's  
9 coming off of our leases. We have other food and  
10 cover core (phonetic) buildings that's supplied by  
11 free gas that's coming off of our leases.

12                   So there's a lot of complexity into how  
13 the staff reviews it, how the region reviews it and  
14 certainly, you know, with what you're saying as far as  
15 considerations for minimizing impacts and land  
16 acquisition and replacement functions and values.  
17 There's a very elaborate complex process that we go  
18 through just to meet those goals and objectives, too.

19                   MR. DELANEY:

20                   One more follow up if I may, Mr.  
21 President. The historical folks from Bradford County  
22 had reached out to the Board. Since State Game Lands  
23 12 and 36 a hundred years ago were the heart of  
24 Bradford County's economics a lot of small towns  
25 within the game lands. Can you just explain the

1 procedures that their concerns would be addressed  
2 before anything would happen as far as drilling goes?

3 MR. CAPOUILLEZ:

4 Sure. I mean, regardless of what we have  
5 written in our lease, all the gas companies have to  
6 adhere to state and federal regulations by way of  
7 permitting and so forth. So for them to come in, put  
8 in a pipeline, put in a road, you know, develop a well  
9 pad, there is a permitting process that they would go  
10 through. And part of that permitting process often  
11 entails a review with what's called the PNDI system,  
12 which allows for also PHMC, which is the Pennsylvania  
13 Historic Museum Commission, to look at things.

14 So if there's assets out there, resources  
15 out there that have historical or archeological value,  
16 there is a state and federal process that the  
17 companies have to go through with regard to how they  
18 develop to make sure that they protect and conserve  
19 those resources.

20 MR. DELANEY:

21 Thanks very much, Bill.

22 MR. CAPOUILLEZ:

23 Sure.

24 CHAIR:

25 Thank you. Commissioner Schreffler.

1                   MR. SCHREFFLER:

2                   Jay, would you go over those restrictions  
3 or conditions you had slowly for me so I can  
4 really ---?

5                   MR. DELANEY:

6                   Sure. Number one, they certainly aren't  
7 restrictions, but I'll read it to you again.

8                   MR. SCHREFFLER:

9                   Uh-huh (yes).

10                  MR. DELANEY:

11                  Strictly follow the Board of  
12 Commissioners' resolution for Marcellus Shale dated  
13 April 20th, 2010. Number two, have a minimum  
14 disruption of hunting and maximize hunting seasons, no  
15 drilling or limited drilling, limited heavy hauling  
16 and limited pipeline construction during the fall  
17 hunting season. Number three, prioritize replacement  
18 lands for the purchase of wildlife habitats or lands  
19 to the extent possible for the local region. That's  
20 it.

21                  MR. SCHREFFLER:

22                  Thank you.

23                  CHAIR:

24                  Director Capouillez, you mentioned the  
25 \$250,000 well pad fee. What is the normal well pad

1 fee that a private individual might have in a lease?

2 MR. CAPOUILLEZ:

3 Well, depending on how the reservation  
4 was taken for oil and gas rights they have, they  
5 normally at least get some kind of a damage fee,  
6 \$10,000 to \$20,000. That could be per pad or per well  
7 depending on how their lease is written. If it's a  
8 shallow well, you might see \$1,000, \$2,000.

9 CHAIR:

10 So somebody considering leasing and sees  
11 the Game Commission had a quarter of a million dollar  
12 well pad fee ---?

13 MR. CAPOUILLEZ:

14 Yeah, good luck with that. Probably  
15 won't happen.

16 CHAIR:

17 Thank you. The other thing is can you  
18 explain the restrictions? I know these lands are ---  
19 there's a lot of guys whose hunting seasons depend on  
20 these properties. Can you explain the restrictions  
21 during hunting season that are written into these  
22 leases ---or this particular lease?

23 MR. CAPOUILLEZ:

24 Our leases are 20-some pages versus a  
25 normal industry lease, which is about a page and a

1 half. We have a lot of restrictions in there as it  
2 relates to the overall management. There's a lot of  
3 contingencies written in the lease that, you know, the  
4 company has to coordinate with the actual local land  
5 manager on the ground as to when he goes out on the  
6 property to drill and develop and so forth. And we  
7 continue to try to minimize impacts, so when we're  
8 looking at hunting seasons the way the restrictions  
9 are written there is that unless there's additional  
10 written approval, they have to avoid the game lands  
11 and avoid development during those times of the year,  
12 but we send out a questionnaire. I mean, how we come  
13 up with 260 acres on, you know, 10.7 square miles,  
14 almost 7,000 acres, how we come up with just 260 acres  
15 wasn't by accident. It was by design, so, you know,  
16 prior to the lease even being written the region gets  
17 involved and the staff gets involved as to where a  
18 drilling could occur if we were to allow for it to  
19 occur. That way when someone bids on it, they're not  
20 surprised by the fact that they just paid for 10. some  
21 odd square miles and are restricted to 200-some acres.  
22 The actual map that they would have used when they  
23 bid on this shows here's the area that we'll say that  
24 you can go into and oh, by the way, when you go in  
25 here we're still going to tell you exactly where you

1 can go within that 260 acres. So there's a constant  
2 management and a constant, you know, limitation and  
3 restriction use of the game lands.

4 CHAIR:

5 Thank you. Commissioner Schreffler, do  
6 you have ---

7 MR. SCHREFFLER:

8 Yeah.

9 CHAIR:

10 --- any questions?

11 MR. SCHREFFLER:

12 Bill, just one other question. The  
13 conditions that were cited by Commissioner Delaney,  
14 will they have any major impact on your ability to  
15 complete this contract beyond what we normally do?

16 MR. CAPOUILLEZ:

17 Absolutely not. I mean, what I'm hearing  
18 and I'm thinking I'm making pretty good notes, ---

19 MR. SCHREFFLER:

20 Okay.

21 MR. CAPOUILLEZ:

22 --- it's just reconfirming what we do.

23 MR. SCHREFFLER:

24 Okay.

25 MR. CAPOUILLEZ:

1                   You know, when we're looking at  
2 acquisition, we're fully sensitive to the fact that  
3 the sportsmen want the lands replaced, the habitat  
4 replaced, the attributes replaced in the area of  
5 impact. I mean, the local sportsmen in your area  
6 could probably care less whether we buy property down  
7 near Pittsburgh. Now, we look at it from a statewide  
8 acquisition priority, but certainly we prioritize  
9 impacts to the game lands, to the region, to the  
10 watershed, you know, those types of ---. It doesn't  
11 always work out like that, but I mean, in your area I  
12 would put out that if there's anybody that owns  
13 property against that game lands that's willing to  
14 sell, that's the first step. Contact the Game  
15 Commission. You know, we have to have that willing  
16 seller because we're out there beating the bush  
17 looking for people that are trying to sell property  
18 that meet these attributes. You know, we'd much  
19 rather replace it in the area of impact. That's the  
20 goal.

21                   MR. SCHREFFLER:

22                   Okay.

23                   CHAIR:

24                   Thank you.

25                   MR. SCHREFFLER:

1 Thank you.

2 CHAIR:

3 Any further discussion? Hearing none,  
4 we'll proceed to vote. All those in favor of this  
5 motion with Commissioner Delaney's addition signify by  
6 saying aye.

7 ALL RESPOND AYE

8 CHAIR:

9 Opposed? Mr. Secretary?

10 MR. PUTNAM:

11 Mr. President, the motion passes  
12 unanimously.

13 CHAIR:

14 Okay. That completes the proposals on  
15 --- is there any other new business from the Board?  
16 Executive Director Roe?

17 MR. ROE:

18 I want to mention that we briefed  
19 yesterday dealing with wild bores. I would ask the  
20 Board if they would give us some direction if we ---  
21 they would like to proceed with us starting the  
22 process to establish some regulations to deal with  
23 wild bore as designated by the Supreme Court being our  
24 responsibility.

25 CHAIR:

1                   Okay.

2                   MR. SCHREFFLER:

3                   So moved.

4                   CHAIR:

5                   We have a motion by Commissioner  
6 Schreffler supporting Executive Director Roe's  
7 recommendation.

8                   MR. SCHLEMMER:

9                   Second.

10                  MR. SCHREFFLER:

11                  As a motion.

12                  CHAIR:

13                  We have a second from Commissioner  
14 Schlemmer. All those in favor --- any discussion ---  
15 further discussion on that?

16                  MR. PUTNAM:

17                  I think we should state the motion.

18                  CHAIR:

19                  Go ahead, Commissioner Putnam.

20                  MR. PUTNAM:

21                  Well, Commissioner Schreffler made the  
22 motion.

23                  MR. SCHREFFLER:

24                  Uh-huh (yes). It's to begin the process  
25 in developing regulations concerning what these

1 Pennsylvania Supreme Court labeled as wild bore and  
2 it's --- the motion is just to begin that process, to  
3 direct staff to begin that process.

4 CHAIR:

5 Okay. I think that's a good summary of  
6 it. Any further discussion on it? Hearing none, all  
7 those in favor say aye.

8 ALL RESPOND AYE

9 CHAIR:

10 Opposed? Mr. Secretary?

11 MR. PUTNAM:

12 Mr. President, the motion passes  
13 unanimously.

14 CHAIR:

15 Okay. A couple other items and new  
16 business that I have. There was an addition to the  
17 policy manual passed out to each of the Board members.  
18 There's a stack down front for the public.  
19 Commissioner Weaner.

20 MR. WEANER:

21 I move that we accept --- yeah, I move  
22 that we accept the additional to the policy manual.

23 MR. DELANEY:

24 Second.

25 CHAIR:

1 Any further discussion on this?

2 MR. SCHREFFLER:

3 Yes.

4 CHAIR:

5 Commissioner Schreffler?

6 MR. SCHREFFLER:

7 Yes. I wish to make a motion to make two  
8 amendments to the balance management process on the  
9 policy here. The second paragraph down it says it  
10 represents number two. I would like to replace the  
11 word constituents with stakeholders. And in the next  
12 paragraph down where it talks about Commissioners  
13 recognizing the challenge of managing all wildlife  
14 populations in state while balancing one species, I'd  
15 like to replace the word against as in relation to  
16 another.

17 MR. WEANER:

18 Second.

19 CHAIR:

20 Okay. We have a motion to accept the new  
21 chapter for the policy manual entitled balanced  
22 management with two changes in wording constituents to  
23 stakeholders and against change to in relation to. We  
24 have a second. Is there any further discussion on  
25 this motion? All those in favor signify by saying

1 aye.

2 ALL RESPOND AYE

3 CHAIR:

4 Opposed? Mr. Secretary?

5 MR. PUTNAM:

6 Mr. President, the motion passes

7 unanimously.

8 CHAIR:

9 Also under new business ---.

10 MR. WEANER:

11 Excuse me, Mr. President. You have the

12 point of order?

13 CHAIR:

14 Yes, sir.

15 MR. WEANER:

16 We just now passed the amendment. We now

17 have to amend the motion that needs discussion.

18 CHAIR:

19 Okay. Any discussion on the original

20 motion?

21 MR. WEANER:

22 The amended motion.

23 CHAIR:

24 The amended motion? Hearing none, all

25 those in favor of the amended motion signify by saying

1 aye.

2 ALL RESPOND AYE

3 CHAIR:

4 Opposed? Thank you. Mr. Secretary?

5 MR. PUTNAM:

6 Mr. President, the amended motion passes  
7 unanimously.

8 CHAIR:

9 Okay. Thank you, Commissioner Weaner for  
10 that correction. Also under new business we have  
11 several meeting dates coming up that I wanted to see  
12 if the Board was amenable to. The first would be ---  
13 the next working group meeting would be scheduled for  
14 Monday, August 13th. Following that we have our  
15 September Board meeting would be held in Franklin,  
16 Pennsylvania this year on September 24th and 25th.  
17 That would be followed by the working group meeting in  
18 December on Monday, December 17th for the working  
19 group meeting. And then the January quarterly meeting  
20 for the Board would be held on Sunday, January 27th,  
21 Monday the 28th and Tuesday, the 29th, 2013. Is there  
22 any comments on these dates or discussion on these  
23 dates?

24 MR. WEANER:

25 Would you like a motion to approve these?

1                   CHAIR:

2                   Yes, please.

3                   MR. WEANER:

4                   I move that we approve the dates as you  
5 just listed them.

6                   MR. SCHLEMMER:

7                   Second.

8                   CHAIR:

9                   Second. Commissioner Weaner makes the  
10 motion. Commissioner Schlemmer seconded it. Any  
11 discussion on these dates? Hearing none, all those in  
12 favor say aye.

13 ALL RESPOND AYE

14                   CHAIR:

15                   Opposed? Mr. Secretary?

16                   MR. PUTNAM:

17                   Mr. President, the motion passes  
18 unanimously.

19                   CHAIR:

20                   Thank you. At this time I would like to  
21 take a moment to recognize and acknowledge the passing  
22 of former Commissioner Nicholas Spock. Commissioner  
23 Spock served from 1994 to 2002 on this Board  
24 representing District Five. On behalf of the Board I  
25 would like to express our heartfelt condolences to his

1 family and acknowledge his service to the Pennsylvania  
2 Game Commission as a Commissioner. And I thought that  
3 was unfortunate but, you know, I'm glad we had a  
4 meeting at this time to acknowledge that. Any further  
5 discussion from the Board? Hearing none, this meeting  
6 stands adjourned.

7 \* \* \* \* \*

8 MEETING CONCLUDED AT 10:30 A.M.

9 \* \* \* \* \*

10  
11  
12 CERTIFICATE

13 I hereby certify that the foregoing  
14 proceedings, hearing held before Chair Martone, was  
15 reported by me on 06/26/2012 and that I Danielle S.  
16 Ohm read this transcript and that I attest that this  
17 transcript is a true and accurate record of the  
18 proceeding.

19  \_\_\_\_\_

20 Court Reporter  
21  
22  
23  
24  
25