BEFORE THE
PENNSYLVANIA GAME COMMISSION

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
Brian H. Hoover, Commissioner
Carl G. Roe, Executive Director

HEARING: Tuesday, September 25, 2012
8:26 a.m.

LOCATION: Quality Inn and Conference Center
1411 Liberty Street
Franklin, PA 16323

WITNESSES: None

Reporter: Wendy Blair

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APPEARANCES

BRADLEY BECHTEL, ESQUIRE
PA Game Commission
2001 Elmerton Avenue
Harrisburg, PA  17110
Counsel for Pennsylvania Game Commission

ALSO PRESENT:

RICHARD PALMER
Director, PA Game Commission
Bureau of Wildlife Protection

WILLIAM A. CAPOUILLEZ
Director, PA Game Commission
Bureau of Wildlife Habitat Management
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DISCUSSION AMONG PARTIES 4 - 45
CHAIR:

Good morning. Welcome to the September or the fall meeting of the Board of Commissioners. At this time I would like to have everybody turn off their cell phones, put it on vibrate, turn it off, so that we aren't interrupted. And if you would, join me in the Pledge of Allegiance to the flag.

PLEDGE OF ALLEGIANCE RECITED

CHAIR:

Mr. Secretary, would you call roll?

MR. PUTNAM:

Commissioner Schreffler?

MR. SCHREFFLER:

Present.

MR. PUTNAM:

Commissioner Delaney?

MR. DELANEY:

Present.

MR. PUTNAM:

Commissioner Putnam, present.

Commissioner Martone?

MR. MARTONE:

Present.
MR. PUTNAM:
Commissioner Schlemmer?

MR. SCHLEMMER:
Present.

MR. PUTNAM:
Commissioner Hoover?

MR. HOOVER:
Present.

MR. PUTNAM:
Commission Weaner?

MR. WEANER:
Present.

MR. PUTNAM:
Mr. President, all Commissioners are accounted for.

CHAIR:
Thank you. At this time we would like to approve the minutes from the June 26, 2012 meeting. Do I have a motion to approve those minutes?

MR. SCHLEMMER:
So noted.

MR. WEANER:
Seconded.

CHAIR:
Commissioner Schlemmer and Commissioner
Weaner. Now is there any discussion on the minutes?

Hearing none, all those in favor say aye.

ALL RESPOND AYE

CHAIR:

Opposed? Mr. Secretary?

MR. PUTNAM:

Mr. President, the minutes are approved.

CHAIR:

Thank you. At this time I will turn this

over to Executive Director Roe.

MR. ROE:

Thank you, Mr. President. I just want to

take the time this morning to make sure it gets in the

official records of the Pennsylvania Game Commission,

to thank Doug Killough, who is the Regional Director

in the Southeast Region, for his many years of service

to the Game Commission and the Commonwealth. He's

retiring in December, so he won't be around for a

January meeting, but, Doug, on behalf of the Agency,

thank you very much for your service and you certainly

will be missed. We always enjoyed your comradery and

your advice, so best of luck to you.

CHAIR:

Thank you. Thank you from the Board as

well. A brief note. I want to put on the record that
yesterday we took testimony from the public. We did --- the Board did receive testimony from the UBP, United Bowhunters of Pennsylvania via email. They weren't able to attend. Actually, I think they went to Harrisburg instead of Franklin, which is fine, but we did get their testimony and it was given to each of the Board members.

At this time, we will proceed with the agenda. And Mr. Bechtel would you start with the adopted rulemaking, please?

ATTORNEY BECHTEL:

Thank you, Mr. President. The first item was adopted rule making from the Bureau of Wildlife Management. It concerns the adoption of proposed amendments to § 133.21, relating to the classification of birds to reflect the current status of breeding populations threatened and endangered wild birds within this Commonwealth, and also to update scientific nomenclature. The text is found on page three of your agenda.

MR. WEANER:

So move.

MR. HOOVER:

Seconded.

CHAIR:
Thank you, Commissioner Weaner. Second, Commissioner Hoover. Is there any discussion on this?

MR. DELANEY:
Yes, Mr. President.

CHAIR:
Okay.

MR. DELANEY:
We come to these meetings and we sit up here and, you know, we read a paragraph and it's just like there is no --- very little discussion prior to this time. But I just like to reaffirm to the sportsmen that we certainly have a lot of discussion with regard to this proposal, so it doesn't just ---. Sometimes it appears it's done like rather quickly or just pushed through, but there has been a lot of discussions at this point. That's it.

CHAIR:
And I'd like to add that if you look at the commentary, this deals with Upland Sandpiper, Northern Harrier, Long-eared Owl. There are no bats listed on this proposal. Any other discussion, gentlemen? All those in favor say aye

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?
MR. PUTNAM:

Mr. President, the motion passes unanimously.

ATTORNEY BECHTEL:

The next item is adopted rule making from the Bureau of Wildlife Protection. It's the adoption of proposed amendments to § 131.3, relating to enforcement, to eliminate the reference to the Department of Environment Resources and replace it with a reference to the Department of Conservation and Natural Resources. And also to update the reference to the Commission's officers' as Wildlife Conservation Officers. The text of these changes are found on page five of your agenda.

CHAIR:

And do I have a motion to adopt the proposed amendments?

MR. DELANEY:

So move.

CHAIR:

Commissioner Delaney. Second?

MR. SCHREFFLER:

Second.

CHAIR:

Commissioner Schreffler. Is there any
discussion on this issue? Hearing none, all those in favor say aye.

ALL RESPOND AYE

CHAIR:

Opposed? Mr. Secretary?

MR. PUTNAM:

Mr. President, the motion passes unanimously.

CHAIR:

Thank you.

ATTORNEY BECHTEL:

The next item concerns the adoption of proposed amendments to § 135.2, related to unlawful actions, to create a regulatory violation to possess, maintain, operate, occupy or travel by all-terrain vehicle or ATV or snowmobile, in a manner not in accordance with the standards in 75 Pa. C.S. relating to the Vehicle Code. The text of these amendments are found on page seven of your agenda.

CHAIR:

Do I have a motion to adopt the proposed amendments to § 135.2 as stated?

MR. SCHREFFLER:

So move.

CHAIR:
Commissioner Schreffler. Second?

MR. WEANER:
Second.

CHAIR:
Commissioner Weaner. Is there any discussion on this? I'd like to add that, you know, this is giving our officers more weapons in the fight against ATVs on particularly State Game Lands. This allows additional fines and it emphasizes that ATVs on particular game lands to cooperated properties is one of your biggest issues we deal with. And I'm hoping this helps them to solve some of the problems. Any other discussion? All those in favor say aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item is the adoption of proposed amendments to § 141.18, relating to permitted devices to permit the use of electronic crow decoys to hunt
crows. The text of this amendment is found on page nine of your agenda.

CHAIR:
Do I have a motion to adopt the proposed amendments to § 141.18, permitting the use of electronic crow decoys, as stated?

MR. WEANER:
So move.

CHAIR:
Commissioner Weaner. Second?

MR. HOOVER:
Second.

CHAIR:
Commissioner Hoover. Is there any discussion on this proposal? Hearing none, all those in favor say aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item concerns the adoption of proposed amendments to §§ 147.724 and 147.724a, relating to nuisance wildlife control operator examination. This amendment requires applicants to take the required examination within 180 days of the final approval of their application by the Bureau of Wildlife Protection and limits approved applicants to a total of two opportunities to take the examination each permit year. The Commission also proposed to rescind § 147.724a and add these requirements to 147.724. The text of these changes are found on page 11 of your agenda.

CHAIR:
Thank you. Now, do I have a motion to adopt these proposed amendments to §§ 147.724 and 147.724a?

MR. SCHLEMMER:
So move.

CHAIR:
Commissioner Schlemmer. Second?

MR. WEANER:
Second.

CHAIR:
Commissioner Weaner. Is there any discussion on that? Hearing none, all those in favor
say aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item concerns proposed rule making. These are amendments to 58 Pa. Code § 147.804. Sporting organizations and other interested groups have continued to express an interest in having the Commission expand mentored youth hunting opportunities within this Commonwealth. These groups are currently supporting an amendment to § 147.804 to permit the transfer of no more than one DMAP permit to a mentored youth hunter per license year. This action will not significantly affect the antlerless DMAP deer harvest and is consistent with the goal of providing additional mentored youth hunting opportunity. The text of this change is shown on page 12 of your agenda.

CHAIR:
Thank you. Do I have a motion to adopt the proposed amendment to § 147.804, permitting the transfer of no more than one DMAP permit to a mentored youth hunter as stated?

MR. DELANEY:
So move.

CHAIR:
Commissioner Delaney. Second?

MR. WEANER:
Second.

CHAIR:
Commissioner Weaner. Is there any discussions?

MR. WEANER:
Mr. President?

CHAIR:
Yes?

MR. WEANER:
One thing that I would like to point out is that we're voting on this for the first time. So my understanding is should this pass ---. We will vote on it again in January. And, therefore, should it ultimately pass, this would go into effect next year. And that's real important that everyone understands this does not effect this year's hunting
seasons, if it were to pass.

CHAIR:

Thank you, Commissioner Weaner. That's valuable information. Mr. Palmer, this would be, if I'm right, the second tag that a mentored youth could transfer?

MR. PALMER:

Yes, that's correct. The antlerless license and the antlerless tag is the first one, the DMAP would be the second one.

CHAIR:

So up until now a mentored youth could only harvest one antlerless deer?

MR. PALMER:

That's correct.

CHAIR:

Once this passes, as Commissioner Weaner mentioned, next year, if it passes the January meeting, then it would be --- allows second antlerless deer for mentored youth.

MR. PALMER:

Right. With all the applicable tags.

CHAIR:

Right. Thank you for clarifying that.

Any other discussion? All those in favor, signify by
saying aye.

ALL RESPOND AYE

CHAIR:

Opposed? Mr. Secretary?

MR. PUTNAM:

Mr. President, the motion passes unanimously.

ATTORNEY BECHTEL:

The next items concern the Bureau of Wildlife Habitat Management and in particular real estate. The first item is a donation contract number 3614. Seneca Resources Corporation is offering a donation of 183 +/- acres of land in Lafayette Township, McKean County adjoining State Game Land No. 62, as shown on Exhibit RED 1 on page 14 of your agenda. The property is mostly forested with mixed hardwoods and is interspersed with natural wetland openings covering approximately 40 acres throughout the tract. The headwaters of Fuller Brook flow through the tract and Township Road 572, Riterville Road, bisects the northern portion of the property and provides access.

CHAIR:

Thank you. Do I have a motion to approve the donation of land as stated in contract 3614,
located in McKean County?

MR. PUTNAM:

So move.

CHAIR:

Commissioner Putnam. Second?

MR. SCHLEMMER:

Second.

CHAIR:

Commissioner Schlemmer. Is there any discussion on the motion? Hearing none, all those in favor, signify by saying aye.

ALL RESPOND AYE

CHAIR:

Opposed? Mr. Secretary?

MR. PUTNAM:

Mr. President, the motion passes unanimously.

CHAIR:

Thank you.

ATTORNEY BECHTEL:

The next items concern the acquisition of two tracts, contract number 3615, Curtis W. Swallow and Lucille K. Swallow are offering for sale 333 +/- acres of land in Shade Township, Somerset County, adjacent to State Game Land No. 228, Exhibit RED 2 on
page 16 of your agenda. The option price is to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on State Game Lands from previously approved projects. The tract is forested with oak, maple, cherry and where present has an understory of mountain laurel, blackberry and dogwood. The headwaters of Coal Run originate on the property. Fee access into the property is from Township Road 794, Swallow Road.

The second contract, number 3617 (sic), is from Natural Resources Management Corporation and David J. Reed. This is for two tracts of land, 110 +/- acres of land in Lafayette Township, McKean County and a hundred acres of land in Keating Township, McKean County, both adjoining State Game Lands No. 62, shown on Exhibit RED 3 on page 17 of your agenda. The option price is again to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on State Game Lands from previously approved projects. These tracts are forested with mixed northern hardwoods and witch hazel, low bush blueberry and raspberries in the understory. There are approximately 20 acres of old beaver dam meadows and wetlands associated with spring seeps and Three Mile Run, which flows through the
property. There is good access from existing State Game Lands No. 62.

CHAIR:

Thank you. Mr. Bechtel, would you --- in your commentary you referred to the second contract as 3617 and ---

ATTORNEY BECHTEL:

It's 3616.

CHAIR:

6, okay. Do I have a motion to approve contract number 3615, Somerset County, and contract number 3616, McKean County, as stated?

MR. SCHREFFLER:

So move.

CHAIR:

Commissioner Schreffler.

MR. WEANER:

Second.

CHAIR:

Commissioner Weaner. Is there any discussion? Hearing none, all those in favor, signify by saying aye.

ALL RESPOND AYE

CHAIR:

Opposed? Mr. Secretary?
Mr. President, the motion passes unanimously.

ATTORNEY BECHTEL:

The next item concerns a land exchange. This is contract number 3617. State Game Lands number 28 and 293, Elk County. Wayne and Jane Bryndel have requested a right-of-way for underground utility lines across State Game Land No. 28 in Spring Creek Township, Elk County, for a distance of approximately 250 feet with a width of 20 feet, as shown on Exhibit RED 4 on page 19. In exchange for the utility right-of-way, the Bryndels have offered to pay for a seven +/- acre property located in the City of St. Mary’s, Elk County, owned by Aaron and Tristen Bleggi, adjacent to State Game Land No. 293 as shown on Exhibit RED 5 on page 20 of your agenda. The Commission has determined the value of the land being offered is equal to the value of the right-of-way. Acquiring the Bleggi property removes safety zone potential safety zone issues from dwellings and will give the Commission ownership of both sides of the old railroad grade for approximately 2,000 feet. The Bleggis will be reserving the deep gas rights.

CHAIR:
Thank you. Do I have a motion to approve land exchange contract no. 3617, Elk County, as stated?

MR. HOOVER:
I move.

CHAIR:
Commissioner Hoover. Second?

MR. SCHLEMMER:
Second.

CHAIR:
Commissioner Schlemmer. Is there any discussion on the motion? Hearing none, all those in favor say aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item appears on page 21 of your agenda and concerns a settlement. This is contract no. 3618. As a result of a legal settlement regarding
ownership of oil and gas rights with the Commission, Keith and Elaine Klingler agreed to convey ownership rights in land or certain interests in land to the Commission. The Klinglers will transfer ownership of 54 +/- acres of land in Ashland Township, Clarion County, adjoining State Game Land No. 45, as shown on Exhibit RED 6 on page 22 of your agenda. The property is forested with mixed northern hardwoods with some mature timber. The understory is comprised of witch hazel, ironwood, serviceberry and nannyberry. Numerous spring seeps are located on the tract and flow into East Sandy Creek located south of the property on existing State Game Land No. 45. The Klinglers will also convey coal and mineral interests, underlying 720 +/- acres of land in Graham Township, Clearfield County, which underlies State Game Land No. 78, as shown on Exhibit RED 7. And they shall release, waive, and quitclaim to the Commission any and all ownership rights in 100 acres of oil, gas and minerals located in Mineral Township, Venango County underlying State Game Lands 39, as shown on Exhibit RED 8 on page 24 of your agenda.

CHAIR:
Do I have a motion to approve the settlement described in contract no. 3618?
MR. WEANER:
So move.

MR. HOOVER:
Second.

CHAIR:
Commissioner Weaner. Second,
Commissioner Hoover. Is there any discussion?
Hearing none, all those in favor say aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

ATTORNEY BECHTEL:
The agenda then moves on page 25 to oil,
gas and minerals. And the first item is a Restricted
Surface Use Oil and Gas Production Agreement on State
Game Lands No. 36 in Bradford County, with Chesapeake
Appalachia, L.L.C. Chesapeake requested the
Commission to offer its oil and gas ownership under a
portion of State Game Land No. 36. The proposed tract
contains 77 acres +/- as located in Overton Township,
Bradford County and is shown on Exhibit OGM 1 on page
26.
The terms of the agreement are a paid up, five year, non-surface use oil and gas agreement, a $2,000 per acre bonus payment and a 20 percent royalty. Chesapeake has a strong lease position surrounding this portion of State Game Land No. 36 and has initiated well drilling and development programs on adjacent private lands. Chesapeake has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no disturbance to the game land surface. The staff has negotiated with Chesapeake in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Lands No. 36.

The bonus payment of $154,000 shall be directly deposited into the Game Fund or an interest-bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties shall be directly deposited into the Game Fund. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Restricted Surface Use Oil and Gas Production Agreement.

CHAIR:
Thank you. Do I have a motion to approve the Restricted Surface Use and Gas Production Agreement on State Game Lands 36, Bradford County, as stated?

MR. SCHREFFLER:
So move.

CHAIR:
Commissioner Schreffler. Second?

MR. WEANER:
Second.

CHAIR:
Commissioner Weaner. Is there any discussion?

MR. DELANEY:
Yes, Mr. President.

CHAIR:
Commissioner Delaney?

MR. DELANEY:
Mr. President, prior to my vote on this issue, I'd like to direct a question to Director Capouillez, if I may. At our previous meeting, we had another gas lease that we did with Chesapeake on State Game Lands 36. I believe this is maybe the fourth or the fifth in Bradford County. But at our previous meeting, we did about a $14 million lease with
Chesapeake. And part of my motion was to see what replacement lands were available in Bradford County. So here again, you have an additional bonus claim that we might be looking for property again, can you just relate what may have transpired from our previous meeting and bring us up to date today what we may be doing in Bradford County to look for those replacement lands?

MR. CAPOUILLEZ:
Yes, sir. Both the region and the staff have been pretty diligent with regard to soliciting for lands. We've contacted some of the larger land owners in the area, without me, you know, breaching some confidentiality as to where some of those negotiations are. We've looked in Lackawanna County, in around Game Lands 307, 300, 91; Bradford County in around Game Lands 36. I will tell you that just as of recently we were involved in an open competitive auction, looking at some land up that way. You know, the price actually went a little higher than what we were willing to pay because they were selling oil and gas rights, too, they were attached to the productive, so we weren't the high bid, but we were putting forth a lot of time and effort preparing for that auction. We're looking in around Monroe County.
We're also looking in the other regions, with the emphasis, you know, as the Commission directed has really been for replacement up in the northeast. And we have been pretty diligent in looking for those lands, so we'll continue to do that negotiation. We're getting closer on some of them, I will tell you.

MR. DELANEY:
Good enough. Thank you.

CHAIR:
Any further discussion on the motion? Hearing none, all those in favor signify by saying aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

ATTORNEY BECHTEL:
The next item concerns a surface mining and reclamation lease of P & N Coal Company of Punxsutawney, Pennsylvania. This request is a lease to surface mine and remove approximately 221,000 tons of coal from a 120 acre portion of State Game Land No.
174, as shown on Exhibit OGM 2 on page 28 of your agenda. The Commission does not own the coal but is the owner of the surface support rights on this tract of land.

P & N Coal Company is currently surface mining on private lands adjacent to State Game Land No. 174 and desires to extend its mining operations onto the game lands. The proposed remining and reclamation operation will have a total surface impact of 120 +/- acres for the actual coal removal, erosion and sedimentation controls and operational support. The proposed surface mine area has been previously deep and surface mined resulting in a scarred landscape containing many dangerous subsidence holes, abandoned mine spoil piles and highwalls which will be removed and reclaimed. All timber to be impacted as a result of the proposed project will be assessed by the Game Commission forestry staff and assessed at double stumpage rate.

In exchange for the lease from the Commission, P & N Coal Company will make an initial advanced surface support payment totaling $250,000 to be deposited into an interest-bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and
wildlife resource management. Once P & N recoups its advance royalty payments, P & N will pay the Commission on a monthly basis at a royalty rate of $2.50 per ton or 6 percent of the then current F.O.B. pit price, whichever is greater, for each marketable ton of coal mined and removed from the leased area. All of the subsequent royalty payments will be deposited into the Game Fund.

Mining will be regulated by the Commonwealth surface mining regulations and the Commission's standard surface mine lease agreement. The five year surface mining lease will include the standard performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

CHAIR:
Thank you. Do I have a motion to approve the surface mining and reclamation lease, Indiana County, as stated?

MR. SCHLEMMER:
So move.

CHAIR:
Commissioner Schlemmer. Second?
MR. WEANER:

Second.

CHAIR:

Commissioner Weaner. Any discussion?

I'd like to point out that in this case we did not own the coal. So I think I have to again defer to our Bureau of Habitat Management for doing a good job of protecting the surface rights here and getting us back to good Game Lands when this was done. Could you explain a little bit about how and why this happens?

MR. CAPOUILLEZ:

Yeah. A lot of it, one of the coal operations that we had --- because everything's a secondary use from a mining and oil and gas perspective and we need to see a net value back to the wildlife and the sportsmen. This area was extensively surface mined and deep mined. The coal, as you're saying, is not owned by us, but the opportunity for reclamation, based on coal prices, you know, comes and goes. And it's a small window of opportunity. And this project is actually going to fix the Game Lands in a lot of aspects. There's a lot of aspen that was growing out there, so that when we're done reclaiming we'll be able to promote that aspen even more. It will actually turn into a lot better wildlife habitat.
There will be some acid mine drainage that will be cleaned up by way of the mining. Fix some of those old scars and it will be a far better recreational area. And, you know, to be able to get 6 percent, not on the coal, is pretty good.

CHAIR:
As usual, thank you. And I always like to explain what's going on. At the surface it sounds like we are losing 120 acres of game lands, but in the end, that will be much more valuable property for our sportsmen. So, thank you and I'm sure you, as usual, did a very thorough job on it. Not hearing any discussion at this point, further discussion, all those in favor of the motion signify by saying aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
Thank you.

ATTORNEY BECHTEL:
The next item is a Surface Coal Mining Lease. Targe Energy --- Targe Coal Energy, L.L.C.,
also known as Bedrock Mines L.P. or Bedrock of Pittsburgh, Pennsylvania, has requested a lease to surface mine and remove approximately 14,000 tons of coal from a 4.8 acre portion of State Game Land No. 320, as shown on Exhibit OGM 3 on page 30 of your agenda.

Bedrock is currently permitting a 95 acre surface mining site on private lands adjacent to State Game Land No. 320 and desires to extend its mining operations on the game lands. The proposed mining operation will have a surface impact of approximately 4 acres for the coal removal and operational support on the game lands. The proposed site has undergone previous surface mining.

In exchange for the lease from the Commission, Targe Energy will make an initial advanced surface support payment of $25,000 to be deposited into an interest-bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Once Bedrock recoups its initial advance royalty payment, they will pay the Commission on a monthly basis at a royalty rate of $2.50 per ton or 12 percent of the then current F.O.B. pit price, whichever is greater, for each marketable ton of coal
mined and removed from the leased area. All of these subsequent royalty payments will be deposited into the Game Fund.

Mining will be regulated by the Commonwealth's surface mining regulations and the Commission's surface mine lease agreement. The five year surface mining lease will include standard performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation revegetation plan developed by the local Land Management Group Supervisor.

CHAIR:

Thank you. Do I have a motion to approve surface coal mining lease, Jefferson County, as stated?

MR. WEANER:

So move.

CHAIR:

Commissioner Weaner.

MR. HOOVER:

Second.

CHAIR:

Commissioner Hoover. Thank you. Is there any discussion on the motion? Hearing none, all
those in favor say aye.
ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

ATTORNEY BECHTEL:
Mr. President, there's one further item before the Commission. It's an informational item. This regards the purchase of the property at auction on State Game Lands No. 217 in Lynn Township, Lehigh County § 135.241 of 58 Pa. Code authorizes the director as designee to bid on real estate, gas or mineral rights at auction or tax sale and to request down payment checks to bid on the 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 September 7th, 2012 the Game Commission was the successful bidder on property owned by Lois E. Majerich, who was offering for sale at auction 12 acres +/- of land in Lynn Township, Lehigh County, being an interior to State Game Lands No. 217. This is an information item and no action is required.
CHAIR:
Thank you very much. Any questions from the Board on that informational item? Thank you.
We'll move on to new business. Director Roe, I believe you have an item.

MR. ROE:
Thank you, Mr. President. I do have an item. It deals with Deputy Wildlife Conservation Officer compensation. § 304b in the Game and Wildlife Code states that the Commission shall, from time to time, fix the rate of compensation and allowable expenses and specialty services for Deputy Wildlife Conservation Officers. In 2002 the rate of compensation for Deputies was changed from $50 per diem to $65 per diem.

Ten years have passed and also fuel, firearms, leather gear, foot gear, mobile radios et cetera has increased substantially while the rate of deputy compensation remains static. Increasing out-of-pocket expenses for our deputies places a monetary hardship on the deputies and their families. In order to fairly compensate our Deputy Officers, when we rely so heavily to defend, to promote and carry out our many programs in order to attract quality individuals who participate in our deputy program, the Commission
would raise the rate of compensation from $65 per diem to $80 per diem effective October 1st, 2012. The term per diem shall mean a 24 hour period.

CHAIR:

Thank you. Commissioner Weaner?

MR. WEANER:

Mr. President, I move to ---. I move to adopt the plan.

CHAIR:

Commissioner Schlemmer, do you have any comment on that?

MR. SCHLEMMER:

Yes. Executive Director Roe ---.

MR. WEANER:

Out of order. You have to have a second before you ---.

CHAIR:

I understand that, but it was my mistake. Commissioner Schlemmer, being a former deputy. I guess I'll explain. Being a former deputy with 40 years service, Commissioner Schlemmer can ask to make this motion. And I would defer to Commissioner Schlemmer to make the motion in favor of this.

MR. SCHLEMMER:

First of all, I would like to thank
Executive Director Roe for his hard work in putting this package together for the deputies and the Commonwealth, who are volunteers and spend many hours away from their families protecting the wildlife of this Commonwealth. And I certainly appreciate their work now and I sure do miss it also, so --- as Director Palmer knows.

Anyway moving forward, I thank you again, sir, and I appreciate that. Let's move on and be approved.

CHAIR:

We have a motion by Commissioner Schlemmer to approve this change in per diem. Do I have a second?

MR. SCHREFFLER:

Second.

CHAIR:

Commissioner Schreffler. Any further discussion on this item?

MR. SCHREFFLER:

Yes.

CHAIR:

Commissioner Schreffler?

MR. SCHREFFLER:

I also would like to say this is well
deserved by the deputies. And I know that they've
been laboring as volunteers for a number of years,
paying a lot out of their own pockets. These
volunteers should be recognized and I thank them very
much for the valuable services that they're providing
in the field for sportsmen. It's just astounding;
many people cannot understand how someone will give up
so much time and provide so much effort and not get
compensated more thoroughly than this. And it's just
their true love of the sport and wildlife and
dedication to the Pennsylvania Game Commission, so I
say thank you and I hope this will --- as time goes on
and more funding is available we'll continue to
consider the expenses of these volunteers.

CHAIR:
Thank you very much. Any further
discussion? As president, I would like to, on behalf
of the Board, thank all of the deputies for their
service, for their time and effort and dedication to
the Agency. And I do agree, I think the entire Board
agrees this is long overdue. Thank you.

Any further discussion? Hearing none,
all those in favor, signify by saying aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

MR. PUTNAM:

Mr. President, the motion passes unanimously.

CHAIR:

Thank you. Is there any further discussion under new business?

MR. DELANEY:

Yes, Mr. President, I have something for discussion.

CHAIR:

Commissioner Delaney?

MR. DELANEY:

About two years ago at our June meeting in 2010, June 29th, to be exact, President Weaner presented a resolution in support of House Bill 2526, the leashed tracking dog legislation. And it did pass in the House and it's over in the Senate now. And what I wanted to do is ask our Board to reconsider our commitment to the leashed tracking dog legislation. And I would want to put it in the form of a motion to support the leashed tracking dog legislation in its present form, House Bill 881. That will be my motion.

CHAIR:

Thank you. We have a second from Mr.
Weaner. Any discussion on this? Hearing none, all those in favor ---. Sorry.

MR. SCHREFFLER:
Ron has something.

CHAIR:
Oh, I'm sorry. Ron?

MR. WEANER:
I guess I would just add that we were in support of the Bill in 2010. As I indicated, the Bill has changed a little bit since then. We're still in support of this. And if it doesn't pass here, it will have to be reintroduced in the new legislature. So we're just --- if this passes, we're reaffirming our interest and hoping the Legislature moves forward.

Thank you.

CHAIR:
Thank you, Commissioner Weaner.

MR. SCHREFFLER:
I just want to say another thing. I'm not familiar with the new Bill, as changed, although I support the original motion that we had, the original action we took. I hesitate to vote on something I haven't seen and haven't been able to read and see what changes were made to it. Does anyone have a copy of it or does anyone know what the changes were?
MR. DELANEY:
Yes. I do.

CHAIR:
Commissioner Delaney.

MR. DELANEY:
Yes, Commissioner, they added bear.

MR. SCHREFFLER:
They added bear to the tracking?

MR. DELANEY:
So basically the same language for leashed tracking dogs for deer and bear recovery.

CHAIR:
Any further discussion on the motion? Hearing none, all those in favor of the motion signify by saying aye.

AYES RESPOND

CHAIR:
Opposed?

MR. SCHREFFLER:
Opposed.

CHAIR:
Mr. Secretary?

MR. PUTNAM:
Mr. President, the motion passes by a vote of six to one, with Commissioner Schreffler
voting in the negative.

CHAIR:

Thank you. Any further information under new business? Okay. Thank you. At this time I would like to thank the Northwest Region for their hosting us here Monday --- well, Sunday, Monday and Tuesday. Really we had an excellent tour of the new Northwest Regional facility, it is definitely an impressive building and it is staffed by very impressive people. I would like to thank the Regional Director, Keith Harbaugh, his staff Regis Senko, Terry Wills, Clint Deniker, Jim Donatelli and Shirley Peters, who did I think a lot more work than the gentlemen I just mentioned. And the entire staff at the Northwest Regional Office. I get to deal --- I'm privileged to deal with them as part of my district. And it is always a privilege. They are very professional and I want to thank them for hosting us, they've done a wonderful job.

I also would like to mention that the January Commission meeting will be held on the following dates, January 27, 28, 29, 2013. Do the Commissioners wish to proceed with these particular dates? Commissioner Weaner?

MR. WEANNER:
Mr. President, I move that we establish these dates at our next meeting.

CHAIR:
Thank you. Do I have a second?

MR. SCHLEMMER:
Second.

CHAIR:
Second, Commissioner Schlemmer. Any discussion on the dates? All those in favor signify by saying aye.

ALL RESPOND AYE

CHAIR:
Opposed? Mr. Secretary?

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

CHAIR:
For those in the audience, those do not fall on a football weekend --- week, so we're good. In addition, I would like to also announce that the next working group meeting date has been established for Monday, December 17th, 2012. And it will be held at the Pennsylvania Game Commission Headquarters in Harrisburg. If necessary an executive session will follow immediately after the close of this meeting,
although I don't see one necessary at this point.

Is there any further discussion or comments from the Board? Okay. At that, I would say we stand adjourned. Thank you very much.

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MEETING CONCLUDED AT 9:10 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding, hearing held before Chair Martone, was reported by me on 09/25/2012 and that I Wendy Blair read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Court Reporter