

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
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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A P P E A R A N C E S

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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

I N D E X

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DISCUSSION AMONG PARTIES

4 - 45

P R O C E E D I N G S

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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.

1 MR. PUTNAM:
2 Commissioner Schlemmer?

3 MR. SCHLEMMER:
4 Present.

5 MR. PUTNAM:
6 Commissioner Hoover?

7 MR. HOOVER:
8 Present.

9 MR. PUTNAM:
10 Commission Weaner?

11 MR. WEANER:
12 Present.

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

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

20 MR. SCHLEMMER:
21 So noted.

22 MR. WEANER:
23 Seconded.

24 CHAIR:
25 Commissioner Schlemmer and Commissioner

1 Weaner. Now is there any discussion on the minutes?

2 Hearing none, all those in favor say aye.

3 ALL RESPOND AYE

4 CHAIR:

5 Opposed? Mr. Secretary?

6 MR. PUTNAM:

7 Mr. President, the minutes are approved.

8 CHAIR:

9 Thank you. At this time I will turn this
10 over to Executive Director Roe.

11 MR. ROE:

12 Thank you, Mr. President. I just want to
13 take the time this morning to make sure it gets in the
14 official records of the Pennsylvania Game Commission,
15 to thank Doug Killough, who is the Regional Director
16 in the Southeast Region, for his many years of service
17 to the Game Commission and the Commonwealth. He's
18 retiring in December, so he won't be around for a
19 January meeting, but, Doug, on behalf of the Agency,
20 thank you very much for your service and you certainly
21 will be missed. We always enjoyed your comradery and
22 your advice, so best of luck to you.

23 CHAIR:

24 Thank you. Thank you from the Board as
25 well. A brief note. I want to put on the record that

1 yesterday we took testimony from the public. We did
2 --- the Board did receive testimony from the UBP,
3 United Bowhunters of Pennsylvania via email. They
4 weren't able to attend. Actually, I think they went
5 to Harrisburg instead of Franklin, which is fine, but
6 we did get their testimony and it was given to each of
7 the Board members.

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

11 ATTORNEY BECHTEL:

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

21 MR. WEANER:

22 So move.

23 MR. HOOVER:

24 Seconded.

25 CHAIR:

1 Thank you, Commissioner Weaner. Second,
2 Commissioner Hoover. Is there any discussion on this?

3 MR. DELANEY:

4 Yes, Mr. President.

5 CHAIR:

6 Okay.

7 MR. DELANEY:

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

17 CHAIR:

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

23 ALL RESPOND AYE

24 CHAIR:

25 Opposed? Mr. Secretary?

1 MR. PUTNAM:

2 Mr. President, the motion passes
3 unanimously.

4 ATTORNEY BECHTEL:

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

15 CHAIR:

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

18 MR. DELANEY:

19 So move.

20 CHAIR:

21 Commissioner Delaney. Second?

22 MR. SCHREFFLER:

23 Second.

24 CHAIR:

25 Commissioner Schreffler. Is there any

1 discussion on this issue? Hearing none, all those in
2 favor say aye.

3 ALL RESPOND AYE

4 CHAIR:

5 Opposed? Mr. Secretary?

6 MR. PUTNAM:

7 Mr. President, the motion passes
8 unanimously.

9 CHAIR:

10 Thank you.

11 ATTORNEY BECHTEL:

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

20 CHAIR:

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

23 MR. SCHREFFLER:

24 So move.

25 CHAIR:

1 Commissioner Schreffler. Second?

2 MR. WEANER:

3 Second.

4 CHAIR:

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

14 ALL RESPOND AYE

15 CHAIR:

16 Opposed? Mr. Secretary?

17 MR. PUTNAM:

18 Mr. President, the motion passes
19 unaniously.

20 CHAIR:

21 Thank you.

22 ATTORNEY BECHTEL:

23 The next item is the adoption of proposed
24 amendments to § 141.18, relating to permitted devices
25 to permit the use of electronic crow decoys to hunt

1 crows. The text of this amendment is found on page
2 nine of your agenda.

3 CHAIR:

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

7 MR. WEANER:

8 So move.

9 CHAIR:

10 Commissioner Weaner. Second?

11 MR. HOOVER:

12 Second.

13 CHAIR:

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

17 ALL RESPOND AYE

18 CHAIR:

19 Opposed? Mr. Secretary?

20 MR. PUTNAM:

21 Mr. President, the motion passes
22 unanimously.

23 CHAIR:

24 Thank you.

25 ATTORNEY BECHTEL:

1 The next item concerns the adoption of
2 proposed amendments to §§ 147.724 and 147.724a,
3 relating to nuisance wildlife control operator
4 examination. This amendment requires applicants to
5 take the required examination within 180 days of the
6 final approval of their application by the Bureau of
7 Wildlife Protection and limits approved applicants to
8 a total of two opportunities to take the examination
9 each permit year. The Commission also proposed to
10 rescind § 147.724a and add these requirements to
11 147.724. The text of these changes are found on page
12 11 of your agenda.

13 CHAIR:

14 Thank you. Now, do I have a motion to
15 adopt these proposed amendments to §§ 147.724 and
16 147.724a?

17 MR. SCHLEMMER:

18 So move.

19 CHAIR:

20 Commissioner Schlemmer. Second?

21 MR. WEANER:

22 Second.

23 CHAIR:

24 Commissioner Weaner. Is there any
25 discussion on that? Hearing none, all those in favor

1 say 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 Thank you.

10 ATTORNEY BECHTEL:

11 The next item concerns proposed rule
12 making. These are amendments to 58 Pa. Code
13 § 147.804. Sporting organizations and other
14 interested groups have continued to express an
15 interest in having the Commission expand mentored
16 youth hunting opportunities within this Commonwealth.
17 These groups are currently supporting an amendment to
18 § 147.804 to permit the transfer of no more than one
19 DMAP permit to a mentored youth hunter per license
20 year. This action will not significantly affect the
21 antlerless DMAP deer harvest and is consistent with
22 the goal of providing additional mentored youth
23 hunting opportunity. The text of this change is shown
24 on page 12 of your agenda.

25 CHAIR:

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

5 MR. DELANEY:

6 So move.

7 CHAIR:

8 Commissioner Delaney. Second?

9 MR. WEANER:

10 Second.

11 CHAIR:

12 Commissioner Weaner. Is there any
13 discussions?

14 MR. WEANER:

15 Mr. President?

16 CHAIR:

17 Yes?

18 MR. WEANER:

19 One thing that I would like to point out
20 is that we're voting on this for the first time. So
21 my understanding is should this pass ---. We will
22 vote on it again in January. And, therefore, should
23 it ultimately pass, this would go into effect next
24 year. And that's real important that everyone
25 understands this does not effect this year's hunting

1 seasons, if it were to pass.

2 CHAIR:

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

7 MR. PALMER:

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

11 CHAIR:

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

14 MR. PALMER:

15 That's correct.

16 CHAIR:

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

21 MR. PALMER:

22 Right. With all the applicable tags.

23 CHAIR:

24 Right. Thank you for clarifying that.

25 Any other discussion? All those in favor, signify by

1 saying 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 items concern the Bureau of
10 Wildlife Habitat Management and in particular real
11 estate. The first item is a donation contract number
12 3614. Seneca Resources Corporation is offering a
13 donation of 183 +/- acres of land in Lafayette
14 Township, McKean County adjoining State Game Land No.
15 62, as shown on Exhibit RED 1 on page 14 of your
16 agenda. The property is mostly forested with mixed
17 hardwoods and is interspersed with natural wetland
18 openings covering approximately 40 acres throughout
19 the tract. The headwaters of Fuller Brook flow
20 through the tract and Township Road 572, Riterville
21 Road, bisects the northern portion of the property and
22 provides access.

23 CHAIR:

24 Thank you. Do I have a motion to approve
25 the donation of land as stated in contract 3614,

1 located in McKean County?

2 MR. PUTNAM:

3 So move.

4 CHAIR:

5 Commissioner Putnam. Second?

6 MR. SCHLEMMER:

7 Second.

8 CHAIR:

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

12 ALL RESPOND AYE

13 CHAIR:

14 Opposed? Mr. Secretary?

15 MR. PUTNAM:

16 Mr. President, the motion passes
17 unanimously.

18 CHAIR:

19 Thank you.

20 ATTORNEY BECHTEL:

21 The next items concern the acquisition of
22 two tracts, contract number 3615, Curtis W. Swallow
23 and Lucille K. Swallow are offering for sale 333 +/-
24 acres of land in Shade Township, Somerset County,
25 adjacent to State Game Land No. 228, Exhibit RED 2 on

1 page 16 of your agenda. The option price is to be
2 paid with funds from third party commitments for
3 compensation of habitat and recreational losses which
4 occurred on State Game Lands from previously approved
5 projects. The tract is forested with oak, maple,
6 cherry and where present has an understory of mountain
7 laurel, blackberry and dogwood. The headwaters of
8 Coal Run originate on the property. Fee access into
9 the property is from Township Road 794, Swallow Road.

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

1 property. There is good access from existing State
2 Game Lands No. 62.

3 CHAIR:

4 Thank you. Mr. Bechtel, would you --- in
5 your commentary you referred to the second contract as
6 3617 and ---

7 ATTORNEY BECHTEL:

8 It's 3616.

9 CHAIR:

10 6, okay. Do I have a motion to approve
11 contract number 3615, Somerset County, and contract
12 number 3616, McKean County, as stated?

13 MR. SCHREFFLER:

14 So move.

15 CHAIR:

16 Commissioner Schreffler.

17 MR. WEANER:

18 Second.

19 CHAIR:

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

23 ALL RESPOND AYE

24 CHAIR:

25 Opposed? Mr. Secretary?

1 MR. PUTNAM:

2 Mr. President, the motion passes
3 unanimously.

4 ATTORNEY BECHTEL:

5 The next item concerns a land exchange.
6 This is contract number 3617. State Game Lands number
7 28 and 293, Elk County. Wayne and Jane Bryndel have
8 requested a right-of-way for underground utility lines
9 across State Game Land No. 28 in Spring Creek
10 Township, Elk County, for a distance of approximately
11 250 feet with a width of 20 feet, as shown on Exhibit
12 RED 4 on page 19. In exchange for the utility right-
13 of-way, the Bryndels have offered to pay for a seven
14 +/- acre property located in the City of St. Mary's,
15 Elk County, owned by Aaron and Tristen Bleggi,
16 adjacent to State Game Land No. 293 as shown on
17 Exhibit RED 5 on page 20 of your agenda. The
18 Commission has determined the value of the land being
19 offered is equal to the value of the right-of-way.
20 Acquiring the Bleggi property removes safety zone ---
21 potential safety zone issues from dwellings and will
22 give the Commission ownership of both sides of the old
23 railroad grade for approximately 2,000 feet. The
24 Bleggis will be reserving the deep gas rights.

25 CHAIR:

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

4 MR. HOOVER:

5 I move.

6 CHAIR:

7 Commissioner Hoover. Second?

8 MR. SCHLEMMER:

9 Second.

10 CHAIR:

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

14 ALL RESPOND AYE

15 CHAIR:

16 Opposed? Mr. Secretary?

17 MR. PUTNAM:

18 Mr. President, with that, the motion
19 passes unanimously.

20 CHAIR:

21 Thank you.

22 ATTORNEY BECHTEL:

23 The next item appears on page 21 of your
24 agenda and concerns a settlement. This is contract
25 no. 3618. As a result of a legal settlement regarding

1 ownership of oil and gas rights with the Commission,
2 Keith and Elaine Klingler agreed to convey ownership
3 rights in land or certain interests in land to the
4 Commission. The Klinglers will transfer ownership of
5 54 +/- acres of land in Ashland Township, Clarion
6 County, adjoining State Game Land No. 45, as shown on
7 Exhibit RED 6 on page 22 of your agenda. The property
8 is forested with mixed northern hardwoods with some
9 mature timber. The understory is comprised of witch
10 hazel, ironwood, serviceberry and nannyberry.
11 Numerous spring seeps are located on the tract and
12 flow into East Sandy Creek located south of the
13 property on existing State Game Land No. 45. The
14 Klinglers will also convey coal and mineral interests,
15 underlying 720 +/- acres of land in Graham Township,
16 Clearfield County, which underlies State Game Land No.
17 78, as shown on Exhibit RED 7. And they shall
18 release, waive, and quitclaim to the Commission any
19 and all ownership rights in 100 acres of oil, gas and
20 minerals located in Mineral Township, Venango County
21 underlying State Game Lands 39, as shown on Exhibit
22 RED 8 on page 24 of your agenda.

23 CHAIR:

24 Do I have a motion to approve the
25 settlement described in contract no. 3618?

1 MR. WEANER:

2 So move.

3 MR. HOOVER:

4 Second.

5 CHAIR:

6 Commissioner Weaner. Second,
7 Commissioner Hoover. Is there any discussion?
8 Hearing none, all those in favor say aye.

9 ALL RESPOND AYE

10 CHAIR:

11 Opposed? Mr. Secretary?

12 MR. PUTNAM:

13 Mr. President, the motion passes
14 unanimously.

15 ATTORNEY BECHTEL:

16 The agenda then moves on page 25 to oil,
17 gas and minerals. And the first item is a Restricted
18 Surface Use Oil and Gas Production Agreement on State
19 Game Lands No. 36 in Bradford County, with Chesapeake
20 Appalachia, L.L.C. Chesapeake requested the
21 Commission to offer its oil and gas ownership under a
22 portion of State Game Land No. 36. The proposed tract
23 contains 77 acres +/- as located in Overton Township,
24 Bradford County and is shown on Exhibit OGM 1 on page
25 26.

1 The terms of the agreement are a paid up,
2 five year, non-surface use oil and gas agreement, a
3 \$2,000 per acre bonus payment and a 20 percent
4 royalty. Chesapeake has a strong lease position
5 surrounding this portion of State Game Land No. 36 and
6 has initiated well drilling and development programs
7 on adjacent private lands. Chesapeake has the ability
8 to unitize the Commission's oil and gas reserve by
9 horizontal drilling with no disturbance to the game
10 land surface. The staff has negotiated with
11 Chesapeake in an effort to safeguard the prudent
12 development of the Commission's oil/gas reserve and
13 simultaneously protect the wildlife resources and
14 recreational use of State Game Lands No. 36.

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

25 CHAIR:

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

5 MR. SCHREFFLER:

6 So move.

7 CHAIR:

8 Commissioner Schreffler. Second?

9 MR. WEANER:

10 Second.

11 CHAIR:

12 Commissioner Weaner. Is there any
13 discussion?

14 MR. DELANEY:

15 Yes, Mr. President.

16 CHAIR:

17 Commissioner Delaney?

18 MR. DELANEY:

19 Mr. President, prior to my vote on this
20 issue, I'd like to direct a question to Director
21 Capouillez, if I may. At our previous meeting, we had
22 another gas lease that we did with Chesapeake on State
23 Game Lands 36. I believe this is maybe the fourth or
24 the fifth in Bradford County. But at our previous
25 meeting, we did about a \$14 million lease with

1 Chesapeake. And part of my motion was to see what
2 replacement lands were available in Bradford County.

3 So here again, you have an additional
4 bonus claim that we might be looking for property
5 again, can you just relate what may have transpired
6 from our previous meeting and bring us up to date
7 today what we may be doing in Bradford County to look
8 for those replacement lands?

9 MR. CAPOUILLEZ:

10 Yes, sir. Both the region and the staff
11 have been pretty diligent with regard to soliciting
12 for lands. We've contacted some of the larger land
13 owners in the area, without me, you know, breaching
14 some confidentiality as to where some of those
15 negotiations are. We've looked in Lackawanna County,
16 in around Game Lands 307, 300, 91; Bradford County in
17 around Game Lands 36. I will tell you that just as of
18 recently we were involved in an open competitive
19 auction, looking at some land up that way. You know,
20 the price actually went a little higher than what we
21 were willing to pay because they were selling oil and
22 gas rights, too, they were attached to the productive,
23 so we weren't the high bid, but we were putting forth
24 a lot of time and effort preparing for that auction.
25 We're looking in around Monroe County.

1 We're also looking in the other regions,
2 with the emphasis, you know, as the Commission
3 directed has really been for replacement up in the
4 northeast. And we have been pretty diligent in
5 looking for those lands, so we'll continue to do that
6 negotiation. We're getting closer on some of them, I
7 will tell you.

8 MR. DELANEY:

9 Good enough. Thank you.

10 CHAIR:

11 Any further discussion on the motion?
12 Hearing none, all those in favor signify by saying
13 aye.

14 ALL RESPOND AYE

15 CHAIR:

16 Opposed? Mr. Secretary?

17 MR. PUTNAM:

18 Mr. President, the motion passes
19 unanimously.

20 ATTORNEY BECHTEL:

21 The next item concerns a surface mining
22 and reclamation lease of P & N Coal Company of
23 Punxsutawney, Pennsylvania. This request is a lease
24 to surface mine and remove approximately 221,000 tons
25 of coal from a 120 acre portion of State Game Land No.

1 174, as shown on Exhibit OGM 2 on page 28 of your
2 agenda. The Commission does not own the coal but is
3 the owner of the surface support rights on this tract
4 of land.

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

20 In exchange for the lease from the
21 Commission, P & N Coal Company will make an initial
22 advanced surface support payment totaling \$250,000 to
23 be deposited into an interest-bearing escrow account
24 for the future purchase of wildlife habitats, lands or
25 other uses incidental to hunting, furtaking and

1 wildlife resource management. Once P & N recoups its
2 advance royalty payments, P & N will pay the
3 Commission on a monthly basis at a royalty rate of
4 \$2.50 per ton or 6 percent of the then current F.O.B.
5 pit price, whichever is greater, for each marketable
6 ton of coal mined and removed from the leased area.
7 All of the subsequent royalty payments will be
8 deposited into the Game Fund.

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

18 CHAIR:

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

22 MR. SCHLEMMER:

23 So move.

24 CHAIR:

25 Commissioner Schlemmer. Second?

1 MR. WEANER:

2 Second.

3 CHAIR:

4 Commissioner Weaner. Any discussion?

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

11 MR. CAPOUILLEZ:

12 Yeah. A lot of it, one of the coal
13 operations that we had --- because everything's a
14 secondary use from a mining and oil and gas
15 perspective and we need to see a net value back to the
16 wildlife and the sportsmen. This area was extensively
17 surface mined and deep mined. The coal, as you're
18 saying, is not owned by us, but the opportunity for
19 reclamation, based on coal prices, you know, comes and
20 goes. And it's a small window of opportunity. And
21 this project is actually going to fix the Game Lands
22 in a lot of aspects. There's a lot of aspen that was
23 growing out there, so that when we're done reclaiming
24 we'll be able to promote that aspen even more. It
25 will actually turn into a lot better wildlife habitat.

1 There will be some acid mine drainage that will be
2 cleaned up by way of the mining. Fix some of those
3 old scars and it will be a far better recreational
4 area. And, you know, to be able to get 6 percent, not
5 on the coal, is pretty good.

6 CHAIR:

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

15 ALL RESPOND AYE

16 CHAIR:

17 Opposed? Mr. Secretary?

18 MR. PUTNAM:

19 Mr. President, the motion passes
20 unanimously.

21 CHAIR:

22 Thank you.

23 ATTORNEY BECHTEL:

24 The next item is a Surface Coal Mining
25 Lease. Targe Energy --- Targe Coal Energy, L.L.C.,

1 also known as Bedrock Mines L.P. or Bedrock of
2 Pittsburgh, Pennsylvania, has requested a lease to
3 surface mine and remove approximately 14,000 tons of
4 coal from a 4.8 acre portion of State Game Land No.
5 320, as shown on Exhibit OGM 3 on page 30 of your
6 agenda.

7 Bedrock is currently permitting a 95 acre
8 surface mining site on private lands adjacent to State
9 Game Land No. 320 and desires to extend its mining
10 operations on the game lands. The proposed mining
11 operation will have a surface impact of approximately
12 4 acres for the coal removal and operational support
13 on the game lands. The proposed site has undergone
14 previous surface mining.

15 In exchange for the lease from the
16 Commission, Targe Energy will make an initial advanced
17 surface support payment of \$25,000 to be deposited
18 into an interest-bearing escrow account for the future
19 purchase of wildlife habitats, lands or other uses
20 incidental to hunting, furtaking and wildlife resource
21 management. Once Bedrock recoups its initial advance
22 royalty payment, they will pay the Commission on a
23 monthly basis at a royalty rate of \$2.50 per ton or 12
24 percent of the then current F.O.B. pit price,
25 whichever is greater, for each marketable ton of coal

1 mined and removed from the leased area. All of these
2 subsequent royalty payments will be deposited into the
3 Game Fund.

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

13 CHAIR:

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

17 MR. WEANER:

18 So move.

19 CHAIR:

20 Commissioner Weaner.

21 MR. HOOVER:

22 Second.

23 CHAIR:

24 Commissioner Hoover. Thank you. Is
25 there any discussion on the motion? Hearing none, all

1 those in 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 Mr. President, there's one further item
10 before the Commission. It's an informational item.
11 This regards the purchase of the property at auction
12 on State Game Lands No. 217 in Lynn Township, Lehigh
13 County § 135.241 of 58 Pa. Code authorizes the
14 director as designee to bid on real estate, gas or
15 mineral rights at auction or tax sale and to request
16 down payment checks to bid on the property at auction.
17 Successful bids must be made known to the general
18 public at the next regularly-scheduled meeting of the
19 Board of Commissioners.

20 On September 7th, 2012 the Game
21 Commission was the successful bidder on property owned
22 by Lois E. Majerich, who was offering for sale at
23 auction 12 acres +/- of land in Lynn Township, Lehigh
24 County, being an interior to State Game Lands No. 217.
25 This is an information item and no action is required.

1 CHAIR:

2 Thank you very much. Any questions from
3 the Board on that informational item? Thank you.

4 We'll move on to new business. Director
5 Roe, I believe you have an item.

6 MR. ROE:

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

16 Ten years have passed and also fuel,
17 firearms, leather gear, foot gear, mobile radios et
18 cetera has increased substantially while the rate of
19 deputy compensation remains static. Increasing out-
20 of-pocket expenses for our deputies places a monetary
21 hardship on the deputies and their families. In order
22 to fairly compensate our Deputy Officers, when we rely
23 so heavily to defend, to promote and carry out our
24 many programs in order to attract quality individuals
25 who participate in our deputy program, the Commission

1 would raise the rate of compensation from \$65 per diem
2 to \$80 per diem effective October 1st, 2012. The term
3 per diem shall mean a 24 hour period.

4 CHAIR:

5 Thank you. Commissioner Weaner?

6 MR. WEANER:

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

9 CHAIR:

10 Commissioner Schlemmer, do you have any
11 comment on that?

12 MR. SCHLEMMER:

13 Yes. Executive Director Roe ---.

14 MR. WEANER:

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

17 CHAIR:

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

24 MR. SCHLEMMER:

25 First of all, I would like to thank

1 Executive Director Roe for his hard work in putting
2 this package together for the deputies and the
3 Commonwealth, who are volunteers and spend many hours
4 away from their families protecting the wildlife of
5 this Commonwealth. And I certainly appreciate their
6 work now and I sure do miss it also, so --- as
7 Director Palmer knows.

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

11 CHAIR:

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

15 MR. SCHREFFLER:

16 Second.

17 CHAIR:

18 Commissioner Schreffler. Any further
19 discussion on this item?

20 MR. SCHREFFLER:

21 Yes.

22 CHAIR:

23 Commissioner Schreffler?

24 MR. SCHREFFLER:

25 I also would like to say this is well

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

15 CHAIR:

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

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

24 ALL RESPOND AYE

25 CHAIR:

1 Opposed? Mr. Secretary?

2 MR. PUTNAM:

3 Mr. President, the motion passes
4 unanimously.

5 CHAIR:

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

8 MR. DELANEY:

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

11 CHAIR:

12 Commissioner Delaney?

13 MR. DELANEY:

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

24 CHAIR:

25 Thank you. We have a second from Mr.

1 Weaner. Any discussion on this? Hearing none, all
2 those in favor ---. Sorry.

3 MR. SCHREFFLER:

4 Ron has something.

5 CHAIR:

6 Oh, I'm sorry. Ron?

7 MR. WEANER:

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

16 CHAIR:

17 Thank you, Commissioner Weaner.

18 MR. SCHREFFLER:

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

1 MR. DELANEY:

2 Yes. I do.

3 CHAIR:

4 Commissioner Delaney.

5 MR. DELANEY:

6 Yes, Commissioner, they added bear.

7 MR. SCHREFFLER:

8 They added bear to the tracking?

9 MR. DELANEY:

10 So basically the same language for
11 leashed tracking dogs for deer and bear recovery.

12 CHAIR:

13 Any further discussion on the motion?

14 Hearing none, all those in favor of the motion signify
15 by saying aye.

16 AYES RESPOND

17 CHAIR:

18 Opposed?

19 MR. SCHREFFLER:

20 Opposed.

21 CHAIR:

22 Mr. Secretary?

23 MR. PUTNAM:

24 Mr. President, the motion passes by a
25 vote of six to one, with Commissioner Schreffler

1 voting in the negative.

2 CHAIR:

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

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

25 MR. WEANER:

1 Mr. President, I move that we establish
2 these dates at our next meeting.

3 CHAIR:

4 Thank you. Do I have a second?

5 MR. SCHLEMMER:

6 Second.

7 CHAIR:

8 Second, Commissioner Schlemmer. Any
9 discussion on the dates? All those in favor signify
10 by saying aye.

11 ALL RESPOND AYE

12 CHAIR:

13 Opposed? Mr. Secretary?

14 MR. PUTNAM:

15 Mr. President, the motion passes
16 unanimously.

17 CHAIR:

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

1 although I don't see one necessary at this point.

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

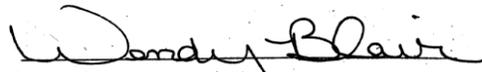
5 * * * * *

6 MEETING CONCLUDED AT 9:10 A.M.

7 * * * * *

8 CERTIFICATE

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

15 
16 Court Reporter
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