COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

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IN RE: PENNSYLVANIA GAME COMMISSION MEETING

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BEFORE:    Robert W. Schlemmer, President
          David J. Putnam, Vice President
          Brian H. Hoover, Secretary
          David W. Schreffler, Commissioner
          James J. Delaney, Jr., Commissioner
          Ronald A. Weaner, Commissioner
          Ralph A. Martone, Commissioner
          Charles E. Fox, Commissioner
          Carl G. Roe, Executive Director
          R. Matthew Hough, Deputy Executive Director

Reporter: Jennifer T. Alves

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HEARING:  Tuesday, June 25, 2013
8:30 a.m.

LOCATION:  Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA  17110-9797
APPEARANCES

BRADLEY C. BECHTEL, ESQUIRE
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Counsel for Pennsylvania Game Commission
OPENING REMARKS
By President Schlemmer

PRESENTATION
By Attorney Bechtel

DISCUSSION AMONG PARTIES

REMARKS
By Mr. Schreffler
By Secretary Hoover

CLOSING REMARKS
By President Schlemmer

REMARKS
By Mr. Delaney

CONTINUED CLOSING REMARKS
By President Schlemmer

EXHIBITS
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P R O C E E D I N G S

PRESIDENT SCHLEMMER:
I would like to call the meeting to order. Please rise for the Pledge of Allegiance to the Flag.
PLEDGE OF ALLEGIANCE RECITED

PRESIDENT SCHLEMMER:
Mr. Secretary, call the roll.

MR. HOOVER:
Commissioner Fox.

MR. FOX:
Yes.

MR. HOOVER:
Commissioner Martone.

MR. MARTONE:
Present.

MR. HOOVER:
Commissioner Weaner?

MR. WEANER:
Here.

MR. HOOVER:
Commissioner Delaney?

MR. DELANEY:
Present.
MR. HOOVER:
Commissioner Schreffler?

MR. SCHREFFLER:
Present.

MR. HOOVER:
Commissioner Putnam?

MR. PUTNAM:
Present.

MR. HOOVER:
Commissioner Schlemmer?

PRESIDENT SCHLEMMER:
Present.

MR. HOOVER:
And Commissioner Hoover is here.

PRESIDENT SCHLEMMER:
Thank you, Mr. Secretary. I’d like to hear a motion for approval of the meeting minutes of April 15th, 2013.

MR. DELANEY:
So moved.

MR. WEANER:
Second.

PRESIDENT SCHLEMMER:
Properly moved and seconded. Any discussion? No discussion. All in favor say aye?
AYES RESPOND

PRESIDENT SCHLEMMER:

Mr. Secretary?

MR. HOOVER:

Motion passes unanimously.

PRESIDENT SCHLEMMER:

Thank you. Before we get started, I’d like to thank Mr. Reese for coming. He was a day late. He made a mistake. We will accept your written testimony, sir. And we will be in touch, and I appreciate you coming and attending the meeting today.

MR. REESE:

Thank you.

PRESIDENT SCHLEMMER:

Thank you very much. Brad?

ATTORNEY BECHTEL:

Thank you, Mr. President. The first item to come before the Commission today is from the Bureau of Wildlife Protection, which concerns adopted rulemaking, the adoption of proposed amendments to Section 137.35.

The Game Commission proposed at its January 29th, 2013 meeting to amend Section 137.35 relating to feral swine and wild boar eradication to remove protection for feral swine and wild boar
 statewide, wherever found, and also to prohibit the importation, possession and release into the wild of feral swine and wild boar.

PRESIDENT SCHLEMMER:
Do I hear a motion?

MR. WEANER:
I move to table this motion.

MR. DELANEY:
Second.

PRESIDENT SCHLEMMER:
We have a move to table and a second to that. Any discussion? Hearing no discussion, all in favor say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:
Opposed? Hearing no nays, motion is passed. Thank you.

ATTORNEY BECHTEL:
Mr. President, the second item before the Commission comes from the Bureau of Administration. This concerns proposed rulemaking to amend 58 Pa. Code, Chapter 143, Subchapter B.

The Commission has determined that the late fee of $100 that is assessed when an individual applies after the application period to become an
issuing agent is no longer necessary.

In the past, ample time was needed to create agent accounts and expedite shipment of hunting licenses before the start of the new license year. Since the Commission now has an automated license system in place, it no longer ships licenses to agents and it is not necessary to burden applicants with the additional $100 late fee.

PRESIDENT SCHLEMMER:
Do I hear a motion?

MR. SCHREFFLER:
So moved. So moved by Commissioner Schreffler.

PRESIDENT SCHLEMMER:
Commissioner Schreffler. Do I hear a second? Commissioner Martone. Discussion? Hearing no discussion, all those in favor signify by saying aye.

AYES RESPOND

PRESIDENT SCHLEMMER:
Nays? No nays. Motion is passed.

ATTORNEY BECHTEL:
The next items to come before the Commission are from the Bureau of Wildlife Habitat Management. The first four are concerning the
acquisition of real estate.

Contract Number 3635, State Game Lands Number 314 in Erie County. James Whipple offers for sale 14 acres of land adjacent to State Game Lands Number 314 in Springfield Township, Erie County, as shown on Exhibit RED 1, on page ten of your Agenda.

The offering price is $138,000, which up to $100,000 is available from a Coastal Zone Management Grant from the National Oceanic and Atmospheric Administration. There is a 50/50 match, 50 percent from the State and 50 percent from the National Oceanic and Atmospheric Administration.

The Whipple property is mainly forested with northern hardwoods, including forested wetlands and two small impoundments. An unnamed tributary to Raccoon Creek flows through the tract. Infrastructure currently on the property will serve as an auxiliary Food and Cover Corps Headquarters for Northwest Region Land Management Group 5, which allows for temporary storage of equipment and reduces travel time from the nearest headquarters located 36 miles away at State Game Lands Number 218. Access to the property is from Ellis Road.

Contract Number 3636, State Game Lands Number 148, in Lawrence County, is 209, more or less,
acres of land offered by Pennsylvania Coal Company, LLC. The land is located in Wayne Township, Lawrence County, approximately 1.5 air miles east of State Game Lands Number 148, as shown on Exhibit RED 2 on page 11.

The property is being offered through the U.S. Fish and Wildlife Service as mitigation for impacts to Indiana Bats from mining activities. There will be no cost to the Game Commission for bat hibernacula. It includes Indiana Bat and Eastern Small-footed Myotis on the property.

Approximately 100 acres are forested with mixed hardwoods in the seedling/sampling age class and there are nine acres of forest openings. The remaining property is reverting old fields with some shrub component. An unnamed tributary flows through the property to Beaver River. Access to the property is from State Route 288, Wampum Road. Management of the property is to be in accordance with an Indiana Bat management plan or land management plan developed cooperatively by the Pennsylvania Game Commission and the U.S. Fish and Wildlife Service.

The next two items, and these are on page 12 of your agenda, Contract Number 3637, is an acquisition on State Game Lands Number 284 in Lawrence
County. The Pennsylvania Turnpike Commission is offering 191, more or less, acres of land, adjacent to State Game Lands Number 284 in Washington Township, Lawrence County, as shown on Exhibit RED 3 on page 13 of your agenda.

The property is known as the Booher Tract and is being offered at no cost to the Game Commission for terrestrial mitigation to compensate for impacts to grassland habitat, especially impacts to Short-eared Owl habitat, which is a PA endangered species, resulting from the Pennsylvania 60 to U.S. 22 and U.S. 22 to I-79 highway construction projects.

The property is mainly reclaimed surface mine land documented to provide habitat suitable for grassland bird species, including the Short-eared Owl. There is also a one-acre wetland on the property. Access is from Nelson Road, T-496, and Coopertown Road, T-627.

The last acquisition, Contract Number 3638, is on State Game Lands Number 247, Armstrong County. Hanson Aggregates BMC, Inc., is offering at no cost to the Game Commission an island complex of 41, more or less, acres in Manor Township, Armstrong County, approximately two air miles east of State Game Land Number 247, as shown on Exhibit RED 4 on page 14.
of your agenda.

The property is being offered in coordination with the Pennsylvania Fish and Boat Commission as mitigation for impacts of two state-listed threatened fish species, the Bluebreast darter and Tippecanoe darter, from authorized commercial sand and gravel dredging locations in the Ohio River. The property is located in Pool 6, Allegheny River, west of Manorville and Ford City. The island is forested with sycamore, silver maple, willow and cottonwood, with a thick understory. Portions of the island are seasonally inundated.

PRESIDENT SCHLEMMER:

Thank you. Do I hear a motion to accept the proposal?

MR. WEANER:

So moved, Commissioner Weaner.

PRESIDENT SCHLEMMER:

Do I hear a second?

MR. MARTONE:

Second.

PRESIDENT SCHLEMMER:

Commissioner Martone. Discussion?

Hearing no further comment and discussion, proceed to vote. All in favor signify by saying aye.
AYES RESPOND

PRESIDENT SCHLEMMER:
Opposed? Motion passed. Next?

ATTORNEY BECHTEL:
The next items are also from the Bureau of Wildlife Habitat Management and they concern two land exchanges.

Contract Number 3639, State Game Lands Number 184 and 108, Cambria County. E.P. Bender Coal Company, Inc. is causing to convey 68.5, more or less, acres of land in Dean Township, Cambria County, adjacent to State Game Land Number 184, as shown on Exhibit RED 5 on page 16 of your agenda, in exchange for several outstanding projects with the Game Commission, as denoted below.

First, E.P. Bender entered into an agreement dated March 15th, 2005 for surface mining of bituminous coal on State Game Land Number 108, Reade Township, Cambria County. In exchange, E.P. Bender was to provide $42,000 cash value --- I should say a certain cash value in land, habitat and cash value. And the Commission agreed to take the remaining cash value of $42,000 still owed in land equaling 42 acres.

E.P. Bender has requested a permanent right-of-way to upgrade an existing electric line
across State Game Land Number 108 to supply electricity to a new acid mine discharge treatment plant in Dean Township, Cambria County, as show on Exhibit RED 6 on page 17 of your agenda. In exchange for the right-of-way, E.P. Bender has agreed to convey 19 acres.

Third, the Glendale Valley Municipal Authority requested two permanent right-of-ways through State Game Lands Number 108 for a new eight-inch water main pipeline measuring 20 feet by 1,300 feet, as shown on Exhibit RED 7 on page 18 of your agenda, and a new eight-inch gravity main and four-inch force main sewer pipelines within the same right-of-way measuring 20 feet by 100 feet, as shown on Exhibit RED 8 on page 19 of your agenda. In exchange for these rights-of-way, Glendale Valley Municipal Authority, working through E.P. Bender, has agreed to convey five acres of land.

And fourth, McClellan Trucking desires to settle a boundary line dispute on State Game Land Number 108. By working through E.P. Bender, McClellan will convey 2.5 acres in exchange for .48 acres of State Game Land Number 108, as shown on Exhibit RED 9 on page 20 of your agenda.

The 68.5, more or less, acres the Game
Commission is acquiring is forested with mixed northern hardwoods with mountain laurel, dogwood and witch hazel in the understory. Multiple springs and seeps, associated with Little Laurel Run, are found on the property. Hemlock and white pine are along the stream bottom.

The second exchange is Contract Number 3640, it's the Southeast Region Office in Berks County. Walter T. Greth has offered for exchange a commercial building on 2.226, more or less, acres of land in Maidencreek Township, Berks County, located at 253 Snyder Road, Reading, as shown on Exhibit RED 10 on page 22 of your agenda.

In exchange, the Commission shall convey the current Southeast Regional Office Building, also shown on Exhibit RED 10, and pay $1,350,000, which shall 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 Greth building is a two-story detached office building with warehouse space totaling 24,168 square feet and will become the regional office for the Southeast Region. The current Southeast Region Office Building is a one-story detached office
building totaling 7,796 square feet, with two garages, one being 4,062 square feet and the other being 2,100 square feet, located on ten acres in Ontelaunee Township, Berks County.

Settlement shall be held on or before August 15, 2013. The exchange will provide the Commission with much needed office space and storage space and improve the administration operation capabilities for the entire Southeast Region.

PRESIDENT SCHLEMMER:
Thank you, Brad. Having heard the commentary, do I hear a motion to accept?

MR. MARTONE:
Motion.

PRESIDENT SCHLEMMER:
Commissioner Martone.

MR. WEANER:
Second.

PRESIDENT SCHLEMMER:
Commissioner Weaner. Discussion?

Hearing none, we proceed to the vote. All in favor say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:
Opposed? None opposed. Unanimous.
Motion is passed.

ATTORNEY BECHTEL:

The next items before the Commission concern the purchase of two properties at auction.

The first is Contract Number 3641, State Game Land Number 322, in Huntingdon County. At the April 15, 2013 Commission meeting, the Board gave the Executive Director specific authority to bid on real estate at public auction above the limitations as established in Section 135.241 of 58 Pa. Code.

As a result of this approval, the Commission was a successful bidder at a public auction held on May 4th, 2013 for two properties located in Oneida Township, Huntingdon County, adjacent to State Game Land Number 322.

The two tracts, totaling 285.48 acres, more or less, as shown on Exhibit RED 11, were purchased for $3,550 per acre, which will be paid with escrowed funds from a prior land exchange on State Game Land Number 176, Centre County, with the Pennsylvania State University and require approval from the U.S. Fish and Wildlife Service.

Approval was received from the U.S. Fish and Wildlife Service on April 18th, 2013 to acquire these tracts and to use this funding source if the
Commission was successful at the auction.

Parcel One is 150.14, more or less, acres and is mostly forested with mixed oaks, hickory and white pine. There are some reverting old agricultural fields on the property. The successful bid for Parcel One was $532,997.

Parcel Two is 135.34, more or less, acres and is forested with mixed hard oak hardwoods. The property includes a portion of Standing Stone Creek, a trout stocked fishery, as well as a large diverse wetland complex. There is a historically significant warm spring on the property that maintains temperature of approximately 63 degrees. The successful bid for Parcel Two was $480,457. The properties provide critical public access into State Game Land Number 322 from Cold Spring Road, SR 1009.

The second auction was Contract Number 3642, State Game Lands Number 310, in Wayne County. On May 1st, 2013, the Game Commission was the successful bidder at a Sheriff’s Sale for 63, more or less, acres adjacent to State Game Lands Number 310, Lake Township, Wayne County, as shown on Exhibit RED 12 of your agenda, which is on page 26.

The purchase price was $130,000 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 property is part of Silkmans Swamp. Jones Creek, a high-quality stream, flows through the center of 44 acres of wetlands. The remaining 19 acres is regenerating maple and ash forest. Access is provided along State Route 3019. These are information items. No action is required.

And next item before the Commission is a Restricted Surface Use Oil and Gas Cooperative Agreement on Tract 117A-13, State Game Lands Number 117, Washington County. Range Resources Appalachia, LLC, Range, requested the Commission offer its oil and gas ownership under a 62.6-acre portion of State Game Land Number 117 for oil and gas development. The proposed tract is located in Smith Township, Washington County, as shown on Exhibit OGM 1, on page 28 of your agenda.

Range has a strong privately-owned oil/gas leasehold position in and around the majority of State Game Land Number 117. Range has also initiated unconventional well drilling and development programs in the vicinity of the proposed tract and has the ability to unitize the Commission’s oil and gas
reserve by horizontal drilling with no surface disturbance to the proposed state game land tract. The staff has negotiated the terms of the proposed agreement with Range 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 Land Number 117.

The terms of the agreement are a five-year paid-up non-surface use oil and gas agreement, a $2,500 per-acre bonus payment, and 19-percent royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract which are owned by the Commission. The bonus payment of $156,000 may be deposited into the Game Fund or 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. Future rentals and royalties owed the Commission 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 standard restricted surface use oil and gas cooperative agreement.
PRESIDENT SCHLEMMER:
Thank you, Brad. Having heard the commentary, do I hear a motion to accept?

MR. SCHREFFLER:
So moved, Commissioner Schreffler.

PRESIDENT SCHLEMMER:
Commissioner Schreffler. Second?

MR. MARTONE:
Second.

PRESIDENT SCHLEMMER:
Commissioner Martone. Discussion?

Hearing no discussion, proceed to vote. All in favor say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:
Nays? Motion passed unanimously. Go ahead, Bradley.

ATTORNEY BECHTEL:
The next item is also a Restricted Surface Use Oil and Gas Cooperative Agreement, Tract 175A-13, on State Game Lands Number 175, Susquehanna County. Southwestern Energy Production Company, SWN, of Houston, Texas, requested the Commission offer its oil and gas ownership under State Game Land Number 175 for oil and gas development. The proposed tract,
containing approximately 736.2 acres, is located in New Milford Township, Susquehanna County, as shown on Exhibit OGM 2 on page 30 of your agenda.

SWN has a strong privately-owned oil and gas leasehold position surrounding State Game Land Number 175 and has initiated a well drilling and development program on adjacent private lands. SWN has the ability to unitize the Commission’s oil and gas reserve by horizontal drilling with no disturbance to the Game Lands surface. The staff has negotiated the proposed terms of the agreement with SWN in an effort to safeguard the prudent development of the Commission’s oil and gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land Number 175.

The terms of the agreement are a three-year paid-up non-surface use oil and gas agreement, a $3,000 per-acre bonus payment and 20-percent royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract which are owned by the Commission. The bonus payment of $2,208,600 may be 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 owed the Commission 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 standard restricted surface use oil and gas cooperative agreement.

PRESIDENT SCHLEMMER:
Thank you, Brad. Having heard the commentary, do I hear a motion to accept?

MR. HOOVER:
So moved.

PRESIDENT SCHLEMMER:
Commissioner Hoover. Do I hear a second?

MR. SCHREFFLER:
Second.

PRESIDENT SCHLEMMER:
Commissioner Schreffler. Discussion? Hearing no discussion, proceed to vote by saying aye in favor of?

AYES RESPOND

PRESIDENT SCHLEMMER:
Nays? Motion is passed unanimously.

Thank you.
ATTORNEY BECHTEL:

The next item is another Restricted Surface Use Oil and Gas Cooperative Agreement. This is on Tract 035A-13, State Game Land Number 35, Susquehanna County. Southwestern Energy Production Company, SWN, of Houston, Texas requested the Commission offer its oil and gas ownership under a portion of State Game Land Number 35. The proposed tract, containing approximately 774 acres, is located in Great Bend and New Milford Townships, Susquehanna County, as shown on Exhibit OGM 3 on page 32 of your agenda.

SWN has a strong privately-owned oil/gas leasehold position on the perimeter of this portion of State Game Land Number 35 and has initiated well drilling and development programs on adjacent private lands. SWN also has the ability to unitize the Commission’s oil and gas reserve by horizontal drilling with no surface disturbance to the Game Lands. The staff has negotiated the proposed lease terms with SWN 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 Land Number 35.

The terms of the agreement are a
paid-up, three year, non-surface use oil and gas agreement, a $3,000 per-acre bonus payment and a 20-percent royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of $2,322,000 may be 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 owed the Commission 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 Standard Restricted Surface Use Oil and Gas Cooperative Agreement.

PRESIDENT SCHLEMMER:
Thank you, Brad. Having heard the commentary, do I have a motion to accept?

MR. HOOVER:
So moved.

PRESIDENT SCHLEMMER:
So moved, Commissioner Hoover. Is there a second?

MR. MARTONE:
Second.
PRESIDENT SCHLEMMER:
Commissioner ---

MR. MARTONE:
Martone.

PRESIDENT SCHLEMMER:
--- Martone. Commissioner Fox put his hand up at the same time. All in favor, aye?

AYES RESPOND

MR. WEANER:
Can I offer some discussion?

PRESIDENT SCHLEMMER:
Yes, go ahead.

MR. WEANER:
One thing I’d like to point out, and we’ve done this repeatedly in the past, but here we have three leases that have absolutely no surface impact to the game lands. And I think it’s a very responsible way to develop our gas reserve there. And it’s a technique that our staff has been using. I applaud you for it, but --- and we’re making significant money now and down the road with no impact on the surface of the game lands. It’s a pretty neat deal. So I would urge you to vote yes to this.

PRESIDENT SCHLEMMER:
Thank you, Commissioner Weaner. Any
more discussion here? Anyone? All in favor, signify by saying aye.

AYES RESPOND

PRESIDENT SCHLEMMER:

Nay? Unanimous motion is passed. Brad?

ATTORNEY BECHTEL:

The next item concerns the Surface Coal Mining and Reclamation Agreement and Land Exchange. This involves several tracts, Tracts 79A-13 and 79B-13, State Game Lands Number 79, Jackson Township and Vintondale Borough, Cambria County, and also Tracts 276A-13, 276B-13 and 276C-13, State Game Land Number 276, Burrell, Brush Valley, Center and West Wheatfield Townships in Indiana County.

Laurel Sand & Stone, Inc. of Ligonier, Pennsylvania, has requested five surface coal mining agreements on five project areas on portions of State Game Lands Numbers 79 and 276. The Commission owns the surface mining support rights but not the coal for all five proposed mining areas.

Laurel Sand & Stone proposes to conduct surface mining and reclamation operations on approximately 248.8 acres of State Game Lands Number 79 on two mining areas designated as Goat Hill North and Cochenour Ridge, as shown on Exhibit OGM 4 on page
The Goat Hill North operation entails approximately 114.3 acres and the removal of approximately 236,000 tons of coal. The Cochenour Ridge operation entails approximately 134.5 acres and the removal of approximately 109,000 tons of coal. Additionally, 13-and-a-half acres of abandoned mine lands will be reclaimed and revegetated and 1,700 linear feet of abandoned highwall will be reclaimed.

Laurel Sand & Stone also proposes to conduct surface mining and reclamation operations on approximately 476 acres of State Game Land Number 276 on three surface mining project areas designated as Palmerton, Mt. Tabor and Heshbon, as shown on Exhibit OGM 5 on page 36 of your agenda. The Palmerton operation entails approximately 190 acres and includes the removal of approximately 241,000 tons of coal. The Mt. Tabor operation entails approximately 162 acres and the removal of approximately 145,000 tons of coal. The Heshbon operation is approximately 124 acres and includes the removal of approximately 182,000 tons of coal. Additionally, 10.4 acres of abandoned mine land will be reclaimed and revegetated with up to 75 acres of coal refuse that may be removed and reclaimed.

The initial terms of each agreement will
be five years. Laurel Sand & Stone will pay the Commission for surface support rights at a rate of six percent F.O.B. for all coal mined and sold from the premises with a btu of 11,500 and greater, five percent F.O.B. for all coal with a btu value from 8,500 to 11,499, and four percent for all coal with a btu value of less than 8,500. All timber to be impacted as a result of the proposed projects will be assessed by the Game Commission forestry staff at a double stumpage rate. The second stumpage rate may be offset by mine reclamation or other habitat improvement projects approved by the Commission.

In exchange for those surface mining agreements, Laurel Sand & Stone will convey three tracts of land to the Commission totaling approximately 2,413 acres. The 346-acre Tiche Tract is located in Venango Township, Butler County, and adjoins State Game Land Number 95, as shown on Exhibit OGM 6 on page 37 of your agenda. The Tiche Tract consists of a reclaimed surface mine area with open fields and wildlife food plots, as well as varied early successional habitat improvement projects. The 36-acre Wagner Road Tract, located in Jackson Township, Cambria County, adjoins State Game Lands Number 79, as shown on Exhibit OGM 7 on page 38 of
your agenda. The Wagner Road Tract is forested and
has public road frontage which will provide additional
public access to this portion of the game land. The
2,031 acre Driscoll Hollow Tract is located in
Susquehanna and Elder Townships, Cambria County, and
will be designated as a new State Game Land Number
334. It is shown on Exhibit OGM 8 on page 39 of your
agenda. The tract is mostly forested with both
reclaimed and active surface mine operations,
interspersed with winter thermal cover, early
successional habitats and small wetland complexes.
The Driscoll Hollow Tract has been
valued at $2 million. The Commission will credit the
first $2 million of accumulated coal royalty value
from the leases towards the Driscoll Hollow Tract.
The agreement will include an option for the
Commission to purchase the Driscoll Hollow Tract, for
the remaining balance, after two years from the start
of surface mining from any of the aforementioned
agreements. The Driscoll Hollow acreage will be
transferred incrementally on an annual basis as mining
progresses and coal royalty accumulates. However, the
entire tract will be entered into the Commission’s
Hunter Access program immediately upon execution of
the lease agreements. Once Laurel Sand & Stone
accrues the royalty value to offset the land value, Laurel Sand & Stone will make monthly royalty payments to the Game Commission which shall be directly deposited into the Game Fund.

The Tiche and Wagner Tracts will be transferred to the Commission immediately upon signing the agreements.

Mining will be regulated by the Commonwealth’s Mining Regulations and the Commission’s standard surface coal mining agreement. In addition, the agreements will include a wildlife habitat reclamation and revegetation plan developed by the local Land Management Group Supervisor.

PRESIDENT SCHLEMMER:
Good. Having heard commentary, do I hear a motion to accept?

MR. WEANER:
So moved.

PRESIDENT SCHLEMMER:
Commissioner Weaner. A second?

MR. SCHREFFLER:
Second.

PRESIDENT SCHLEMMER:
Commissioner Schreffler. Discussion? Hearing none, we move on the motion. All in favor,
say aye.
AYES RESPOND

PRESIDENT SCHLEMMER:

ATTORNEY BECHTEL:
The next item before the Commission is a Bituminous Surface Coal Mining Agreement, the Burgess Estate Coal Tract A-13 in Beccaria Township, Clearfield County.

Robindale Energy Service, Inc. of Armagh, Pennsylvania, has requested a lease to mine and remove approximately 64 acres of Upper and Lower Freeport coal rights owned by the Game Commission underlying private property. RES has already commenced a 217-acre surface coal mining operation on the privately-owned surface property. The operation will not impact any Game Commission surface lands. The proposed lease tract is located in Beccaria Township, Clearfield County, as shown on Exhibit OGM 9 on page 41 of your agenda.

The terms are a five-year agreement, a royalty rate of six percent of the F.O.B. pit price for all coal mined and sold from the premises with a btu value of 10,000 or greater, or $2.50 per ton,
whichever is greater. The royalty rate shall be set at six percent F.O.B. pit price for all coal mined and sold from the premises with a btu value of less than 10,000.

All coal royalty payments will be deposited in the Game Fund. Mining will be regulated by the Commonwealth’s mining regulations and the Commission’s standard surface coal mining agreement.

PRESIDENT SCHLEMMER:
Having heard the commentary, do I hear a motion to accept?

MR. HOOVER:
So moved.

PRESIDENT SCHLEMMER:
Commissioner Hoover. Do I hear a second?

MR. WEANER:
Second.

PRESIDENT SCHLEMMER:
Commissioner Weaner. Discussion?

Commissioner Weaner?

MR. WEANER:
Just out of curiosity, I’d be interested in knowing how the Game Commission came to own coal under private property.
Bill Capouillez:

This particular coal reserve was a parcel of Game Lands 120 when we first purchased the estate, where we had actually done a land lease exchange with another coal company out there and purchased their service. We also purchased what reserves they had. This reserve then underlined the private land, and that’s why we’re getting solicited now.

The actual mining company that’s in there, when they were doing title reviews, looked back and found out that we were the actual owners of the coal and they approached us for the lease.

So we do have assets across Pennsylvania that are just subsurface assets, oil, gas and the coal reserves just being one of them.

MR. WEANER:

Thank you.

PRESIDENT SCHLEMMER:

Any further discussion? Hearing no further discussion, we can vote on the motion. All in favor, say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:

Opposed? Hearing none, passed
unanimously.

ATTORNEY BECHTEL:

Mr. President, that concludes the formal written portion of the agenda.

PRESIDENT SCHLEMMER:

Thank you. The next item of new business I would like to take up, I would like to hear a motion on the acceptance of the Peregrine Falcon Plan that was presented yesterday.

MR. SCHREFFLER:

So moved.

PRESIDENT SCHLEMMER:

Commissioner Schreffler.

MR. SCHREFFLER:

I also make a motion that the Board accepts the management of Peregrine Falcons in Pennsylvania, ten-year plan, for 2013 to 2022, as previously presented to us.

PRESIDENT SCHLEMMER:

Thank you, Commissioner Schreffler. Do I hear a second?

MR. WEANER:

Second.

PRESIDENT SCHLEMMER:

Commissioner Weaner. Discussion? I’d
like to make one note here. It was an excellent presentation yesterday. It was a long afternoon, but a lot of information and a lot of planning went into that. And I thank Dan Braning and everybody who participated in the program. Having had the motion --- I’m sorry?

MR. PUTNAM:

I’d like to offer a little bit of commentary.

PRESIDENT SCHLEMMER:

Commissioner Putnam.

MR. PUTNAM:

One additional thing on the Peregrine Plan is that was discussed at our previous working group meeting, as well as our meeting yesterday, and those are both available on the website as broadcast.

PRESIDENT SCHLEMMER:

Further discussion? Having heard the commentary, and it’s been moved and seconded, all in favor, say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:


Next item of business, under new
business here, Executive Director Roe.

MR. ROE:

As many of you know, this is Commissioner’s Schreffler’s almost last meeting. We won’t know for sure until his replacement is finally approved by the Senate. But his term does end on June 13th. He’s on a six-month extension right now. And Dave’s been around for eight years, and I’ll tell you that’s a long time to serve on this Board. It is a tough job. Many times it’s a thankless job. But Dave, we appreciate all the hard work you’ve done.

One thing about Dave, he jumped right in early on and learned a lot about the organization. There were times when I thought he learned too much about the organization because he started getting into operations every now and then, but that was okay. We had a discussion, and then when we got reoriented again on our areas. But he is probably at least one of the most knowledgeable Commissioners of the Pennsylvania Game Commission that I have --- of the 23 or 24 Commissioners I’ve known. He really knows the agency and the people inside of the agency.

So Dave, if you’ll come down. On behalf of the Pennsylvania Game Commission, I’d like to present you with this Ned Smith print. Thank you for
That print has special meaning to me. It’s a Ned Smith print, and it was --- Ned Smith lived in the valley, up in Millersburg where my family --- some are buried, the farm's there. And he used to come to a very good friend of the family's restaurant there in Millersburg every Sunday. For many years he was a mentor of a fellow student when I was in college and I never got a Ned Smith print, although I always admired him and started doing some sketching and painting probably because of him. So it has special meaning to me.

I have a few things to say to the sportsmen out there. And I know this is being broadcast, so I hope everyone is still listening. But I always like to start off with a little something and I --- my neighbors have always been very helpful in taking care of my farm and doing other family business for me while I’m at the Game Commission meetings. And one of the neighbors, Terry, who was not married, and he tied the knot not too long ago, went on a honeymoon and all, and just came home. And he was getting his things ready for the spring gobbler hunt, you know,
getting his guns out and his loads and everything and just preparing for the --- assembling things for the upcoming hunt. And his new wife was standing there at the bench, watching him, you know, what he's doing and everything. And finally she breaks her silence and says, honey, I've been thinking that, since we're married, it's about time that you quit hunting, shooting, fishing, all that kind of stuff, and spend that time with me. I need more time with you. And maybe you ought to sell your guns and your boat and all of your clothes and all that kind of stuff. And Terry got this like horrified look on his face. I can imagine, I've seen him. And his wife says, darling, what's wrong with you? And he says, whoa, for a minute there you were sounding like my ex-wife. And she screams, ex-wife, you didn’t tell me you were married before. And his reply was, I wasn’t.

So this sort of demonstrates the passion that we all have for hunting and the outdoors. And I have a little prepared statement here that I wanted to tell the sportmen of the State.

There’s two things I’d like you to keep in mind as I say this --- as I go over this. When I talk about sportmen I include sportswomen, although I’ll say sportmen. So Janet, my good friend Janet, I
am including you. And when I say the word our, I’m referring to all of the sportsmen in Pennsylvania, because this is our agency. We are the ones. In fact, in 1895 Pennsylvania sportsmen established our Pennsylvania Game Commission to protect and restore the dwindling populations of wildlife for future generations.

There are a lot of difficult challenges. And if you read Mr. Kosack’s book about the first 100 years, you will see a lot of those enumerated there, and you will see a lot of them reoccurring today. It doesn’t seem like they have.

In spite of all of these challenges, Ross Leffler wrote in 1929 something that still holds true today. He said, quote, Pennsylvania is the greatest game state in North America. In fact, we’re a model for all other states. Many are looking to us for leadership, unquote. And I think that may have been in the first issue of Game News, but he wrote that at that time.

Pennsylvania sportsmen of the 21st Century realize the web of nature where no species survives alone and have become the stewards of 480 species of wildlife. Meanwhile, our Game Commission’s legacy of independence and paying our own way
This has given me great pride to have been associated with such an organization. When I was being considered for the position of Commissioner, I told the sportsmen I met that I hope they would be proud of the decisions I would make on their behalf. I want to sort of recant part of that statement somewhat to say that it has been my honor, my privilege and source of pride to have been given the opportunity to be a small part of our Game Commission.

This truly is, I found out in my term of service, an agency run for, by and of sportsmen. Our agency is unique in all of North America and the world, an agency that involves so many volunteer sportsmen working beside our very professional staff for its success. The unpaid sportsmen Board of Commissioners is such a group of volunteers that I have been very proud to have served alongside. They dedicate so much time and effort to make the tough decisions while providing a clear direct link to hunters, trappers, their clubs and associations.

The clubs volunteer so much money and time and labor in so many ways. The Hunter, Trapper Ed classes, the youth hunts, the youth field days, the seed and habitat work, aid to 30 WCOs, our wildlife
conservation officers and so much more. I have come to realize the contributions of the clubs and their associated organizations, their national organizations as well as state ones, are far greater than I had imagined.

It’s given me great pride to have been befriended by you all. Ours is an agency of 700 employees who produce beyond what their numbers would seem to indicate. Much of our professional field staff also benefit from the help of volunteer and unpaid interns that gather data, help with wildlife trapping and many other mundane chores and services that are invaluable to our employee professional staff. In fact, some of these volunteers are degreed professionals themselves.

Yesterday was the Peregrine Falcon presentation. There was Dr. McMorris, a biologist aide. Dr. McMorris. He’s out there putting in his time. I want to tell you that they and their contributions that they make to wildlife and our agency make me very proud.

And then there is our force of deputies, a dedicated group who volunteer as invaluable aides to our highly-respected 136 WCOs. All of those WCOs are graduates of the first and only Conservation Law
Enforcement Academy in the United States.

Deputies provide a close link to the community, purchase their own gear, participate in training that’s more extensive than most municipalities. They volunteer all hours of the day and night. They provide backup for lone conservation officers in dangerous situations and help with educational and other activities. Thank you for your service. As our most visible representatives, you give this agency’s sportsmen and me great pride.

There are many others I have not mentioned. Many outside our quote/unquote family don’t understand why these volunteers do this to make the Game Commission one of the most successful agencies in the State, or why so many of our staff put forth so much time and effort beyond that is required. It is the same principles, values and ethics such as fair chase and the love of wildlife resources and the rich traditions that hunters and trappers and all of us have always had still evident into the second century of our Game Commission’s existence, and this makes me very proud.

I am going to miss the capable, efficient, friendly staff, many who are nationally recognized for their accomplishments, the biologists,
the foresters, the lawyers, the veterinarians, the resource managers, the land managers, the financial experts, the engineers, the educators, the writers, our technicians that have helped me so often with computer glitches. I don’t know what I’ll do without you. And not the least, our administrative staff, which is second to none, that I have known through my various careers. This team, which includes many others, has always provided the necessary facts, information and research needed as a basis for the many difficult decisions a Commissioner encounters. I have learned much from you all. I am so proud to have worked with you and been a beneficiary of your knowledge and expertise along with the Pennsylvania sportsmen and wildlife of Pennsylvania. You will continue to receive my respect.

There are many others who support wildlife management and our hunting heritage, which I can’t begin to adequately mention. The wonderful former Governor’s Youth Council for hunting, fishing and conservation produced some very effective leaders, many who are employed in our natural resource organization and others.

I’ll remember meeting with hunting access cooperative farmers in the machine shed, the
discussions and tours with the forest industry and landowners, the help of the conservancies, especially in the purchase of new habitat when they came out and toured them and gave us the help we needed, especially during those hard times in the early part of my service, the cooperation and hospitality and the contributions of the natural resource industries, the oil, gas and coal industries particularly, and how open and honest they were with us when they hosted us at their site, and so many more of our coalitions of stakeholders for Pennsylvania wildlife and hunting heritage.

I am proud to have been a part of our Game Commission to receive your valued support. Ron says I shouldn’t get too wordy on this, so I’m trying to cut down here in my last words.

Here are my last words --- and this first one is really near to me. The murder of Conservation Officer Dave Grove will be in my soul forever. I want to say to everyone, at least from my experience here and things that I’ve encountered over the years, please be positive. Look for the good and improve upon it. Keep your vision focused on the big picture and do what is right in the long term for the future. And do all you can to retain the Pennsylvania
Game Commission’s stature, unique independence and fiscal viability.

Thank you all for this life-enhancing experience. I have been humbled, honored and so proud and thankful to have been a small part of our many accomplishments these eight years that have passed so quickly. Thank you.

APPLAUSE

PRESIDENT SCHLEMMER:


MR. HOOVER:

I just wanted to let everyone know that I was hoping at this time to present regulations and we would have them ready for this year's hunting season in the special regulations area. But due to the time restraints required to pass regulations necessary to institute a special deer tracking permit that we’ve been working on, the user fee, I will be working to introduce these at the September meeting for inclusion in the 2013/2014 hunting season, and that is the special regulations area, part of the urban deer management tools that are necessary to get done what we’re trying to get done in those areas. So
I just wanted to make sure that everyone understood that these regulations were in the pipeline, we just couldn’t get them done.

PRESIDENT SCHLEMMER:

Thank you, Commissioner Hoover. Our next working group meeting will be August the 12th, in Harrisburg, so you’re aware of that. Our September Commission meeting will be held in Delmont, Pennsylvania, September 23rd and 24th. And that is in the Southwest Region. And the Southwest Region will be posting that particular meeting, and it will be held within the Holiday Inn and the Lamplighter. And further information will come out as it develops.

Next item of business here, the January meeting is scheduled tentatively for 26, 27, and 28th of January. That’s 26, 27 and 28 of January. Have I missed anything?

MR. DELANEY:

Mr. President, I just have one new business item.

PRESIDENT SCHLEMMER:

Okay. Does the Commission wish to proceed with these dates?

MR. DELANEY:

I’m sorry.
MR. WEANER:
I move that we approve the meeting
dates.

PRESIDENT SCHLEMMER:
Do I hear a second?

MR. MARTONE:
Second.

PRESIDENT SCHLEMMER:
All in favor?

AYES RESPOND

PRESIDENT SCHLEMMER:
Motion passed. That about wraps up the
meeting for this morning.

MR. DELANEY:
Just one quick --- it's not really a new
business item, but just something for the Bureau of
Wildlife Management. If we could have for our next
working group meeting or our next regular business
meeting a quail management plan update. Since the
Board voted to approve that plan, can we get an update
where we stand? Thank you. That’s all.

PRESIDENT SCHLEMMER:
Thank you, Commissioner Delaney.

Anything to add, gentlemen? Thank you very much.

There will be a photo opp with the Commissioners, with
Commissioner Schreffler, and he will also sign autographs. Thank you, one and all. Meeting is adjourned.

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HEARING CONCLUDED AT 9:22 A.M.

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I hereby certify that the foregoing proceedings, meeting held before President Schlemmer was reported by me on 6/25/2013 and that I Jennifer T. Alves read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

[Signature]

Court Reporter