COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

BEFORE: Robert W. Schlemmer, President
        David J. Putnam, Vice President
        Brian H. Hoover, Secretary
        James J. Delaney, Jr., Commissioner
        Ralph A. Martone, Commissioner
        Charles E. Fox, Commissioner
        Timothy S. Layton, Commissioner
        Carl G. Roe, Executive Director
        R. Matthew Hough, Deputy Executive Director
        Bradley C. Bechtel, Esquire, Board Counsel

HEARING: Tuesday, September 24, 2013
          8:30 a.m.

LOCATION: The Lamplighter Restaurant
          6566 William Penn Highway
          Delmont, PA 15626

Reporter: Kimberly I. Faidley

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P R O C E E D I N G S

PRESIDENT SCHLEMMER:

Morning, ladies and gentlemen. I'd like to call this meeting to order this morning. And all welcome. Please rise for the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANC RECITED

PRESIDENT SCHLEMMER:

Mr. Secretary, call the roll, please.

COMMISSIONER HOOVER:

President Schlemmer?

PRESIDENT SCHLEMMER:

Present.

COMMISSIONER HOOVER:

Vice President Putnam?

VICE PRESIDENT PUTNAM:

Present.

COMMISSIONER HOOVER:

Commissioner Delaney?

COMMISSIONER DELANEY:

Present.

COMMISSIONER HOOVER:

Commissioner Weaner? Commissioner Martone?
COMMISSIONER MARTONE:
Here.

COMMISSIONER HOOVER:
Commissioner Fox?

COMMISSIONER FOX:
Here.

COMMISSIONER HOOVER:
Commissioner Layton?

COMMISSIONER LAYTON:
Present.

COMMISSIONER HOOVER:
And Commissioner Hoover is here.

PRESIDENT SCHLEMMER:
Thank you, sir. I'd like to have a motion to approve the minutes?

COMMISSIONER DELANEY:
So moved.

COMMISSIONER HOOVER:
Second.

PRESIDENT SCHLEMMER:
Moved and seconded. All in favor, say aye.

AYES RESPOND

PRESIDENT SCHLEMMER:
That's the June 25th meeting minutes.
With that, moving along, you can take over now.

MR. ROE:

Mr. President, before we move to the first item, I would request that we table this item until January as I believe Commissioner Hoover has a concern about the number of licenses that need to be sold to retain the status of being an agent. We would like to report back to you what the cost might be to do that. We'll do that at the working group in December, if that's ---.

PRESIDENT SCHLEMMER:

Commissioner Hoover?

COMMISSIONER HOOVER:

That's fine.

COMMISSIONER DELANEY:

Do we need a motion to table that?

PRESIDENT SCHLEMMER:

Yes. Is there a motion?

COMMISSIONER DELANEY:

So moved.

COMMISSIONER MARTONE:

Second.

PRESIDENT SCHLEMMER:

All in favor?

AYES RESPOND
ATTORNEY BECHTEL:

Thank you, President Schlemmer. The next item to come before the Commission would be from the Bureau of Wildlife Management. This is a proposed ruling with regard to 58 Pa. Code, Section 133.21. In accordance with the goals established in the Pennsylvania Bald Eagle Habitat --- Bald Eagle Management Plan, excuse me, 2010 through 2019, the plan, the bald eagle has achieved a population level and a geographical distribution that no longer meets the definition of a threatened species. As of the 2013 nesting season, bald eagle populations have reached all criteria set forth in the plan to be removed from the State Endangered and Threatened Species List, that is Pennsylvania sustaining a minimum of 150 nesting pairs, including successful pairs in at least 40 counties, with 60 percent of known nests successful, and a productivity of 1.2 eaglets fledged per successful nest, based on a five-year running period.

Delisting of the bald eagle can be accomplished by amending 58 Pa. Code, Section 133.21, as outlined below on page six of your agenda. Upon delisting, bald eagles will continue to be a protected species under state statues and will continue to be
afforded added protection under the Federal Bald and
Golden Eagle Protection Act. Pennsylvania Game
Commission staff will continue to implement the plan
and monitor bald eagle nests to ensure that this
species does not regress towards endangerment.

PRESIDENT SCHLEMMER:
Is there a motion?

COMMISSIONER HOOVER:
I make a motion to accept the proposed
rulemaking.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER MARTONE:
Second.

PRESIDENT SCHLEMMER:
Properly moved and seconded through the
Secretary. Call for a vote?

COMMISSIONER MARTONE:
Discussion?

PRESIDENT SCHLEMMER:
All in favor of a discussion, go ahead.

COMMISSIONER MARTONE:
Thank you. I think it's important to
note that, even though this species is moving from
threatened to protected, it still has protected
status, not just state but federal. And I think it's important for both the sportsmen and the non-hunters to realize disturbing a bald eagle, killing a bald eagle still carries the same weight. You know, just because it's moved out of the threatened doesn't mean there's any change in its protected status. Thank you.

PRESIDENT SCHLEMMER:
Any further commentary? Hearing none?

COMMISSIONER HOOVER:
Motion on the floor to accept the proposed rulemaking to amend the Pa. Code. All those in favor, signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passed unanimously.

ATTORNEY BECHTEL:
The next item before the Commission is also from the Bureau of Wildlife Management and it's also a proposed rulemaking. Pennsylvania hunters have had the opportunity to purchase their new hunting licenses from license-issuing agents and the Pennsylvania automated license system in early June of each year. Ideally, every hunter interested in also redeeming a Deer Management Assistant, or DMAP, coupon
will be able to do so at the time of their general
hunting license purchase. Unfortunately, due to the
current DMAP application deadline and accompanying
processing time, most DMAP permit applications are not
available until late June or early July. To
accommodate hunting license buyers and permit one-stop
purchases for licenses and permits in early June, the
Commission is proposing to move up the DMAP
application deadline to May 1st. With this deadline
date change, DMAP applications would be made available
to prospective applicants no later than February 15th
each year. This change can be accomplished by
amending 58 Pa. Code, Section 147.673, as outlined on
page seven of your agenda.

PRESIDENT SCHLEMMER:
Motion?

COMMISSIONER PUTNAM:
So moved.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER MARTONE:
Second.

PRESIDENT SCHLEMMER:
Discussion? Hearing none, move for the
vote. All in favor ---.
COMMISSIONER HOOVER:
All in favor?

AYES RESPOND

COMMISSIONER HOOVER:
All opposed? Motion passes unanimously.

ATTORNEY BECHTEL:
The next item is from the Bureau of Wildlife Protection and concerns proposed rulemaking. The Commission has historically permitted the use of small open fires on state game lands by licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail, and continued support for the use of small open fires by these users has not diminished. However, the Commission has identified an increasing number of fires being set and maintained by persons using the state game lands for other than their intended uses. In an effort to discourage and reduce the occurrence of these unintended uses, the Commission is proposing to limit the availability of the fire exception located in Section 135.41(a) to only licensed hunters, trappers or fishermen and through hikers within the corridor of the Appalachian Trail. The text of this proposed rulemaking is found on page eight of your agenda.
PRESIDENT SCHLEMMER:
Motion?

COMMISSIONER DELANEY:
So moved.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER HOOVER:
Second.

PRESIDENT SCHLEMMER:
Discussion?

COMMISSIONER DELANEY:
Mr. President, ---

PRESIDENT SCHLEMMER:
Yes, sir.

COMMISSIONER DELANEY:
--- I would like to just have a short commentary on this. This may not mean a lot to a lot of people, but I think all one has to do and look at the midwest and the west and the wildfires and the loss of life and firefighters out there. So I think this sends a fairly clear message that supporting the use of open fires by non-hunters, we're sending a pretty clear message we don't want it done. And if you are doing it, you'll be penalized for it.

PRESIDENT SCHLEMMER:
Further commentary? Hearing none, call for a vote.

COMMISSIONER HOOVER:

Motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:

Any opposed? Motion passes unanimously.

ATTORNEY BECHTEL:

The next item before the Commission concerns the acquisition of real estate. The Ideal Foundation of Sykesville is offering for sale seven tracts of land, totaling 852.51, more or less, acres in Warsaw Township, Jefferson County and Brady Township, Clearfield County. The Jefferson County tracts adjoin State Game Land No. 54, and the Clearfield County tracts are near State Game Land No. 87, as shown on Exhibits RED 1 and 2 on pages 10 and 11 of your agenda. The option price is approximately $1,258,575 lump sum. The consideration is calculated based on $1,100 per acre for the property that includes the oil and gas rights. Specifically, the two parcels, the 305 acres, that adjoin State Game Lands 54 include oil and gas rights. The remaining tracts are being offered at $750 per acre, as it is
believed the oil and gas estate has already been excepted and reserved. The consideration, which will be based on the title work and what includes the oil and gas rights, 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 Jefferson County parcels are forested with northern hardwoods, approximately 20 acres in reverting old fields. Small spring seeps and tributaries are located on the tracts which are part of the headwaters to South Branch North Fork Creek. Large wetlands associated with Beaver Meadow Run makes up the eastern portion of the Jefferson County tracts. The largest of the Clearfield County tracts is known as Five Ponds because five small fishing ponds have been created on the property. The Laurel Branch of Beech Run flows through the property which is mostly forested with mixed northern hardwoods. Access is provided from Beech Run Road as well as Rimer Road and Keller Road on the north. Approximately half of the smaller Clearfield County tract is planted in grasses and conifers, with the other half forested with northern hardwoods, primarily chestnut, oak and maple. The Ideal Foundation shall reserve all red maple until
The next acquisition is Contract No. 3647. Rorabaugh Lumber Company, RLC, is offering for sale 97.17, more or less, acres of land in Greenwood Township, Clearfield County, which will connect a 700-acre detached parcel of existing State Game Lands No. 87, as shown on Exhibit RED 3 on page 13. The option price is $82,594 lump sum 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. RLC reserves the right to cut and remove all trees greater than 16 inches diameter at breast height until November 1st, 2016, with pulp wood to be removed upon mutual consent. RLC's timber reservation shall be limited to one timber harvesting operation period. At the completion of harvest, RLC shall provide a written release stating the reservation shall terminate. The property is forested and Poplar Run bisects the property.

The next acquisition concerns Contract No. 3648. The Estate of Martin L. Bearer is offering for sale four tracts of land totaling 259 acres, more or less, in Bell Township, Clearfield County. One of the tracts is an interior to State Game Land No. 87,
and the remaining three tracts are indentures into State Game land No. 87. These are shown on Exhibit RED 4 on page 14 of your agenda. The option price is $259,000 lump sum 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. Portions of the property located off Troutville-McGees Mills Road are currently being reclaimed as per an Amfire mining permit. Headwaters of Laurel Run traverse the property with good woodcock habitat located along the stream bottom. License to enter the property shall be granted to comply with a governmental order, judgment, decree, law, ordinance or other legal mandate associated with any post-mining activity. There is good access to the tracts from the township roads.

Further acquisition is Contract No. 3649. Thomas R. Lananger is offering for sale 60 acres of land in Penn Township, Clearfield County. The property is an interior to State Game Land No. 87, as shown on Exhibit RED 5 on page 16 of your agenda. The option price is $39,000 lump sum to be paid with funds from third-party commitments for compensation of habitat and recreational losses. Approximately a third of the property is forested with maple, birch,
fire cherry and aspen. The second third of the property is grassland and the rest of the property is a surface mine with some acres already reclaimed. The Northern Harrier, a state-listed threatened species, is seen frequently in the area. Mr. Lananger is excepting and reserving coal, coal bed methane and related solid hydrocarbons. Unless coal is being produced in payable quantities and/or an active mining permit exists, the reservation ends January 1st of 2024.

Contract No. 3650 is an acquisition. Bell Run Properties, LLC is offering for sale six tracts of land totaling 1,124.39 acres of land in Penn and Bloom Townships, Clearfield County, as shown on Exhibit RED 6 on page 17 of your agenda. The option price is $1 million lump sum to be paid with funds from third-party commitments for compensation of habitat and recreational losses. Bell Run and tributaries to Bell Run exist on the property, as well as associated wetlands. The wetlands are considered an Exceptional Value by Pennsylvania Fish and Boat Commission due to at wild trout population. Hemlock, with a light scattering of hardwoods, can be found along Bell Run and its tributaries. The hemlock provides excellent winter thermal cover and protection.
for the streams. A good mix of other hardwood species provides a variety of mast for wildlife. There is a good wildlife travel corridor on the property. Bell Run Properties, LLC is excepting and reserving coal, coal bed methane and related solid hydrocarbons. Unless coal is being produced in payable quantities and/or an active mining permit exists, the reservation ends January 1st, 2024.

In acquisition Contract No. 3651 Mr. and Mrs. Earl Ritzman and Mr. and Mrs. James Shallenberger are offering for sale the timber rights on 193 acres of land in Union Township, Huntingdon County, as shown on Exhibit RED 7 on page nine of your agenda. The option price is $299,999, half of which is to be paid no later than December 31st, 2013, and the other half to be paid no later than January 3rd, 2014. This timber purchase comes from a 99-year timber reservation held by the Ritzmans and Shallenbergers on property the Game Commission purchased from U.S. Silica on November 21st, 2000, known as the Dougherty Tract, Contract No. 3385. The timber being offered is high habitat value oak-hickory forest, with a uniquely high percentage of hickory and also contains vernal wetlands.

Another acquisition, Contract No. 3652,
Alexander Kldiashvili, Vartoush Marchese and Suren Vartanyan are offering for sale five tracts of land, totaling 48.8 acres of land in Lehigh Township, Wayne County. The tracts fill in an indenture into State Game Land No. 312, as shown on Exhibit RED 8 on page 20 of your agenda. The option price is $150,000 lump sum to be paid with funds from the Game Fund. A 12.73-acre parcel shall be subdivided, with the Game Commission acquiring 6.3 acres, with a 50-foot right-of-way across the remaining 6.43 acres being retained by the Sellers. Access to the property is from State Route 507, or Main Street. This property connects two parcels of the existing State Game Land No. 312. The property is forested with mixed beech and maple forest in early succession. Portions of the property include wetlands associated with Big Sampson Swamp, which comprise a large wetland complex in existing State Game Land No. 312. Acquisition of this property will buffer the state game land from future development and safety zone issues, as well as provide snowshoe hare habitat.

Further acquisition, Contract No. 3653. Patricia Anthony is offering for sale 72.4 acres of land in East Brunswick Township, Schuylkill County. The tract partially fills in an indenture into State
Game Land No. 106, as shown on Exhibit RED 9 on page 22 of your agenda. The option price is $76,500 lump sum to be paid with funds from third-party commitments for compensation of habitat and recreational losses. The property is forested with birch and mixed oaks, with mountain laurel in the understory. The property is located on the north slope of Blue Mountain and runs to the top of the ridge. The Blue Mountain, also known as the Kittatinny Ridge, is a globally significant fall migration flyway and has been designated by Audubon Pennsylvania as the largest of the state's Important Bird Areas. The property has no legal access. Access to the property will be through State Game Land No. 106.

Another acquisition, Contract No. 3654, Charles Fogarty and Larry Miller are offering for sale two tracts of land totaling 9.6 acres in Lykens Township, Dauphin County, adjacent to State Game Land No. 264. The option price is $50,000 lump sum. The one-acre tract is owned solely by Charles Fogarty. Mr. Fogarty will be compensated $14,000 for the tract. The other tract, an 8.6-acre tract, is owned by both Mr. Fogarty and Mr. Miller and they shall be compensated $36,000 for this tract. The property is forested with dry oak mixed hardwoods. The sellers
shall reserve the oil and gas for 25 years. This acquisition will also make moot and cause the settlement of an access dispute in the Court of Common Pleas of Dauphin County.

PRESIDENT SCHLEMMER:
Thank you, sir. Do I hear a motion?

COMMISSIONER MARTONE:
So moved.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER LAYTON:
Second.

PRESIDENT SCHLEMMER:
Mr. Secretary?

COMMISSIONER HOOVER:
Motion on the floor ---.

COMMISSIONER MARTONE:
Discussion?

PRESIDENT SCHLEMMER:
Discussion. Commissioner Delaney?

COMMISSIONER DELANEY:
Yes. There is one recurring theme I think that we've had at every single Game Commission meeting for the last several years, and that is this type of work for the Bureau of Wildlife Habitat
Management, under the direction of Director Capouillez, I don't know how we continue to do it, but what we just --- our legal counsel just talked for five minutes about all these new land acquisitions, and to not have something positive to say about it --- I guess my point is, is it's not just this meeting, it's been meeting after meeting after meeting, land acquisition after land acquisition after land acquisition.

Bill, your bureau does a phenomenal job under your direction, and I think this Board says that over and over and over again. So this stuff doesn't just happen by chance. I look at this one acquisition, along with State Game Lands 312, you have like a small town bordering that game land, yet you've done what needs to be done to protect all the other property around there. So my compliments to you and to the Bureau of Wildlife Habitat Management.

MR. CAPOUILLEZ:
Thank you, sir.

PRESIDENT SCHLEMMER:
Further discussion?

VICE PRESIDENT PUTNAM:
I guess I would like to add to that. It is getting routine that you guys are doing fantastic
work every meeting that we come to, but there is a
tremendous amount of work that goes into each one of
these. And to see, which we have for probably the
last three meetings, tracts that are already
subdivided, they're laid out, they're ready to put 20,
30, 40, 50 homes in valuable wildlife habitat, right
adjacent to game lands, adjacent to significant
wetlands, and we're acquiring these things. It really
is --- it's a tremendous effort. And I guarantee you
won't find any other state agencies doing this, not in
the country, that are having the kind of success we're
having in acquiring properties like this. So thanks
to you, Bill, and to your staff.

MR. CAPOUILLEZ:

If I may, I'd like to, you know, thank a
lot of other people, too. I mean, the regions, in
particular, in the real estate division, have been
tremendous, you know, pushing forward in getting these
acquisitions. And they're extremely complex at this
point. Everybody wants to maximize the value of their
land, whether they're keeping timber or whether
they're keeping oil and gas or whether they're trying
to subdivide it. And the staff goes out and the
regions go out and they do the land exams and they
work through those negotiations and build those
relationships, and it's highly competitive. I mean, there's a lot of opportunities, you can well imagine, for somebody else to want to buy material on game lands and how lucrative that could be if you break it out into camps and how detrimental that can be for our habitat management if you put those camps on there and have to put those safety zones around there. And our staff is extremely good at keeping the relationships they have built and building new ones and negotiating those deals. So it's certainly a team effort, if not an agency effort, in a loft of aspects.

PRESIDENT SCHLEMMER:
Further discussion? Commissioner Martone?

COMMISSIONER MARTONE:
Thank you, President Schlemmer. I, too, would like to concur with Commissioner Delaney on the efforts of your bureau. But as you know, I’m a big supporter of Game Lands 87, and the number 87 keeps coming up in these. And I find it remarkable how many indentures we fill in, how many little spots we are filling in and what the game lands has done over the last several years. And I, again, attribute it not just to you but your staff and the Bureau and the North Central. I know how big a part they play in it
as well. So I think they deserve credit. As you stated, it is a team effort to put this together, and I thank you for it.

PRESIDENT SCHLEMMER:
Further discussion? Hearing none, call for the vote.

COMMISSIONER HOOVER:
Motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

ATTORNEY BECHTEL:
The next item before the Commission concerns oil, gas and minerals and the Restricted Surface Use Oil and Gas Cooperative Agreement amendment. Range Resources Appalachia, LLC, or Range, has requested to amend an existing Commission-approved Restricted Surface Use Oil and Gas Cooperative Agreement for Tract 117A-13 in Smith Township, Washington County. Tract 117A-13 is located on a 62.6-acre portion of State Game Land No. 117. Range proposes to amend the agreement by adding an additional 42.898 acres, as shown on Exhibit OGM 1 on page 25 of your agenda.
Range has leased the privately-owned oil and gas rights under the majority of State Game Land No. 117 and surrounding private lands and has 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 original 62.6-acre tract and the additional 42.898-acre tract.

The terms and conditions of the agreement will remain consistent with the existing agreement, approved by the Commission in June of 2013. The terms of the agreement are a five-year, paid-up non-surface use of 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 $107,245 may be deposited into the Game Fund or into any kind of security or 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:
Is there a motion?

COMMISSIONER MARTONE:
So moved.

PRESIDENT SCHLEMMER:
Is there a second?

COMMISSIONER Fox:
Second.

PRESIDENT SCHLEMMER:
Discussion? Hearing no discussion, call for the vote.

COMMISSIONER HOOVER:
Motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? The motion passes unanimously.

ATTORNEY BECHTEL:
The next item is also a Restricted Surface Use Oil and Gas Cooperative Agreement, this time in Susquehanna County. Talisman Energy USA,
Inc., or Talisman, has requested that the Commission offer its oil and gas ownership under State Game Land No. 140 for oil and gas development. The proposed tract, containing approximately 91.44 acres, is located in Apolacon Township, Susquehanna County, as shown on Exhibit OGM 2 on page 27 of your agenda.

Talisman has a strong privately-owned oil/gas leasehold position surrounding this portion of State Game Land No. 140, and Talisman is the only company with the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no disturbance to the game land's surface. The staff has negotiated the proposed terms of the agreement with Talisman 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 Lane No. 140.

The terms of this agreement are a five-year, paid-up non-surface use oil and gas agreement, a $2,500 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 $228,600 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. Do I hear a motion?

COMMISSIONER PUTNAM:
So moved.

PRESIDENT SCHLEMMER:
Do I hear second?

COMMISSIONER MARTONE:
Second.

PRESIDENT SCHLEMMER:
Having been moved and seconded, call for
discussion? Hearing none, call for the vote.

COMMISSIONER HOOVER:
Motion on the floor, all those in favor
signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Any opposed? Motion passes unanimously.

**ATTORNEY BECHTEL:**

The next item concerns also a Restricted Surface Use Oil and Gas Cooperative Agreement in Washington County. CNX Gas Company, LLC, CNX, has requested the Commission offer its oil and gas ownership under a portion of State Game Land No. 245. The proposed tract, containing approximately 1,692.48 surface acres and 1,297.99 net oil and gas acres, is located in East Finley, Morris, South Franklin Townships, Washington County, as shown on Exhibit OGM 3 on page 29 of your agenda.

CNX has a strong, privately-owned oil/gas leasehold position on the perimeter of this portion of State Game Land NO. 245 and has initiated well drilling and development programs on adjacent private lands. CNX also has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no surface disturbance to this portion of State Game Land No. 245. The staff has negotiated the proposed lease terms with CNX 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 No. 245.
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 $3,893,970 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. Do I hear a motion?

COMMISSIONER HOOVER:
So moved.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER PUTNAM:
Second.

COMMISSIONER LAYTON:
Second.

PRESIDENT SCHLEMMER:
Properly moved and seconded.

Discussion? Hearing none, call for the vote.

COMMISSIONER HOOVER:
Motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Motion passes unanimously.

ATTORNEY BECHTEL:
The next item concerns a Surface Coal Mining and Reclamation Agreement. P&N Coal Company, or P&N, of Punxsutawney, Pennsylvania is pursuing a Government Financed Construction Contract, GFCC, through Pennsylvania Department of Environmental Protection in order to facilitate the reclamation of existing abandoned mine land, or AML, features such as highwalls and strip pits and to recover coal resources on State Game Land No. 77 west of Slab Run. P&N proposed to reclaim nearly 6,250 linear feet of highwall that range from about 30 feet to 80 feet in height. The total surface area of mining/reclamation impact is approximately 93 acres, as shown on Exhibit OGM 4 on page 32 of your agenda. Recoverable coal is
principally from the Lower Kittanning seam and, to a lesser degree, the Middle Kittanning and Lower Freeport seams. P&N estimates approximately 137,400 tons total of recoverable coal. The Commission is considered the owner of the coal and surface rights.

P&N is currently reclaiming and recovering incidental coal under a separate GFCC and Game Commission lease agreement dated June 12th, 2009 for an area east of Slab run, and anticipates completing that project in October 2013, at which time they propose to transition to the Slab Run West project.

The term of the agreement shall be for a period of five years from the date a necessary and acceptable mining permit is issued. In order to replace any habitat or recreational impacts during the temporary use of the game lands, P&N will deposit $350,000 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. Upon recouping the initial advance payment value, P&N will then make monthly royalty payments to the PGC according to the following rates: 12 percent of the then current F.O.B. pit price per ton, or $3.50 per
ton, whichever the greater, of coal with a BTU value
greater than 9,500, and 10 percent per net ton, or
$2.50 per ton, whichever the greater, of coal with a
BTU value less than $9,500 or coal cleanings mined and
removed from the lease area for the term of the lease
agreement. All timber to be impacted will be assessed
by Game Commission forestry staff and assessed at
double stumpage. The second stumpage rate may be
offset by mine reclamation or other habitat
improvement projects approved by the Commission.
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
re-vegetation plan developed by the local Land
Management Group Supervisor.

PRESIDENT SCHLEMMER:
Thank you, Brad. Do I hear a motion?

COMMISSIONER PUTNAM:
So moved.

COMMISSIONER FOX:
Second.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER FOX:
Second.

PRESIDENT SCHLEMMER:
Commissioner Fox. Properly moved and seconded. Discussion?

COMMISSIONER PUTNAM:
Mr. President?

PRESIDENT SCHLEMMER:
Mr. Putnam?

COMMISSIONER PUTNAM:
I'd like to comment on this only because we're approving these things routinely and we --- again, as I mentioned earlier on some of the other deals we do, everything we do is so special, that even special things just become routine.

This 93-acre project in most other states would be something that they would be having slideshows on, public grand openings, and be talking about it for years. This is really a spectacular thing where we're taking some very degraded habitat and making it into something special. We do this every day. It's hard for me just to say, okay, approve it without commenting that we're doing this day after day all over the state. It really speaks to the quality of our staff and the things that we're doing out there. It's hard for me just to say yeah
without commenting on it. Thank you. Thank you again to the entire Commission staff that worked on these projects. It's not any one person that does it. It's really a big team effort.

PRESIDENT SCHLEMMER:
Further discussion? Hearing none, call for vote.

COMMISSIONER HOOVER:
Motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

ATTORNEY BECHTEL:
The next item is the Restricted Surface Use Cooperative Agreement in Bradford and Sullivan Counties. Chief Exploration and Development, LLC, Chief, of Dallas, Texas requests the Commission to offer its surface use and an opportunity to develop and produce Commission owned oil and gas on a portion of State Game Land No. 12 located in LeRoy, Canton, Franklin and Overton Townships, Bradford County, and in Fox and Elkland Townships, Sullivan County. The proposed Tract 12A-13 containing approximately 19,133 acres of Commission owned surface. The vast majority
of oil and gas interests contained within the tract are either owned by the Commission or have already been privately leased to Chief Oil & Gas. The tract and claimed leasehold ownership of Chief is shown on Exhibit OGM 5 on page 35 of your agenda.

Chief currently holds private leases on a large portion of State Game Land No. 12. Chief also maintains a lease position on private lands immediately adjacent to the state game lands and has already drilled several horizontal wells to the state game land boundary. Staff has negotiated with Chief in an effort to safeguard the prudent development of the Commission's oil and gas reserve and to simultaneously protect and minimize the impacts to the wildlife resources and recreational use of State Game Land No. 12.

In exchange for the Cooperative Agreement, Chief will pay the Commission a bonus of $2,000 per net mineral acre for a five-year, paid-up primary term agreement and a royalty rate of 23 percent per thousand cubic feet, MCF, for all oil, gas and liquid hydrocarbons produced and sold from the areas in which the Commission owns the oil and gas rights. The bonus payments will be made in two installments and will be deposited either into an
interest-bearing escrow account or to be used for the future purchase of wildlife habitats or lands acceptable to the Commission. The first payment totaling $3 million will be due within 60 days of the execution of the agreement. The second installment will be due on the first anniversary of the agreement and will be in the amount of the balance of the bonus value due to the Commission. Chief has agreed to pay the Commission a well pad location fee for surface damages for each well pad developed on the game lands.

Further, Chief has agreed to store only freshwater in any impoundment and to pay the Commission an impoundment fee for each impoundment. Chief will also pay the Commission a double stumpage rate for any timber impacted as part of its operations. And in lieu of free gas, Chief will make an annual payment to the Commission in the amount of $1,400. All surface damage fees as noted above will be paid into an interest-bearing escrow account or into the Game Fund. Chief's oil and gas development under this Agreement will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's requirements for protection and conservation of state game lands with respect to oil, gas and liquid hydrocarbon production. This Agreement
will also include a $50,000 performance bond.

PRESIDENT SCHLEMMER:

Thank you, Brad. Do I hear a motion?

COMMISSIONER MARTONE:

Motion.

PRESIDENT SCHLEMMER:

Commissioner Martone. Do I hear a second?

COMMISSIONER FOX:

Second.

PRESIDENT SCHLEMMER:

Commissioner Fox. Discussion?

COMMISSIONER DELANEY:

Mr. President?

PRESIDENT SCHLEMMER:

Commissioner Delaney?

COMMISSIONER DELANEY:

On this action I would like to make an amendment. I would respectfully ask the Board of Commissioners to support $250,000 to be used for wildlife resource management under the Restricted Surface Use Cooperative Agreement for Tracts 12A-13, State Game Lands No. 12, Bradford and Sullivan Counties. This financing is to be used specifically for the Northern Bobwhite Quail management plan for

PRESIDENT SCHLEMMER:
You have to have ---.

COMMISSIONER DELANEY:
That's in the form of a motion, yes.

COMMISSIONER HOOVER:
I'll second the motion.

PRESIDENT SCHLEMMER:
We vote on this prior to anything else?

ATTORNEY BECHTEL:
Yes.

PRESIDENT SCHLEMMER:
Discussion? Mr. Secretary?

COMMISSIONER HOOVER:
Discussion?

PRESIDENT SCHLEMMER:
Discussion? Commissioner Putnam?

COMMISSIONER PUTNAM:
Mr. President, ear-marking of funds has always been a serious topic with the Game Commission over many years. And the general procedure is, is that the Commission would like to have full rein. Commission staff would like to be able to direct things from wherever they can. And I appreciate that and understand that principle and generally would
support it. However, at our discussion yesterday, we talked about the quail plan. The quail plan is significantly behind schedule. And the reason it's been behind schedule is because we haven't had available resources to work on that. Things had to be reprioritized. And one of the things the Commissioners can do is we can reprioritize things. And through this particular action here, setting aside this money, I would hope that this would be able to get the quail plan back on track. When we passed the quail plan, we had about a hundred items that should have been done by now. I would hope those hundred items would be able to be simultaneously done or done in a much quicker fashion by having us pass this motion. So I would urge support of this motion.

PRESIDENT SCHLEMMER:
Thanks. Any further discussion?
Hearing none, I'll call for a vote on the amendment.

COMMISSIONER HOOVER:
There's a motion on the floor for the amendment. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed?

NAYS RESPOND
COMMISSIONER HOOVER:
The vote is five to two. So the motion passes.

PRESIDENT SCHLEMMER:
Now, we'll move on to the original motion. I believe we had a first and second. Call for the vote on that.

COMMISSIONER HOOVER:
There was a motion on the floor for the 12A-13. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

ATTORNEY BECHTEL:
The next item before the Commission is the Surface Coal Mining Agreement, State Game Land No. 75, Lycoming County.

Fisher mining Company, Inc. of Montoursville, PA requests agreements to conduct surface coal mining operations on portions of State Game Land No. 75 located in Pine Township, Lycoming County, as shown on Exhibit OGM 6 on page 38 of your agenda.

A 66-acre portion of State Game Land No. 75 is designated as Thomas Northeast Extension and is
proposed for the mining an estimated 485,800 tons of 
the Lower and Middle Kittanning coals. This project 
is an extension of and is immediately adjacent to 
Fisher's Thomas Northeast Mine operation on State Game 
land No. 75.

As part of the reclamation plan, Fisher 
Mining will also implement the Appalachian 
Reforestation Reclamation Initiative reclamation-type 
plan in order to achieve a forested post mining land 
use. The mining and reclamation plan will consist of 
leaving a coal barrier in place, adding a minimum of 
1,200 tons per acre of alkaline addition material to 
the pit floor to ensure alkaline post mining water 
quality and to control post mining groundwater flow 
into the existing Thomas Northeast permit.

The estimated surface mining support and 
coal royalty value of the proposed additional mining 
on the 66-acre tract has been estimated to be 
approximately $3,200,000. Fisher has agreed to an 
advance surface mining support payment of $1,500,000 
which, in addition to all merchantable timber values, 
will be deposited either 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, or as credit value from lands directly conveyed to the Commission owned by Fisher now or in the future, such payment contingent upon the final execution of the agreement and a valid surface mining permit issued by the Department of Environmental Protection. All merchantable timber will be assessed by the Commission's Northcentral Regional forestry staff at a double stumpage rate.

The agreement would provide for an exclusive, non-transferable lease option to Fisher Mining, such that the Commission will entertain additional surface mining and abandoned mine reclamation and water quality abatement proposals from Fisher Mining on a 314-acre portion of state game lands at such terms and conditions yet to be negotiated in the future and deemed to be in the best interest of the Commission and the wildlife resources and recreational uses inherent to State Game Land No. 75. Any approval of additional mining/reclamation projects by Fisher within the option area must be approved by the Board of Commissioners under a separate action. Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's standard surface mining agreement.

PRESIDENT SCHLEMMER:
Thank you, Brad. Is there a motion?

COMMISSIONER MARTONE:

So moved.

COMMISSIONER PUTNAM:

Second.

PRESIDENT SCHLEMMER:

Properly moved and seconded.

Discussion?

COMMISSIONER HOOVER:

Mr. President, I would ask that we split this into two motions, the first motion being the original motion for the 66-acre tract and the second motion being the additional 314-acre portion.

PRESIDENT SCHLEMMER:

It has to be made as a motion.

COMMISSIONER HOOVER:

That would be my motion, to split it into two separate motions, one for the original 66-acre tract and one for --- the second would be for the agreement for the exclusive rights to option Fisher Mining for the 314 acres.

PRESIDENT SCHLEMMER:

That's in the form of a motion?

COMMISSIONER HOOVER:

That's the motion.
PRESIDENT SCHLEMMER:
I'll need a second to that.

COMMISSIONER LAYTON:
I'll second it.

PRESIDENT SCHLEMMER:
Seconded by Commissioner Layton. Call for a vote.

COMMISSIONER PUTNAM:
Discussion.

PRESIDENT SCHLEMMER:
Discussion?

COMMISSIONER PUTNAM:
I have a couple questions, Mr. President, for Director Capouillez. One is the --- if we break this into two parts, the first 66-acre portion, will it cause significant hardship on the operation if we delay this until the next meeting? That's my first question.

MR. CAPOUILLEZ:
The 66 acres, sir?

COMMISSIONER PUTNAM:
You're aware of whatever the mining operation --- where they're at and how long they have to go under the current operation?

MR. CAPOUILLEZ:
Correct. Their planning schedule, their immediate need would be the 66 acres. And there's absolute validity in doing that mining. There's some positive need as far as the coal barrier to influence the alkaline addition, as well as the drainage for the wetlands that are being created there. It's my understanding they're probably about a year out from when they need to get into that area. But the permitting process entails that they initiate it early so they can go through the permitting process.

COMMISSIONER PUTNAM:
And my second question would be is, on the 314-acre portion, we're essentially offering them an option on this lease. Do we normally do that? Do we normally offer options to other people to buy our property or buy our property rights?

MR. CAPOUILLEZ:
For property rights?

COMMISSIONER PUTNAM:
Yes. The right to mine or the right to cut timber. Do we normally ---?

MR. CAPOUILLEZ:
Yeah, we'll do ---. I mean, like if you look at all our oil and gas leases, they're all allowed to be extended if they're currently in
production. So I mean, this isn't --- this isn't abnormal certainly from an oil and gas perspective. We've not done a lot of mining leases here lately. Normally, the mining leases entail the entire operation, but they always go while they're continuing to product --- you know, produce and so forth. And I know a lot of the companies, to include Fisher mining, try to plan ahead for just that reason, so they can go ahead and solicit contracts, what they call firm contracts as opposed to spot-market contracts. The more that they can get on their lease, the more they have the ability to move that coal and market that coal in the future. So a lot of the companies try to lease as much as they can and then mine and operate as they move forward.

COMMISSIONER PUTNAM:
Okay.

PRESIDENT SCHLEMMER:
Any further discussion? Commissioner Hoover?

COMMISSIONER HOOVER:
Mr. Capouillez, you said that there was an NRRQ, a National Resource Recovery Questionnaire that was sent out. Do you have the responses that were sent back for that questionnaire?
MR. CAPOUILLEZ:

Yeah. Staff would have that, absolutely. From the region, absolutely.

COMMISSIONER HOOVER:

Do you know what they are, what the responses were?

MR. CAPOUILLEZ:

Anecdotally, I can recall there was concern with regard to some of the timber operations as to, you know, when timber would be cut. Certainly anything that would be done out there from a mining perspective, the region and the staff would look at that and would have the ability to control that environment as far as what habitat creation would occur versus what --- you know, what would be done just by way of the mining. All of our leases are for the betterment. I mean, it's all secondary use for us. We don't just lease coal. And so, when we're looking at any kind of an operation, we're looking at acid treatment reclamation opportunities, habitat creation. I do know that there's some timber management projects in that area that would need to be looked at and considered. The option's written so that, you know, there would not be any obligation by way of the Commission to approve anything, just to
entertain the opportunity to do additional mining and additional reclamation and enhancement work.

COMMISSIONER HOOVER:

Would it be in your opinion then that the responses were more negative or more positive towards this operation?

MR. CAPOUILLEZ:

I'm going to say there's concerns, but I didn't see anything that --- where anybody was saying that, you know, they were in disapproval of it. And again, a lot of those concerns were concerns raised that, you know, we would take into account. If you were to just lease the property, then I would recommend that, you know, those concerns are extremely valid and we would have some additional work to do. I don't think anybody is in the position within the staff or the region to, you know, actually promote or effectuate a lease on that 300-and-some acres because we have not done the due diligence on that yet. But the option itself is --- the way we have it written is to entail such that there is no obligation if the due diligence would occur.

COMMISSIONER HOOVER:

Thank you.

PRESIDENT SCHLEMMER:
Commissioner Martone?

COMMISSIONER MARTONE:

Bill, could you describe our knowledge of history and relationship with Fisher Mining?

MR. CAPOUILLEZ:

Yes. Fisher Mining --- I'm going to say they've been on that mountain for 20 years, at least that I've been dealing with them, and certainly longer than that. There was a tremendous deep mine complex there that blew out and once the portals got filled up and the actual underground workings got filled up, created acid mine drainage, and blew out what was called Otter Run, which was a tributary to Pine Creek, and it killed --- absolutely killed all the fishery down through.

And when Mr. Blaschek, you know, started mining up there, the goal and the intent was to surface mine in daylight those areas and reclaim those areas, which he did and which brought back that stream from a dead stream back to, again, a trout fishery. And he's done an excellent job from that perspective. His mining operation has been well received as far as the sportsmen and habitat value that it's provided.

There's wetlands that we've created up there. In fact, we have fish in the wetlands. We've
seen osprey fly over. We've seen, on occasion, eagle fly over. You know, there is a lot of value added. And quite truthfully, it's because we've done it right and we've had a good working relationship with Fisher Mining Company, and they've done stuff that we've asked them to do. They've put in a lot of acid treatment systems. They've created the habitat that we need them to create. So it's been a very long, prosperous relationship, mutually beneficial.

If you look at the option itself, one of the things you'll note there is it says it's exclusive and nontransferable. And the reason for that is simply because of the relationship we have with Fisher Mining. You know, we would certainly look differently on some other company coming in there based on the history and based on the things that we know need to be done, another company coming in there and just taking over the operation without there being a whole learning curve established behind that.

COMMISSIONER MARTONE:

Thank you.

PRESIDENT SCHLEMMER:

Further discussion? Commissioner Delaney?

COMMISSIONER DELANEY:
I'm troubled with the 314 acres, Bill, with --- if we had said or if I read you properly, we haven't done due diligence yet to make sure we're a hundred percent sure on that area. I would rather be very conservative and say let's talk about that another day. Let's have further discussion on the 314 acres before I would just say let's give them an option. Look at --- Chesapeake is good. Chief is good. Range Resources is good. They're all good until something happens. And I just really believe that before I sign off on an option for that type of acreage, I just think there's --- we need much more discussion.

PRESIDENT SCHLEMMER:

Further discussion? Commissioner Martone?

COMMISSIONER MARTONE:

I understand what Commissioner Delaney is saying, but this is an option. This is nowhere near the actual agreement to do any activity on land. At that time we would have all our Is dotted and Ts crossed when that day comes. And that would again come before the Board to be approved; is that correct?

MR. CAPOUILLEZ:

Correct. As I understand it --- and it
might be a better question for Chief Counsel, but as I understand the option, there's no obligation for the Commission to approve anything by way of additional mining within that area.

COMMISSIONER DELANEY:

I guess I would say then why did we write the option into this if we're going to have to vote on it again at some point in the future anyhow?

MR. ROE:

I guess if I may offer a comment. I mean, if you get into a competitive environment, Fisher Mining, they're already there, is clearly going to give us the best bid possible because they're overbid is --- would be done so much. And like, again, when we talk historically, based upon what they've done up there, if --- and the question is if we decide to lease the 314 acres, then Fisher Mining would have clearly the first choice to refuse that option. But we're not even talking about leasing that 314 acres. But it does give them an idea of what might be possible for the future for them.

COMMISSIONER DELANEY:

And yet we haven't done due diligence yet, so I would rather reserve that until we have some additional information. Just my opinion.
PRESIDENT SCHLEMMER:

Further discussion? Commissioner Hoover, would you please repeat your amendment, please?

COMMISSIONER HOOVER:

The amendment on the floor was to split the agreement into two --- or for voting on the splitting portion of the 314 acres, to split it from the original motion. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:

Opposed?

COMMISSIONER MARTONE:

No.

COMMISSIONER HOOVER:

One no. Motion to split.

PRESIDENT SCHLEMMER:

We'll move on to the original. It's been properly moved and seconded. Discussion? The original is the 66 acres.

COMMISSIONER HOOVER:

We're doing the original motion right now. We're going to take the vote on the 66 ---.

MR. ROE:
You're doing the original, as amended, which means you're voting on the first portion, which is the 66 acres.

PRESIDENT SCHLEMMER:
Right.

MR. ROE:
Okay.

PRESIDENT SCHLEMMER:
Thank you, sir.

COMMISSIONER HOOVER:
So the motion is on the original split motion of the 66 acres. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

MR. ROE:
Now you must vote on the second one.

PRESIDENT SCHLEMMER:
All right. Now, we vote on the second one.

MR. ROE:
You need to vote on the option now.

PRESIDENT SCHLEMMER:
I thought we voted on the option; no?
MR. ROE:
No. The amendment was to split it into two votes.

COMMISSIONER PUTNAM:
Now we can discuss the second item before we vote.

PRESIDENT SCHLEMMER:
Discussion on the second item?

COMMISSIONER PUTNAM:
Mr. President?

PRESIDENT SCHLEMMER:
Yes.

COMMISSIONER PUTNAM:
We've had a lot of discussion on this second part here. I think the appropriate thing might be to table this for another meeting. And I would entertain further discussion on that among the Commissioners. And hearing none, I might make a motion.

PRESIDENT SCHLEMMER:
There's been a motion.

COMMISSIONER DELANEY:
I'll second the motion.

COMMISSIONER PUTNAM:
I didn't make a motion. I would just
like further discussion on that particular point.

PRESIDENT SCHLEMMER:
Further discussion on tabling the motion?

COMMISSIONER PUTNAM:
No. We're discussing whether we want to vote on this one right now. Okay. I'll make a motion that we table the second part. So that amends the amendment to the original ---.

COMMISSIONER DELANEY:
And I'll second that motion.

PRESIDENT SCHLEMMER:
Mr. Secretary?

COMMISSIONER HOOVER:
Is there any discussion on that?

PRESIDENT SCHLEMMER:
Discussion on that? Hearing none ---.

COMMISSIONER HOOVER:
The motion on the floor to table the option agreement, the second portion of that surface coal mining agreement, all those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed?
COMMISSIONER MARTONE:
No.

COMMISSIONER HOOVER:
One no. It passes. Commissioner Martone.

ATTORNEY BECHTEL:
I am pleased to be able to bring up a supplement to your agenda, which I believe has been passed out to everyone, concerning an acquisition in Tioga County. Cummings Lumber Company, Inc., is offering for sale four tracts of land totaling 1,121.3 acres, more or less, in Union Township, Tioga County, that is an indenture to Pennsylvania State Forest land, as shown on Exhibit RED 11, which I believe is attached to the supplement. The option price is $3,150,000 lump sum to be paid with funds from third-party commitments for compensation of habitat and recreational losses. The property is forested with approximately 50 percent cherry, 45 percent maple and 5 percent mixed hardwoods. There are several open meadow wetland and forested wetland components throughout the property, with shrubs and hemlocks interspersed along the fringes. Other portions of the property have pockets of forested wetlands located on the flats. The area has good public access from
SR-2017, known as Ogdensburg Road, and is partially bisected by the Tioga River, which supports a well-known fishery and exceptional riparian habitats. The closest existing state game lands complex is State Game Land No. 12, which lies approximately ten miles to the east. The sellers are reserving the oil and gas, which is currently under lease. Any future oil and gas lease shall include terms and conditions stating any use of the surface and all planting and reclamation activities associated with future oil and gas development shall be directly coordinated with the Commission. Furthermore, Cummings Lumber Company, Inc., its successors and assigns shall pay the Commission any fees or consideration due under any current or future oil and gas lease as a result of surface impacts or use of the surface.

PRESIDENT SCHLEMMER:
Thank you, Brad. Do I hear a motion?

COMMISSIONER HOOVER:
So moved.

PRESIDENT SCHLEMMER:
Second?

COMMISSIONER LAYTON:
Second.

PRESIDENT SCHLEMMER:
Properly moved and seconded.

Discussion?

COMMISSIONER HOOVER:

I wanted to point out, I know we've gone through a lot of purchases and bonus payments, and I wanted to commend Mr. Capouillez and his team.

At this point, we're about to spend a little over $6 million, about $6.3 million on purchasing land here in the state to add to our state game lands, but we brought in a little over $9 million in bonus payments. That does not include any payments for oil and gas that's extracted. So what a phenomenal job that these guys are doing to further the Game Commission and our agenda in purchasing land and promoting, you know, the sport of hunting. Congratulations are in order.

PRESIDENT SCHLEMMER:

Further discussion?

COMMISSIONER FOX:

I'd like to say I'm familiar with this area. Probably Bradford and Tioga County are the two areas of the state that's been the most heavily impacted by gas and oil. And it's certainly heartening for me that we've acquired something up in that area to help the sportsmen. Thank you for your
work.

PRESIDENT SCHLEMMER:
Commissioner Fox, I believe that you were the one who brought this to the attention of the Board, and we appreciate your work in that area, too. Further discussion? Hearing none, Mr. Secretary?

COMMISSIONER HOOVER:
There's a motion on the floor. All those in favor signify by saying aye.

AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

PRESIDENT SCHLEMMER:
Moving on now to new business, other new business. First off, I would like to mention that the Board of Commissioners' Legislative Committee will be meeting with the Senate Game & Fisheries Committee and members of the House Fish --- Game & Fisheries Committee in the near future.

And for the record, as President of the Board, I would like to form a Quail Panel Committee to meet with staff regarding the current quail management plan. The committee will be --- Chairman will be Commissioner Jay Delaney, along with Commissioner Dave Putnam and Commissioner Tim Layton.
And right now, anybody else who would like to add new business?

COMMISSIONER PUTNAM:
Mr. President, I have a couple comments.

PRESIDENT SCHLEMMER:
Go ahead, sir.

COMMISSIONER PUTNAM:
The first one, we discussed the bobcat plans and the river otter plans management plans yesterday. And our policy manual says that they must be approved by the Commissioners before released to the public for public comment. And I'd like to make a motion to release those two high quality plans.

PRESIDENT SCHLEMMER:
Commissioner Putnam has made a motion. Do I hear a second?

COMMISSIONER DELANEY:
Second.

PRESIDENT SCHLEMMER:
Properly moved and seconded. Discussion? Hearing none, Mr. Secretary?

COMMISSIONER HOOVER:
Motion on the floor to release the river otter and bobcat plan to the public for public comment. All those in favor signify by saying aye.
AYES RESPOND

COMMISSIONER HOOVER:
Opposed? Motion passes unanimously.

PRESIDENT SCHLEMMER:
Thank you, sir. Commissioner Putnam?

COMMISSIONER PUTNAM:
Mr. President, I have one more item to discuss. We've been asked to list the cave-dwelling bats of Pennsylvania, the three species of bats as endangered. And by most measures, by the rate of decline of those bats, they do --- they are definitely in serious trouble. Any other species, I might be more inclined to list them, but I received about 500 requests --- actually, about two requests, but 499 form letters requesting those bats be listed. I replied to about every one of those with the standard comment that says I know these bats are in trouble. I believe we should be doing something. If you have anything to suggest that we may be able to do that would make a difference in the trajectory of the bats, I would be happy to consider it. I've not received a single response back to that.

We could list the bats as a feel-good measure, but that would be about as far as it would go. We need --- we actually need to take some --- I
think we need to take some measures to do things; however, it's a very complicated situation. And personally, I'm a little more aggressive than others. Maybe some might consider me to be reckless, but I do believe we're in a very serious situation, and there may be some things that can be done that would make a difference in this downward trajectory of the bats.

The one thing that I would comment on is listing them by the state would not do anything to protect the bats in the ground or would do very little. I think listing by the feds would be even much worse. I know there's certain legislation being considered about whether the state should be involved in listing, but the federal government is really the one that's really in the closet when it comes to listing these species. And whether we're talking about bats, mussels, whatever, the Fish & Wildlife Service is the one that really runs that show.

There have been numerous problems pointed out with listing. And I think if you look into the details, you'll find that the Game Commission has very little or no complaints about our management of bats. We already have bats that are listed. We're not receiving complaints. And I have never received a single complaint, I can tell you that, about the Game
Commission's handling of our listed bats. I hear complaints by the minute regarding some of the other agencies and the way they handle their listed species. I'll leave it at that.

The problem we have is white-nose syndrome. We know what the problem is, it's white-nose syndrome, and the problems are occurring underground. And what I'm suggesting now is --- Cal mentioned a few things yesterday at our meeting that we're working on a number of things, but our bat researchers are good. If I have a question, our guys are the guys I go to talk to about this. The resources that they have available to them are limited. There is a lot of federal money available, but I don't believe that we've done everything we could with the federal money that's available. And if --- as we just did with the quail, if the Commissioners have to help redirect some resources, I think we'd be more than willing to do that.

So I'm going to ask --- I'm asking the Executive Director and the staff to look at this issue very closely in the next 30 days and come back to us, as the Game Commission, and tell us --- not just the Commissioners, but all the --- have all the Game Commission involved in this effort, to see what can we
do reasonably. I'm not asking for extraordinary or unreasonable measures but anything that's reasonable. With the timetable, what would this item --- what is this item that we might possibly do. There are several antigens that may be useful. We have researchers working at Lock Haven University right now under contract with the Game Commission to look at a fungus that will attack another fungus. There are people working on bacteria that attack fungus. And I guess I would feel remiss if we sit here and watch this happen and, three years down the road, we find that there was an agent that could have helped these last surviving bats and we didn't take every measure we could to get that thing applied in the ground. There's a lot of what-ifs, a lot of, well, you have to think about the unintended consequences, but I guess my feeling is I don't want to sit here in two or three years and say, well, it's too bad we didn't do anything. And I'm not saying we're not doing anything, because we are.

We had a talk yesterday on the --- and voted today on delisting the bald eagle. Recovery of the bald eagle, the actions that we took in the early days were not done by our biologists. They were done by a team of everybody in the Game Commission. Now,
if you see the videos, you'll see badges on the guys who were climbing up the trees and pulling eagles out of the trees. It was a team effort. And I think we want to talk about that as being a team effort now. Instead of having our biologists on the ground trying to find ways to get caves gated, why don't we have the Wildlife Habitat management people who have the bulldozers, have the trucks, have the regions that have welders or whatever out there, let's be a team effort and go after these problems if there's anything that can be done that will reasonably change that final trajectory of these bats.

So my request is --- I don't believe we need to make a motion out of it, is that the Executive Director and staff compile within 30 days a list of measures we might reasonably take to address these issues and with some timetables and costs associated with them. And then we'll be able to react to that list prior to our meeting --- our working group meeting in December. That's it, Mr. President.

PRESIDENT SCHLEMMER:
Thank you, Commissioner. Commissioner Delaney?

COMMISSIONER DELANEY:
I'd like to just go one step higher than
that. Commissioner Putnam asked the staff and Executive Director to facilitate practices on cave-dwelling bats. And while the Commissioner is really astute and understands this issue really well, I think as a Board --- as a Board, we need to let the Executive Director know that we all share your same concerns. Or at least I can tell you Delaney agrees with Putnam on this issue. And perhaps other Commissioners have an opinion, but you're spot on, Commissioner Putnam. You know, I fully agree, our staff has done a remarkable job to date. We have some of the best in the business with our staff, but we need a full court press I think in the next 30 days, and I want to sign on as being part of that.

PRESIDENT SCHLEMMER:
Further discussion on that? I concur on that. Commissioner Putnam?

COMMISSIONER PUTNAM:
We got three now.

COMMISSIONER LAYTON:
We have more. When I first met with Cal, one of the things I said to him was that, you know, I recognize the fact that deer aren't the only animals we have in Pennsylvania, that I was concerned with what was going on with the bats. So I concurred.
I certainly support Commissioner Putnam.

PRESIDENT SCHLEMMER:
I see that Fox is ---

COMMISSIONER FOX:
Yes.

PRESIDENT SCHLEMMER:
--- nodding his head also. Commissioner Hoover?

COMMISSIONER HOOVER:
I would also like to point out that, looking at the decline of the bats, I mean, if we don't make a move within the next two years, we're not going to have any bats. I mean, the answer is we've lost 90 percent or 90-some odd percent of the bats we have, and we're losing more every day. So yeah, I think ---.

PRESIDENT SCHLEMMER:
I believe we're done into the cave right now, ---

COMMISSIONER HOOVER:
Correct.

PRESIDENT SCHLEMMER:
--- okay, if that's proper. Any other new business? Hearing none, moving along here, I'd like to mention that the next working group meeting
will be December the 16th. That will be held in Harrisburg. And I'm going to cover --- the January Commission meeting will be held on January 26th, 27th, 28th in 2014. Does the Commission wish to proceed with these dates? Gentlemen, just a yea or nay here. I'm getting a nod of heads yes.

YEAS RESPOND

PRESIDENT SCHLEMMER:

That being said, you're probably all aware that Executive Director Roe, this is his final meeting. And we would like to thank him. I have a few short notes here I would like to actually read.

Carl, on behalf of the Board of Commissioners, I would like to extend our thanks to your tenure with the Pennsylvania Game Commission. As Executive Director, you have served the Commission with new missions in all too numerous to mention. The recent Game Commission press release pretty well covered the bases on this. And I know you'll be extremely active in your retirement, and I suggest you might do a little fishing. I know he goes down to the shore and does that a lot. And again, I'd like to thank you for your time at the helm. And that being said, the Board would like to present a print in your honor. If you would come up.
PRESIDENT SCHLEMMER:

He selected this one (indicating).

Thank you, sir. We'll get a group photo after ---.

MR. ROE:

I'm not going to say much because I got a hell of a lot of work to do in the next 90 days.

No, it's been a real pleasure. I think one of the fun things about the job has been the --- getting to visit and get to know a lot of sportsmen's groups and conservation groups. And I would be remiss if I didn't mention the conservation groups also who are a part of all of our team. I guess I'm going to be around for another 90 days, so I'm not saying goodbye, but I just want to say it has been a great pleasure and honor to work with the men and women of the Pennsylvania Game Commission, the greatest people in state government, as you know, dedicated, loyal, and I couldn't ask for --- have a --- I had an awful lot of fun. Some days are more fun than others, but days were fun. So thank you very much, and I got to go to work, so ---.

PRESIDENT SCHLEMMER:

Carl, if you'd stay there for just a second, please, some of the Commissioners would like
to say a few words.

MR. ROE:

Well, sure. I'm sorry.

PRESIDENT SCHLEMMER:

Mr. Martone?

COMMISSIONER MARTONE:

I have to speak on Carl's leaving because it strikes me very poignantly. And as a student of Theodore Roosevelt, I use his quotes on many occasions. But in this case, I didn't have to go look for one. The two quotes that apply to my relationship with Carl and how I feel of him as the Executive Director were already on the top of my mind, so I'll state them clearly. According to Roosevelt, the best executive is the one who has sense enough to pick good men and, in Dot's case, good women, to do what he wants done, and then self-restraint enough to keep from meddling with them while they accomplish it. And I think that Carl's claim to fame.

The other quote that I think applies to our current Executive Director is one that I'm sure that Carl knows. And I'm not sure if all the Board has heard it, so I think it needs repeating. Again, from Roosevelt, it is not the critic who counts, nor the man who points how the strong man has struck
us --- stumbles, or where the doer of deeds could have
done better. The credit belongs to the man who is
actually in the arena, whose face is marred by dust,
sweat and blood, who strives valiantly, who knows the
great enthusiasm, the great devotions, and spends
himself in a worthy cause, who, at best, knows the
triumphs of high achievement, and who, at worst, if he
fails, at least he fails while daring greatly, so that
his place is never to be with the cold and timid souls
who could neither experience victory or defeat. And I
really think that applies to Carl.

And I want to thank him for his tenure
not for myself but for future generations who pick up
the gun and the bow and the trap and who experience
what I and many Pennsylvanians have gotten to
experience because I think his legacy will be with
those future generations. So I thank him. And I
thank him very deeply from the heart. Thank you,
Carl.

MR. ROE:
That is my favorite quote by Roosevelt.

PRESIDENT SCHLEMMER:
Anyone else wish to speak at this time?

Commissioner Putnam?

COMMISSIONER PUTNAM:
I want to thank you, too, Carl. I know you and I might not necessarily agree on everything as we go along, but you've done a tremendous job for the Game Commission. I've been a student of the Game Commission and the Executive Director's for many, many years. I've personally known everybody since Glenn Bowers, and I will tell you, you've done a really good job. Thank you very much.

MR. ROE:

Thank you.

PRESIDENT SCHLEMMER:

Mr. Delaney?

COMMISSIONER DELANEY:

Yeah, I definitely would have to have something to say about Carl Roe. When I came on the Board in 2007, we rarely brought up the two words small game. And back in 2007 until today, if I remember one legacy that Carl will help leave is that it's not all about deer. It's about other species of wildlife. It's about getting kids involved in the sport. And it's about small game hunting. So Carl, I really believe that you helped us in that vision for the last several years to talk about there are other species in the Pennsylvania Game Commission, and small game hunting is the connection to it. So I really
believe you did a phenomenal job in what you did in
that arena, and for that I'm thankful.

    MR. ROE:
    Thank you.

    PRESIDENT SCHLEMMER:
    Other comments?

    COMMISSIONER FOX:
    I've only been here a short time, but I
will say, Carl, I feel very privileged to have had the
opportunity to work with you and continue working with
you for the next 90 days. Thank you for all that
you've done.

    MR. ROE:
    Thank you.

    PRESIDENT SCHLEMMER:
    Anybody else?

    APPLAUSE

    PRESIDENT SCHLEMMER:
    Any further business to be conducted at
this meeting. Hearing none at this time, the meeting
is adjourned. Thank you for coming.

* * * * * * *

    MEETING CONCLUDED AT 9:50 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President Schlemmer was reported by me on 9/24/2013 and that I Kimberly I. Faidley read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

[Signature]

Court Reporter