

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION MEETING

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PUBLIC MEETING

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BEFORE:      ROBERT W. SCHLEMMER, President  
                 David J. Putnam, Vice President  
                 Brian H. Hoover, Secretary  
                 James J. DeLaney, Jr., Commissioner  
                 Ronald A. Weaner, Commissioner  
                 Ralph A. Martone, Commissioner  
                 Charles E. Fox, Commissioner  
                 Timothy S. Layton, Commissioner  
                 Matthew Hough, Executive Director  
                 Bryan J. Burhans, Deputy Executive of  
                 Administration  
                 Richard Palmer, Deputy Executive of Field  
                 Operations  
                 William Capouillez, Director of Bureau of  
                 Wildlife Habitat Management  
                 Dot Derr, Director of Administrative  
                 Services

Reporter: Susan M. Harshell

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HEARING: Tuesday, September 23, 2014  
8:30 a.m.

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

WITNESSES: None

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A P P E A R A N C E S

OFFICE OF CHIEF COUNSEL

BRADLEY C. BECHTEL, ESQUIRE

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Counsel for the Pennsylvania Game Commission

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I N D E X

OPENING REMARKS

By President Schlemmer

6

DISCUSSION AMONG PARTIES

6 - 8

PRESENTATION

By Attorney Bechtel

8 - 18

DISCUSSION AMONG PARTIES

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PRESENTATION

By Attorney Bechtel

20 - 22

DISCUSSION AMONG PARTIES

22 - 38

PRESENTATION

By Attorney Bechtel

38 - 52

DISCUSSION AMONG PARTIES

52 - 69

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\*Exhibits Not Attached

P R O C E E D I N G S

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PRESIDENT SCHLEMMER:

I'd like to call the meeting to order.

Stand please and pledge allegiance to the flag.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT SCHLEMMER:

May I have the roll call, please, Mr.

Secretary?

SECRETARY HOOVER:

Commissioner Layton?

COMMISSIONER LAYTON:

Present.

SECRETARY HOOVER:

Commissioner Fox?

COMMISSIONER FOX:

Present.

SECRETARY HOOVER:

Commissioner Martone?

COMMISSIONER MARTONE:

Present.

SECRETARY HOOVER:

Commissioner Weaner?

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COMMISSIONER WEANER:

Present.

SECRETARY HOOVER:

Commissioner Delaney?

COMMISSIONER DELANEY:

Present.

SECRETARY HOOVER:

Commissioner Putnam?

VICE PRESIDENT PUTNAM:

Present.

SECRETARY HOOVER:

Commissioner Schlemmer?

PRESIDENT SCHLEMMER:

Present.

SECRETARY HOOVER:

And Commissioner Hoover is here.

PRESIDENT SCHLEMMER:

Thank you, sir. Approval of minutes for  
the Commission meeting held on June the 10th, 2014, do  
I hear a motion?

EXECUTIVE DIRECTOR HOUGH:

So moved.

MR. BURHANS:

Second.

MR. PALMER:

1 Second.

2 PRESIDENT SCHLEMMER:

3 Discussions? Mr. Secretary?

4 SECRETARY HOOVER:

5 The motion on the floor has been who has  
6 seconded. All those in favor, signify by saying aye?

7 ALL AYE

8 SECRETARY HOOVER:

9 Opposed? Motion carries.

10 PRESIDENT SCHLEMMER:

11 Brad?

12 ATTORNEY BECHTEL:

13 Thank you, Mr. President. First I have  
14 come before the Commission today from the Bureau of  
15 Information and Education concerning the proposed  
16 rulemaking to amend 55 Pa. Code, Section 143.12.  
17 Hunter education delivery methods continues to evolve  
18 across the nation. The use of independent study is  
19 one deliver method which has been in use for nearly a  
20 decade in Pennsylvania. Students study the majority  
21 of the course on their own then attend an abbreviated  
22 two hour class to meet their local WCO, who leads a  
23 lesson on hunting laws and regulations. At the  
24 conclusion of this lesson, students complete the  
25 certification exam and receive a training certificate.

1 Recently, online training programs have been developed  
2 to not only provide the training component, but also  
3 enable online testing and certification of students as  
4 well. Upon successful completion of the course of  
5 study, students can print a certificate of training  
6 and purchase a hunting license. This continues to  
7 improve customer series and convenience.

8 Additionally, it removes any potential barriers for  
9 students who are unable to attend the traditional,  
10 instructor led class or one of the agency's  
11 independent study classes. It provides another tool  
12 for the agency to reach a large audience of people  
13 interested in learning to hunt or trap.

14 Vendors who develop and manage online hunter  
15 education, training and certification courses  
16 typically charge a user fee to recover the ongoing  
17 development and maintenance costs of the program.

18 This proposed regulations enables the agency to offer  
19 a completely online HTE training and certification  
20 course while providing for a convenience fee to be  
21 paid by those students who choose this option. The  
22 Pennsylvania Game Commission will continue to offer  
23 nearly 1,000 hunter led, hunter trapper education  
24 classes each year. And these classes will continue to  
25 meet the legislative mandate for HTE instruction to be

1 free of charge. The text is shown on page two of your  
2 agenda. Thank you.

3 PRESIDENT SCHLEMMER:

4 Do I hear a motion?

5 COMMISSIONER LAYTON:

6 So moved.

7 PRESIDENT SCHLEMMER:

8 Is there a second?

9 COMMISSIONER WEANER:

10 Second. Second.

11 PRESIDENT SCHLEMMER:

12 Discussion? Hearing none, Mr.

13 Secretary.

14 SECRETARY HOOVER:

15 There's a motion on the floor and it has  
16 been duly seconded. All these in favor, signify by  
17 saying aye.

18 ALL AYE

19 SECRETARY HOOVER:

20 Opposed, no? Motion carries.

21 ATTORNEY BECHTEL:

22 And this is also from the Bureau of  
23 Information and Education. It concerns the proposed  
24 rulemaking to amend 58 Pa. Code, Section 131.10.

25 On July 2nd, 2014, the act of July 2nd, 2014 became

1 effective. But this final legislation created 75  
2 Pennsylvania Code --- Consolidated Statute, Section  
3 1355.1 to establish the Department of Transportation  
4 authority, in consultation with the Commission, to  
5 issue Pennsylvania Hunting Heritage registration  
6 plates for eligible classes of vehicles. The  
7 legislation requires the Commission to charge a fee  
8 for the authorization to request the registration  
9 plate, but does not itself establish the fee amount.  
10 The Commission is proposing to create Section 131.10  
11 by requiring applicants seeking authorization to  
12 request a Pennsylvania Hunting Heritage registration  
13 plate to pay a fee of \$25. The text is shown on pay  
14 three of your agenda.

15 PRESIDENT SCHLEMMER:

16 Do I hear a motion?

17 COMMISSIONER MARTONE:

18 So moved.

19 PRESIDENT SCHLEMMER:

20 Is there a second?

21 COMMISSIONER WEANER:

22 Second.

23 PRESIDENT SCHLEMMER:

24 Discussion? I'd like to say something,  
25 that our local senator, Jim Brewster, this was his

1 initiative, and he's the one that got the plate passed  
2 for us. And also, I would like to thank our --- Steve  
3 very much for your efforts in this working with  
4 PennDOT, and also like to extend thanks to my  
5 granddaughter Helen, who helped in the design work.  
6 So that's what I'd like to say for the record. Thank  
7 you. Mr. Secretary?

8 SECRETARY HOOVER:

9 There's a motion on the floor that's  
10 been duly seconded. All those in favor, signify by  
11 saying aye.

12 ALL AYE

13 SECRETARY HOOVER:

14 Opposed, no? Motion carries.

15 ATTORNEY BECHTEL:

16 Moving on to the Bureau of Wildlife  
17 Protection, adopted rulemaking.

18 To effectively manage the wildlife  
19 resources of this Commonwealth, the Game Commission,  
20 at its June 10, 2014 meeting, proposed to amend 58 Pa.  
21 Code, Section 141.42, relating to parties hunting big  
22 game, by deleting voided roster requirement text  
23 remaining in subsection (a) (d) and (f). The text of  
24 this is shown on page five of your agenda.

25 PRESIDENT SCHLEMMER:

1 Do I hear a motion?

2 COMMISSIONER DELANEY:

3 So moved.

4 PRESIDENT SCHLEMMER:

5 Do I hear a second?

6 COMMISSIONER LAYTON:

7 Second.

8 PRESIDENT SCHLEMMER:

9 There's a second. Discussion? I  
10 believe that this particular rule was put forth by  
11 Senator Kasunic; correct on that?

12 COMMISSIONER WEANER:

13 Correct.

14 PRESIDENT SCHLEMMER:

15 And the Senator is retiring this year,  
16 and the Commissioners presented him a plaque of  
17 appreciation on Sunday. So put that in the record,  
18 I'd appreciate that very much. Mr. Secretary.

19 SECRETARY HOOVER:

20 There's a motion on the floor that's  
21 been duly seconded. All those in favor, signify by  
22 saying aye?

23 ALL AYE

24 SECRETARY HOOVER:

25 Opposed, no? Motion carries.

1                   ATTORNEY BECHTEL:

2                   The next item is also adopted  
3 rulemaking. It's the adoption of proposed amendment  
4 58 Pa. Code, Section 147.101 and 147.103, relating to  
5 the definition and classes to make it clear that  
6 hybrid applies to all offspring of species listed in  
7 50 CFR 10.13, relating to a list of migratory birds.  
8 The text is shown on pages seven through eight of your  
9 agenda.

10                   PRESIDENT SCHLEMMER:

11                   Motion?

12                   COMMISSIONER WEANER:

13                   So moved.

14                   PRESIDENT SCHLEMMER:

15                   Do I hear a second?

16                   COMMISSIONER MARTONE:

17                   Second.

18                   PRESIDENT SCHLEMMER:

19                   Discussion?

20                   SECRETARY HOOVER:

21                   Mr. President, I'd like to offer a ---.

22                   PRESIDENT SCHLEMMER:

23                   No. Discussion?

24                   SECRETARY HOOVER:

25                   No discussion.

1                   PRESIDENT SCHLEMMER:

2                   No discussion? Mr. Secretary?

3                   SECRETARY HOOVER:

4                   The motion on the floor has been duly  
5 seconded. All those in favor, signify by saying aye?

6 ALL AYE

7                   SECRETARY HOOVER:

8                   Opposed, no? Motion carries.

9                   ATTORNEY BECHTEL:

10                  The next item before the Commission  
11 concerning proposed rulemaking to amend 58 Pa. Code,  
12 Section 147.726.

13                  The United States Fish and Wildlife  
14 Service has the authority to issue a Special Purpose  
15 Abatement Using Raptors Permit. This permit generally  
16 allows qualified individuals to utilize raptors to  
17 handle nuisance wildlife issues for other persons.  
18 The Commission requires a person to obtain a Nuisance  
19 Wildlife Control Operators Permit if that person  
20 conducts nuisance wildlife control work for another  
21 person in Pennsylvania.

22                  In order for raptors to be utilized by  
23 properly permitted Nuisance Wildlife Control Operators  
24 in Pennsylvania, the Commission must amend its  
25 regulations. The Commission is proposing to amend

1 Section 147.726 to authorize the use of raptors for  
2 nuisance wildlife abatement by persons in possession  
3 of a Nuisance Wildlife Control Operator Permit and a  
4 Special Purpose Abatement Using Raptors Permit. The  
5 text of this is shown on page nine of your agenda.

6 PRESIDENT SCHLEMMER:

7 Do I hear a motion?

8 COMMISSIONER WEANER:

9 So moved.

10 PRESIDENT SCHLEMMER:

11 Second the motion?

12 COMMISSIONER MARTONE:

13 Second.

14 PRESIDENT SCHLEMMER:

15 Discussions? Hearing none, Mr.

16 Secretary.

17 SECRETARY HOOVER:

18 There's a motion that's on the floor  
19 that's been duly seconded. All those in favor,  
20 signify by saying aye?

21 ALL AYE

22 SECRETARY HOOVER:

23 Opposed, no? Motion carried.

24 ATTORNEY BECHTEL:

25 The next item before the Commission

1 concerns proposed rulemaking to amend 58 Pa. Code,  
2 Section 133.21 and 147.101 and to create Section  
3 147.111(b).

4                   The United States Fish and Wildlife  
5 Service has the authority to grant states within the  
6 Atlantic Flyway the ability to permit certain  
7 qualified falconers the opportunity to take passage  
8 Peregrine Falcons, *Falco peregrinus tundrius*, for  
9 falconry purposes. Although various states in the  
10 Atlantic Flyway currently participate in the limited  
11 allowable take of passage Peregrine Falcons,  
12 Pennsylvania does not.

13                   In order for the Commission in this  
14 Commonwealth's qualified falconers to participate in  
15 this program, the Commission must amend its  
16 regulations to distinguish between passage Peregrine  
17 Falcons, *Falco peregrinus tundrius*, and Peregrine  
18 Falcon, *Falco peregrines anatum*, which is currently  
19 listed as a Pennsylvania endangered species.  
20 Furthermore, the Commission define the allowable take  
21 to establish limitations on the number of passage  
22 Peregrine Falcons that can be taken in any given  
23 permit year.

24                   Finally, the Commission must establish a  
25 special permit program that includes eligibility

1 criteria as well as application and issuance  
2 standards.

3                   Upon the establishment of this  
4 regulatory structure, the Commission will seek  
5 approval from the United States Fish and Wildlife  
6 Service for Pennsylvania and its qualified falconers  
7 to participate in the limited take of passage  
8 Peregrine Falcons within Pennsylvania. The text of  
9 this amendment is shown --- or the text of this  
10 proposed ruling can be shown on pages 10 through 13 of  
11 your agenda.

12                   PRESIDENT SCHLEMMER:

13                   Do I hear a motion?

14                   COMMISSIONER WEANER:

15                   So moved.

16                   PRESIDENT SCHLEMMER:

17                   Second?

18                   COMMISSIONER MARTONE:

19                   Second.

20                   PRESIDENT SCHLEMMER:

21                   Proper moved and second. Discussion?

22                   SECRETARY HOOVER:

23                   At this time, Mr. President, I'd like to  
24 make a motion to amend Section 147.11(b)(e)(6) and  
25 (7), by removing the words present the passage

1 Peregrine Falcon to the Commission at the Harrisburg  
2 headquarters, and insert the word arrange in (6) and  
3 to remove the words presentations to and insert the  
4 words inspection by, in (7). These are on pages 12  
5 and 13 of your agenda.

6 COMMISSIONER WEANER:

7 Second.

8 PRESIDENT SCHLEMMER:

9 Discussion? Mr. Secretary?

10 SECRETARY HOOVER:

11 There's a motion on the floor that's  
12 been amended. So for this, we have to do the  
13 amendment first. We're going to vote on the  
14 amendment. All those in favor, signify by saying aye?

15 ALL AYE

16 SECRETARY HOOVER:

17 Those opposed, no? Motion carries. We  
18 will at this time, vote on the the amended.

19 VICE PRESIDENT PUTNAM:

20 Mr. President?

21 SECRETARY HOOVER:

22 Yes.

23 PRESIDENT SCHLEMMER:

24 Discussion?

25 VICE PRESIDENT PUTNAM:

1 I'd like to comment on the proposed  
2 amendment. What we're doing is removing the  
3 requirement that these birds be taken to the  
4 Harrisburg headquarters within three days of capture.  
5 These are young birds that would be subject to a lot  
6 of stress already. Surely this would be another  
7 adverse impact to those birds and that's why we're  
8 making this change.

9 PRESIDENT SCHLEMMER:

10 Thank you. Mr. Secretary?

11 SECRETARY HOOVER:

12 Okay. There's a motion on the floor  
13 that's been duly seconded. All those in the favor,  
14 signify by saying aye?

15 ALL AYE

16 SECRETARY HOOVER:

17 Opposed, no? That motion carries.

18 ATTORNEY BECHTEL:

19 The next item before the Commission  
20 comes from the Bureau of Wildlife Habitat Management.

21 It concerns a proposed rulemaking to amend 58 Pa.  
22 Code, Section 135.41, 135.181 and Chapter 147,  
23 Subchapter Z.

24 At the previous Board of Commissioners  
25 meeting conducted on June 10th, 2014, the Bureau of

1 Wildfire Habitat Management was directed to study  
2 feasibility Game Commission enacting a permit  
3 requirement for all game lands users who are not  
4 currently in possession of a valid hunting or  
5 furtaking license, or other permit or license signed  
6 by the Game Commission's appropriate authority.  
7 At the Commissioner's Working Group Meeting on August  
8 11, 2014, the detailed briefing and course of analysis  
9 was presented by the Bureau of Wildlife Habitat  
10 Management. A recommendation was made by the Bureau  
11 of Wildlife Habitat Management to the Working Group  
12 Committee Members to limit such a permit requirement  
13 only to those designated trail users on state game  
14 lands. This allowed for certain criteria and  
15 exemptions to occur. The presentation included varied  
16 evidence from --- evidence of the most egregious  
17 adverse impacts occurring to existing game lands areas  
18 from unauthorized uses on designated trails that had  
19 been limited to horseback riders, snowmobile users and  
20 bicyclists. Supporting documentation of ongoing  
21 significant costs accrued by the Commission in order  
22 to management, maintain, or otherwise assure  
23 compliance of these designated trail users was also  
24 presented by the Bureau.

25 In order to prudently manage the game

1 lands for its intended use and further protect,  
2 minimize, and mitigate those lost recreational and  
3 wildlife functions and values, which are adversely  
4 impacted due to these trail activities, the following  
5 proposed rulemaking is being offered for Board  
6 consideration. The text of this rulemaking is shown  
7 on pages 14 through 16 of your agenda.

8 PRESIDENT SCHLEMMER:

9 Thank you, Brian. Do I hear a motion?

10 COMMISSIONER LAYTON:

11 So moved.

12 PRESIDENT SCHLEMMER:

13 Second?

14 COMMISSIONER WEANER:

15 Second.

16 PRESIDENT SCHLEMMER:

17 Proper moved and second. Discussion,  
18 gentlemen?

19 COMMISSIONER DELANEY:

20 I'll start.

21 PRESIDENT SCHLEMMER:

22 Okay.

23 COMMISSIONER DELANEY:

24 Commissioner Delaney. I think we  
25 started this process months and months ago relative to

1 some concerns amongst Board members and our staff, and  
2 we asked our staff in look into the issue. And I  
3 believe Director Capouillez has done an outstanding  
4 job to come back and report to the Board his findings,  
5 factual finding that shows there is damage to our  
6 State Game Land System and to show us that there's a  
7 concern with the U.S. Fish and Wildlife Service, that  
8 we need to mitigate some of these damages within our  
9 resources and our budget. It's observe that there's a  
10 --- it's a contentious issue amongst the Board,  
11 something that we need to really look hard at to work  
12 at fixing. I suspect there are some very strong  
13 opinions from the (d) that's here on what needs to be  
14 done to fix it. But I for one stand that we need to  
15 do something. We received, I believe it was 600, or  
16 700 or 800 comments with regard to this issue. There  
17 was a lot of misinformation out there that I believe  
18 was corrected by our staff. I think we still need  
19 some more work on it. But I really believe that we  
20 need to do something to mitigate the problems that we  
21 have. We have a great agency, and if we can't solve  
22 this dilemma or this issue we can't solve any. So I  
23 think it's going to take some work for us to get it  
24 done. So I believe if we work together we can find  
25 some solution, that at least the majority of us could

1 support.

2 PRESIDENT SCHLEMMER:

3 Mr. Putnam?

4 VICE PRESIDENT PUTNAM:

5 I agree with Jay, that we do have a  
6 problem. And I think Bill did a good job of getting  
7 us starting in the process. However, I don't feel  
8 comfort that the current proposal as it exists is  
9 really the way we're going to --- what we're going to  
10 end up with. We've had some discussions that --- with  
11 our partners and others that --- well, we're going to  
12 exempt Rails to Trails, for example. It's not in  
13 here. We need to come up with specific exemptions.  
14 And I really don't feel comfortable with this where  
15 we're at. We are definitely going to do something.  
16 One of the things that we can do, and we can do it  
17 today or start this afternoon, is use our enforcement  
18 powers to reign in the illegal use. Most of the  
19 activities that are pointed out to us that are causing  
20 actual damage, are illegal use. We are spending money  
21 maintaining trails that are --- that have dual uses,  
22 but the problems are pointed out to us. They're  
23 mostly illegal. And we have the existing authority to  
24 tackle that right now. I would like to see us start  
25 on that approach first before we start spending a lot

1 effort regulating people who are really not ---. I  
2 mean, many --- most of the people that came here and  
3 testified are not causing a problem. The problem is  
4 an exception to one group, the off road bicycle people  
5 who don't want to ride on roads.

6 But other than that, most of the people  
7 that came here and spoke, were the people that are  
8 members of organized groups, don't really need much  
9 regulation. And the people who need the most  
10 regulation, I don't think they're part of the process  
11 right now, and we need to get them in the process.  
12 And I think that's going to be done better through  
13 enforcement.

14 I'll reserve my right to come back and  
15 add additional comments if this goes on.

16 PRESIDENT SCHLEMMER:

17 Okay. Commission Martone?

18 COMMISSIONER MARTONE:

19 Before this proposal comes to a vote, I  
20 want to make it clear the details surrounding this  
21 proposal. As of last Thursday there were 869 comments  
22 from hunters and non hunters opposed to this, while  
23 197 were in favor. That's the initial count. I will  
24 admit, that includes 597 Rails to Trails comments that  
25 were all opposed. Key legislators, including take 25

1 member at a House Game and Fisheries Committee and two  
2 other legislators are opposed to this.

3 The Governor's Advisory Council for hunting, fishing  
4 and conservation unanimously opposed this. Our key  
5 conservation partners, including the Western  
6 Pennsylvania Conservancy, National Wild Turkey  
7 Federation, United Bow Hunters of Pennsylvania,  
8 Pennsylvania Federation of Sportsmen's Clubs, all  
9 opposed to this.

10 Major organizations representing the  
11 Pennsylvania Equine Council, Pennsylvania State  
12 Snowmobilers Association, International Mountain  
13 Bikers Association, Keystone Rails to Trails all  
14 opposed to this propose at. And most important of  
15 all, this issue is opposed by the Pennsylvania Game  
16 Commission itself. From the field staff, regional  
17 staff, headquarter staff and even senior  
18 administration, all oppose this proposal.

19 I would encourage everyone following  
20 this issue to pay close attention to the results of  
21 today's vote and pay attention to who voted and how  
22 they voted, I think it's important. Thank you.

23 SECRETARY HOOVER:

24 Mr. President?

25 PRESIDENT SCHLEMMER:

1 Any other comments? Commissioner  
2 Layton.

3 COMMISSIONER LAYTON:

4 I'm having a hard time understanding  
5 whether people are opposed to the permit itself or the  
6 fee that's associated with the permit. I think  
7 everybody sitting here today understands that we have  
8 a problem with our --- with our game land. We have a  
9 problem that needs to be addressed.  
10 Currently that burden to mitigate those problems is  
11 --- comes from the hunters and trappers from  
12 Pennsylvania. I understand why a lot of these groups  
13 are opposed to the permit. If it's a fee issue, what  
14 I would suggest is that we continue to move forward  
15 with this because the permit in and of itself does  
16 more to benefit the Game Commission, I think than the  
17 fee that's associated with it. If with the permit we  
18 can put out information to those people who want to  
19 use the game lands, who want to ride bikes, who want  
20 to ride horses, who want to use the game lands for  
21 snowmobiles, at least we can get the information out  
22 to them that this is what's required of you. This is  
23 the timeframe that you're allowed to use our game  
24 lands. These are the trails that you have to travel.  
25 I think staff, Director Capouillez and the staff of

1 the Game Commission has a monumental task ahead of  
2 them. Because first, I think what they need to do is  
3 go out and identify those trails that are designated  
4 by the Game Commission. We need shut down the trails  
5 that are currently illegal trails and shouldn't be  
6 used by the Game Commission. We need to get signage  
7 out there. We do need to get --- I agree with  
8 Commissioner Putnam, we need law enforcement out there  
9 and we need to get ahold of this situation.  
10 But I think by simply throwing this whole proposal out  
11 would be wrong on our account, because the permit even  
12 without the fee gives us the ability to know who is on  
13 our game lands, what they're doing on our game lands,  
14 and gives us the opportunity to at least send those  
15 rules out that are extremely difficult to find. If  
16 you even go to our --- the Game Commission website and  
17 you don't have an a Hunters and Trappers Digest. You  
18 know, there are some issues I think we need to work  
19 out with this proposal. But I would I urge support of  
20 it, and we can make adjustments and do what we need to  
21 do to make it work for both the Game Commission and  
22 those secondary users. Thank you.

23 PRESIDENT SCHLEMMER:

24 Commissioner Hoover?

25 SECRETARY HOOVER:

1                   Commissioner Martone draws conclusions,  
2 that from 800 e mails, 597 of which were institutional  
3 e-mails that were all the same, that all of the  
4 hunters out there and all the hunting license holders  
5 are against this permit. And I tend to disagree with  
6 Commissioner Martone --- strenuously disagree with  
7 him, and I don't know how he draws that conclusion.  
8 We received four letters from legislators, two from  
9 the House Game and Fisheries Committee that were  
10 against and came out against the permit proposal, and  
11 he draws from that conclusion that all 25 are against  
12 the permit proposal they haven't even met. So he does  
13 some really good work within the Commission here, and  
14 then he does some not so good work in trying to  
15 persuade people by manipulating the numbers.

16                   What I do want to point out is that this  
17 permit was brought forth because we do have a problem  
18 on our game lands. We have game lands today that have  
19 no game on them, that are more in tune to recreational  
20 purposes than they are for hunting and trapping. And  
21 those are the problems that we need to fix and solve.  
22 And if we continue to kick the can down the road so to  
23 speak, as we done in the past with other things, and  
24 not make the hard choices then we will never fix the  
25 problems that are out there. This permit becomes a

1 vehicle to get the information out to the public and  
2 tell them, yes, you're allowed on our lands, you've  
3 been allowed on it for free, but here are the  
4 stipulations by which you have to operate to get onto  
5 our lands, the times and the details that you're  
6 allowed there.

7                   At this point, I agree that this is not  
8 a perfect proposal. I certainly do agree that there's  
9 a lot of work to it. And I'd like to make a motion to  
10 table this and have the staff come back to us with a  
11 proposal that the Commissioners will all support.

12                   PRESIDENT SCHLEMMER:

13                   Commissioner Putnam?

14                   VICE PRESIDENT PUTNAM:

15                   Thank you. I'll use up the remainder of  
16 my time. We've got a motion on the floor.

17                   SECRETARY HOOVER:

18                   We have a motion on the floor, Mr.  
19 President.

20                   PRESIDENT SCHLEMMER:

21                   I got to hear --- there's a motion on  
22 the floor.

23                   VICE PRESIDENT PUTNAM:

24                   Okay. We're going to discuss the  
25 motion. No?

1 COMMISSIONER WEANER:

2 No, this is a non-discussable motion.

3 PRESIDENT SCHLEMMER:

4 That's correct. Motion on the floor.

5 SECRETARY HOOVER:

6 I need a second.

7 PRESIDENT SCHLEMMER:

8 I need a second.

9 VICE PRESIDENT PUTNAM:

10 Second.

11 PRESIDENT SCHLEMMER:

12 It's properly moved and seconded. Mr.

13 Secretary?

14 SECRETARY HOOVER:

15 I'd ask for a discussion.

16 ATTORNEY BECHTEL:

17 I'd ask for a discussion on this --- a  
18 non-discussion.

19 SECRETARY HOOVER:

20 There's a motion on the floor to table  
21 135.41, and 135.181 and Chapter 147, Subchapter Z and  
22 have the --- have the staff bring back the proposal at  
23 the work --- at the next work group meeting in a more  
24 workable form.

25 PRESIDENT SCHLEMMER:

1 Call for a vote.

2 SECRETARY HOOVER:

3 All those in favor, signify by saying  
4 aye.

5 ALL AYE

6 SECRETARY HOOVER:

7 Opposed? Motions passes.

8 PRESIDENT SCHLEMMER:

9 I would like to say something, because I  
10 didn't get into the first part of this. In moving  
11 forward, Bill I'd like thank you for all your effort  
12 and your boots on the ground effort out there, walking  
13 on out game lands. Okay? And I had --- I made up a  
14 little statement here about listening to this proposal  
15 since it was decided to vet the proposed fees to  
16 repair and preserve our game lands. And we are  
17 charged and took an oath as Commissioners to basically  
18 preserve, propagate and protect the wildlife, and in  
19 turn the wildlife habitat, that our hunters and  
20 trappers have supplied.

21 Increasing degrees of freedom ultimately  
22 creates chaos. To restrict human behavior, we must  
23 have rules to protect life, and in this case property.  
24 We have a social contract with each other, and we have  
25 a set of rules that we cannot yield to any special

1 interest groups, whether they be legislative or  
2 passive users. It's important that we move forward  
3 with this proposal as we have just stated, and make  
4 changes as needed and amend those as required. At one  
5 point, as Commissioners we must stand on principal and  
6 do our duty.

7                   Final thought, no one ever did anything  
8 great by playing it safe. Thank you. And I'm going  
9 to support what we all do here. Thank you. I just  
10 wanted to make that statement.

11                   COMMISSIONER DELANEY:

12                   Mr. President, I still have something  
13 that I need some clarification for here. Do you want  
14 me to ask the question under new business, or while  
15 Director Capouillez is here, can I ask him now?

16                   PRESIDENT SCHLEMMER:

17                   While the Director is here why don't you  
18 ask him.

19                   COMMISSIONER DELANEY:

20                   This is going to be a tough question,  
21 and our Executive Director is going to have to answer  
22 it. But the good Commissioner from the northwest  
23 stated that our agency and all of the staff adamantly  
24 opposed to this procedure that we're going to do. And  
25 I believe I heard Director Hough say it hasn't even

1 been --- I'm sorry, Director Hough, that it hasn't  
2 even been vetted yet. I mean, there's a lot of people  
3 out here in the audience that are going to see this  
4 film. And Commissioner Martone said our agency staff  
5 is adamantly against this.

6                   So I as a Commissioner, I'd like to hear  
7 where our staff is at on this. I don't know that it  
8 was vetted, Matt, is what you had said yesterday. So  
9 offer us some clarification to this if you would.

10                   EXECUTIVE DIRECTOR HOUGH:

11                   In discussions with senior staff and the  
12 majority of senior staff, certainly not all of them,  
13 because Bill is in favor of it. But the majority of  
14 those individuals are not in favor of this proposal as  
15 it stands. And I'm talking senior staff, I'm talking  
16 I actually smoke to four of those six regional  
17 directors who were opposed to it, individuals from the  
18 Bureau of Wildlife Protection that were opposed to it,  
19 Information and Education people that were opposed to  
20 it as it stands.

21                   COMMISSIONER DELANEY:

22                   Did you not say to us yesterday that the  
23 senior staff has not vetted this yet?

24                   EXECUTIVE DIRECTOR HOUGH:

25                   No, I have vetted it with the senior

1 staff. Obviously, I did. We have senior staff  
2 meetings, we have regional director meetings. What I  
3 said was, that the proposal that the Commission saw at  
4 the Working Group Meeting was never vetted to senior  
5 staff before it was shown to the Commissioners.

6 COMMISSIONER DELANEY:

7 Okay. So then isn't that statement  
8 accurate, that our agency is adamantly against this  
9 proposal.

10 EXECUTIVE DIRECTOR HOUGH:

11 As this proposal stands, senior staff is  
12 not in favor of this proposal. We know there's a  
13 problem, we know we have to find a solution to this  
14 problem. The devils in the details basically. And we  
15 don't think that this proposal is going to solve that  
16 problem the way it stands.

17 COMMISSIONER DELANEY:

18 As written.

19 EXECUTIVE DIRECTOR HOUGH:

20 Correct.

21 COMMISSIONER DELANEY:

22 Perfect. That's just what I wanted to  
23 hear. So we have an issue and we need to fix it?

24 EXECUTIVE DIRECTOR HOUGH:

25 Correct. Yes.

1                   PRESIDENT SCHLEMMER:

2                   Would you like to approve it?

3                   SECRETARY HOOVER:

4                   Commissioner Hough --- I mean, Executive  
5 Director Hough, we're asking --- or I am asking that  
6 the staff return to this issue and bring forth a  
7 proposal for this permit that is more palatable to our  
8 constituents and the Board of Commissioners, at the  
9 next work group meeting. I am not interested in  
10 allowing this to lay and just go away, I would like to  
11 see this proposal move forward at some point in a  
12 corrected form that addresses the issues that we  
13 currently deal with in our game lands, and remembering  
14 the fact that what the game lands are there for. They  
15 are not there for recreational purposes, and they have  
16 turned into recreational game lands and it's now  
17 it's become a dual purpose. Everyone came to us and  
18 said, we're going to lose control of our game lands.  
19 We have already lost control of our game lands. And  
20 for those of you that sit out there saying, no, we  
21 haven't, that is incorrect. Take a look at it, we  
22 have lost control of our game lands. And not all of  
23 our game lands, but a good portion of them.

24                   So we need to get these game lands back  
25 into our control, and get them back to the hunter and

1 the trapper for which they were originally designated.  
2 And I'd appreciate that you follow through with that.

3 EXECUTIVE DIRECTOR HOUGH:

4 Certainly will.

5 PRESIDENT SCHLEMMER:

6 Commissioner Martone?

7 COMMISSIONER MARTONE:

8 A couple of things I want to add to the  
9 discussions. Commissioner Hoover says that we have  
10 lost control of our game lands, but I would propose  
11 this is not a statewide issue. I would agree in  
12 southeast Pennsylvania, game lands are heavily used by  
13 recreational users, and there probably is more  
14 concerns there than anywhere else in the state. But I  
15 can tell you I spend an awful lot of time traveling  
16 the state and spend a lot of time on game lands, and  
17 this is not a statewide issue. This is an issue that  
18 very rarely pops up in the northwest, and the north  
19 center and many of the places I go. Are there  
20 incidents, yes. But is it, as Commissioner Hoover  
21 paints the picture, a loss of our game lands and have  
22 we lost control? Maybe in the southeast there is  
23 truth to that. But I can tell you it's not true  
24 statewide.

25 The other thing that concerns me is that

1 right now we have proposed and gone to Executive  
2 Director Hough to ask the staff to come up with a  
3 solution to this problem. This is the way it's  
4 supposed to work. This is the way it has always  
5 worked for this agency, for a Commissioner to make a  
6 proposal and ask the staff to fix it. What happened  
7 up to this point is not the way it was supposed to  
8 work, where a Commissioner asked for something to get  
9 done and it gets done without the agency involvement.  
10 So what we go from here on is the correct path. How  
11 we got here has been completely incorrect. Thank you.

12 COMMISSIONER WEANER:

13 Mr. President, I have a problem with  
14 what's required. Without a motion on the floor  
15 there's not supposed to be any discussions of  
16 anything. We don't have any motion on the floor, and  
17 technically what we're doing is not following Rob's  
18 rules of order.

19 PRESIDENT SCHLEMMER:

20 Thank you.

21 ATTORNEY BECHTEL:

22 The next item before the Commission  
23 today is from real state. It concerns the donation of  
24 Contract Number L 3670, State Game Land Number 96 in  
25 Venango County.

1                   Lucy M. Daris is offering a donation of  
2 6.6, more or less, acres of land in Jackson and Plum  
3 Townships, Venango County, which adjoins State Game  
4 Land Number 96, as shown on Exhibit Red One on page 18  
5 of your agenda. The property mostly forested with  
6 mixed hardwoods, and has two small forest openings  
7 approximately one half acre in size. The tract is  
8 accessed from Sunville Road.

9                   PRESIDENT SCHLEMMER:

10                   A motion?

11                   COMMISSIONER MARTONE:

12                   So moved.

13                   PRESIDENT SCHLEMMER:

14                   Second?

15                   COMMISSIONER MARTONE:

16                   Second.

17                   PRESIDENT SCHLEMMER:

18                   Discussions? Mr. Secretary.

19                   SECRETARY HOOVER:

20                   The motion on floor has been duly  
21 seconded. All those in favor, signify by saying aye?

22 ALL AYE

23                   SECRETARY HOOVER:

24                   Opposed, no? Motion carried.

25                   ATTORNEY BECHTEL:

1                   The next item concerns an acquisition,  
2 Contract Number L 3671, State Game Land Number 307,  
3 Lackawanna County.

4                   D&L Realty Company is offering for sale  
5 163 acres, more or less, in Archbald Borough,  
6 Lackawanna County, adjacent to State Game Land Number  
7 307, as shown on Exhibit Red Two on page 20 of your  
8 agenda. The option price is \$357,500 lump sum, to be  
9 paid with funds from third party commitments for  
10 compensation of habitat and recreational losses, which  
11 occurred on state game lands from previously approved  
12 projects. The tract is forested with mixed northern  
13 hardwoods. There is the presence of past lining  
14 activity on the property with multiple mine spoil  
15 banks located through the lower portion of the  
16 property, which have been become covered with forest  
17 growth. The seller is accepting and reserving oil and  
18 gas together with the rights to explore for, develop  
19 and produce said oil and gas. Acquiring this property  
20 will provide critical access into existing State Game  
21 Land Number 307 from Business Route 6.

22                   PRESIDENT SCHLEMMER:

23                   Thank you, Brad. Do I hear a motion?

24                   COMMISSIONER WEANER:

25                   So moved.

1                   PRESIDENT SCHLEMMER:

2                   So moved.    Second?

3                   COMMISSIONER DELANEY:

4                   Second.

5                   PRESIDENT SCHLEMMER:

6                   Discussion?   Hearing none, Mr.

7   Secretary.

8                   SECRETARY HOOVER:

9                   The motion on the floor has been duly  
10 seconded.   All those in favor, signify by saying aye?

11   ALL AYE

12                   SECRETARY HOOVER:

13                   Opposed, no?   Motion carried.

14                   ATTORNEY BECHTEL:

15                   The next item concerns the settlement of  
16 a dispute, Contract Number L 3672, State Game Land's  
17 Number 216 in Lawrence County.   Before the Commission  
18 is proposed settlement of a boundary dispute whereby  
19 Constance Feldman will convey to Commission .32, more  
20 or less, acres situated in Slippery Rock Township,  
21 Lawrence County for the amount of \$155,000 as shown on  
22 Exhibit Red Three on page 22 of your agenda.

23   The two adult children of Mrs. Feldman shall have the  
24 right to occupy the house located on the premises for  
25 the duration of their natural lives or for so long as

1 one or both utilize the house as their residence.  
2 This settlement stems from a dispute as to the  
3 property boundary and encroachment. The property is  
4 an indenture into State Game Land Number 216.

5 PRESIDENT SCHLEMMER:

6 Thank you, Brad. Motion?

7 COMMISSIONER MARTONE:

8 So moved.

9 PRESIDENT SCHLEMMER:

10 Second?

11 COMMISSIONER WEANER:

12 Second.

13 PRESIDENT SCHLEMMER:

14 Discussions? Mr. Secretary?

15 SECRETARY HOOVER:

16 The motion on the floor has been duly  
17 seconded. All those in fair, signify by saying aye?

18 ALL AYE

19 SECRETARY HOOVER:

20 Opposed, no? Motion carried.

21 ATTORNEY BECHTEL:

22 Next item before the Commission concerns  
23 oil and gas mineral recovery. It's an oil and gas  
24 lease amendment, tract 223A 08, State Game Lands  
25 Number 223 in Greene County.

1                   Chevron Appalachia, LLC, Chevron, has  
2 requested to amend an existing Commission approved oil  
3 and gas lease for Tract 223A 08 in Dunkard Township,  
4 Greene County. Tract 223A 08 is located on a portion  
5 of State Game Lands Number 223, and currently consists  
6 of 2,064.98 acres. Chevron proposes to amend the  
7 lease by adding an additional three parcels, totaling  
8 3.75 surface acres to the agreement. That's as known  
9 on Exhibit --- OGM Exhibit One, page 24 of your  
10 agenda.

11                   The Commission owns 100 percent of the  
12 surface and the underlying oil and gas rights on two  
13 of the parcels and owns 50 percent of the oil and gas  
14 rights on the third parcel. The net oil and gas  
15 acreage to be added to the lease is 9.36 acres.  
16 Chevron has leased the privately owned oil and gas  
17 rights and agreed to non-surface use on these portions  
18 of the game land.

19                   The terms and conditions of the lease  
20 will remain consistent with the existing agreement,  
21 approved by the Commission in April of 2008, except  
22 the bonus payment will be increased from \$125 per acre  
23 to \$1,500 per acre for the amended acreage. The bonus  
24 payment of approximately \$14,040 may be deposited into  
25 either the Game Fund or interest bearing escrow

1 account to be used for the future purchase of wildlife  
2 habitats, lands or other incidental uses to hunting,  
3 furtaking and wildlife resource management. All  
4 future rentals and royalties owed the Commission shall  
5 be directly deposited into the Game Fund.

6 Oil and gas development will be regulated by the  
7 Commonwealth's Oil and Gas Regulations and the  
8 Commission's Restricted Surface Use Oil and Gas  
9 Cooperative Agreement, which is currently in place.

10 PRESIDENT SCHLEMMER:

11 Thank you, Brad. Is there a motion?

12 SECRETARY HOOVER:

13 So moved.

14 PRESIDENT SCHLEMMER:

15 Second?

16 VICE PRESIDENT PUTNAM:

17 Second.

18 PRESIDENT SCHLEMMER:

19 Discussion? Mr. Secretary.

20 SECRETARY HOOVER:

21 There's a motion on the floor that's  
22 been duly seconded. All those in favor, signify by  
23 saying aye?

24 ALL AYE

25 SECRETARY HOOVER:

1                   Opposed, no? Motion carried.

2                   ATTORNEY BECHTEL:

3                   The next item concerns a Restricted  
4 Surface Use Oil and Gas Cooperative Agreement, Tract  
5 302A 14, State Game Land's Number 302 in Green and  
6 Washington Counties.

7                   Noble Energy, Noble, requested that the  
8 Commission offer its oil and gas ownership under a  
9 portion of State Game Land Number 302 for oil and gas  
10 development. The proposed tract, containing  
11 approximately 4.94 acres, is located in Richhill  
12 Township, Greene County and West Finley Township,  
13 Washington County, as shown on Exhibit OGM Exhibit Two  
14 on page 26 of you agenda.

15                  Noble has a strong privately oil and gas  
16 lease hold position surrounding this portion of State  
17 Game Land Number 302, and has the ability to unitize  
18 the Commission's oil and gas reserve by horizontal  
19 drilling with no disturbance to the game lands  
20 surface. The staff has negotiated the proposed terms  
21 of the agreement with Noble in an effort to safeguard  
22 the prudent development of the Commission's  
23 oil/reserve and simultaneously protect the wildlife  
24 resources and recreational use of State Game Land  
25 Number 302.

1                   The terms of the agreement are five year  
2 paid up Non Surface Use Oil and Gas Agreement, a  
3 \$4,000 per acre bonus payment and 18.5 percent royalty  
4 for all oil and gas, and other liquids and condensates  
5 produced and sold from the proposed tract. The bonus  
6 payment of \$19,736 may be deposited either into the  
7 Game Fund or an interest bearing escrow account to be  
8 used for the future purchase of wildlife habitats,  
9 lands or other uses incidental to bunting, furtaking  
10 and wildlife resource management. Future rentals and  
11 royalties wed to the Commission shall be deposited  
12 directly into the Game Fund.

13                   Oil and gas development will be  
14 regulated by the Commonwealth's Oil and Gas  
15 Regulations and the Commission's Restricted Surface  
16 Use Oil and Gas Cooperative Agreement.

17                   PRESIDENT SCHLEMMER:

18                   Thank you, Brad. Do I hear a motion?

19                   SECRETARY HOOVER:

20                   So moved.

21                   PRESIDENT SCHLEMMER:

22                   Second?

23                   COMMISSIONER LAYTON:

24                   Second.

25                   PRESIDENT SCHLEMMER:

1 Moved and seconded. Discussions?  
2 Hearing none, Mr. Secretary.

3 SECRETARY HOOVER:

4 The motion on the floor has been duly  
5 seconded. All those in favor, signify by saying aye?  
6 ALL AYE

7 SECRETARY HOOVER:

8 Opposed, no? Motion carries.

9 ATTORNEY BECHTEL:

10 The next item before the Commission is  
11 also Restricted Surface Use Oil and Gas Cooperative  
12 Agreement, Tract 245A 14, the State Game Land Number  
13 245 in Washington County.

14 John M. Stilley, d/b/a Patriot  
15 Exploration, Patriot, has requested the Commission  
16 offer its oil and gas ownership under a 358.7, more or  
17 less, portion of State Game Land Number 245 for oil  
18 and gas development. This is shown on OGM Exhibit  
19 Three on page 28 of your agenda. The Game Commission  
20 owns 50 percent of the oil and gas rights under the  
21 proposed tract. The remaining privately held 50  
22 percent oil and gas ownership is oil leased from the  
23 private oil and gas owners.

24 Patriot is an affiliate company of  
25 Amerikohl Mining Company, Amerikohl, and this action

1 will provide a means to provide a final resolution to  
2 a previously negotiated Settlement Agreement dated  
3 November 7th, 2013, between Amerikohl, the United  
4 States Fish and Wildlife Service and the Game  
5 Commission. Under the terms of the aforementioned  
6 Settlement Agreement, the Game Commission agreed to  
7 waive \$17,366 in lease value on a future leasing  
8 arrangement on an undetermined game lands. Amerikohl  
9 conducted an exhaustive coal exploration and drilling  
10 program on several game lands and could not find a  
11 coal reserve in which the Commission and Amerikohl  
12 could agree to effectuate a coal mining lease.  
13 However, Amerikohl affiliate company Patriot has  
14 working interest in oil and gas development and  
15 several areas of the Commonwealth, and this lease  
16 action will serve as a means to finalize the November  
17 2013 Settlement Agreement with Amerikohl, and  
18 ultimately result in no surface impact to the game  
19 lands.

20                   The staff has negotiated the proposed  
21 terms of the agreement with Amerikohl and Patriot in  
22 an effort to safeguard the prudent development of the  
23 Commission's oil/gas reserve and time simultaneously  
24 protect the wildlife resources and recreational use of  
25 State Game Land Number 245. The terms of the

1 agreement are ten year paid up Non Surface Use Oil and  
2 Gas Agreement, a \$3,000 per acre bonus payment, of  
3 which the agreed waiver of \$317,366 will be applied,  
4 and a 19 percent royalty for all oil/gas and other  
5 liquids or condensates produced and sold from the  
6 proposed tract, which are owned by the Commission.  
7 The remaining bonus payment of \$220,714 due the  
8 Commission may be developed into the Game Fund or  
9 interest bearing escrow account for the future purpose  
10 of wildlife habitats, lands or other uses incidental  
11 to hunting, furtaking and wildlife resource  
12 management. Future rentals and royalties owed the  
13 Commission shall be deposited directly into the Game  
14 Fund.

15 Oil and gas development will be  
16 regulated by the Commonwealth's oil and gas  
17 regulations and the Commission's Restrict Surface Use  
18 Oil and Gas Cooperative Agreement.

19 PRESIDENT SCHLEMMER:

20 Thank you, Brad. Do I hear a motion?

21 SECRETARY HOOVER:

22 So moved.

23 COMMISSIONER MARTONE:

24 So moved.

25 PRESIDENT SCHLEMMER:

1 Second?

2 COMMISSIONER LAYTON:

3 Second.

4 PRESIDENT SCHLEMMER:

5 Moved and seconded. Discussion? Mr.  
6 Martone?

7 COMMISSIONER MARTONE:

8 I would like to comment on this. I want  
9 to commend Bureau Director Capouillez for coming up  
10 with this agreement. In doing so, he protected some  
11 very critical and unique habitat in the northwest,  
12 with --- which was considered to settle this  
13 agreement. And I think that the solution is the  
14 benefit of all sportsmen in Pennsylvania.

15 Bill, do you have any comments on this?

16 You did a lot of work on it; I want to give you a  
17 chance to comment on it.

18 DIRECTOR CAPOUILLEZ:

19 There was a lot of work done by the  
20 region --- both the regions as well. There was  
21 the issue with regard to surface mining obviously  
22 impacts a lot of the surface area just due to the  
23 process. This was an excellent compromise to meet the  
24 Settlement Agreement that Brad had negotiated from  
25 previous, as well as the U.S. Fish and Wildlife. So

1 it settles the issue and it reduces our surface impact  
2 in its entirety. So it was a good compromise by  
3 everybody.

4 COMMISSIONER MARTONE:

5 Yeah.

6 DIRECTOR CAPOUILLEZ:

7 And again, I want to thank you for your  
8 efforts because there were very big concerns,  
9 particularly in the northwest with the unique habitat  
10 that was possibly going to be used to settle this, and  
11 I think this agreement has the best for everybody,  
12 particularly the sportsmen of Pennsylvania with game  
13 lands involved. So thank you again for your efforts.

14 PRESIDENT SCHLEMMER:

15 Further discussions? Hearing none, Mr.  
16 Secretary.

17 SECRETARY HOOVER:

18 Motion on the floor has been duly  
19 seconded. All those in favor, signify by saying aye?

20 ALL AYE

21 SECRETARY HOOVER:

22 Opposed, no? Motion carries.

23 ATTORNEY BECHTEL:

24 The last item before the Commission  
25 today is the Restrict Surface Use Oil and Gas

1 Cooperative Agreement Amendment. Tract 12A 13, State  
2 Game Land Number 12, Bradford and Sullivan Counties.  
3 Chief Exploration & Development, LLC, or Chief, of  
4 Dallas, Texas have requested to amend their existing  
5 19,133 acre Commission approved Restricted Surface Use  
6 Oil and Gas Cooperate Agreement for Tract A 13,  
7 located in Bradford and Sullivan Counties. The  
8 proposed amendment consists of adding 449, more or  
9 less, acres for non-surface use oil and gas  
10 development in Overton Township, Bradford County and  
11 Elkland Township, Sullivan County as shown on on OGM  
12 Exhibit Four as shown on page 30 of your agenda.  
13 Chief has a strong lease position surrounding proposed  
14 amendment area, has initiated unconventional well  
15 drilling and development programs in the vicinity of  
16 the amended acreage and has the ability to unitize and  
17 timely develop the Commission's oil and gas reserve,  
18 with no additional surface use or disturbance.

19                   The terms of the amendment are  
20 consistent with the existing agreement approved by the  
21 Commission in September 2013. Chief has agreed to pay  
22 the Commission a bonus of \$2,000 per acre and 23  
23 percent royalty for all oil/gas and other liquids or  
24 condensates produced and sold from the proposed tract.  
25 The bonus payment of approximately \$898,000 may be

1 deposited into the Game Fund or interest bearing  
2 escrow account for the future purchase of wildlife  
3 habitats, lands or other uses incidental to hunting,  
4 furtaking and wildlife resource management. Future  
5 royalties owed the Commission shall be directly  
6 deposited into the Game Fund.

7 Oil and gas development will be  
8 regulated by the Commonwealth's oil and gas  
9 regulations and the Commission's Restricted Surface  
10 Oil and Gas Cooperative Agreement.

11 PRESIDENT SCHLEMMER:

12 Do I hear a motion?

13 SECRETARY HOOVER:

14 So moved.

15 PRESIDENT SCHLEMMER:

16 Second?

17 COMMISSIONER WEANER:

18 Second.

19 PRESIDENT SCHLEMMER:

20 Discussion? Hearing none, Mr.

21 Secretary.

22 SECRETARY HOOVER:

23 The motion on the floor has been duly  
24 seconded. All those in favor, signify by saying aye?

25 ALL AYE

1                   SECRETARY HOOVER:

2                   No? That motion carries.

3                   PRESIDENT SCHLEMMER:

4                   Thank you, Bill. I appreciate it very  
5 much. Moving forward here under new business, but not  
6 really new, I'd like to thank Pat Anderson and his  
7 crew from the southwest for supplying       being host  
8 here and supplying WCOs to look after us, we  
9 appreciate it very much. And thanks to everybody,  
10 Pat. So thank you.

11 BRIEF INTERRUPTION

12                   PRESIDENT SCHLEMMER:

13                   Okay. The January meeting will be held  
14 on January 25, 26 --- 27, sorry.

15                   SECRETARY HOOVER:

16                   Before we close the meeting, I do want  
17 to thank Director Capouillez for all the work that he  
18 did on the permit process. What we did wrong in this  
19 process was absolutely nothing. What we did right was  
20 to bring the process out at a work group meeting to  
21 give everyone the opportunity to comment on it well  
22 advance of when it would normally be brought out to  
23 the public, which would be a today's meeting, and then  
24 the public comment portion would have begun today.  
25 According to Commissioner Martone, we did this the

1 wrong way, we sat at a work group meeting, we stuffed  
2 it at a work group meeting and Director Capouillez was  
3 requested at that point to --- as the Director of  
4 Wildlife Habitat Management to come forward with a  
5 proposal, which he did, and it was vetted as we went  
6 through the process. So thank you, Bill, for all the  
7 work did on that, I think you did a phenomenon job.  
8 And if nothing else, it brought out the problems that  
9 we currently have in the system, and hopefully will be  
10 address --- we'll be able to address those and get  
11 them corrected. Thank you.

12 PRESIDENT SCHLEMMER:

13 Commissioner Putnam?

14 VICE PRESIDENT PUTNAM:

15 On that line under new business, we  
16 recognize the problem and I guess I would like to ask  
17 the Executive Director to proceed with enforcement as  
18 he sees fit to reign in that problem to ask staff to  
19 categorize what the problem is, particularly in the  
20 off road or single track trails. What do we have as  
21 far as authorized single track trails and what's some  
22 extent of the unauthorized trails? I don't think we  
23 need to map the unauthorized ones up, because  
24 hopefully they're going to be closed soon.  
25 I think we need to make --- initiate efforts to

1 implement some of the things that Director Capouillez  
2 talked about, such as painting signs, and blazing  
3 trails as opposed to putting up signs that people  
4 steal. I think we're going to need to come up with a  
5 list of exceptions, and we're going to have to have  
6 that fairly widely discussed, because many of the  
7 people who were writing to us would be exempt under  
8 what we perceive as the way this would end up. It's  
9 not the way we wrote it, but I think it's the way we  
10 thought it would end up. So I think we want to work  
11 on that part of the --- of the proposed regulations.  
12 When we get to the actual permit stage, maybe we may  
13 not need a permit, maybe we'll exempt the people who  
14 are behaving legally and reign in the ones who are  
15 behaving illegally.

16                   We talked about how many comments are  
17 received, and the Board does listen to the comments.  
18 I guarantee you, we've agonized over all these  
19 comments. 597 institutional comments don't weigh to  
20 me as much as they --- a personal letter from Perry  
21 Gilbert, or John Shutter or Dave Brown. Those carry  
22 far more weight with me than 500 form letters. 500  
23 form letters are pretty easy to get rid of.

24                   But anyhow, we do listen to the public.  
25 And I think that's pretty well evident here. That's

1 all I have. I do have one other topic after that, if  
2 anybody wants to hear about that.

3 PRESIDENT SCHLEMMER:

4 Commission Delaney?

5 COMMISSIONER DELANEY:

6 Two comments --- actually, one I got to  
7 put in the form of a motion. But the first comment, I  
8 guess disappointing to me, you know, we're --- where  
9 we're at here in Jefferson County, we had chronic  
10 wasting disease last month, you know, and we get all  
11 these comments about the permits. Yet, chronic  
12 wasting disease is knocking on our door here, not one  
13 single comment offered to the Game Commission with  
14 regard to chronic wasting disease. You know, hunting  
15 is going to be a whole lot different in Commissioner  
16 Layton's area this year. But it's just disappointing  
17 to me, we almost look at it as a priority, these other  
18 issues. And chronic wasting disease almost should be  
19 the number one issue we address in what we're talking  
20 about ---.

21 But with that said, Director Hough if  
22 it's possible to have your Director of Administrative  
23 Services doctor come up to the room for just a minute.  
24 When I do a motion here, in case the Commissioners  
25 would have any questions pertaining to it.

1                   EXECUTIVE DIRECTOR HOUGH:

2                   Sure.

3                   COMMISSIONER DELANEY:

4                   Dawn, I'm not catching you off guard.

5                   EXECUTIVE DIRECTOR HOUGH:

6                   It sure looks like you are.

7                   PRESIDENT SCHLEMMER:

8                   Deer in headlights.

9                   COMMISSIONER DELANEY:

10                  It's in regard to the antlerless deer  
11 licenses issue we have in northeastern Pennsylvania.  
12 And I wrote this up, and I'll put it in a form of a  
13 motion when I'm done.

14                  Commissions and Executive Staff, at the  
15 August 11, 2014 Board of Commissioners Working Group  
16 Meeting, I gave a detailed account on the antlerless  
17 deer licenses from the first round of unsold tags. It  
18 was a serious lapse in the sale of these unsold tags  
19 at the Luzerne County Treasurer's Office. These  
20 antlerless permits are sold on a first come, first  
21 serve basis starting on Monday, August the 4th. On  
22 Friday, August the 8th, I started to get complaints  
23 from those sportsmen who sent their application into  
24 the Luzerne County Treasurer's office, that they were  
25 not receiving the antlerless licenses they requested.

1 It appeared as though, if you sent an application to  
2 other county treasurers requested unsold tags from  
3 Wildlife Management Unit 3B, 4C or 4E, you received  
4 them. If you sent them to Luzerne County, they were  
5 either not processed or slowly processed.

6 In fact, it's my understanding that  
7 after the Pennsylvania Game Commission got involved,  
8 500 antlerless applications that should have been done  
9 by Luzerne County were sent to Wayne County for  
10 processing. Since this process is first come first  
11 serve, many sportsmen were denied the first round of  
12 antlerless licenses they requested from Luzerne  
13 County. Sportsmen in my area of the state were livid  
14 even though the antlerless permit applications are  
15 solely the responsibility of the county treasurers by  
16 authority of the state legislature.

17 How can a sportsmen have reasonable  
18 assurance if they're being treated fairly in obtaining  
19 their antlerless deer permit? Begin dialogue with the  
20 state legislature to give the Pennsylvania Game  
21 Commission the full authority to manage the antlerless  
22 deer license to the Pennsylvania Automated License  
23 Sale System. When that system was designed for the  
24 2009, 2010 license year it was designed to enable the  
25 agency to allow hunters to purchase antlerless deer

1 licenses at the point of sale. The Pennsylvania Game  
2 Commission is equipped and prepared to manage sales of  
3 antlerless deer licenses. The Pennsylvania Game  
4 Commission needs the authority from the legislature.  
5 I would respectfully ask the Board of Commissioners to  
6 support making the antlerless deer license available  
7 through the Pennsylvania Automated License Sale System  
8 a legislative priority for the Pennsylvania Game  
9 Commission for the the remained 2014, 42015  
10 legislative session. And I would be putting that in  
11 the form of a motion.

12 PRESIDENT SCHLEMMER:

13 Motion on the floor.

14 SECRETARY HOOVER:

15 Second.

16 PRESIDENT SCHLEMMER:

17 Discussion?

18 COMMISSIONER WEANER:

19 Mr. President, what exactly is the  
20 motion? You want to restate that so we know that.

21 PRESIDENT SCHLEMMER:

22 Restate the motion.

23 COMMISSIONER DELANEY:

24 The motion is what I had just said. And  
25 I'll read the last paragraph. I would ask the Board

1 of Commissioners to support making the antlerless deer  
2 license available through the Pennsylvania Automated  
3 License Sales System a legislative priority to the  
4 Pennsylvania Game Commission for the remaining 2014,  
5 2015 legislative session.

6 Commissioner, just to expand to that,  
7 just to --- we have to give our agency some direction  
8 in what we would like to do with that. And I believe  
9 the time has come that we give our agency directions  
10 to move forward legislatively to try to be able to do  
11 this.

12 COMMISSIONER WEANER:

13 Okay.

14 PRESIDENT SCHLEMMER:

15 Answer your question?

16 COMMISSIONER WEANER:

17 Yep. We do have a second, Mr.  
18 Secretary.

19 SECRETARY HOOVER:

20 The motion on floor has been duly  
21 seconded. All those in favor, signify by saying aye?

22 ALL AYE

23 SECRETARY HOOVER:

24 Opposed? Motion carries.

25 COMMISSIONER DELANEY:

1 Thank you, Dawn.

2 DIRECTOR DERR:

3 Okay. If I can just may say

4 COMMISSIONER DELANEY:

5 Sure.

6 DIRECTOR DERR:

7 I'd like to thank you, Commissioner  
8 Delaney for coming to that meeting with the Luzerne  
9 County folks. I think that that was a very positive  
10 move on our part when we went there together supported  
11 by, you know, the Roots --- the Grass Roots staff up  
12 to the Commissioners. So I really do appreciate your  
13 support on that.

14 COMMISSIONER DELANEY:

15 And you did a very good job. You know,  
16 we had an issue. I'm not sure that it's fixed for  
17 next year yet, but I'm thankful for your thought  
18 process to work with the County Treasurer's Office and  
19 that staff, and just think that the time has come for  
20 us to be in the business of permitting the licenses  
21 ourselves rather than the others. And I'm sure there  
22 will be a debate, yet --- in the future, but thanks  
23 for your involvement and help.

24 PRESIDENT SCHLEMMER:

25 Thank you, Dawn. Commission Martone?

1                   COMMISSIONER MARTONE:

2                   I would ask that Executive Director  
3 Hough and the staff for the Bureau of Wildlife  
4 Management to have, once again, a report for our  
5 December Working Group Meeting on a concurrent  
6 archery/deer, archery/bear season that we can  
7 considerate at the January meeting. Thank you.

8                   PRESIDENT SCHLEMMER:

9                   Commissioner Weaner?

10                  COMMISSIONER WEANER:

11                  Pigging backing on what Mr. Delaney  
12 said, I'm also interested in having the staff and the  
13 Game Commission take a look at the, to use his term,  
14 begin dialogue with the possibility of lobbying our  
15 legislature to do something about chronic wasting  
16 disease. They've taken the responsibility for deer  
17 and servants behind fences and they've given it the  
18 Department of Agriculture. I don't see that working,  
19 I see a huge disaster coming down the road if  
20 something doesn't radically change. And so I'm just  
21 asking that we take a look at lobbying them to try to  
22 get something done and report back to us at the next  
23 meeting.

24                  I'm not putting that in the motion, I'm  
25 just suggesting it.

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PRESIDENT SCHLEMMER:

Thank you, Commissioner. Mr. Putnam?

VICE PRESIDENT PUTNAM:

A year ago we met in this same room, about exactly a year ago, and we saw video on the recovery of the Bald Eagle. And I made a statement after that, that the Bald Eagle --- bringing the Bald Eagle back to Pennsylvania was a joint effort of all the Bureaus of the Game Commission, that most of the people that we saw in that video were wearing badges when they were climbing up the trees and bring those Bald Eagles back to Pennsylvania.

And I made the same analogy to our bat issue, that we have law enforcement people that could really work with our biologist to protect bats in the ground. I asked for a special effort to be made in September, that bats are most vulnerable in the ground, and a small amount of disturbance can result in the direct death of bats. And yet, in the spring we reported update and the exact words were, we have two sites in --- I think in the northeast, two mine sites. One of them had the gate cut off with a plasma torch and the other one was being breached daily by local.

Now, after I made a specific request for

1 our biologist and our law enforcement people to work  
2 together, I hear that this site is being breached  
3 daily by locals. Because apparently my request to  
4 them was ignored. The Game Commission has very  
5 substantial resources to get things done, including  
6 cave gating. And yesterday at the presentation we  
7 talked about possibly gaining a couple sites, but  
8 Gregg in his presentation said, he has a lot of things  
9 on his plate, and working on contracts, and getting  
10 cave gating moving forward was not necessarily you  
11 know, was just part of a big --- a lot of duties. We  
12 have the people here who can do contracts. We have  
13 the people who can manage construction. It should not  
14 be one item on one biologist's plate to get these  
15 caves gated. We're coming into another winter, and  
16 we're losing these bats at such a rate that, you know,  
17 this coming winter will be the most important winter  
18 for bats in our lifetime. Last winter was most  
19 important winter, we let it go and did nothing. And I  
20 would say, I believe we did nothing, zero.

21                   And I would like to, again urge our  
22 urge the Executive Director and our two deputies to  
23 work together to bring the Bureaus together to  
24 identify the important priority sites and get our  
25 staff working on getting those protected. The Fish

1 and Wildlife Service, at least one branch of the Fish  
2 and Wildlife Service is more than willing to work with  
3 the Game Commission in implementing these things.  
4 Director Capouillez and I have gone out, and we've  
5 looked at one site so far. But that's one site after  
6 almost an entire year has gone by without us doing  
7 anything. So I really, really think that this is a  
8 --- should be a priority for us.

9                   It's easy for the people sitting up here  
10 to say, let's do one more thing, let's do one more  
11 thing, let's do one more thing. We're already talked  
12 about enforcing the trail regulations, which could  
13 probably take our whole staff the next year to get  
14 that under control, now we're talking about working on  
15 bats. But it is a matter of priorities, and I guess  
16 I'm asking the Executive Director and his two deputies  
17 now to make that a priority, to get something going in  
18 the bat issue, identify the sites, Wildlife Management  
19 can identify them, and Wildlife Protection and  
20 Wildlife --- or you know, Wildlife Habitat Management  
21 and Wildlife Protection can be a big part of getting  
22 that going.

23                   PRESIDENT SCHLEMMER:

24                   Thank you. Any other discussions?

25                   COMMISSIONER LAYTON:

1 Mr. President,

2 PRESIDENT SCHLEMMER:

3 Mr. Layton.

4 COMMISSIONER LAYTON:

5 I don't think Executive Director Hough  
6 has enough to do, so I want to add one more thing to  
7 it, if I can.

8 EXECUTIVE DIRECTOR HOUGH:

9 Thanks.

10 COMMISSIONER LAYTON:

11 I would like for our staff to look at,  
12 along the lines of CWD, the Disease Management Area 2  
13 to making it its own Wildlife Management Unit. I  
14 think by doing this we could --- we could solve a lot  
15 of problems, we could eliminate permits versus  
16 license, we could run those seasons together so that  
17 there's no confusions with the WCOs in the field. And  
18 I think that we could be more specific to addressing  
19 the Disease Management Area and targeting the deer in  
20 that area.

21 One of the things that was brought up to  
22 me a little bit earlier, there could be a concern, is  
23 that that DMA could grow. And I would suggest that we  
24 look at just having some kind of language if we do  
25 make that DMA its own unit, that we can grow it as

1 needed for future so that we could target that area  
2 and we can do what we need to be --- what needs to be  
3 done to help us at least slow down CWD in that area.  
4 Thank you.

5 PRESIDENT SCHLEMMER:

6 Any other discussions? I would like to  
7 also recognize Denise and her staff for putting this  
8 package together. Thank you both. And I'd like to  
9 thank the Ferry family who owns the Lamplighter in the  
10 Holiday Inn, and for their putting up with us this  
11 time, too. Thank you very much.

12 So hearing nothing more under new  
13 business, the January Commission meeting will be held  
14 the 2th, 26th; 27th, 2015. Does the Commission wish  
15 to proceed with these dates? Do I hear a motion?

16 COMMISSIONER WEANER:

17 Mr. President, that already has been  
18 made a motion at the April meeting ---

19 PRESIDENT SCHLEMMER:

20 Okay. Thank you.

21 COMMISSIONER WEANER:

22 --- and passed.

23 PRESIDENT SCHLEMMER:

24 Executive session, if necessary will be  
25 held immediately. And we're going to have an

1 executive session immediately afterwards, followed by  
2 a short press conference. Thank you all for coming.  
3 That concludes our meeting. And we'll see you next  
4 trip to Harrisburg.

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6 MEETING CONCLUDED AT 9:36 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,  
hearing held before President Schlemmer was reported  
by me on 9/23/2014 and I Susan M. Harshell read this  
transcript and that I attest that this transcript is a  
true and accurate record of the proceeding.

  
Court Reporter

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