

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

\* \* \* \* \*

IN RE: QUARTERLY MEETING

\* \* \* \* \*

BEFORE: DAVID J. PUTMAN, PRESIDENT  
Brian H. Hoover, Vice President  
Timothy S. Layton, Secretary  
Ronald R. Weaner, Commissioner  
Robert W. Schlemmer, Commissioner  
Charles E. Fox, Commissioner  
James R. Daley, Commissioner

HEARING: Tuesday, February 2, 2016  
8:32 a.m.

LOCATION: PA Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110

Reporter: Seth R. Baier

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A P P E A R A N C E S

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Executive Director Matt Hough  
Deputy Executive Director Bryan J. Burhans  
Deputy Executive Director Rich Palmer  
Bureau Director Peter Sussenbach  
Bureau Director Thomas Grohol

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DISCUSSION AMONG PARTIES

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P R O C E E D I N G S

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PLEDGE OF ALLEGIANCE RECITED

PRESIDENT PUTNAM:

Let's start off with the roll call of  
Commissioners. Secretary?

SECRETARY LAYTON:

President Putnam?

PRESIDENT PUTNAM:

Present.

SECRETARY LAYTON:

Vice President Hoover?

COMMISSIONER HOOVER:

Present.

SECRETARY LAYTON:

Commissioner Weaner?

COMMISSIONER WEANER:

Here.

SECRETARY LAYTON:

Commissioner Schlemmer?

COMMISSIONER SCHLEMMER:

Present.

SECRETARY LAYTON:

Commissioner Fox?

1                   COMMISSIONER FOX:

2                   Here.

3                   SECRETARY LAYTON:

4                   Commissioner Daley?

5                   COMMISSIONER DALEY:

6                   Present.

7                   SECRETARY LAYTON:

8                   And Commissioner Layton is present.

9                   PRESIDENT PUTNAM:

10                  Thank you, Mr. Secretary. The first  
11 order of business will be approval of the minutes of  
12 the Commission meeting held September 29, 2015. Do I  
13 have a motion of approval?

14                  COMMISSIONER FOX:

15                  Motion.

16                  COMMISSIONER HOOVER:

17                  Second.

18                  PRESIDENT PUTNAM:

19                  Mr. Secretary?

20                  SECRETARY LAYTON:

21                  We have a motion on the floor.

22                  PRESIDENT PUTNAM:

23                  We need to vote?

24                  SECRETARY LAYTON:

25                  Yes.

1                   PRESIDENT PUTNAM:

2                   We have a second.   Sorry.

3                   SECRETARY LAYTON:

4                   We have a motion on the floor that's  
5 been duly seconded.   All those in favor, signify by  
6 saying aye.

7 AYES RESPOND

8                   SECRETARY LAYTON:

9                   Opposed?   That motion carries.

10                  PRESIDENT PUTNAM:

11                  Before we get into our prepared agenda,  
12 I have a couple things I'd like to say and one of the  
13 first items is I look out across the audience and I  
14 see a lot of familiar faces.   There's one face out  
15 there that I don't see, Larry Mummert.   Larry's been a  
16 longtime supporter, a Deputy, for about 40 years and  
17 he's been a very regular attendee at our meetings.  
18 He would offer quiet advice and not be always Mr.  
19 Pushy, push us around, but he was always out there  
20 and this is the first meeting that I don't look out  
21 and see Larry out there.   I would invite any of the  
22 Commissioners or staff if they want to say anything  
23 about Larry that he was a trusted friend.

24                  COMMISSIONER SCHLEMMER:

25                  I knew Larry for a lot of years.   He

1 will be missed.

2 PRESIDENT PUTNAM:

3 Thank you. Now, we've had two ---  
4 Charlie, do you want to say something?

5 COMMISSIONER FOX:

6 Well, I came to know Larry through his  
7 work with youth programs. He did a lot with  
8 Harrisburg Hunters and Anglers. And my main goal  
9 would be that I happen to run across his path a lot  
10 of times, and he was always a gentleman and we used  
11 to converse with and longtime deputies. He'll be  
12 missed.

13 PRESIDENT PUTNAM:

14 Thank you, Commissioner Fox. And I'm  
15 mentioning Larry because we lose a lot of Game  
16 Commission family between each meeting, but I  
17 mentioned Larry because I can look up and see Larry  
18 and he's not there now.

19 We've had two days of meetings. We've  
20 had a lot of very good presentations by our staff and  
21 comments from the public and there's some things that  
22 are common or common themes of what we receive in  
23 comments. And there will not be an end to the  
24 difference between statute and regulation. There are  
25 certain things that we as a Board can do through

1 regulation and there's other things that are done by  
2 staff. Sunday hunting is a prime example of that  
3 issue. We get calls all the time. We get letters  
4 and personal contacts that say you guys are idiots  
5 for not doing Sunday hunting. It would mean a huge  
6 amount to me if we would do Sunday hunting. We can't  
7 do anything about Sunday hunting because that is in  
8 the statute. And there are a number of bills out  
9 there right now that will affect the Game Commission  
10 and I wanted to mention a few of those because some  
11 of that also came in through our testimony.

12           So I'm reiterating the support of the  
13 Board of Commissioners and I will invite their  
14 comments when I finish. But the leashed tracking dog  
15 legislation, we would support using leashed tracking  
16 dogs to recover wounded big game animals. I know  
17 that other states do that. And anything that helps  
18 us recover a wounded animal I think is very good.  
19 The Board has expressed support in the past for  
20 Sunday hunting and we reiterate our support for that.

21  
22           One piece of legislation that has been  
23 circulating is the revision to Title 71, which is the  
24 law enforcement retirement for all conservation  
25 officers. They're the kind of parsing. The Fish

1 Commission has had this for many years and we would  
2 support doing that for our conservation officers. We  
3 also support giving the Game Commission the authority  
4 to regulate a number of things. The reporting  
5 period, right now, another reoccurring thing is we  
6 don't know how many deer there are because it's such  
7 a low reporting rate, and we can't do anything the  
8 reporting period at least because it is specified in  
9 statute that there's a ten-day period. We feel that  
10 shortening that period could significantly increase  
11 the reporting rate.

12                   The regulation of semi-automatic  
13 firearms and air powered arms are two more bills that  
14 are out there and we support giving the Game  
15 Commission the authority to regulate those. There's  
16 a number of options and, I think, giving us the  
17 authority, it will give us some flexibility with  
18 regard to magazine capacity, the calibers and what  
19 species can be hunted as opposed to legislating very  
20 specific rules for those items.

21                   A license increase is one thing we've  
22 been working on. And a parallel ruling, the Fish  
23 Commission already introduced is allowing the agency  
24 to set our own fees. We would support both of those  
25 options. And I guess, there's one other thing that

1 comes up very frequently is trespass legislation. We  
2 have a very small force of field officers out there.  
3 It's a thin green line. They have priorities which  
4 is dealing with wildlife enforcement and not  
5 trespass. It's been our policy forever that our  
6 officers do not make trespass a priority. But  
7 because we're out there and we're out in the field,  
8 people want to call us as the first line of defense  
9 when there's 25,000 sworn police officers out there  
10 now that all enforce the trespass laws. Another 150  
11 officers will not make a huge impact on trespass, but  
12 it could make a significant impact on our ability to  
13 do our primary mission of protecting wildlife.

14 I guess those are the specific items I  
15 wanted to cover. I will invite other Commissioners  
16 to fill in what parts I missed. And I would like to  
17 ask Director Palmer on that license increase, we did  
18 hear from some people during our last few days  
19 testifying about the license increase, and I would  
20 like to ask him to give us his perspective on the  
21 support that we've received so far.

22 DIRECTOR PALMER:

23 Yes, Mr. President. Just in public  
24 comment at this meeting, we have a total of 17 public  
25 speakers and I think it's significant to note that

1 out of 17 public speakers, 6 of the speakers provided  
2 testimony in support of the license increase. Four  
3 of those speakers are on behalf of various  
4 conservation organizations including the Kinzua  
5 Quality Deer Cooperative, Pennsylvania Trappers  
6 Association, United Bow Hunters of Pennsylvania and  
7 Pennsylvania Beagle Gundog Association. That adds to  
8 the list of some of the testimony that we had at the  
9 September meeting from National Wild Turkey  
10 Federation and Pheasants Forever, as well as formal  
11 letters of support for license increase from  
12 Pennsylvania Federation of Sportsman Clubs,  
13 Pennsylvania Sporting Dog Association, Rocky Mountain  
14 Elk Foundation, Quality Deer Management Association  
15 and Western Pennsylvania Conservancy.

16 We also have indications that there's a  
17 number of other organizations that are in support,  
18 they just have not provided an official letter or  
19 official testimony at this time.

20 PRESIDENT PUTNAM:

21 And I think to date pretty much every  
22 group that we've worked with has supported that  
23 license increase with a notable exception of one  
24 group. Okay. Before we get a little bit further  
25 along, I guess I'll just ask the Commission if

1 there's any other items that we missed that have come  
2 up in the last couple days that they would like to  
3 mention now? Okay. We're going to our formal  
4 agenda.

5 ATTORNEY BECHTEL:

6 Yes, Mr. President. The first item to  
7 come before the Board is from the Bureau of Wildlife  
8 Management. It concerns proposed Rulemaking to amend  
9 58 Pa. Code Section 139.4 regarding 2016, 2017  
10 seasons and bag limits. Proposed changes to small  
11 game seasons include, making youth and regular  
12 seasons for squirrels and rabbits concurrent to  
13 simplify regulations and to expand rabbit hunting  
14 opportunity, and making snowshoe hare season dates  
15 consistent statewide to simplify regulations,  
16 facilitate species monitoring programs and reflect  
17 the fact that harvest mortality is not a major driver  
18 of population trends for this species.

19 In regards to wild turkey seasons, in  
20 accordance with Wild Turkey Management Plan  
21 guidelines, we are recommending fall season  
22 reductions in 4 WMUs. Specifically, seasons would  
23 decrease from two weeks plus three days to one week  
24 plus three days in WMUs 1A and 2A and from one week  
25 plus three days to one week in WMU 1B, and from three

1 weeks plus two days to two weeks plus three days in  
2 WMU 4C.

3           The only change proposed for black bear  
4 seasons is the addition of a four day extended  
5 firearms season which would run concurrent with the  
6 Wednesday through Saturday of the first week of  
7 firearms deer season in WMU 1B. This season is  
8 intended to prevent further expansion of bears into  
9 the western portion of this WMU where potential for  
10 bear-human conflicts is high.

11           Concerning furbearer seasons, the  
12 proposal is to increase the length of the fisher  
13 trapper season --- trapping season from the current 6  
14 days to 12 days in the 13 WMUs with open fisher  
15 seasons. A text and visual aid is shown on pages  
16 three through ten of your agenda.

17           PRESIDENT PUTNAM:

18           Thank you. We have a procedure for  
19 reviewing our season and bag limits. We ask for a  
20 motion to approve this motion --- this proposal and  
21 then we'll have a discussion on it, so I need a  
22 motion to approve the season and bag limits.

23           COMMISSIONER SCHLEMMER:

24           So moved.

25           COMMISSIONER HOOVER:

1 So moved.

2 PRESIDENT PUTNAM:

3 Seconded?

4 COMMISSIONER FOX:

5 Seconded.

6 PRESIDENT PUTNAM:

7 Discussion?

8 COMMISSIONER HOOVER:

9 I'd like to have a little bit of a  
10 discussion about the expanded rabbit plan and the  
11 hunting opportunities.

12 PRESIDENT PUTNAM:

13 Yes, sir. Go ahead.

14 COMMISSIONER HOOVER:

15 This is one of the situations where we  
16 heard from the public and from the hunting community  
17 where they've asked for an expansion of the small  
18 game hunting season and the squirrel seasons and in  
19 combination with rabbit. This is for junior and  
20 hunters. So we've actually moved that season forward  
21 to October 1st. Last year's squirrel season and  
22 rabbit season actually started October 10th of last  
23 year, so we're moving it forward ten days to give the  
24 youth of our community an opportunity to hunt these  
25 animals before we give the rest of the season out. I

1 just wanted to point that out to everybody. We've  
2 heard that a lot.

3 PRESIDENT PUTNAM:

4 Thank you.

5 COMMISSIONER HOOVER:

6 And they've responded to it.

7 PRESIDENT PUTNAM:

8 We hear a lot of comments that we don't  
9 hear what people are saying, but we really do listen.  
10 And the problem is a lot of times what we hear is  
11 diametrically opposed to what the other person said.

12 Okay. Anyhow, we're going to go through these page  
13 by page and make amendments as we go through them.

14 Okay.

15 Page one --- oh, page three, the first  
16 page is page three. No comments on page three.

17 That's where we --- page four? Page five? Page six?

18 Page seven? Page seven deals with

19 whitetailed deer, the seasons and, as you can see, no  
20 Commissioners are making a proposal to change  
21 anything in the season dates on white-tailed deer.

22 Page eight?

23 COMMISSIONER WEANER:

24 Mr. President?

25 PRESIDENT PUTNAM:

1 Mr. Weaner?

2 COMMISSIONER WEANER:

3 The third item form the bottom, Bear,  
4 extended and firearms seasons, WMUs 3A, B, C and D.  
5 I move to amend this by deleting WMU 3A.

6 PRESIDENT PUTNAM:

7 Do we need a second on that?

8 COMMISSIONER WEANER:

9 Yes.

10 COMMISSIONER FOX:

11 Second.

12 PRESIDENT PUTNAM:

13 So given. And then we vote.

14 ATTORNEY BECHTEL:

15 No. Then we have discussions.

16 PRESIDENT PUTNAM:

17 There you go. Yeah, now we're going to  
18 have a discussion on the amendment by Commissioner  
19 Weaner. One thing I would point out to the people in  
20 the audience watching remotely is that all the  
21 presentations on these vary species were giving  
22 yesterday. We had some very good presentations that  
23 are available on our website, if you want to go back  
24 and review what the biologist says about the various  
25 species, especially turkeys and bear where we're

1 making some changes. Mark Ternent, the bear  
2 biologist, had a pretty lengthy discussion about the  
3 effect of the extended seasons.

4                   3A is one that he felt could be  
5 maintained in the concurrent season or in the  
6 extended season. However, our field officers out  
7 there who are actually working with the bears and  
8 tracking them and our regional staff have recommended  
9 that we not have the extended season for at least a  
10 short-term period. It was established mainly because  
11 we got testimony here by the Pennsylvania Farm Bureau  
12 complaining about a large amount of bear damage they  
13 were experiencing.

14                   We implemented the extended season and  
15 we reduced the population by 25 percent in the first  
16 year, which is really a wildlife management success  
17 story. You know, at least there's one season that we  
18 knew we had some ability to control. The staff of  
19 the Farm Bureau is not reporting the same number of  
20 complaints. Our staff is not reporting the same  
21 number of complaints. And we also received testimony  
22 from an adjoining, from people who are in an  
23 adjoining unit requesting that they get an extended  
24 season because they were getting many of their deer  
25 hunters siphoned off to go hunting in 3A and they

1 thought they weren't meeting the appropriate pressure  
2 on the deer and on 2F.

3                   So some of that is we are recommending  
4 or we're going to eliminate that extended season for  
5 this year. Any additional comments or discussion?  
6 Commissioner Weaner is our parliamentarian so I have  
7 to look at him. Mr. Secretary?

8                   SECRETARY LAYTON:

9                   We have a motion on the floor to amend  
10 page eight with the proper second. All those in  
11 favor, aye?

12 AYES RESPOND

13                   SECRETARY LAYTON:

14                   Opposed? Motion carries.

15                   PRESIDENT PUTNAM:

16                   Thank you, Mr. Secretary. We'll move  
17 onto page nine? Page nine does include an extended  
18 fisher season which now will allow tracking over the  
19 Christmas holiday. There's another point that we  
20 received a lot of comments from families who trap  
21 together over the Christmas holiday. They want to be  
22 able to see that we extended that through that period  
23 and our biologist agreed that we could extend it  
24 through there. So we'll now have Christmas fisher  
25 season.

1                   Page ten? Now, we have --- there's one  
2 comment I wanted to make on the porcupine season.  
3 Many of you know I've been very interested in the  
4 status of our porcupine population. We've discussed  
5 moving porcupine season into the furbearer category  
6 and have it managed as a furbearer. We've seen some  
7 bag limits set by WMU. I'm not going to make that  
8 proposal this year, but we will work with staff, and  
9 I expect to request that again in the next year's  
10 regulations.

11                   Now, we have an amended motion on the  
12 floor to accept the season bag limits. Do we have  
13 any additional discussion on season bag limits? Do  
14 we have motion to accept the season bag limits?

15                   SECRETARY LAYTON:

16                   We had that already.

17                   PRESIDENT PUTNAM:

18                   Oh, we had it already? We have a  
19 motion on floor to accept the season bag limits that  
20 has been seconded. All those in favor, signify by  
21 saying aye?

22 AYES RESPOND

23                   PRESIDENT PUTNAM:

24                   Opposed? The motion carries.

25                   ATTORNEY BECHTEL:

1                   The next item before the Commission is  
2 the proposed rulemaking to amend Section 139.17, a  
3 uniform system of wildlife management units, the  
4 WMUs, was implemented in 2003 to replace the system  
5 of multiple, species-specific management units.  
6 These wildlife management units are based on  
7 physiographic, land cover and use, human population  
8 density and land ownership.

9                   Wildlife management unit's boundaries  
10 were defined using readily recognizable features on  
11 the landscape rather than hard-to-identify political  
12 boundaries. The Commission has conducted an  
13 evaluation of the structure of the wildlife  
14 management unit system and has developed the  
15 following WMU map revisions. Expand 5D in the  
16 northeast corner to provide a more logical boundary.

17  
18                   This proposed change represents a  
19 24,826-acre increase in the size of WMU 5D and the  
20 area proposed is shown in magenta on the map on page  
21 12. The text of this change is shown on page 11 of  
22 your agenda and the map is on pages 12 and 13 of your  
23 agenda.

24                   COMMISSIONER PUTNAM

25                   Do we have a motion to accept this

1 proposed rulemaking?

2 COMMISSIONER HOOVER:

3 So moved.

4 COMMISSIONER FOX:

5 Second.

6 PRESIDENT PUTNAM:

7 Discussion? This is largely a  
8 housekeeping issue. We do receive comments. Again,  
9 we'll have the staff move forward on. Mr. Secretary?

10 SECRETARY LAYTON:

11 We have a motion that's been duly  
12 seconded. All those in favor signify by saying aye.

13 AYES RESPOND

14 SECRETARY LAYTON:

15 Opposed? Motion carries.

16 ATTORNEY BECHTEL:

17 The next item comes from the Bureau of  
18 Wildlife Protection and concerns the proposed  
19 rulemaking to amend 58 Pa. Code Section 141.4., to  
20 replace the current hunting hours table and migratory  
21 bird hunting hours table to accurately reflect the  
22 dates and hours of legal hunting for the 2016-2017  
23 hunting license year. The text of these changes is  
24 shown on pages 14 through 16 of your agenda.

25 COMMISSIONER DALEY:

1 So moved.

2 COMMISSIONER FOX:

3 Second.

4 PRESIDENT PUTNAM:

5 Mr. Secretary?

6 COMMISSIONER WEANER:

7 Do we have discussion?

8 PRESIDENT PUTNAM:

9 Oh. Does anybody want to discuss the  
10 proposed change to the hunting hours table? Mr.  
11 Secretary?

12 SECRETARY LAYTON:

13 We have a motion on the floor to accept  
14 the hunting hours table. It's been moved and  
15 seconded. All those signify --- those who want to  
16 approve signify by saying aye.

17 AYES RESPOND

18 SECRETARY LAYTON:

19 Opposed? This motion is carried.

20 ATTORNEY BECHTEL

21 Next item is to amend 58 Pa. Code  
22 Section 131.6. Increasingly, the Commission is  
23 identifying significant overlap and interconnectivity  
24 between its investigations into wildlife, habitat or  
25 other environmental crime and other types of general

1 crime. The Commission's policy to attempt sever and  
2 transfer all general crime matters to other state or  
3 local law enforcement agencies has largely proven  
4 unsuccessful. Not only does this process often  
5 create significant procedural complications for both  
6 organizations, but more importantly, these other  
7 agencies have consistently rejected their adoption of  
8 cases that they did not initiate.

9                   In an effort to reduce legal  
10 challenges, reduce potential civil liability, but  
11 also provide recognition of the importance of the  
12 relevant competing interests on this issue, the  
13 Commission is proposing to amend Section 131.6 to  
14 redirect the extent and manner in which it authorizes  
15 wildlife conservation officers to engage in the  
16 administration of police powers. The text of this  
17 change is shown on pages 17 and 18 of your agenda.

18                   PRESIDENT PUTNAM:

19                   Do I have a motion?

20                   COMMISSIONER WEANER:

21                   So moved.

22                   PRESIDENT PUTNAM:

23                   Second?

24                   COMMISSIONER SCHLEMMER:

25                   Second.

1                   PRESIDENT PUTNAM:

2                   Discussion?

3                   DIRECTOR GROHOL:

4                   Mr. President?

5                   PRESIDENT PUTNAM:

6                   Yeah?

7                   DIRECTOR GROHOL:

8                   Could we have just a capsule  
9 explanation of how this ultimately affects the  
10 hunter, if it does?

11                  PRESIDENT PUTNAM:

12                  Sure.

13                  DIRECTOR GROHOL.

14                  Thomas Grohol.

15                  This really doesn't change much at all  
16 as far as the authority that our officers are granted  
17 under this section. What it does is just eliminates  
18 some of the restrictions that we as an agency imposed  
19 on them when we wanted them to use these powers. So  
20 by statute, our officers are allowed to enforce not  
21 only the Game and Wildlife code, but also Title 18,  
22 both --- all the summaries, misdemeanors and felonies  
23 and any other misdemeanor or felony of any other  
24 title that we have in this state.

25                  As an agency, we put some restrictions

1 on when we wanted them to be able to use these powers  
2 because we wanted their main job to be the protection  
3 of wildlife. There's some wording in here, if you  
4 see on page 18, the first sentence where it's struck,  
5 where it says to the degree necessary to protect life  
6 and property. We've had some district attorneys that  
7 interpreted that sentence in our own regulations to  
8 put some restrictions that were unnecessary on our  
9 offices and they felt that many of the cases that our  
10 offices were running into that those two words, to  
11 protect life and property, put a restriction on them  
12 that they were not comfortable with our officers  
13 prosecuting cases with that wording in there.

14           So we're removing that wording and  
15 removing the guideline that says if our officers  
16 encounter any of these types of crimes when they're  
17 out there acting within the scope of their employment  
18 that they automatically have to contact the  
19 appropriate police agency before moving forward and  
20 that complicated the whole legal process and the  
21 majority of the times, those other policy agencies  
22 are not interested in prosecuting cases that we  
23 encounter.

24           So we're just removing those  
25 restrictions. There's no new authority that's

1 transferred to the officers under this regulation.

2 DIRECTOR GROHOL:

3 Thank you.

4 PRESIDENT PUTNAM:

5 Thank you. Is there any additional  
6 discussion? Mr. Secretary?

7 SECRETARY LAYTON:

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

11 AYES RESPOND

12 SECRETARY LAYTON:

13 Opposed? Motion carries.

14 ATTORNEY BECHTEL:

15 The next item is to amend 58 Pa. Code  
16 Section 141.18. The Commission has recently been  
17 requested to formally review the use of electronic  
18 rangefinders, including both handheld devices and  
19 those contained within a scope or archery sight. The  
20 Commission has determined that use of these devices  
21 for hunting purposes has no or negligible negative  
22 impacts to the above mentioned principles.

23 The Commission has historically  
24 maintained an open use policy towards these  
25 electronic devices due to their ubiquitous use,

1 however their use could be construed as technically  
2 contrary to the Commission's restriction on the use  
3 of electronic contrivances while hunting.

4                   Therefore, in an effort to more  
5 formally approve their use, the Commission is  
6 proposing to amend Section 141.18 to add both  
7 handheld rangefinders and those contained within the  
8 scope or archery sight to the list of approved  
9 devices that may be used to hunt or take wildlife.  
10 The text of these changes is shown on page 19 of your  
11 agenda.

12                   PRESIDENT PUTNAM:

13                   Do I have a motion?

14                   COMMISSIONER WEANER:

15                   So moved.

16                   PRESIDENT PUTNAM:

17                   Second?

18                   COMMISSIONER DALEY:

19                   Second.

20                   PRESIDENT PUTNAM:

21                   Discussion? I will ask Director Grohol  
22 to explain this.

23                   DIRECTOR GROHOL:

24                   Sure. You know, historically we allow  
25 the use of handheld rangefinders without them being

1 added to the list of approved for electronic devices  
2 because we didn't really look at their use as being  
3 opposed to the fair chase doctrine. So it lends  
4 itself to some confusion on whether they were legal  
5 and we got a lot of questions on it, so we just  
6 wanted to clarify it and make sure that the hunters  
7 knew that handheld rangefinders, electronic  
8 rangefinders are now legal.

9                   And in addition, there's a lot of  
10 hunters using scopes equipped with the same type of  
11 technology and we view their use the same as  
12 handheld, that we felt that it didn't violate the  
13 rules of fair chase. So we just wanted to make sure  
14 that everyone was clear that these are legal to use  
15 while hunting.

16                   PRESIDENT PUTNAM:

17                   Thank you. Any additional discussion?  
18 Mr. Secretary?

19                   SECRETARY LAYTON:

20                   We have a motion on the floor that's  
21 been duly seconded. All those in favor say signify  
22 by saying aye.

23 AYES RESPOND

24                   SECRETARY LAYTON:

25                   Opposed? Motion carries.

1                                    ATTORNEY BECHTEL:

2                                    And the next item is to amend 58 Pa.  
3 Code Section 141.41. Each year the Commission  
4 investigates numerous big game violations involving  
5 improperly marked animals. A concerning portion of  
6 these violations involve a hunter's placement of a  
7 prior year's expired harvest tag on the big game  
8 animal rather than the current year's harvest tag.

9                                    The Commission has determined that some  
10 of these violations are purposeful and intended to  
11 give the hunter the appearance of eligibility to  
12 harvest an additional animal with their unused  
13 current tag. However, the Commission also recognizes  
14 that other hunters are merely engaged in the habit of  
15 carrying prior years' licenses and harvest tags and  
16 are mistaking the similarly colored harvest tags for  
17 the then current year's harvest tags during the  
18 stress induced by a successful harvest.

19                                   Therefore, in an effort to reduce the  
20 number of either purposeful or mistaken improperly  
21 marked big game violations from ever occurring, the  
22 Commission is proposing to amend Section 141.41 to  
23 prohibit the possession of an expired, revoked,  
24 suspended or invalid hunting license or big game  
25 harvest tag while in engaged in hunting or trapping

1 activities or while in the fields, forests or on the  
2 waters or highways within or bordering the  
3 Commonwealth.

4 COMMISSIONER WEANER:

5 So moved.

6 PRESIDENT PUTNAM:

7 Do I have a second?

8 COMMISSIONER FOX:

9 Second.

10 PRESIDENT PUTNAM:

11 Discussion?

12 COMMISSIONER DALEY:

13 Mr. President, I know I've got  
14 questions as a Commissioner about this that I've  
15 directed people to look at the digest right now. The  
16 digest suggests that you shouldn't carry an old  
17 license to avoid a mistake, but it doesn't say you  
18 have to. This kind of makes it a have to. I think  
19 it's kind of putting it into language what we'd like  
20 to see to that people aren't putting the wrong tags  
21 on there. So I fully support that.

22 PRESIDENT PUTNAM:

23 Commissioner Weaner?

24 COMMISSIONER WEANER:

25 And one thing I would add, a lot of

1 people have asked us, why we don't change the colors  
2 of the license every year. And as you well know, the  
3 PALS system that we use is shared with the Fish &  
4 Boat Commission. Their license year is the calendar  
5 year. Ours is the fiscal year. And to make  
6 everything work seamlessly, we have to maintain the  
7 same color. And that's why we haven't simply gone  
8 out and changed the colors every year. I fully  
9 support this, and urge you to vote yes.

10 PRESIDENT PUTNAM:

11 Any additional discussion? Mr.  
12 Secretary?

13 SECRETARY LAYTON:

14 We have a motion on the floor that's  
15 been duly seconded. All those in favor, signify by  
16 saying aye.

17 AYES RESPOND

18 SECRETARY LAYTON:

19 Opposed? Motion carries.

20 ATTORNEY BECHTEL:

21 The next item before the Commission is  
22 the proposal that comes on the green replacement  
23 page, page 21. I call that to everyone's attention.  
24 It is to amend 58 Pa. Code Section 143.50. The  
25 Commission has been asked to review the preference

1 given to resident license holders in the timing that  
2 antlerless deer applications can be submitted to  
3 county treasurers. Currently, resident license  
4 holders can apply two weeks sooner than nonresident  
5 license holders.

6           While this timing does not affect the  
7 availability of antlerless deer licenses for  
8 nonresident license holders in most WMUs, it often  
9 eliminates the availability of antlerless deer  
10 licenses in a number of low quota, highly preferred  
11 WMUs. The Commission has reviewed this resident  
12 license holder preference policy and determined that  
13 the nonresidents most impacted by this negative  
14 preference are former residents of the Commonwealth  
15 of Pennsylvania that return back to this state  
16 annually to hunt.

17           Therefore, in an effort to narrow the  
18 gap, the Commission is proposing to amend Section  
19 143.50 to allow nonresidents to submit applications  
20 for antlerless deer licenses on the third Monday in  
21 July, one week after resident applicants. The text  
22 of this change is shown on the replacement page, page  
23 21.

24                           PRESIDENT PUTNAM:

25                           Do I have a motion?

1                   COMMISSIONER SCHLEMMER:

2                   Motion.

3                   PRESIDENT PUTNAM:

4                   Second?

5                   COMMISSIONER HOOVER:

6                   Second.

7                   PRESIDENT PUTNAM:

8                   Discussion?

9                   SECRETARY LAYTON:

10                   Mr. President? This is a situation  
11 that we've been faced with ever since I've been on  
12 the Board and I know that President Putnam talked  
13 about this, too. We had a lot of former Pennsylvania  
14 residents who write to us every year to say, you  
15 know, we just want to come back, spend some time with  
16 family. We all go to camp together.

17                   Initially, we had directed staff to  
18 look at allowing this the first week that antlerless  
19 licenses go on sale. The staff felt that it wouldn't  
20 be a problem if we did that. However, we got some  
21 opposition from some of our organizations who support  
22 us in our other endeavors, and we wanted to respect  
23 at least their position. And we thought that it  
24 would still be fair if we opened antlerless license  
25 to the second week to out-of-state hunters.

1                   So while we don't feel that this is  
2 going to affect Pennsylvania residents, we're  
3 certainly going to look at this again next year to  
4 make sure that we're on an even playing field and  
5 that we're doing everything correctly. And I would  
6 urge all the Commissioners to support this.

7                   PRESIDENT PUTNAM:

8                   Thank you. Any additional discussion?  
9 Mr. Daley?

10                  COMMISSIONER DALEY:

11                  Yeah, Mr. President. One of the things  
12 we saw this past year were 5 WMUs were sold out  
13 before any nonresident could apply, and that's the  
14 ones, as it says here, have a lower quota. But none  
15 had sold out within one week so this one week does  
16 help address the nonresident issues while still  
17 maintaining our relationship with other organizations  
18 so it's a very good compromise.

19                  PRESIDENT PUTNAM:

20                  Thank you. We did receive a small  
21 amount of comments on this issue, including from our  
22 friends from the United Bow Hunters, which we  
23 appreciate. They opposed the initial change, which  
24 was going to allow a two-week period --- or no period  
25 it was going to be open concurrently to everyone.

1 And so we compromised and opened it at one week  
2 after. And as Commissioner Layton said, most of our  
3 nonresident hunters that we hear from, at least, are  
4 Pennsylvania residents coming back home to hunt. So  
5 with that?

6 SECRETARY LAYTON:

7 We have a motion on the floor that's  
8 been duly seconded. All those in favor, signify by  
9 saying aye.

10 AYES RESPOND

11 SECRETARY LAYTON:

12 Opposed? Motion carries.

13 PRESIDENT PUTNAM:

14 And there are additional copies of this  
15 green page down here at the front also.

16 ATTORNEY BECHTEL:

17 The next item before the Commission is  
18 from the Bureau of Wildlife Habitat Management  
19 concerning the acquisition of real estate. Contract  
20 Number L-3689, State Game Land Number 79, Cambria  
21 County. Charles J. Merlo, III is offering a donation  
22 of 14.2, more or less, acres of land in Jackson  
23 Township, Cambria County that adjoins State Game Land  
24 Number 79, as shown on Exhibit RED 1 of your agenda  
25 on page 23. The property is mostly forested with

1 mixed hardwoods in early succession and has  
2 approximately 1.5 acres of reverting old fields.  
3 Access is from U.S. Route 22.

4 PRESIDENT PUTNAM:

5 Do I have a motion?

6 COMMISSIONER WEANER:

7 So moved

8 PRESIDENT PUTNAM:

9 Second?

10 COMMISSIONER FOX:

11 Second.

12 PRESIDENT PUTNAM:

13 Discussion? Mr. Secretary?

14 SECRETARY LAYTON:

15 We have a motion on the floor that's  
16 been duly seconded. All those in favor signifying by  
17 saying aye.

18 AYES RESPOND

19 SECRETARY LAYTON:

20 Opposed? Motion carries.

21 ATTORNEY BECHTEL:

22 The next item is also an acquisition of  
23 Contract Number L-3690, State Game Land Number 264,  
24 Dauphin County. The Estate of Constance Garber is  
25 offering a donation of 10, more or less, acres of

1 land in Williams Township, Dauphin County located  
2 approximately 3,000 feet south of State Game Land  
3 Number 264 as shown on Exhibit RED 2 on page 25 of  
4 your agenda. The property is forested with mixed  
5 hardwoods. Wiconisco Creek flows along the northern  
6 boundary. Access is from Water Street which  
7 parallels the western boundary.

8 PRESIDENT PUTNAM:

9 Do I have a motion?

10 COMMISSIONER HOOVER:

11 So moved.

12 PRESIDENT PUTNAM:

13 Second?

14 COMMISSIONER SCHLEMMER:

15 Second.

16 PRESIDENT PUTNAM:

17 Discussion? Mr. Secretary?

18 SECRETARY LAYTON:

19 We have a motion that's been duly  
20 seconded. All those in favor signify by saying aye.

21 AYES RESPOND

22 SECRETARY LAYTON:

23 Opposed? Motion carries.

24 ATTORNEY BECHTEL:

25 The next item is also an acquisition of

1 Contact Number L-3691, State Game Land Number 170,  
2 Cumberland County. Central Pennsylvania Conservancy  
3 is offering for sale 7.6, more or less, acres of land  
4 in Silver Spring Township, Cumberland County  
5 adjoining State Game Land Number 170, as shown in  
6 Exhibit RED 3 on page 27 of your agenda. The option  
7 price is \$400 per acre to be paid with funds from the  
8 Game Fund. The property is forested with mixed  
9 hardwoods and has sassafras and witch-hazel in the  
10 understory. Access is from existing State Game Land  
11 Number 170.

12 PRESIDENT PUTNAM:

13 Do I have a motion?

14 COMMISSIONER WEANER:

15 So moved.

16 PRESIDENT PUTNAM:

17 Second?

18 COMMISSIONER FOX:

19 Second.

20 PRESIDENT PUTNAM:

21 Discussion? Hearing none, Mr.

22 Secretary?

23 SECRETARY LAYTON:

24 We have a motion on the floor that's  
25 been duly seconded. All those in favor signifying by

1 saying aye.

2 AYES RESPOND

3 SECRETARY LAYTON:

4 Opposed? Motion carries.

5 ATTORNEY BECHTEL:

6 The next item is Contract Number L-  
7 3692, State Game Land Number 188 in Snyder County.  
8 The Estate of Norma M. Fetterolf is offering for sale  
9 ten, more or less, acres of land in Adams Township,  
10 Snyder County which is an indenture into State Game  
11 Land Number 188, as shown on Exhibit RED 4 on page 29  
12 of your agenda. The option price is \$20,800 lump sum  
13 to be paid with funds from the Game Fund. The  
14 property is forested with oak, maple and hemlock.  
15 The property adjoins Pennsylvania Fish & Boat  
16 Commission property along its north boundary. Access  
17 is from existing State Game Land Number 188.

18 PRESIDENT PUTNAM:

19 Motion?

20 COMMISSIONER DALEY:

21 So moved.

22 PRESIDENT PUTNAM:

23 Second?

24 COMMISSIONER LAYTON:

25 Second.

1                   PRESIDENT PUTNAM:

2                   Discussion?

3                   COMMISSIONER LAYTON:

4                   I guess I'm going to ask Director  
5 Sussenbach to explain why would we pay \$20,800 for  
6 one property and only \$400 an acre for another  
7 property?

8                   DIRECTOR SUSSENBACH:

9                   That's a very interesting question.  
10 Obviously on the first property, the one prior to  
11 this, there's a partnership involved in that  
12 acquisition and that was basically a deal that was  
13 struck based off a previous Commission agenda item.  
14 This one is an interesting property. It's only  
15 \$20,800, but as you can see fills an indenture and  
16 indentures are tremendously valuable for us to  
17 provide road access or increased access to hunters,  
18 to other opportunities on the Game Lands. There's  
19 many indentures that are not filled in that prevent  
20 us from doing so. So obviously the value through an  
21 appraisal process, you know, is a little higher. And  
22 through the appraisal process identified the fact  
23 that we were not overpaying, per se, for this type of  
24 property. Some of the other properties that we see  
25 here we've gotten a deal on.

1                   PRESIDENT PUTNAM:

2                   Thank you. Any additional discussion?

3                   COMMISSIONER HOOVER:

4                   Yeah, I just want to thank you for  
5 bringing that up. There are reasons we're in a  
6 budget crisis. When we're spending money on  
7 properties, we're spending money on properties that  
8 are very valuable to the Game Commission and to the  
9 sportsmen of this state. So we're not out there to  
10 just needlessly purchasing property, we're trying to  
11 fill in, you know, pieces of property that provide us  
12 access to roads and close indentures into the State  
13 Gaming Lands. So thank you for bringing that up.

14                   DIRECTOR SUSSENBACH:

15                   Mr. President, if I may add briefly?  
16 Again, looking at the latest strategic plan, when you  
17 look at the goals and the objectives that are  
18 outlined there, you know, all of these donations and  
19 acquisitions fit into the strategic plan in  
20 furtherance of wildlife and wildlife protection  
21 management for the Agency and the Commission.

22                   PRESIDENT PUTNAM:

23                   Thank you. Mr. Secretary?

24                   SECRETARY LAYTON:

25                   We have a motion on the floor that's

1 been duly seconded. All those in favor signify by  
2 saying aye.

3 AYES RESPOND

4 SECRETARY LAYTON:

5 Opposed? Motion carries.

6 ATTORNEY BECHTEL:

7 Next item before the Commission  
8 concerns oil/gas and minerals and restricted surface  
9 use oil and gas cooperative agreement bid offering  
10 for tract 12/36A-15, State Game Land Numbers 12 and  
11 36, Bradford and Sullivan Counties.

12 The Commission offered its oil and gas  
13 ownership under portions of the State Game Land  
14 Numbers 12 and 36 in Overton and Elkland Townships,  
15 Bradford and Sullivan Counties, for oil and gas  
16 development by a competitive royalty bid. Tract  
17 12/36A-15 containing approximately 5,870 acres, was  
18 announced for competitive royalty bid in November  
19 2015 with a one-time bonus/rental payment of \$2,500  
20 per acre for a five-year paid-up primary term, and a  
21 minimum bid of 20-percent royalty. This tract is  
22 shown on Exhibit OGM 1 on page 31 of your agenda.  
23 Additionally, the bid provides the Commission a well  
24 pad location fee of \$75,000 per well pad if well pads  
25 are necessary on the Game Lands Surface. The

1 agreement restricts surface use to two well pads and  
2 access thereto for development.

3           Oil and gas development will be  
4 regulated by the Commonwealth's Oil and Gas  
5 Regulations and the Commission's Standard Restricted  
6 Surface Use Oil and Gas Development Cooperative  
7 Agreement to include a \$50,000 performance bond. The  
8 agreement will include the Commission's standard  
9 wildlife and environmental protection measures. The  
10 total bonus payment will amount to approximately  
11 \$14,675,000 which shall be deposited into the Game  
12 Fund or into an interest bearing escrow account for  
13 the future purchase of wildlife habitats, lands or  
14 other uses incidental to hunting, fur taking and  
15 wildlife resource management. Further, the  
16 Commission will receive an annual payment of \$1,400  
17 in lieu of free gas usage.

18           Bids for this tract were opened on  
19 December 18, 2015 with Chief Exploration and  
20 Development LLC of Dallas, Texas submitting the  
21 highest royalty bid of 20 and 55/100s percent of the  
22 market value or sales price for each thousand cubic  
23 feet of gas (Mcf) produced and sold from the  
24 premises.

25                           PRESIDENT PUTNAM:

1 Do I have a motion?

2 COMMISSIONER WEANER:

3 So moved.

4 PRESIDENT PUTNAM:

5 Do I have a second?

6 COMMISSIONER HOOVER:

7 Second.

8 PRESIDENT PUTNAM:

9 We will have some discussion on this.

10 Commissioner, do you want to start out?

11 COMMISSIONER WEANER:

12 Mr. President, I'd be interested in  
13 knowing, the \$14,675,000 is that, quote, new money or  
14 is that money that has already been put into our  
15 budget for this year?

16 DIRECTOR SUSSENBACH:

17 Yes. You know, in the past there was  
18 significant revenue coming in from OGM, which this is  
19 significant but, you know, a portion of that was  
20 offset in the budget and a portion of that was put  
21 into an escrow account for future land acquisitions  
22 and some other things. But this money is part of our  
23 revenue projection for this year so this is part of  
24 our budget revenue for this year.

25 This is something that, you know, what

1 we're seeing for the next few years is pretty unique.  
2 The downturn in the gas and the prices that are out  
3 there, most companies are not willing to stretch out  
4 right now and spend those kind of resources. They're  
5 not really sure when they're going to be able to  
6 recoup some of those expenses.

7                   So, you know, in a roundabout way I'm  
8 answering your question. But yes, this is not new  
9 money. This is money that we've had for revenue  
10 projection from back in June or July, anticipating  
11 something was going to happen on Game Lands 12 and  
12 36, and fortunately things came through here.

13                   COMMISSIONER WEANER:

14                   Thank you.

15                   PRESIDENT PUTNAM:

16                   Commissioner Hoover?

17                   COMMISSIONER HOOVER:

18                   That was basically what I was going to  
19 point out. We're not dealing with new money. We're  
20 dealing with money that we already projected to come  
21 in to the stream. So this doesn't fix anything that  
22 we're into right now because it's money that we've  
23 already put into the budget.

24                   PRESIDENT PUTNAM:

25                   But we're going to discuss a Policy

1 Manual in a little bit and one part of our Policy  
2 Manual deals with our oil and gas revenues. And it's  
3 the Commissioners' policy and intent that that's the  
4 sportsmen's money and we can harbor our oil and gas  
5 resources and use them for the benefit of the  
6 sportsmen.

7                   Almost, you know, historically or  
8 throughout the first years of my tenure on the  
9 Commission, most of all that money went into land  
10 acquisition. We're causing disruption and we're  
11 doing some surface disturbance, although when you see  
12 the total amount of surface disturbance for the  
13 amount of land we've leased, it is really miniscule.

14       But we're causing some destruction of the game lands  
15 and we're paying the sportsmen by buying new lands  
16 other places.

17                   We have a team of people that work on  
18 both the oil and gas and the land acquisition and I  
19 --- you know, I can see them sitting out there. And  
20 I know they kind of feel that we're going against  
21 what we've done for so long by putting this money  
22 into our operating budget. We're providing it so  
23 that we can go and use it in the operating budget or  
24 the escrow account. This money should be going to  
25 the future, but because of our budget situation and

1 the fact that we haven't had a license increase in  
2 the memory of most people in this room, you know,  
3 we're kind of forced into that. Our oil and gas  
4 resources are limited. We don't have unlimited  
5 resources to go forward and we can't depend on this  
6 to be a substitute for a licensing increase.

7           We received comments. There's a group  
8 of negative people who are going to be providing  
9 negative comments no matter what we do. We receive  
10 comments like, what did you do with all the money  
11 that you got? Well, starting out with every dollar  
12 that comes in is approved at this meeting, it's in  
13 the public record. You can see what we took in and  
14 you can see where it went through our budget process.

15  
16           It goes into the escrow accounts. It  
17 goes out to purchase land. But when the oil and gas  
18 revenue first started to come in, it was about the  
19 time when our lack of a license increase was catching  
20 up with us. And we had vehicles out there that we  
21 couldn't take off the game lands. They couldn't pass  
22 a state inspection and we were still using them. And  
23 the Game Commission has always been, --- of all the  
24 state agencies you'll find that when we throw  
25 something away, there's nothing left of it.

1                   So the revenues came along and they've  
2 helped us, but we're getting towards the ends of  
3 that. And I just really want to point out that some  
4 people say well, what did you do with all the money,  
5 well it's all out there. It's all on record where it  
6 did go, but much of that was spent to catch us up  
7 because we were in such a hole from so long without a  
8 license increase. Any additional discussion?  
9 Commissioner Fox?

10                   COMMISSIONER FOX:

11                   Was there any other bids received on  
12 this?

13                   DIRECTOR SUSSENBACH:

14                   This is the only one we did receive.  
15 And the interesting thing about that is they have an  
16 extremely strong holding just to the south of us.  
17 And that's why, you know, they're on a 5,000 acre  
18 lease, they're not going to impact a tremendous  
19 amount of game land because the maximum they could  
20 have are two well pads. Right now, you know, they've  
21 got plans to drill wells down and this was approved.  
22 They will be drilling right to our boundary line.  
23 Certainly in the future, we'd have more impacts on  
24 game lands at that point.

25                   COMMISSIONER FOX:

1                   Where I live in Bradford County, I will  
2 say they're cheap and will be better operators. That  
3 I think they have a good reputation.

4                   MR. PUTNAM:

5                   Additional discussion?

6                   COMMISSIONER DALEY:

7                   I just wanted to congratulate your  
8 staff on getting this kind of deal, to bring this  
9 much revenue in. I know it was projected but, you  
10 know, in today's market to get \$2,500 an acre and get  
11 still 20.55 percent as a royalty is really unheard  
12 of, so I think your staff did a good job, and I'd  
13 like to let them know that.

14                  PRESIDENT PUTNAM:

15                  Mr. Secretary?

16                  SECRETARY LAYTON:

17                  We have a motion on the floor that's  
18 been duly second. All those in favor signify by  
19 saying aye.

20 AYES RESPOND

21                  SECRETARY LAYTON:

22                  Opposed? Motion carries.

23                  ATTORNEY BECHTEL:

24                  The next item concerns Non Surface Use  
25 Oil and Gas Cooperative Agreement Tract 245A-16,

1 State Game Land Number 245 in Washington County.

2           EQT production, or EQT of Canonsburg,  
3 Pennsylvania, has requested the Commission offer its  
4 oil and gas rights under a portion of State Game Land  
5 Number 245 for non-surface use development. The  
6 proposed tract containing approximately 305.7 acres  
7 is located in East Finley Township, Washington County  
8 as shown on Exhibit OGM 2 on page 33 of your agenda.

9           EQT has a strong, privately-owned  
10 oil/gas lease position surrounding this portion of  
11 the State Game Land Number 245. They have initiated  
12 unconventional well drilling and development in the  
13 vicinity of the proposed tract, and also have the  
14 ability to unitize and develop the Commission's oil  
15 and gas reserve under the proposed tract by  
16 horizontal drilling with no surface use or  
17 disturbance to the State Game Land. OGM staff has  
18 negotiated the proposed terms of the agreement with  
19 EQT in an effort to prudently develop the  
20 Commission's oil/gas reserve and simultaneously  
21 protect the wildlife resources and recreational use  
22 of State Game Land Number 245.

23           The terms of the Agreement are a  
24 five-year paid-up Non-Surface Use Oil and Gas  
25 Agreement, a \$3,000 per net oil and gas acre bonus

1 payment and 20 percent royalty for all oil/gas and  
2 other liquids or condensates produced and sold from  
3 the proposed tract. The bonus payment of  
4 approximately \$917,100 may be deposited either into  
5 the Game Fund or into an interest bearing escrow  
6 account to be used for the future purchase of  
7 wildlife habitats, lands or other uses incidental to  
8 hunting, fur taking and wildlife resource management.

9 Future rentals and royalties owed the Commission  
10 shall be directly deposited into the Game Fund.

11 Oil and gas development will be  
12 regulated by the Commonwealth's Oil and Gas  
13 Regulations and the Commission's Standard Non Surface  
14 Use Oil and Gas Cooperative Agreement.

15 PRESIDENT PUTNAM:

16 Do I have a motion?

17 COMMISSIONER WEANER:

18 Motion.

19 PRESIDENT PUTNAM:

20 Second?

21 COMMISSIONER HOOVER:

22 Second.

23 PRESIDENT PUTNAM:

24 Discussion? We've pretty much

25 discussed the principle behind the --- our oil and

1 gas development in the previous item. Any additional  
2 discussion? Mr. Secretary?

3 SECRETARY LAYTON:

4 We have a motion on the floor that's  
5 been duly seconded. All those in favor signify by  
6 saying aye.

7 AYES RESPOND

8 SECRETARY LAYTON:

9 Opposed? Motion carries.

10 ATTORNEY BECHTEL:

11 And the next item concerns Bituminous  
12 Surface Coal Mining Agreement, Tract 153A-16, West  
13 Wheatfield Township, Indiana County.

14 Amerikohl Mining, Inc., of Butler,  
15 Pennsylvania has requested an Agreement to mine and  
16 remove approximately 15 acres of Lower Kittanning  
17 coal beneath a portion of State Game Land Number 153  
18 located in West Wheatfield Township, Indiana County,  
19 as shown on Exhibit OGM 3 on page 35 of your agenda.

20 The Game Commission owns the surface and surface  
21 support rights, but does not own the coal. Amerikohl  
22 has secured a lease with the coal owner.

23 The terms are a five-year agreement, a  
24 royalty rate of six percent of the F.O.B pit price  
25 for all coal mined and sold from the premises, or

1 \$2.50 per ton, whichever would be the greater.

2 In exchange for the Agreement, to  
3 offset the surface impact to the State Game Land,  
4 Amerikohl shall cause to convey a minimum of 30 acres  
5 of land acceptable to the Commission. Royalties will  
6 be credited against the land value and once reached,  
7 payment of royalties will begin at the greater of the  
8 rates noted above.

9 All coal royalty payments will be  
10 deposited in the Game Fund. Mining will be regulated  
11 by the Commonwealth's Mining Regulations and the  
12 Commission's Standard Surface Coal Mining Agreement.

13 PRESIDENT PUTNAM:

14 Do I have a motion?

15 COMMISSIONER WEANER:

16 So moved.

17 PRESIDENT PUTNAM:

18 Second?

19 COMMISSIONER FOX:

20 Second.

21 PRESIDENT PUTNAM:

22 Discussion? I guess I'll have a little  
23 bit of a discussion on this that the Game Commission  
24 has a very, very good track record on land dealings.

25 And this particular, this is good example of it, we

1 got 15 acres that's going to be mined. We don't own  
2 the coal so we really can't --- you know, you can't  
3 really --- we don't have 100 percent control on the  
4 situation. They're going to mine 15 acres, but  
5 they're going to give us 30 acres in exchange and  
6 when it's reclaimed, I guarantee you it will not just  
7 be a --- you won't recognize it as a strip mine.  
8 It'll be reclaimed under our guidance and direction.  
9 And it will be a good quality habitat when we're  
10 done. So they're going to mine 15 acres and give us  
11 back 30 plus 15 more acres are going to be reclaimed  
12 and have in good shape. Got anything else to add to  
13 that, Director?

14 DIRECTOR SUSSENBACH:

15 Just to add, you know, the revenue  
16 aspect of the deals going on here is approximately  
17 \$27,000 based on the value of the timber. There's  
18 going to be offsets there with habitat enhancements  
19 that could be done to the property above and beyond  
20 what we require under the standard DEP guidelines.  
21 So this is an exciting opportunity. Again, we don't  
22 have 100 percent control of what's going to happen  
23 there, but we've really done a great job here  
24 ensuring we are filling an indenture at the same time  
25 so it's beyond just the impacts of those lands. I

1 think we're getting, you know, a great amount in  
2 return.

3 PRESIDENT PUTNAM:

4 Thank you. Any additional discussion?  
5 Mr. Secretary?

6 SECRETARY LAYTON:

7 We have a motion on the floor that's  
8 been duly seconded. All those in favor say aye.

9 AYES RESPOND

10 SECRETARY LAYTON:

11 Opposed? Motion carries.

12 PRESIDENT PUTNAM:

13 Okay. Now we're on to new business. I  
14 believe we have a number of items that we're going to  
15 discuss in new business. Commissioner Layton had a  
16 topic of the boundary to 2C.

17 SECRETARY LAYTON:

18 I do. Thank you, Mr. President. I  
19 think at the Board meeting, I would like to see  
20 wildlife management take a look at the northern  
21 boundary of 2C, which currently --- it's the  
22 beginning of Route 22. And for some odd reason,  
23 takes a right turn up 422 and then back down to 22.  
24 I'd like to see if we could make that a boundary go  
25 straight across. I think we could eliminate a couple

1 of problems for us.

2                   One is that we've had some concern this  
3 past pheasant season about hens being released in  
4 that portion of 2C and 2C is a cock bird only area.  
5 And when I looked into it, I found out from the  
6 people in the fields is that just because of where  
7 those birds are distributed from, it's just a  
8 problem. They ends up putting hens there and they  
9 can't be harvested and we're wasting birds. So that  
10 would eliminate one of many problems I think in that  
11 area. So if we could take a look at that, I would  
12 appreciate it.

13                   PRESIDENT PUTNAM:

14                   Thank you. Commissioner Weaner would  
15 like to discuss DMAP reporting.

16                   COMMISSIONER WEANER:

17                   For our next meeting, I would like our  
18 staff to prepare a report on the feasibility of  
19 removing the postcard from the deer reporting and big  
20 game reporting system. That's been one of our  
21 drawbacks, having the ten-day reporting period. The  
22 ten-day reporting period we have no control of as a  
23 legislative issue. But whether or not we use the  
24 postcard is something that apparently we can control  
25 and maybe there's a good reason to keep using it, but

1 I'd like to hear a report for next meeting about that  
2 feasibility. Thank you.

3 PRESIDENT PUTNAM:

4 Thank you. Commissioner Layton would  
5 like to discuss rule change --- a highlight of rule  
6 changes in the digest.

7 SECRETARY LAYTON:

8 Thank you, Mr. President. One of the  
9 things that we do is change rules a lot around here.  
10 And it gets confusing after a while, so I think what  
11 I'd like to see I&E do is write proposals to us where  
12 we can highlight those rule changes in the front of  
13 the digest or maybe the first couple pages are the  
14 rule changes that have been made for the upcoming  
15 season and those areas that we will highlight are how  
16 those rules are going to affect our hunting. I think  
17 it's just makes it easy. We bury those rule changes  
18 in the digest and I just think we've lost a lot of  
19 time because there's a lot of confusion. And if we  
20 could make it easier for our hunters to know what  
21 changes we've made, how they're going to affect them,  
22 I think it would be easier.

23 PRESIDENT PUTNAM:

24 Thank you. Now the people who do our  
25 digest are out there cringing because every inch of

1 every column/line of that digest is already spoken  
2 for. Travis will give us problems. I believe  
3 Commissioner Schlemmer wanted to give a report on the  
4 latest happenings in Punxsutawney today.

5 COMMISSIONER SCHLEMMER:

6 Phil didn't see his shadow today. It's  
7 spring.

8 PRESIDENT PUTNAM:

9 Yes. Our friends over on Elmerton at  
10 the Fish & Boat Commission are going to have a  
11 shorter ice fishing season I guess. So maybe that'll  
12 be up to Commissioner R. Weaner, see what he can do  
13 about that. We have a Commissioner Policy Manual  
14 which I mentioned earlier. It's revised from time to  
15 time and Commissioner Daley has spent a good amount  
16 of time going through it, cleaning up some of the  
17 prior mistakes from the other people that did it.  
18 And he would like to discuss that now and then we'll  
19 vote to adopt the revised manual.

20 COMMISSIONER DALEY:

21 All right. Well, as President Putnam  
22 has told you, we do have a Policy Manual, one for the  
23 Game Commission itself which is very broad. It talks  
24 about everything from use of herbicides to you name  
25 it. It's all in here. But we also have a Policy

1 Manual for the Board of Commissioners and it really  
2 defines the expectations of our Board, how we  
3 interact with our Executive Director, who really is  
4 our only staff person, and setting limits on the  
5 authorities of each of the Board and our Executive  
6 Director. And so therefore, it certainly differs  
7 from the more generalized PGC Policy Manual of June  
8 of 2003. That one's a much broader scope. Both are  
9 actually are on our website and can be viewed there.

10

11                   But this one is one that we've kind of  
12 looked as a living document because it is there's  
13 always changes in expectations. We get new Executive  
14 Directors coming in. It covers everything from Board  
15 accountability, governing style, working groups, on  
16 down to all the limitations on the Executive  
17 Director, partnering, outreach. It's comprehensive,  
18 but it really just deals with us, the people at this  
19 table.

20                   So the changes that we've done, some  
21 improvements in the formatting of the document.  
22 We've gone in and taken all of the various  
23 resolutions of the Board, put those on one or two  
24 tables in the back so you can see what's being done,  
25 kind of just as, you know, kind of a record of what's

1 been done. There's some slight changes regarding the  
2 Executive Director's authority to accept funds. We  
3 have more latitude in terms of emergency spending if  
4 necessary, let's say the roof leaks and it costs more  
5 than \$15,000, his hands used to be tied. And that  
6 just didn't make, you know, great sense. So we got  
7 rid of that.

8                   We also developed a Policy Manual  
9 checklist so because of the various expectations that  
10 are in this Policy Manual, things that we expect of  
11 the Executive Director, monthly, quarterly, we have  
12 now a whole checklist that we can just use that as a  
13 means to make sure that we're treating each other in  
14 ways that we wanted to.

15                   And then we've had an emphasis on who  
16 should be delivering our legislative agenda to the  
17 House and Senate Game and Fisheries Committee. We've  
18 now made that to the Executive Director because it's  
19 so important. I think with that, we've captured all  
20 of the official Board positions and any that we have  
21 today, we'll be continuing to do that. So I think  
22 with those, President Putnam, if we could vote to  
23 approve that we can certainly get it up on our  
24 website.

25                   PRESIDENT PUTNAM:

1 Oh, we will if I can get a motion.

2 COMMISSIONER WEANER:

3 So moved.

4 PRESIDENT PUTNAM:

5 Do I have a second?

6 COMMISSIONER HOOVER:

7 Second.

8 PRESIDENT PUTNAM:

9 Any additional discussion?

10 COMMISSIONER LAYTON:

11 Yeah, Mr. President. I would like to  
12 thank Mr. Daley for the work he put into this. He  
13 said we, we, we a lot, but I think what happened was  
14 we threw a lot of stuff at him managerially and it  
15 was really he, he, he. He did a lot of work. He put  
16 a lot of work into it. Last night, we got together  
17 and, again, refined it a little bit. He went back to  
18 his room, finished up a copy. And we certainly just  
19 want to appreciate and let you know that we  
20 appreciate the work you put into this. Thank you.

21 PRESIDENT PUTNAM:

22 And I would reiterate that as well.  
23 This will be published on the website so the full  
24 text will be available if anybody wants to ever read  
25 it. Any additional discussion? Mr. Secretary?

1                   SECRETARY LAYTON:

2                   We have a motion on the floor to accept  
3 the Policy Manual. It's been duly seconded. All  
4 those in favor, signify by saying aye.

5 AYES RESPOND

6                   SECRETARY LAYTON:

7                   Opposed? That motion is carried.

8                   PRESIDENT PUTNAM:

9                   The next order of business are proposed  
10 Commission meeting dates of April 4th and 5th, 2016.  
11 Additional new business? Sorry.

12                   COMMISSIONER HOOVER:

13                   We've had a lot of discussions lately  
14 on the cull permit regulations and what I'd like to  
15 do is request Executive Director Hough to request  
16 staff acutally to draft a change to the cull permit  
17 regulations to require a hunting component that would  
18 be approved by the Commission prior to the issuance  
19 of the cull permit. In other words, what we're  
20 asking for now is to put back into the regulations  
21 the hunter, let's put the sportsmen back into  
22 regulations. He gets the opportunity first or we  
23 don't issue a cull permit unless it's impossible to  
24 use them hunting. And have that ready for us for the  
25 next working group meeting.

1                   PRESIDENT PUTNAM:

2                   Some of these situations we've faced  
3 are our barriers because the Board of the Home  
4 Association or whatever the group is have set  
5 barriers up there, and I guess we'd like them to  
6 reevaluate. Just because they say they don't like  
7 hunting, I think we want to put a little pressure  
8 back on them to accept hunting as the first line of  
9 defense in these situations. Any additional  
10 discussion? Commissioner Daley?

11                   COMMISSIONER DALEY:

12                   Yeah. Based on some of the testimony  
13 we got in the last couple days and also a recent  
14 meeting I attended in one at the local sportsman's  
15 organization, there's a lot of angst, I guess, based  
16 on what, there's about three bills I think out there  
17 now that would potentially move hunting and fishing  
18 related trespass to misdemeanors beyond some of the  
19 current crimes code levels. And also, it's starting  
20 to put a burden on our enforcement officers, as you  
21 said at the beginning of the meeting, you know, our  
22 150 versus 26,000. So I'd actually like to ask staff  
23 that they would work with the legislative members to  
24 help address these sportsmen's related concerns.

25                   PRESIDENT PUTNAM:

1                   In some states, a significant portion  
2 of the conservation officer's is time spent enforcing  
3 trespass laws and we'd rather have our officers  
4 enforce the wildlife laws. Any additional new  
5 business?

6                   COMMISSIONER:

7                   Yes.

8                   PRESIDENT PUTNAM:

9                   Commissioner Fox?

10                  COMMISSIONER FOX:

11                  Director Hough, if you would look at  
12 the staff to take a look at our fluorescent orange.  
13 Right now we have fluorescent orange in our digest  
14 which covers two pages. And I understand it's not  
15 going to be a simple task, but if that process, what  
16 we require and what kind, could be looked at, I think  
17 that would be helpful with both hunters and the  
18 people who try to enforce it.

19                  PRESIDENT PUTNAM:

20                  Thank you. We'll keep dragging along  
21 if there's no new business. Okay. Now, the next  
22 order is the proposed Commission meeting dates of  
23 April 4th and 5th, 2016, July 11th and 12th, 2016 and  
24 September 19th and 20th, of 2016. Do any of the  
25 Commissioners have any comments on those dates or

1 request a change?

2 COMMISSIONER WEANER:

3 I move we approve these dates.

4 PRESIDENT PUTNAM:

5 Do I have a second?

6 COMMISSIONER FOX:

7 Second.

8 PRESIDENT PUTNAM:

9 Mr. Secretary?

10 SECRETARY LAYTON:

11 We have a motion on the floor duly  
12 seconded. All those in favor signify by saying aye.

13 AYES RESPOND

14 SECRETARY LAYTON:

15 Opposed? The motion is carried.

16 PRESIDENT PUTNAM:

17 Okay. The next order of business is  
18 election of officers. The Commissioners select a  
19 Nominating Committee. Commission Schlemmer is the  
20 Chairman of the Nominated Committee and he will  
21 conduct the election.

22 COMMISSIONER SCHLEMMER:

23 Thank you, Mr. President. I have  
24 received the following names for Secretary,  
25 Commissioner Charlie Fox. For vice president,

1 Commissioner Tim Layton. For President, Brian  
2 Hoover, Commissioner Hoover. Do I hear any other  
3 nominations from the floor? Okay. Hearing none, I  
4 would like to vote on this as a package. Do I hear a  
5 motion?

6 COMMISSIONER WEANER:

7 Mr. President, I move that we get the  
8 Secretary to cast the ballot for these three  
9 candidates.

10 COMMISSIONER DALEY:

11 Second.

12 COMMISSIONER SCHLEMMER:

13 Covered on that.

14 PRESIDENT PUTNAM:

15 Mr. Secretary?

16 SECRETARY LAYTON:

17 We have a motion on the floor that was  
18 duly seconded. All those in favor signify by saying  
19 aye.

20 AYES RESPOND

21 SECRETARY LAYTON:

22 Opposed? The motion's carried

23 PRESIDENT PUTNAM:

24 Before I hand the gavel over, I still  
25 have it. I just want to thank the staff, the

1 executive staff and the staff of the Commission and  
2 the Commissioners for a really good year with the  
3 Pennsylvania Game Commission. We didn't accomplish  
4 everything that we might have wanted to see, but I  
5 think we had a very good year. It's been a  
6 tremendous pleasure working with the following group  
7 that I've had the opportunity to work with for the  
8 last seven years and continue a working relationship  
9 with some of these people for more years, how long do  
10 we go back, 17 or more years? But I've worked with  
11 some of these people for more than 30 years and it's  
12 been a real honor to serve as president for this last  
13 year. So with that, I'll hand the gavel over.

14 COMMISSIONER HOOVER:

15 I just want to thank the Commissioners  
16 for placing their support behind me. I know for the  
17 last two years we've all worked very hard to bring  
18 the agencies around and turn it back to the  
19 sportsman, and provide some great things and I think  
20 the future of this agency is very good.

21 We've got a management team in place  
22 that's far above all the management agencies in the  
23 game industry. Executive Director Hough, Deputy  
24 Executive Director Burhans, Deputy Executive Director  
25 Palmer. I think that the work and collaboration that

1 has occurred in the last year or so amongst the  
2 Commissioners has brought, you know, great things to  
3 this agency, and I think we're moving forward from  
4 here. We do have an agenda going into next year to  
5 try to get some things done and I think we can get it  
6 done. So I thank you all very much. I appreciate  
7 it.

8 PRESIDENT PUTNAM:

9 Mr. President, I do have one last thing  
10 I'd like to say. As you know, I've been trying to  
11 get the magic number. Doctor Rosenberry was here  
12 yesterday. I do have the magic number. I want to  
13 ask the Council if he thinks I should read it. As a  
14 matter of fact, all I got was it depends. So that's  
15 it. The magic number is now out there.

16 COMMISSIONER SCHLEMMER:

17 Mr. President, I have to recognize one  
18 person today, Mr. Miller. Mr. Robb Miller,  
19 Governor's Advisory Counsel is with us today. Thank  
20 you for coming.

21 PRESIDENT PUTNAM:

22 You're the President, you get to close  
23 the meeting.

24 COMMISSIONER HOOVER:

25 I have the gavel now. Before I do

1 that, I'll just point out that we have the Committees  
2 decided for 2016 led up, I.E., the Chairman will be  
3 Commissioner Daley, Weaner and Fox; Wildlife  
4 Management, Chairman Commissioner Putnam, Hoover and  
5 Layton; Wildlife Habitat Management, Chairman Fox,  
6 Putnam and Daley; Wildlife Protection, Commissioner  
7 Layton, Fox and Schlemmer; Budget and Finance  
8 Commissioner Hoover, Daley, Schlemmer; Legislative  
9 Chairman Schlemmer, Layton and Hoover; Executive  
10 Committee will be --- the officers this year are  
11 Hoover, Layton and Fox; our Parliamentarian is  
12 Commissioner Weaner as always, Professor Emeritus,  
13 Commissioner Weaner. The Deer Committee will  
14 continue as Layton, Hoover and Putnam. And we have a  
15 new Arrangements Committee and that will be  
16 Commissioner Schlemmer. He's scheduling everything  
17 for us, although sometimes he did mess up a little  
18 bit, but we'll give it to him. Thank you very much.  
19 Meeting adjourned.

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MEETING CONCLUDED AT 9:40 A.M.

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**CERTIFICATE**

I hereby certify that the foregoing proceedings, hearing held before President Putnam was reported by me on 2/2/2016 and that I, Seth R. Baier, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

  
Court Reporter

Seth R. Baier