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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

\* \* \* \* \*

IN RE: QUARTERLY MEETING

\* \* \* \* \*

BEFORE: BRIAN H. HOOVER, PRESIDENT  
Timothy S. Layton, Vice-President  
Charles E. Fox, Secretary  
David J. Putnam, Commissioner  
Robert W. Schlemmer, Commissioner  
James R. Daley, Commissioner  
R. Matthew Hough, Executive Director

MEETING: Monday, September 19, 2016  
1:00 p.m.

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

Reporter: Corey Elizabeth Summers

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A P P E A R A N C E S

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BRADLEY C. BECHTEL, ESQUIRE  
Pennsylvania Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110  
Counsel for the Commission

ALSO PRESENT:

HAL KORBER, Wildlife Conservation Education  
Specialist, PA Game Commission

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P R O C E E D I N G S

1 -----

2 PRESIDENT HOOVER:

3 I would like to reconvene the meeting  
4 that was started this morning. And at this point,  
5 prior to going on with the agenda, I would like to  
6 give Hal the opportunity to redeem himself from this  
7 morning. You're on.

8 MR. KORBER:

9 Well, I appreciate the second chance and  
10 Tracy is back there. She spent quite a bit of time  
11 last week editing this, and Brian and Steve. There's  
12 a lot of people involved in this, and we just didn't  
13 like the way it went off this morning. We ended up  
14 being a bad recorder, so we can show it. It's only  
15 two and a half minutes, so ---.

16 VIDEO PLAYED

17 MR. KORBER:

18 I'd just like to thank you for the  
19 opportunity. Randy Shoup in law enforcement did the  
20 narration for that, by the way.

21 PRESIDENT HOOVER:

22 Thank you, Hal.

23 Just for a point of information for  
24 everyone, for our viewing public, this morning  
25 Commissioner Weaner was able to join us for a short

1 period of time. Commissioner Weaner is dealing with  
2 some serious health issues. We were able to hear from  
3 him. This was his last official meeting as a  
4 Commissioner, and going forward, I want to thank him  
5 for his time and for what he's done for this  
6 Commission, and for all the help that he's provided us  
7 as we've come up. Saying that, I'm sure the rest of  
8 the Commissioners will have the opportunity at the end  
9 of the meeting to say anything that they'd like to  
10 say.

11 At this point, we will go into the  
12 advertised agenda, but I'd like a motion to approve  
13 the minutes of the meeting held on July 19, 2016.

14 COMMISSIONER DALEY:

15 So moved.

16 COMMISSIONER LAYTON:

17 So moved.

18 PRESIDENT HOOVER:

19 So, we have a motion and a second. Mr.  
20 Secretary, call the votes.

21 SECRETARY FOX:

22 Motion on the floor made and seconded.

23 All those in favor signify by saying aye.

24 AYES RESPOND

25 SECRETARY FOX:

1                   Opposed? The motion carries.

2                   PRESIDENT HOOVER:

3                   Commissioner Bechtel?

4                   ATTORNEY BECHTEL:

5                   Thank you, Mr. President. The first  
6 item that comes before the Commission today comes from  
7 the Bureau of Wildlife Management. It concerns  
8 proposal rule making to amend 58 Pa. Code Section  
9 133.21.

10                   In accordance with the goals and  
11 objectives stated in the Management Plan for Osprey in  
12 Pennsylvania for 2015 to 2025 hereinafter the plan,  
13 the osprey, *Pandion haliaetus*, has achieved a  
14 population level, geographical distribution and  
15 tolerance of human activity that no longer meets the  
16 definition of a threatened species.

17                   As of the 2016 nesting season, osprey  
18 populations have met the objectives outlined. At  
19 least 50 total nesting pairs with a steady or  
20 increasing population including at least ten nesting  
21 pairs in each of four watersheds for the second  
22 consecutive comprehensive survey. Delisting of the  
23 osprey can be accomplished by amending Pa. Code  
24 Section 133.21, as outlined below on page two of your  
25 agenda. Upon delisting ospreys will continue to be a

1 protected species under state statutes and will  
2 continue to be afforded protection under the Migratory  
3 Bird Treaty Act.

4                    Pennsylvania Game Commission staff will  
5 continue to implement the plan and monitor osprey  
6 nests to ensure that this species does not regress  
7 towards endangerment.

8                    PRESIDENT HOOVER:

9                    We have a proposed rulemaking on the  
10 table. Do I have a motion?

11                    COMMISSIONER PUTNAM:

12                    So move.

13                    COMMISSIONER LAYTON:

14                    Second.

15                    PRESIDENT HOOVER:

16                    Any comments or questions?

17                    SECRETARY FOX:

18                    We have a motion on the floor made and  
19 seconded. All those in favor, signify by saying aye.

20 AYES RESPOND

21                    SECRETARY FOX:

22                    Opposed? The motion carries.

23                    ATTORNEY BECHTEL:

24                    The second item before the Commission  
25 comes from the Bureau of Wildlife Protection. It's an

1 adopted rule making to amend 58 Pa. Code, Section  
2 135.181 related to rifle and handgun ranges to address  
3 the substantive and housekeeping concerns. The text  
4 is shown on pages four through five of your agenda.

5 PRESIDENT HOOVER:

6 We have an adopted rule making on the  
7 table. Do I have a motion?

8 COMMISSIONER LAYTON:

9 So moved.

10 PRESIDENT HOOVER:

11 Second?

12 COMMISSIONER PUTNAM:

13 Second.

14 PRESIDENT HOOVER:

15 Any discussions?

16 COMMISSIONER LAYTON:

17 Yes. Mr. President, I would like to  
18 make a motion to table this adoption.

19 PRESIDENT HOOVER:

20 Okay. We have a motion on the floor as  
21 table. Do we have a second?

22 COMMISSIONER DALEY:

23 Second.

24 SECRETARY FOX:

25 The motion was made and seconded.

1                   PRESIDENT HOOVER:

2                   We'll take a vote on the motion to  
3 table. Do you want to call that motion?

4                   SECRETARY FOX:

5                   There's a motion to table.

6                   PRESIDENT HOOVER:

7                   All those in favor signify by saying  
8 aye.

9 AYES RESPOND

10                  PRESIDENT HOOVER:

11                  Opposed? The motion carries.

12                  ATTORNEY BECHTEL:

13                  The next item from the Bureau of  
14 Wildlife Protection concerns proposed rule making to  
15 amend 58 Pa. Code, Section 131.8.

16                  In accordance with the goals and  
17 objectives stated in the Management Plan for Osprey in  
18 Pennsylvania in 2015 to 2025, hereinafter the plan,  
19 the osprey, *Pandion haliaetus*, has achieved a  
20 population level, geographical distribution and  
21 tolerance of human activity that no longer meets the  
22 definition of a threatened species.

23                  As a result, the Commission has proposed  
24 to removal of the osprey from the Commonwealth's  
25 threatened species list. Current replacement costs

1 for osprey as a listed threatened species is \$5,000.  
2 Upon delisting, the replacement costs for osprey will  
3 reduce to \$200. Notwithstanding its proposal to  
4 delist, the Commission has determined that the osprey  
5 necessitates further protection from unlawful takings  
6 in the form of increased replacement costs upon its  
7 effective delisting date. The Commission is proposing  
8 to amend Section 131.8 to increase replacement costs  
9 for ospreys from \$200 to \$2,500. The text of this  
10 amendment is shown on page six of your agenda.

11 PRESIDENT HOOVER:

12 We have proposed rulemaking on the  
13 table. Do I have a motion?

14 COMMISSIONER LAYTON:

15 So moved.

16 PRESIDENT HOOVER:

17 Second?

18 COMMISSIONER DALEY:

19 Second.

20 PRESIDENT HOOVER:

21 Any questions or comments? No questions  
22 or comments. Mr. Secretary, call the vote.

23 SECRETARY FOX:

24 We have a motion on the floor, moved and  
25 seconded. All those in favor signify by saying aye.

1 AYES RESPOND

2 SECRETARY FOX:

3 Opposed?

4 PRESIDENT HOOVER:

5 That motion carries.

6 ATTORNEY BECHTEL:

7 The next item on the agenda comes from  
8 the Bureau of Wildlife Habitat Management for real  
9 estate, an acquisition, Contract Number L-3703, State  
10 Game Land Number 323 in Centre County.

11 Joshua and Vivian First are offering for  
12 sale 18 more or less acres in Howard Township, Centre  
13 County, which is an indenture into State Game Lands  
14 Number 323, as shown on Exhibit RED 1 on page eight in  
15 your agenda.

16 The option price is \$36,000 lump sum to  
17 be paid with funds from third party commitments for  
18 compensation of habitat and recreational losses which  
19 occurred on State Game Lands from previously approved  
20 projects.

21 This transaction is contingent upon  
22 transfer of an easement currently held by the  
23 Pennsylvania Department of Conservation and Natural  
24 Resources on the property to the Pennsylvania Game  
25 Commission for no consideration.

1                   The tract is forested with mixed  
2 northern hardwoods. Access to this property is  
3 through State Game Land Number 323, and a 15-foot and  
4 a 50-foot right-of-way which leads to Township Route  
5 663, also known as Old Route 220.

6                   PRESIDENT HOOVER:

7                   We have an acquisition being laid before  
8 us. Do we have a motion?

9                   COMMISSIONER PUTNAM:

10                   Motion.

11                   COMMISSIONER LAYTON:

12                   Second.

13                   PRESIDENT HOOVER:

14                   Any questions or comments? Mr.  
15 Secretary, call the vote.

16                   SECRETARY FOX:

17                   There's a motion on the floor. It's  
18 made and seconded. All those in favor signify by  
19 saying aye.

20 AYES RESPOND

21                   SECRETARY FOX:

22                   Opposed?

23                   PRESIDENT HOOVER:

24                   That motion carries.

25                   ATTORNEY BECHTEL:

1                   Mr. President, we have one further item  
2 for the Commission on the agenda. It concerns a  
3 resolution of the Board of Commissioners. Whereas on  
4 March 30, 2016, the Pennsylvania Fish and Boat  
5 Commission celebrated the 150th anniversary of its  
6 founding in 1866. And whereas in 1866, the  
7 Commonwealth of Pennsylvania organized a convention in  
8 Harrisburg to investigate water pollution caused by  
9 the wholesale logging of Pennsylvania's forests having  
10 an impact caused by sedimentation of our mountain  
11 lakes and streams.

12                   Whereas the convention also addressed  
13 serious concerns about reduction in American shad runs  
14 in the Susquehanna River. And whereas on March 30,  
15 1866, Governor Andrew Curtin, as a direct result of  
16 discussions that occurred at the convention, signed  
17 into law Act 366 PL 370, that named James Worrall  
18 Pennsylvania's first Commissioner of Fisheries.

19                   And whereas in 1925, Act 263 established  
20 the Commonwealth's first Board of Fish Commissioners.

21                   And whereas in 1949, Act 180 officially  
22 established the Pennsylvania Fish Commission as an  
23 Agency and described its powers and duties.

24                   And whereas in 1991, Act 39 renamed the  
25 Pennsylvania Fish Commission as Pennsylvania Fish and

1 Boat Commission.

2                   And whereas, over the last 150 years,  
3 the Commission has grown from a one-man operation  
4 funded solely by the General Fund into a Commonwealth  
5 agency with a complement of 432 staff members funded  
6 by anglers and boaters through license and  
7 registration fees and federal excise tax on fishing  
8 and boating equipment.

9                   And whereas, the Commission's mission is  
10 broader than the original one, but the Agency still  
11 has its focus on protecting, conserving and enhancing  
12 the Commonwealth's aquatic resources and providing  
13 fishing and boating opportunities.

14                   Now, therefore be it resolved, that the  
15 Board of Commissioners of the Pennsylvania Game  
16 Commission does hereby commend and celebrate the  
17 Pennsylvania Fish and Boat Commission on their  
18 significant achievement marking 150 years of  
19 protection, conservation and enhancement of the  
20 Commonwealth's aquatic resources and providing fishing  
21 and boating opportunities. Given the hand and the  
22 seal of the Board of Commissioners of the Pennsylvania  
23 Game Commission on this 19th day of September, 2016.

24                   PRESIDENT HOOVER:

25                   Okay. Thank you, Brad. Any other new

1 business? Let's back up on that. I need a motion on  
2 the resolution.

3 COMMISSIONER PUTNAM:

4 So moved.

5 PRESIDENT HOOVER:

6 We have a motion. Seconded?

7 COMMISSIONER LAYTON:

8 I'll second.

9 PRESIDENT HOOVER:

10 Mr. Secretary, would you call the vote?

11 SECRETARY FOX:

12 We have a motion on the floor and a  
13 second. All those in favor, abide by saying aye.

14 AYES RESPOND

15 SECRETARY FOX:

16 Opposed?

17 PRESIDENT HOOVER:

18 That motion carries. Okay. Do we have  
19 any other new business to come before the  
20 Commissioner?

21 Seeing none, the next working group  
22 meeting will be December 5, 2016. The January  
23 Commission meeting will be held on January 29th  
24 through the 31st, 2017 at the Harrisburg headquarters.

25 At this time, I'd like to take any

1 comments or questions or anything from the  
2 Commissioners?

3 COMMISSIONER PUTNAM:

4 Mr. President?

5 PRESIDENT HOOVER:

6 Yes?

7 COMMISSIONER PUTNAM:

8 I would like to congratulate  
9 Commissioner Weaner on completing his term and his  
10 six-month extension as a Commissioner. I learned a  
11 lot from Ron. I really appreciated his hard work and  
12 dedication. He was really a stand-up guy and I will  
13 miss seeing him at the meetings here.

14 PRESIDENT HOOVER:

15 Any other comments from the  
16 Commissioners?

17 COMMISSIONER LAYTON:

18 Yes. Mr. President, I just want to echo  
19 Commissioner Putnam's comment. Commissioner Weaner  
20 has been a true joy to work with here on Board and  
21 I've learned a lot from Ron. He was truly a good  
22 Commissioner. His heart was always in the right  
23 place. His mind was always in the right place. And  
24 certainly if there was a time that he needed to defend  
25 his position or descend on something that we were

1 trying to work on, he spoke up. And he spoke for the  
2 hunters in his area. He was a true friend and I'm  
3 going to miss his time together with us, both with the  
4 Wild Turkey --- I guess it wasn't Wild Turkey --- the  
5 Bird Dog Whiskey club and certainly in the meetings.  
6 Thank you.

7 PRESIDENT HOOVER:

8 Thank you. Commissioner Schlemmer?

9 MR. SCHLEMMER:

10 Thank you very much. Again, I met Ron  
11 ten years ago and he gave a reasoning for that  
12 position on the Governor's Advisory Council. A fine  
13 gentleman. We are certainly going to miss him. I  
14 know the kids will. Ron worked with the kids. He  
15 builds bear traps for the Pennsylvania Game  
16 Commission. He did a fine job, a fine example, and he  
17 was always, as you hear people saying now, fair and  
18 balanced. Thank you.

19 PRESIDENT HOOVER:

20 Any other comments? Hearing none, we do  
21 not have an executive discussion scheduled after the  
22 meeting. We will have a press --- meeting of the  
23 press in the back as soon as we complete this.

24 At this time, I will adjourn the  
25 meeting. Thank you all for attending.

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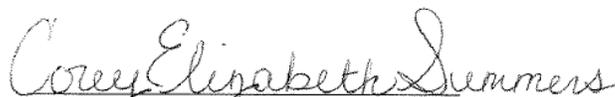
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HEARING CONCLUDED AT 1:16 P.M.

\* \* \* \* \*

CERTIFICATE

1 I hereby certify that the foregoing proceedings,  
2 meeting held before President Hoover was reported by  
3 me on 9/19/16 and that I, Corey Elizabeth Summers,  
4 read this transcript, and that I attest that this  
5 transcript is a true and accurate record of the  
6 proceeding.

7   
8 Court Reporter

9 Corey Elizabeth Summers  
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