COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION  
* * * * * * * *  
JANUARY 31, 2017 MEETING  
* * * * * * * *  

BEFORE: BRIAN H. HOOVER, PRESIDENT  
Timothy S. Layton, Vice President  
Charlie E. Fox, Secretary  
James R. Daley, Commissioner  
David J. Putnam, Commissioner  
Robert W. Schlemmer, Commissioner  

HEARING: Tuesday, January 31, 2017  
8:30 a.m.  

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

PRESENT: Bryan J. Burhans, Matthew Hough (Executive Director), Bradley Bechtel, Richard Palmer, Wayne Laroche, Pete Sussenbach, Thomas Grohol  

Reporter: Bernadette M. Black  

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PRESIDENT HOOVER:
I'd like to call the January 31st Meeting of Commissioners to order. Please rise for the Pledge of Allegiance.
PLEDGE OF ALLEGIANCE RECITED
PRESIDENT HOOVER:
Mr. Secretary, would you call the roll, please?
SECRETARY FOX:
Mr. Hoover?
MR. HOOVER:
Present.
SECRETARY FOX:
Mr. Layton?
MR. LAYTON:
Present.
SECRETARY FOX:
Mr. Putnam?
MR. PUTNAM:
Present.
SECRETARY FOX:
Mr. Schlemmer?
MR. SCHLEMMER:
Present.

SECRETARY:
Mr. Daley?

MR. DALEY:
Present.

PRESIDENT HOOVER:
I need a motion to approve the minutes of the Commission Meeting held September 19th, 2016.

MR. SCHLEMMER:
So moved.

MR. LAYTON:
Second.

PRESIDENT HOOVER:
We have a motion and a second.

Secretary call the vote?

SECRETARY FOX:
All in favor say aye?

AYES RESPOND

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
At this time I will turn it over to the attorney.
ATTORNEY BECHTEL:

Thank you, Mr. President. The first item before the Commission today comes from the Bureau of Wildlife Management, concerns adopted rulemaking to amend 58 Pa. Code, Section 133.21. In accordance with the goals and objectives stated in the Management Plan for Osprey in Pennsylvania, 2015-2025 following this plan, the osprey (Pandion haliaetus) has achieved a population level, geographical distribution, and tolerance of human activity that no longer meets the definition of a threatened species.

As of the 2016 nesting season, osprey populations have met the objectives outlined: at least 50 total nesting pairs with a steady or increasing population including at least ten nesting pairs in each of four watersheds for the second consecutive comprehensive survey. Delisting of the osprey can be accomplished by amending Pa. Code Section 133.21 as outlined on page three of your agenda.

Upon delisting, ospreys will continue to be a protected species under state statutes and will continue to be afforded protection under the Migratory Bird Treaty Act. Pennsylvania Game Commission staff will continue to implement the Plan and monitor osprey nests to ensure that this species does not regress.
toward endangerment.

MR. LAYTON:
Motion to accept.

MR. DALEY:
Second.

PRESIDENT HOOVER:
We have a motion and a second. Any questions or comments? Mr. Secretary, call the roll --- call the vote?

SECRETARY FOX:
All those in favor say aye?

AYES RESPOND

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
That motion carries.

ATTORNEY BECHTEL:
The next item concerns proposed rulemaking to create 58 Pa. Code, Sections 147.315 through 147.318. Pheasant hunting in Pennsylvania has relied entirely upon stocking of farm raised pheasants during the past 20 to 30 years. Subsequent to disappearance of Pennsylvania's wild pheasant population. Four pheasant farms operated by the Game Commission have historically produced about 200,000
pheasants per year.

This program is popular and has many values related to hunter recruitment, retention, and reactivation. As well as providing an upland game bird hunting opportunity at a time when wild upland game bird populations are in serious decline, but it has been costing PGC about $4.7 million per year with no fee mechanism established to sustain the program.

Recent budget pressures caused by increases in personnel benefit costs and declines in revenue have forced the Commission to initiate cost cutting measures including closure of two of the four pheasant farms. These closures are estimated to save $1.7 million per year while changes in operations are being implemented to further reduce costs while minimizing adverse impacts on the bird quality and quantity.

Adoption of the proposed pheasant hunting permit at cost of $25 for adults and $1 for junior hunters is projected to produce about $1.5 million of new revenue. Adoption of this pheasant permit would make the program more self-sufficient and help ensure the future of pheasant hunting within the Commonwealth. The proposed regulations are shown on page four and five of your agenda.
PRESIDENT HOOVER:
Thank you. Do I have a motion?

MR. PUTMAN:
Motion.

MR. DALEY:
Second.

PRESIDENT HOOVER:
Any questions or comments?

MR. LAYTON:
Mr. President, if I could I would like to make an amendment that would remove the one $1 fee for the junior hunters. In essence it would remove paragraph 1 under (b) Eligibility. And it would amend Section 147.317 to read: A pheasant hunting permit is required for any adult hunter to participate in the hunt or take pheasants by any means or manner or device, including the use of dogs within that Commonwealth.

That would ensure us that a junior hunter who is pheasant hunting would have to be accompanied by a permitted adult. In addition, I would like to remove all references to the $1 permit in 147.315 through 147.318.

PRESIDENT HOOVER:
We have an amendment on the floor. May
I have a motion?

MR. PUTMAN:
Motion.

PRESIDENT HOOVER:
Do I have a second?

MR. SCHLEMMER:
Second.

PRESIDENT HOOVER:
At this point we will vote on the amendment. We have a motion and a second. Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor?

AYES RESPOND

SECRETARY FOX:
Any opposed?

PRESIDENT HOOVER:
That motion passes. And we will now vote on the —- we have a motion and a second on the original. And we will vote on it as amended.

MR. PUTMAN:
Mr. President, I would like to have a slight discussion on that.

PRESIDENT HOOVER:
Okay.
MR. PUTMAN:

These are proposed regulations.

Whatever we pass today will be under consideration until the next meeting. So we will be taking additional comments on whatever we pass.

Personally, I would favor a lower price for the adult pheasant hunting permit. I think we're running a balance between how many people we have in the program now and how many we'll have in the program once we start charging a fee.

Every pheasant hunter out there would be happy to pay a $25 fee for the pheasant hunting we have today. For the pheasant hunting we have today, $25 is a tremendous bargain compared to the commercial market. However, as we set a fee, as we charge pheasant hunters to participate --- some hunters may drop out. Likely some of them will drop out.

The program will not sustain at the current level unless we have the current number of hunters. So I think that's something to consider. We set the fee --- we set the fee too high, we're going to force hunters out of the market. We set it too low, we're not going to have funds to run the program.

I don't think by any stretch of the means we expected the fee to carry on the entire
program and the future thereof. This is something that we'll be taking comments on until the next meeting and I would encourage pheasant hunters out there to think about that and let us know your feelings.

**PRESIDENT HOOVER:**

Thank you. I would also like to say that even though we charge a fee and be it $25 or whatever, the fee itself will not cover the cost of the existing program or the program as we anticipate that it will be. I think we'll still be short about $1.1 million; something in that neighborhood. And we're not looking to fully fund the program at this time through the pheasant stamp program or pheasant permit program. That's all I have. Any other comments? Mr. Secretary, call the vote.

**SECRETARY FOX:**

All those in favor of the final say aye?

**AYES Respond**

**SECRETARY FOX:**

Opposed?

**PRESIDENT HOOVER:**

That motion carries.

**ATTORNEY BECHTEL:**

The next item concerning the amendment
of 58 Pa. Code, Section 141.28. Huntable populations of wild pheasants have been successfully established in portions of the Central Susquehanna Wild Pheasant Recovery Area, while other portions of the Wild Pheasant Recovery Area contain very few or no pheasants.

In keeping with the goals of the Wild Pheasant Recovery Area Program, a reduction in size of the Wild Pheasant Recovery Area is being proposed which will open unsuccessful portions to general pheasant hunting and to the stocking of pen-reared pheasants. Simultaneously, as a conservative approach in re-opening the successful portions of the Wild Pheasant Recovery Area to pheasant hunting, language is proposed that would enable the Executive Director to authorize permit based, youth-only pheasant hunting opportunities in the Central Susquehanna Wild Pheasant Recovery Area. Such a hunt could occur as early as 2017 – 2018.

When Wild Pheasant Recovery Areas were established, restrictions on small game hunting and dog training were included to avoid potential negative impacts to reintroduced pheasant populations. Research and monitoring results for all Wild Pheasant Recovery Areas have demonstrated that outside the
nesting season, effects of these activities on pheasants are negligible.

Therefore, it is proposed that all small game hunting restrictions (except for those related to pheasants) be removed from Wild Pheasant Recovery Areas, and that the restricted period for dog training be shortened. As the Wild Pheasant Recovery Area program transitions to an operational phase, these changes will provide additional recreational opportunities for hunters and dog handlers, without jeopardizing wild pheasant populations. The text of this amendment is shown on pages six through eight of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Need a second?

MR. SCHLEMMER:
Second.

SECRETARY FOX:
All those in favor, please respond saying aye.
PRESIDENT HOOVER:
One second. Do we have any discussion?
Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor respond by saying
aye.

AYES RESPOND

SECRETARY FOX:
Opposed? The motion carries.

ATTORNEY BECHTEL:
The next item concerns an amendment to
Section 139.17. A uniform system of wildlife
management units was implemented in 2003 to replace
the system of multiple, species-specific management
units. Wildlife management unit boundaries were
defined using readily recognizable features on the
landscape rather than hard to identify political
boundaries.

In 2008, the Commission conducted a five
year evaluation of the structure of the wildlife
management unit system which resulted in the
development and implementation of four wildlife
management unit map revisions. The Commission has
again conducted an evaluation of the structure of the
wildlife management unit system and has developed the
following Wildlife Management Unit Map revision:

Expand wildlife management unit 2E southward into wildlife management unit 2C, to realign the southeast boundary line of unit 2E from Route 422 to Route 22. The proposed change to the wildlife management unit boundary line is shown on the attached map. The text of the change is on page 9 and the map is on page 10 and 11 of your agenda.

PRESIDENT HOOVER:
Can I have a motion?

MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Do I have a second?

MR. DALEY:
Second.

PRESIDENT HOOVER:
I have a motion and a second. Any discussion? No discussion. Mr. Secretary, call the vote.

SECRETARY FOX:
All those favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed?
PRESIDENT HOOVER:

That motion carries.

ATTORNEY BECHTEL:

The next item before the Commission is to amend 58 Pa. Code, Section 139.4 relating to seasons and bag limits for the license year to provide updated seasons and bag limits for the 2017 - 2018 license year. The 2017 - 2018 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Proposed changes to small game seasons include: eliminating the post-Christmas segment of the ruffed grouse season, opening the Central Susquehanna Wild Pheasant Recovery Area to a youth-only pheasant hunting season, and opening wildlife management unit 5A to put-and-take bobwhite quail hunting.

Closures can be enacted at wildlife management unit or smaller scales as needed, if and when restoration activities occur. In regards to wild turkey seasons, in accordance with guidelines in the
species management plan, we are recommending opening a
conservative, midweek fall season in wildlife
management unit 5B, while reducing fall season length
in three wildlife management units that have exhibited
decreasing trends in turkey population indices.

Specifically, the seasons would decrease
from two weeks plus three days to one week plus three
days in wildlife management units 4A and 4B, and from
three weeks plus three days to two weeks plus three
days in wildlife management unit 4E. No changes are
recommended for the white-tailed deer seasons.

While not a seasons and bag limits issue
per se it should be noted that the use of large DMAP
areas surrounding locations of CWD-positive deer is
being recommended in lieu of Disease Management Area
permits to provide a simpler mechanism for hunters to
reduce deer populations around known disease hotspots.

For black bear, we are recommending an earlier and one
day longer statewide archery season, concurrent with
the Monday through Saturday of the next to last week
of the statewide archery deer season.

This change would address requests from
staff and constituents and would likely provide for a
moderate increase in overall bear harvest. There are
no proposed changes in furbearer seasons. The text of
these amendments is shown on pages 13 through 20 of your agenda.

PRESIDENT HOOVER:
Can I have a motion?

MR. PUTMAN:
So moved.

PRESIDENT HOOVER:
Can I have a second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
What we'll do is go page-by-page over this. Any changes to page 13? Fourteen (14)? Fifteen (15)? Sixteen (16)? Seventeen (17)? I make a motion to amend page 17 to remove WMUs 5A and 5B under the heading deer, regular firearms, antlered and antlerless, November 27 - December 9. And add 5A and 5B to the deer, regular firearms antlered only December 27th to --- or I'm sorry. November 27th to December 1st. And then add as well units 5A and 5B to the deer, regular firearms antler and antlerless season from December 2nd to December 9th. I made that as a motion. Can I have a second?
SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any changes on 18?

MR. PUTMAN:
Mr. President?

PRESIDENT HOOVER:
Yes.

MR. PUTMAN:
I would like to add under the bear, extended firearms WMU 3A to units 1B, 2C, 4B, 4C, and 4D, and 4E. That’s the period from November 29th to December 2nd.

PRESIDENT HOOVER:
All right. We have a change to the bear, extended firearms season adding 3A. I’ll take that as a motion, Dave. Do we have a second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
All right. Moving along. Nineteen (19)? Twenty (20)? I’d like a motion to accept the amended seasons and bag limits?

MR. LAYTON:
So moved.
SECRETARY FOX:
I second that.

PRESIDENT HOOVER:
All right. We have a motion and a second. Any questions or comments?

ATTORNEY BECHTEL:
On the amended?

PRESIDENT HOOVER:
On the amended.

MR. LAYTON:
I believe we talked about this. And of course we needed to have some people from Potter County come down. And we know that the region has some concerns too. Which is why we moved this to that November 29th date as opposed to the first Monday of the extended season. So maybe that will satisfy both sides. And that was kind of the thinking behind the extended bear season to keep the bear population down up there, but not forcing those hunters over to 3A on the first day of deer season.

PRESIDENT HOOVER:
Any other comments?

MR. PUTMAN:
The changes to the antlerless seasons, the 5A and 5B were done just for the sake of
consistency to make that consistent with the adjoining unit.

PRESIDENT HOOVER:

Thank you. Jim?

MR. DALEY:

Mr. President, I think we'll also need to change the commentary on page 12 to reflect that there were active changes to the whitetail deer season. In the fourth paragraph down.

PRESIDENT HOOVER:

So we'll make that motion when we make the final adoption. All right, so we have a motion and second on the amendments. Mr. Secretary, call a vote.

SECRETARY FOX:

All those in favor respond saying aye?

AYES RESPOND

SECRETARY FOX:

Opposed? Motion carries.

PRESIDENT HOOVER:

At this time we will now vote on the entire seasons and bag limits.

MR. LAYTON:

Maybe we can get Director Laroche to talk a little bit about the change in the DMAP permits
and what we're trying to do there. Kind of eliminating those DMA wide permits.

MR. LAROCHE:

What we're trying to do here is trying to focus on the hotspots within the DMA area. You know we were having a lot of positive deer show up. And instead of having a broad culling approach across the DMA and trying to reduce the deer population over the whole area, we'd like to focus on the hotspot areas because it seems some research that's going on in other states that that's probably a better approach to controlling the disease, while at the same time providing hunting opportunity for the people in that area.

DMA boundaries would not be affected because that DMA boundary is what we put in place to try to keep people from taking deer from the positive area into areas that are not infected with disease and spreading the disease. So that's what we need to do.

MR. LAYTON:

Thank you.

PRESIDENT HOOVER:

Any other comments? Questions? We have a motion and a second to accept the amended seasons and bag limits. Mr. Secretary, call a vote.
SECRETARY FOX:
All those in favor respond saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed. The motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is to amend 58 Pa. Code, Section 147.673. The Commission is statutorily charged with managing the Commonwealth's white-tailed deer herds on behalf of all of its citizens.

To accomplish this responsibility, the Commission allocates antlerless deer licenses across the state amongst its various wildlife management units to utilize hunter harvest as the primary management tool of white-tailed deer. These allocations are adjusted each year to allow the deer herd to grow, stabilize or decrease, and are based on the best available science and in consideration of the broad and disparate interests of the Commonwealth's various stakeholders. This system addresses deer management statewide.

In 2003, the Deer Management Assistance Program or DMAP was first established to provide both public and private landowners with an additional tool
for the management of local white-tailed deer herds on
lands where excessive deer numbers have compromised
the landowners' land uses and other interests. Some
communities in more urbanized areas have documented
evidence that requiring individual landowners to
individually submit DMAP applications has not been an
effective method towards resolving localized deer
management concerns.

Subsequently, the Commission has
recognized the need to increase deer harvests in local
areas in response to growing concerns related to
disease outbreaks. The Commission is proposing to
amend Section 147.673 relating to eligibility and
application for DMAP, to allow the Commission to
accept DMAP applications from political subdivisions
and government agencies to enable them to manage deer
harvest within a conglomeration of distinct,
privately-owned and publically-owned lands under their
jurisdiction.

By expanding a political subdivision's
and government agencies' ability to apply for permits
on behalf of property owners, the Commission hopes to
improve efforts to control deer populations using
regulated DMAP hunting. Political subdivisions and
government agencies making application in this manner
will be required to submit a management plan.

The Commission will allocate DMAP harvest permits based on current conditions relative to goals and objectives outlined in the Commission approved management plan. These changes are found on pages 21 and 22 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

MR. PUTMAN:
Motion.

PRESIDENT HOOVER:
Second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion? No discussions. Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor respond saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item concerns adopted amendment from the Bureau of Wildlife Protection. This adopted
rulemaking is to amend 58 Pa. Code, Section 131.8 relating to the replacement cost for wildlife killed, to increase replacement costs for osprey from $200 to $2,500. The text of this can be found on page 24 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion? We have a motion and a second. Secretary call the vote.

SECRETARY FOX:
All in favor respond saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? The motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is the proposed rulemaking to amend 58 Pa. Code, Section 141.4 to replace the current hunting hours table and
migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017 - 2018 hunting/trapping license year. The text of this change is shown on page 25 and the charts on page 26 and 27 of your agenda.

PRESIDENT HOOVER:
Do I have a motion?

MR. DALEY:
So moved.

PRESIDENT HOOVER:
Second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion? No discussion. Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? The motion carries.

ATTORNEY BECHTEL:
The next proposal before the Commission is to amend 58 Pa. Code, Section 135.181. State game
land range users, Commission staff and other interested parties have identified a number of areas in need of improvement in the Commission's shooting range use regulations. The Commission is proposing to amend Section 135.181 to address the following substantive and housekeeping concerns:

One, expand the 8:00 a.m. to sunset operational hours on Sunday’s preceding regular firearms deer and bear seasons to also include Sundays occurring throughout the duration of these seasons to improve hunter access to its ranges when they are most needed.

Two, to prohibit range users from intentionally shooting at or damaging the target frames or stands in an effort to reduce waste and improve operational availability of ranges.

Three, provide clarity that use of automatic firearms, not to include semi-automatic firearms, is prohibited at Commission ranges.

Four, to expand the six-round loading and discharge limitation to both rifle and handgun ranges.

Five, to prohibit range users from operating, manipulating or discharging a loaded firearm in negligent disregard for the safety of other
persons present at or nearby the range to improve
safety.

Six, to provide greater clarity in the
regulations concerning range reservation, range
closure, range designation and general range usage
violations.

And seven, to remove firearms possession
related violations from this section to more closely
conform to the limitations set forth in 18 Pa.C.S.,
Section 6109(m.3)(2). The text is shown on pages 28
through 30 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

MR. LAYTON:
So moved.

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion? Hearing no discussion,
Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor respond saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? The motion carries.
ATTORNEY BECHTEL:

The next item before the Commission is a proposal to amend 58 Pa. Code, Sections 147.552n and 147.553. You should all have in front of you a blue replacement page for page 31 with respect to this proposal.

Current regulations limit sub-permittees exercising the privileges of a Red Tag Permit to hunting and taking white-tailed deer from dusk to dawn. Most participants in this program understand this ambiguous time frame to coincide with the legal hunting hours, but this point is not clear in the established regulations.

The Commission is proposing to amend Section 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in Section 141.4 and Appendix G relating to hunting hours; and hunting hours. These amendments will more effectively guide and instruct sub-permittees on the lawful periods during which they may exercise the privileges of this program.

The Commission is also proposing to amend Section 147.552 to eliminate the requirement that an applicant be enrolled in one of the Commission's public access programs for two years in
order to be eligible for the Red Tag permit. This amendment will alleviate constraints on farmers wishing to participate in the Red Tag Program who cannot wait the two-year public access program enrollment period due to current deer damage problems. Again, this text is shown on the replacement page 31.

PRESIDENT HOOVER:
Can I have a motion?

MR. DALEY:
So moved.

PRESIDENT HOOVER:
Can I have a second?

MR. SCHLEMMER:
Second.

PRESIDENT HOOVER:
Any discussion?

MR. PUTMAN:
Mr. President, I would like to comment on the change to the Red Tag Program for allowing late notice to enroll on the spot as opposed to being in the program for two prior years. This is in response to testimony from the Farm Bureau and testimony at the last two meetings. Farmers have come in here and talked to us about that program.

It really --- in my opinion, it's going
to allow people to get into this program much easier. We're more likely to have farmers enroll in the program I think by imposing this limit than they would having to open the property to Public hunting to two years before they can get enrolled. We've opened up the property to public hunting today, we can them sign-up today, and that will eliminate that period of them getting into program.

PRESIDENT HOOVER:
Thank you. Any other discussion? We have a second and we have a motion and a second. Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed. Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is to amend 58 Pa. Code, Sections 131.12, 141.22, 141.43, 141.44, 141.45, 141.47, and 141.67. In relevant part, the Act of November 21, 2016, Public Law 1317, Number 168 made two significant changes to Section 2308; relating to unlawful devices and methods.
First, the legislation eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Second, the legislation effectively eliminated the Commonwealth's historic prohibition against the use of semi-automatic rifles for hunting.

It is important to note that this legislation was not extended to authorize the Commission to allow any use of semi-automatic handguns. In an effort to expand hunting opportunities within the Commonwealth, the Commission is proposing to amend the Sections named above to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons.

These amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzle loading deer season. These changes are shown on pages 32-43 of your agenda. I should also note that there are replacement pages. Page 37, 39, 40, and 42.

PRESIDENT HOOVER:

Can I have a motion?
SECRETARY FOX:
So moved.

PRESIDENT HOOVER:
Second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
Any discussion?

MR. LAYTON:
Mr. President.

PRESIDENT HOOVER:
Mr. Layton.

MR. LAYTON:
There have been concerns as we've been moving along through this process from some of our hunting communities about safety issues when using a semi-automatic weapons for big game seasons. We instructed the Bureau of Wildlife Protection to do some research with adjoining states that allow semi-automatic weapons at this time. And we found no correlation between the use of the way the weapons loaded and hunting accidents.

However, because there are concerns from the hunting community, we did in the blue pages that have been placed in the adoption, put a sunset
provision. And that’s what the blue page reflects. So that this change will become effective July 1, 2017 and will expire on June 30th, 2020. At which time the Commission will reexamine the changes that we’ve made and determine at that point whether we should keep them in as regulation or make changes. Thank you.

PRESIDENT HOOVER:
Thank you. Any other discussions? Mr. Daley. Commissioner Daley.

MR. DALEY:
At the present, this is something that I think that everyone would know. We got an awful lot of public comments on it, individually and as groups. And I think what we found is essentially everyone was very supportive of small game. Very supportive in terms of varmints and getting a more diverse opinion in this in terms of big game. You know what we have to think about there is --- but as Mr. Layton said, you know some of that dealt with it’s going to be, you know, unsafe. And I think we looked at that and we put in the sunset revision.

The other was, there were a group of people that said well, we don’t need it so let’s not do it. You know, it’s kind of like I drove a car down here today, whatever. It’s a 250 horsepower. I
probably didn’t need that, but there’s no reason for you to prohibit it; right? And that’s at least my way of looking at this is it’s just another way of putting the next round into the chamber. And because you don’t absolutely need it. We’ve hunted with repeating arms forever. It’s not a reason for not doing it.

PRESIDENT HOOVER:

Thank you. Any other discussion?

SECRETARY FOX:

Mr. President, semi-automatics have been around for 100 years. And over this period of time it’s become wide use. Most recently they’ve become popular. Moving forward with cautious regulations create an opportunity for us to to examine how this is going to be accepted by the public and the hunting community.

There are many understandings and misunderstandings and opportunities to implement this in a slow way that would give us a chance to emphasize the importance of one shot kills, ethical kills. These regulations will affectively concern me, it will apply not only to youth, and to adults, but to you. And that’s the reason for some of our cautious thoughts as we move forward.
PRESIDENT HOOVER:

Any other discussion? We have a motion and a second. Mr. Secretary, will you call the vote.

SECRETARY FOX:

All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY BECHTEL:

The next item before the Commission concerns an amendment to 58 Pa. Code, Section 135.106. Controlled deer hunts have been held at the Pymatuning Wildlife Management Area (State Game Lands 214) since at least the 1970s. Over the years various formats have been used to manage the controlled deer hunts.

The Commission has observed that the very limited time frame and extent of this hunting pressure within the PWMA or Pymatuning Wildlife Management Area, coupled with the higher hunting pressure on surrounding areas outside of the PWMA has resulted in dramatic increases in deer populations during the fall. This increase in population, albeit temporary, has had a significant negative impact on the PWMA's existing habitat.
The PWMA controlled deer hunts have proven quite popular with hunters, with over 1,000 applications received every year. The pre-hunt influx and retention of higher deer populations is expected to be the cause of this popularity as hunters have regularly described abundant deer sightings. The Commission has observed that typical hunts in the PWMA result in low harvest, but high wounding loss, likely the result of the high hunting pressure in the area during the controlled deer hunt.

The Commission is proposing to amend Section 135.106 relating to Pymatuning Wildlife Management Area to establish new parameters for establishing and managing the PWMA controlled deer hunt. The goals of these changes is to provide a higher quality hunt for the participants of this limited program primarily by spreading the same number of hunters across a few weeks of the regularly established fall deer seasons rather than a few days. Hunting opportunities within the PWMA will be managed by a lottery process that is intended to more predictably and logically distribute hunting access to participants. These changes are shown on pages 44 through 47 of your agenda.
PRESIDENT HOOVER:
Do I have a motion?

MR. DALEY:
So moved.

PRESIDENT HOOVER:
Second?

MR. SCHLEMMER:
Second.

PRESIDENT HOOVER:
Any discussion or comments?

MR. DALEY:
Mr. President.

PRESIDENT HOOVER:
Commissioner Daley.

MR. DALEY:
I just wanted to actually thank the regional staff. We have the regional director here and we have Jerry Bish to thank. And if you really look at the hunting opportunity at Pymatuning and almost the calamitous way in which some of the past hunts have been done where deer are accessed and driven out to the lake. This is a much improved method. I think they've thought outside the box and I just wanted to thank them for their efforts.
PRESIDENT HOOVER:
Any other discussion or comments?
Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?
AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The item before the Commission is to add 58 Pa. Code, Section 137.35. Chronic wasting disease, or CWD, is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae. (Deer, elk or moose, and other susceptible species, collectively called cervids.)

CWD is caused by prions, abnormal infectious protein particles that are known to be concentrated in the nervous system, and lymphoid tissues of infected cervids. There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids. CWD is designated as a dangerous transmissible disease of
animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law.

CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials. CWD is of particular concern to the Commonwealth of Pennsylvania because it has potential to have a catastrophic detrimental impact on both Pennsylvania's wild and captive cervid populations.

The Pennsylvania Department of Agriculture has detected CWD in captive deer in Adams, Franklin, Jefferson and York Counties. The Commission has also detected CWD in free-ranging deer in Bedford, Blair, Cambria, and Fulton Counties. The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within ten miles of the Pennsylvania border.

The Commission is proposing to add Section 137.35 relating to chronic wasting disease restrictions to give more permanent status and structure to the requirements and restrictions previously established and maintained by executive order during the past decade. These amendments are shown on pages 48 through 51 of your agenda.
PRESIDENT HOOVER: 
Do I have a motion? 

MR. LAYTON: 
So moved.

PRESIDENT HOOVER: 
Second?

SECRETARY FOX: 
Second.

PRESIDENT HOOVER: 
Any discussion or comments? 

MR. LAYTON: 
Yeah, Mr. President. Just to highlight this. We've been governing CWD by way of Executive Order for years at the Commission. And all this is doing --- correct me if I'm wrong --- is making that Executive Order Regulation. Want to comment? 

ATTORNEY BECHTEL: 
No. You're absolutely right. You know there is nothing new in these regulations that hasn't already existed in the Executive Order of the Commonwealth.

PRESIDENT HOO ver: 
Thank you. Any other discussion or comments? Hearing none, Mr. Secretary, please call the vote.
SECRETARY FOX:

All those in favor signify by saying aye?

AYES RESPON

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY BECHTEL:

And the next item before the Commission is to amend 58 Pa. Code, Section 135.41. The Commission is routinely tasked with addressing unlicensed drivers operating motor vehicles on State game land roads, parking lots and other areas. Wildlife Conservation Officers and Deputy Wildlife Conservation Officers do not directly possess the authority to enforce the Vehicle Code under Section 901 of the Game and Wildlife Code.

As a result, the Commission must attempt to transfer those matters to Pennsylvania State Police or other appropriate local police jurisdiction. Often the Commission's attempt to transfer these matters has been unsuccessful. In an effort to rectify this lack of enforcement, the Commission is proposing to amend Section 135.41 relating to State game lands to prohibit a person from operating or controlling a motor vehicle requiring registration on lands or
waters designated as State game lands if the operator is not properly licensed under the Vehicle Code. This change is shown on page 52 of your agenda.

PRESIDENT HOOVER:
Do I have a motion?

MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Second?

MR. SCHLEMMER:
Second.

PRESIDENT HOOVER:
Any discussion or comments?

MR. LAYTON:
Yeah, Mr. President.

PRESIDENT HOOVER:
Commissioner Layton.

MR. LAYTON:
You’re probably going to have to talk up just a little bit, but our WCO's under the current laws have no authority other than misdemeanor and felony arrest under Title 75. They had no jurisdiction. So you want to touch on that?

MR. GROHL:
As you pointed out, currently our
officers only have the authority to enforce felony or misdemeanor charges under Title 75, which is the Vehicle Code. So driving without a license is a summary offense, so they cannot prosecute someone driving on the game lands if they have a suspended driver's license, if they don’t have a driver's license, or whatever reason.

We already have a regulation in our game land rules that says it's unlawful to drive a motor vehicle that’s not registered with the State. It just makes sense that they also have the authority to cite someone if they're driving there without a driver's license.

MR. LAYTON:
The history has always been that they'll --- when they come across that situation they notify the State Police, the State Police say they’re too busy.

MR. GROHOL:
Right. I mean, we're going to call State Police. They're busy.

MR. LAYTON:
Right.

MR. GROHOL:
For such a minor offense, they don’t
want to come out and handle that. So most of the time it doesn’t get handled.

MR. LAYTON:
Thank you.

PRESIDENT HOOVER:
Any other discussion or comments? Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is to amend 58 Pa. Code, Section 135.41. The Commission traditionally conducts the majority of its annual pheasant stocking operations on State game lands to provide adequate pheasant hunting opportunities across the Commonwealth. The Commonwealth's pheasant hunting opportunities are directly linked to and limited by the existence and availability of pheasants stocked by the Commission each year.

The Commission has become increasingly aware that dog training activities occurring on State
game lands during the periods just prior to and concurrent with the youth pheasant season, and prior to the opening of the regular pheasant season, are consistently causing pheasants recently stocked by the Commission to scatter and disperse far away from designated release sites where they are intended to temporarily remain for the duration of the pheasant seasons.

The Commission is proposing to amend Section 135.41 relating to State game lands, to prohibit a person from engaging in any dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season. These amendments will not limit dog training activities on private lands. The text of this change is shown on page 53 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

MR. DALEY:
So moved.

MR. PUTMAN:
I second.

PRESIDENT HOOVER:
Any discussion or comments? Hearing none, Mr. Secretary, call the vote.
SECRETARY FOX:
All those in favor signify by saying aye?
AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is to amend 58 Pa. Code, Section 139.6. The Commission first established triple possession limits in Section 139.4 relating to seasons and bag limits for the license year for the 2014/2015 license year. Unfortunately, the Commission did not contemporaneously amend Section 139.6 relating to field possession and transportation limits with these same amendments. The Commission is proposing to amend Section 139.6 to increase the daily possession limit from double to triple the daily limit. This change is shown on page 54 of your agenda.

PRESIDENT HOOVER:
Do we have a motion?

SECRETARY FOX:
So moved.

PRESIDENT HOOVER:
Do we have a second?
MR. LAYTON:

Second.

PRESIDENT HOOVER:

Any discussion or comments? Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:

All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:

Opposed? Motion carries.

ATTORNEY BECHTEL:

I would note page 55 is blank on your agenda. So moving to the Bureau of Wildlife Habitat Management and Real Estate, a donation comes before the agenda. Contract Number L-3705. State Game Land Number 245, Washington County. David A. Celko, M.D. is offering a donation of 29.4 more or less acres of land in West Finley Township, Washington County, which is located near State Game Land Number 245. As shown on Exhibit RED 1 on page 57 of your agenda.

Dr. Celko will retain the oil, gas and mineral rights. The property is mostly forested with a mix of hardwoods, is traversed by Blockhouse Run and has a five-acre scrub/shrub wetland complex. A
natural gas pipeline bisects the tract. Access is from Blockhouse Run Road.

PRESIDENT HOOVER:
Do we have a motion?

MR. DALEY:
So moved.

PRESIDENT HOOVER:
Second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
Any discussion or comments. Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item is an acquisition Contract Number L-3706. State Game Land Number 43, Chester County. Natural Lands Trust is offering to donate two parcels of land totaling 34 more or less acres located in Warwick Township, Chester County. Adjoining State
Game Land Number 43 as show on Exhibit RED 2 on page 59 of your agenda.

Tract 1 is 16 more or less acres, and Tract 2 is 18 more or less acres. Both tracts are forested with an oak/hickory mix along the small ridgetop, which transitions to tulip poplar, birch, and maple down slope to a shallow drainage with intermittent flow. The parcels lie within the Hopewell Big Woods Important Mammal Area and the Hay Creek French Creek Forest Block Important Bird Area. Access is from the east and it's from a private drive off Pine Swamp Road; SR 0345. And from Laurel Road; T-519 to the west.

PRESIDENT HOOVER:
Do I have a motion?

MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Do I have a second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion or comments?

MR. SUSSENBACK:
Mr. President, if I just may add
something? You know this is a direct result of a
great relationship with the southeast region and some
of my staff have with the National Lands Trust.
They're an outstanding partner in conservation. As is
the previous agenda item that Mr. Celko believes in
our mission. Believes in the perseverance of the
Pennsylvania Game Commission.

And I'm proud to be partners with him
and we greatly appreciate the opportunity to be able
to manage that additional acreage in an area of the
state where, you know, it's always under pressure from
development and other issues. Just another
opportunity for hunters to be able to, you know,
utilize an additional piece of ground down in the
southeast region.

PRESIDENT HOOVER:
Thank you. Any other discussions or
comments? Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying
aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.
ATTORNEY BECHTEL:

The next item before the Commission involves the interagency transfer. On May 15, 2008, the Game Commission entered into a Cooperative Interagency Agreement for Interdepartmental Land Transfer and Establishment of State Game Land Banks with the Pennsylvania Department of Transportation and the Federal Highway Administration.

The State Game Land Banking Agreement will streamline transportation development projects by allowing PennDOT Districts to establish State Game Land Banks in advance of highway projects impacting less than five acres of State game lands. This agreement will expedite the mitigation process where impacts can be debited from exiting land banks instead of being addressed on a case-by-case basis.

The following tract has been identified as being an acceptable site for use as a State Game Land Bank in accordance with this agreement. The Tract is Contract Number L-3707, State Game Land Number 330, Clarion County. PennDOT is offering to transfer exclusive jurisdiction and control of 50 more or less acres of land located in Piney Township, Clarion County, which is an interior in State Game Land Number 330. As shown on Exhibit RED 3 on page 61.
of your agenda.

    Approximately half the property is
grassland with the remaining half planted in red and
Scotch pine. The tract is located within a core area
deemed as critical and unique habitat for the
following species; Pennsylvania endangered short-eared
owl, upland sandpiper and dickcissel. Pennsylvania
threatened northern harrier and documented as breeding
and nesting habitat for Henslowe's sparrow, a species
of special concern. Access is from Mount Zion Road at
T-841, which bisects the property to the north.

    PRESIDENT HOOVER:
Any questions or comments?

    ATTORNEY BECHTEL:
You need to make a motion.

    PRESIDENT HOOVER:
I'm sorry. I need a motion.

    MR. LAYTON:
So moved.

    SECRETARY FOX:
Second.

    PRESIDENT HOOVER:
Any questions or comments? Discussion?
Hearing none, Mr. Secretary, call the vote.
SECRETARY FOX:
All those in favor signify by saying aye?
AYES RESPOND
SECRETARY FOX:
Opposed? Motion carries.
ATTORNEY BECHTEL:
The next item before the Commission concerns a coal refuse reclamation agreement on Tract 332A-16. State Game Land Number 332, in Indiana County. Robindale Energy Services, Inc., or RES of Armagh, Pennsylvania has requested an agreement to mine and remove an estimated 1.8 million tons of economically recoverable coal refuse material beneath approximately 23 acres of State Game Land Number 332, and the right to occupy an additional 41 acres for a total of approximately 64 acres to include placement of alkaline coal ash material for beneficial use and reclamation of approximately 850 linear feet of abandoned high walls. The site is shown on Exhibit OGM 1 on page 63 of your agenda. The Game Commission owns the surface and surface support rights, and coal refuse conveyed with the property. Removal of potential acid forming coal refuse, improved water quality, along with wildlife habitat enhancements,
exists with this proposed project.

The terms are a six-year agreement, a royalty rate of 30 cents per ton of coal refuse removed from the premises and a royalty rate of 30 cents per ton of coal ash produced by the combustion of coal, coal refuse, and limestone at the RES Seward waste coal-fired power plant that is deposited on the premises.

All coal refuse and coal ash royalty payments will be deposited into the Game Fund. Mining will be regulated by the Commonwealth's Mining regulations and the Commission's Standard Coal Refuse Reclamation Agreement.

PRESIDENT FOX:
Can we have a motion?

MR. SCHLEMMER:
Motion.

PRESIDENT FOX:
Can I get a second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any questions or comments?

MR. SUSSENBACH:
Mr. President, if I just might add
something? Yeah, this is a great opportunity. We got coal sites all over the southwest region. There's areas in the northcentral region. This is one more opportunity for us to divert high wall mining coal sites that exist on game lands and just create some more outstanding habitat that I know our staff is capable of doing.

You know, with the planting recommendations that they'll be providing input to, and their onsite, you know, innovative and creative opportunities that this would create, I really got a good feeling that this is going to turn into some incredible habitat on that game lands.

PRESIDENT HOOVER:
Thank you very much.

MR. LAYTON:
What kind of habitat are you looking at on this game land?

MR. SUSSENBACK:
We are going to be looking at mainly open grass land type habitat. Probably be a good place to hunt pheasants, other small games species in the future.

MR. LAYTON:
Thank you.
PRESIDENT HOOVER:

Is this in Commissioner Layton's district?

MR. SUSSENBACH:

No.

PRESIDENT HOOVER:

Thank you.

MR. SUSSENBACH:

But it's close.

PRESIDENT HOOVER:

Any more discussion?

MR. DALEY:

I do. Mr. Sussenbach, a quick question. So there is acid or potential acid forming materials here. Once they come in and start mining, are we sure that we're not going to have an I-99 type issue? What kind of I guess measures are we taking to be sure we're not going to get acid produced during the operation, not afterwards? It would be better afterwards.

MR. SUSSENBACH:

Right. From what my experts have told me, removing the items from the site are the best thing that we could possibly do. They don't have any
That’s going to create additional issues, but actually remove potential for issues down the road.

MR. DALEY:
And it will help; right?

PRESIDENT HOOVER:
Thank you. Any other discussions?

Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission is a non-surface use oil and gas cooperative agreement for the Mount Wheeler Tower Site in Washington County. Range Resources have requested the Commission offer its 0.36 acre oil and gas rights under the Mount Wheeler Tower Site located in Washington County for the non-surface use development agreement. This site is shown on Exhibit OGM 2 on page 65 of your agenda.

The Game Commission acquired the Mount Wheeler Tower site in 2008. Range has a strong privately owned oil and gas lease position surrounding
Mount Wheeler Tower, has initiated unconventional well drilling and development in the vicinity of the proposed tract and has the ability to unitize and develop in Commissions oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the site. The OGM staff has negotiated the proposed terms of the agreement with Range in an effort to prudently develop the Commissions oil and gas reserve.

The terms of the agreement are a five-year paid up non-surface use oil and gas agreement. A $2,000 bonus payment and 20 percent royalty for all oil and gas and other liquids or condensates produced and sold from the proposed tract. All royalties, rentals, and the bonus payment of $2,000 shall be deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Standard Non-Surface Use Oil and Gas Cooperative Agreement.

PRESIDENT HOOVER:
Do we have a motion?

SECRETARY FOX:
So moved.
PRESIDENT HOOVER:
Second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
Any discussion? Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission in terms of Surface Coal Mining Agreement, State Game Land Number 75 in Lycoming County. Fisher Mining Company of Montoursville, PA requests to add a 40 acre tract of lower and middle Kittanning coals for surface mining to a previously approved 66 acre tract to the Thomas Northeast II surface mine extension on State Game Land Number 75 located in Pine Township, Lycoming County as shown on Exhibit OGM 3 on page 67 of your agenda.

The Board of Commissioners approved...
Fisher Mining Company's request to mine a 66 acre tract at the September 2013 meeting. Since the 2013 meeting, Fisher Mining Company has evaluated the viability of surface mining of the Lower and Middle Kittanning coals on the additional acreage, which has an estimated 183,141 ton reserve base, and an estimated minimum royalty value of $503,637.

Fisher Mining Company and the Commission have mutually agreed to eliminate the $1,500,000 advance royalty payment provision that was approved in the September 2013 proposal. Fisher Mining Company will pay the Commission a royalty of 12 percent FOB pit price or a minimum of $2.75 per ton, whichever the greater for each ton of coal mined and sold from the additional area.

Royalty payments will be made by Fisher Mining Company on a quarterly basis with all payments being deposited into the Game Fund. The proposed surface mining is an extension of and is immediately adjacent to Fisher Mining Company's Thomas Northeast Mine operation on State Game Land Number 75, also known as Tract 75A-09.

The reclamation plan will incorporate the Appalachian Reforestation Reclamation Initiative reclamation type plan. To the extent that adequate
soil material is available to achieve post mining land uses of wildlife habitat and forestland. The mining and reclamation plan includes adding a minimum of 1,200 tons per acre of alkaline addition material on the pit floor and within the backfill to ensure alkaline post mining water quality.

The estimated coal royalty value of the proposed additional mining on the 40 acre tract has been estimated to be approximately $503,637. The term of the agreement is seven years, which will commence upon the issuance of a valid surface mining permit to Fisher Mining Company by the Department of Environmental Protection, and can be extended on a year-to-year basis to facilitate removal of economically minable coal reserves.

All merchantable timber, which is cut and/or impacted by this mining operation, will be assessed by the Commission's Northcentral Regional forestry staff at a double stumpage rate. Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's Standard Surface Mining Agreement.

PRESIDENT HOOVER:

Can I have a motion?
MR. LAYTON:
So moved.

PRESIDENT HOOVER:
Can I have a second?

SECRETARY FOX:
Second.

PRESIDENT HOOVER:
Any discussion or comments?

MR. PUTMAN:
Mr. President. I am the Commissioner that represents the area where this mining is, and I've visited the mine several times. You start this mining of this operation when it was a large amount of previously mined area. We introduced the agreement that was beneficial to the Game Commission and to Wildlife.

The Game Commission has a long history of really turning lemons into lemonade on mining projects. We got a great history of it. And this site has a lot of potential in that it can be converted to a grassland site. Something that we've done in many places in an area that’s largely forested.

Again, I understand there are issues with breaking up large tracts of forest, but this has
the ability to provide habitat for a lot of our grassland birds as you wouldn’t find anywhere in the region. It has the potential truly to be a destination spot for hunters of the region.

However, we have about five outstanding --- four outstanding leases and throughout the years as I visited and discussed it, there are a number of issues that are never going to be solved. And I think before the Commissioners move forward and approve this, I would recommend that we take a little time to resolve all the outstanding issues on this project.

So I'm going recommend or make a motion that we table this until September. I'm asking the staff to work expeditiously with Fisher Mining Company. Fisher Mining would like to get this resolved. And I think working together, we should be able to come up with a good solution. If they require ammunition of some type, I think we need to get together and get all the outstanding issues resolved before we go forward with another lease. I don’t know if you have any additional comments to make, Director?

MR. SUSSENBACH:

I would just say that there are some outstanding issues and this gives us an adequate timeframe to attempt to address as many of those as
possible.

PRESIDENT HOOVER:
I have a motion on the floor. Do I have a second?

MR. SCHLEMMER:
Second.

PRESIDENT HOOVER:
We have a motion to table this agreement until September meeting. Any further discussion? Hearing none.

MR. PUTMAN:
Mr. President, I would ask that the Commission entertain an earlier submission if all the details are worked out between Fisher Mining and Staff. We don’t need to wait until September if we can get it done by July or whenever the next meeting is.

PRESIDENT HOOVER:
Any other further discussions? Hearing none, Mr. Secretary, call the motion to table.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND
SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
The next item before the Commission concerns the Non-Surface Use Oil and Gas Cooperative Agreement. Tract 223A-17, State Game Land Number 223 in Greene County. Energy Corporation of America, or ECA, requested the Commission offer its oil and gas rights under a portion of State Game Land Number 223 for non-surface use development. The proposed tract, containing approximately 370.6 acres is located in Greene and Cumberland Townships, Greene County. As shown on Exhibit OGM 4 on page 69 of your agenda.

ECA has a strong privately owned oil/gas lease position surrounding this portion of State Game Land Number 223, has initiated unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's oil and gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the game land.

Additionally, ECA has no partnerships with other operators in relation to the proposed lease. The OGM staff has negotiated the proposed terms of the agreement with ECA in an effort to
prudently develop the Commission's oil and gas reserves and simultaneously protect the wildlife resources and recreational use of State Game Land Number 223. The terms of the Agreement are a five-year paid up non-surface use oil and gas agreement, a $4,000 per net oil and gas acre bonus payment, and 18 percent royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. All royalties, rentals and the bonus payment of approximately $1,482,400 shall be deposited into the Game Fund. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Standard Non-Surface Use Oil and Gas Cooperative Agreement.

PRESIDENT HOOVER:
Can I have a motion?

MR. SCHLEMMER:
Motion.

PRESIDENT HOOVER:
Do I have a second?

MR. LAYTON:
Second.

PRESIDENT HOOVER:
Any discussion or comments? Hearing none, Mr. Secretary, call the vote.
SECRETARY FOX:
All those in favor signify by saying aye?
AYES RESPOND

SECRETARY FOX:
Opposed? Motion carries.

ATTORNEY BECHTEL:
Mr. President, I understand under new business I've been provided with a resolution of the Commissioners. Would you like me to read that now?

PRESIDENT HOOVER:
That is correct.

ATTORNEY BECHTEL:
The Commonwealth of Pennsylvania, Pennsylvania Game Commission, and Resolution of the Board Commissions, whereas State Employees Retirement Code 71 Pa.C.S., Section 5101, et seq., governs the administration and operation of Pennsylvania State Employee's Retirement System, one of the nation's oldest and largest statewide retirement plans for public employees.

And whereas, Section 5102 of the State Employee's Retirement Code 71 Pa.C.S., Section 5102 relating to definitions defines the terms superannuation age, State Police Officer, Correction
Officer, and Enforcement Officer, in a manner to allow certain types of Commonwealth Law Enforcement Personnel to retire at ages 50 or 55, whichever may be applicable after 20 years of service, rather than the default at age 60 or after 35 years of service.

And whereas, the types of the Commonwealth Law Enforcement Personnel eligible for the early retirement allowances includes any Officer or Member of the Pennsylvania State Police, Correction Officers employed by the Department of Corrections, or the Department of Human Services, formerly the Department of Public Welfare, Delaware River Port Authority Policemen, Park Rangers employed by the Department of Conservation and Natural Resources, Capital Police Officers, certain Officers and Investigators with the Pennsylvania Liquor Control Board, certain Agents and Employees of the Office of Attorney General, certain Agents of the Pennsylvania Board of Probation and Parole, and also Waterways Conservation Officers and other Commission Law Enforcement Personnel employed by the Pennsylvania Fish and Boat Commission.

And whereas, types of Commonwealth Personnel eligible for the early retirement allowances does not currently include Wildlife Conservation
Officers, and other Commission Law Enforcement Personnel employed by the Pennsylvania Game Commission.

And whereas, since 2000, in both houses of the general assembly, together introduced no less than 16 legislative bills and amending the definition of Enforcement Officer to include Wildlife Conservation Officers, Game Commission Officers and other Commission Law Enforcement Personnel employed by the Pennsylvania Game Commission, to bring these officer's imperative with the other forms of Law Enforcement Officer's employed by the Commonwealth of Pennsylvania on matters related to retirement.

And whereas, despite steadfast and widespread support to parity, such legislation has not yet received successful passage into law. Now therefore, be it resolved that the Board of Commissioners of Pennsylvania Game Commission does hereby support the general assembly given further consideration of this matter through its future introduction of legislation aimed at amending the definition of Enforcement Officer in Section 5102 of the State Employee's Retirement Code, to include Wildlife Conservation Officers, Game Commission Officers, and other Commission Law Enforcement
Personnel employed by the Pennsylvania Game Commission. Given under the hand and seal of the Board of Commissioners of the Pennsylvania Game Commission on this 31st day of January 2017.

PRESIDENT HOOVER:

Thank you. I need a motion to accept the resolution.

MR. LAYTON:

So moved.

PRESIDENT HOOVER:

And a second?

MR. PUTMAN:

Second.

PRESIDENT HOOVER:

Any further discussion? Hearing none, Mr. Secretary, call the vote.

SECRETARY FOX:

All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:

Opposed?

PRESIDENT HOOVER:

That motion carries. At this time I'd like to turn the floor over to Executive Director Matt
MR. HOUGH:

Good morning everyone. Commissioners, President Hoover, at this time I would like to officially announce my plans to retire from the Pennsylvania Game Commission on Friday, March 24th, 2017. And I come here today to say that. I have mixed emotions from absolutely having the ability to have a great career working for this agency for 35 years and 9 months.

It's been a dream come true. I actually remember when I was in sixth grade --- and I promise you I will not be long --- announcing to one of my friends that I wanted to work in a conservation field when I was in sixth grade. And it's absolutely --- I've been blessed.

I've been blessed to have the opportunity to be involved with this agency. I've been blessed to have a family that always supported me. To be able to do the job that I was able to do. And I guess I've been blessed with the fantastic employees that the Pennsylvania Game Commission has in the past and continues to employ. And I mean that from the bottom of my heart.

And that is probably the toughest thing
for me to do is to leave this group of employees. But it's truly been an honor to be Executive Director of the PGC. And I want to thank every member of this Board that is currently here and those that are no longer with us that are here for allowing me to have that honor. So thank you very much.

PRESIDENT HOOVER:

And I want to personally thank you for stepping up during a period of time when there was a lot of issues going on in the agency. And we went out on a search for an Executive Director. You stepped up into the position, you filled the position perfectly. We could not have asked for a better Executive Director.

I think you've brought the Commission together. We've solved a lot of problems during that period of time. And I think you'll hear that today from the rest of the Commissioners so. Are there any other Commissioners?

MR. SCHLEMMER:

Matt, we go back from the beginning, and I watched your career and we've worked together almost 36 years. God bless you. You've done a great job.

MR. HOUGH:

Thank you very much.
MR. LAYTON:

I just want to add on President Hoover's comments. You know we were in a time when anybody that follows the Commission, we were going through some hard times. And I think you were the anchor that we needed to stabilize the Commission and get us moving in the right direction again. So I know there are no regrets from anybody sitting at this table right now. We moved you into that position, and all the work that you've done, we can't tell you how much you meant to the agency and to us. So thank you.

MR. HOUGH:

Thank you.

SECRETARY FOX:

You mentioned how you've been blessed. I think we were also blessed to have you in that position at this time.

MR. HOUGH:

Thank you, Charlie.

MR. PUTMAN:

I'll add to that, Matt. Things couldn't have worked out better. You brought a lot of leadership to the agency at a time when we needed. You provided --- you brought the team back together. I think there's some revisions that we were dealing
with and not only is the Board of Commissioners is functioning much better --- I think the whole agency is functioning much better because of your leadership.

   MR. DALEY:

   Matt, I wasn't here whenever you stepped up to what was supposed to be a two-week assignment. That's what Bob told me. Don't worry. Sometimes you don't get exactly what somebody offers, but you know I've been a hunter instructor for 38 years. I've hunted down southwest and all over. I can say that all of the comments I've ever heard about you were outstanding, excellent, and good. And that just proves to me as a Commissioner we're going to miss you. You've done a great job.

   MR. HOUGH:

   Thank you, Jim. You know, I just wanted to say that, you know, we've got some tough times ahead. I think this Board and the members of this staff are up to that task. And basically stay strong. You know, we're all in this for the right reason, and hopefully those that sometimes don't agree with us will realize why we're in this. And things will get better. So stay strong.

   MR. SCHLEMMER:

   I would like to add to that, I would
like to thank Jodie. That lovely lady that stuck by you all these years. And she's a good sweeper, but I congratulate her too. Thank you.

MR. HOUGH:
Thank you.

PRESIDENT HOOVER:
Congratulations, Matt. I think you've done a phenomenal job for us. Any other new business to come before the Commission?

MR. SCHLEMMER:
Mr. President.

PRESIDENT HOOVER:
Commissioner Schlemmer.

MR. SCHLEMMER:
At this time I would like to make a motion to move Deputy Director Bryan Burhans to the position of Executive Director of the Pennsylvania Game Commission, effective March the 25th, 2017.

PRESIDENT HOOVER:
We have a motion. Do I have a second?

MR. PUTMAN:
Second

PRESIDENT HOOVER:
Any discussion or comments? This is your chance. Hearing none, Mr. Secretary, call the
vote.

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
I would also like to mention that during the process that we went through three years ago when we chose Director Matt Hough to become Executive Director we hired a very competent person in Deputy Director Bryan Burhan. It will be his opportunity to take this agency and move this agency forward so that in the future we can again continue what Matt has started. And tighten the agency up and bring us in to a more friendly agency where we get along with our legislative partners and try to this run organization. And I think we made tremendous strides over the last three years with our legislative partners and I think we will certainly continue to see that in Mr. Burhans. I think you've done a phenomenal job stepping into the position that you have and I hope that you've learned a lot from Director Hough. Any other questions or comments?
MR. LAYTON:

Again, I would like to echo your comments, but I don’t want to let out Deputy Palmer as well. He’s been a true boost to this agency. Moved into that position, you've done wonderful things. We expect you to be around for a real long time to help us move some of these issues, but certainly want to thank you for all the work that you've done too. Thanks.

MR. PALMER:

Thank you.

PRESIDENT HOOVER:

Any other comments? Hearing none --- no new business. I will announce the next Working Group meeting will be February 27. The proposed Commission meeting dates are March 27th and 28th. June 26th and 27th. September 25th and 26th. At this time I will turn the meeting over to Commissioner Schlemmer for the proposal of Officers for the 2017 year.

MR. SCHLEMMER:

Mr. President, the names that have been submitted to me for Officers for 2017, include the following; President, Brian Hoover; Vice President, Tim Layton; Secretary, Jim Daley. That’s all that’s been submitted so far.
PRESIDENT HOOVER:
Thank you. Are there any other nominations from the floor? Hearing none, Mr. Secretary, can you call a vote on the Officers, please?

SECRETARY FOX:
All those in favor signify by saying aye?

AYES RESPOND

SECRETARY FOX:
Opposed?

PRESIDENT HOOVER:
Thank you. And that will end the session. We will have a short meeting afterwards with our press representatives from the meeting. Thank you.

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MEETING CONCLUDED AT 9:50 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before President Hoover was reported by me on 1/31/2017 and that I, Bernadette M. Black, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Bernadette M. Black

Bernadette M. Black,
Court Reporter