

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION BOARD MEETING  
APRIL 21, 2009

TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING

BEFORE:

GREGORY J. ISABELLA, PRESIDENT  
JAMES J. DELANEY, JR., VICE PRESIDENT  
RONALD A. WEANER, SECRETARY  
RUSSELL E. SCHLEIDEN  
ROXANE S. PALONE  
THOMAS E. BOOP  
DAVID W. SCHREFFLER

ALSO PRESENT:

CARL G. ROE, EXECUTIVE DIRECTOR  
MICHAEL W. SCHMIT, DEPUTY EXECUTIVE DIRECTOR  
BRADLEY C. BECHTEL, ESQUIRE, ASSISTANT COUNSEL

DATE: April 21, 2009  
Tuesday, 8:30 a.m.

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

REPORTED BY: Pamela L. Packer  
Court Reporter Notary Public

1 PRESIDENT ISABELLA: I'd like to call this  
2 meeting -- our business meeting to order, and welcome,

3 ladies and gentlemen. First off, I'd like you to stand for  
4 the pledge of allegiance.

5 (Pledge of allegiance)

6 PRESIDENT ISABELLA: At this time I'd like to  
7 roll call the commissioners.

8 COMMISSIONER WEANER: All commissioners are here  
9 and accounted for.

10 PRESIDENT ISABELLA: At this time I'd like a  
11 motion for approval of the minutes -- minutes of the meeting  
12 held on January 27th.

13 COMMISSIONER BOOP: So moved.

14 PRESIDENT ISABELLA: A motion by Commissioner  
15 Boop. Second?

16 COMMISSIONER WEANER: Second.

17 PRESIDENT ISABELLA: Second by Commissioner  
18 Weaner.

19 Any discussion? With that, all in favor of the  
20 minutes signify by saying aye.

21 (Ayes)

22 PRESIDENT ISABELLA: Opposed?

23 COMMISSIONER WEANER: Mr. President, the vote is  
24 unanimously yes.

25 PRESIDENT ISABELLA: Okay. At this time I'd

1 like to bring in Agency Counsel Brad Bechtel for reading of  
2 the commentary of our business items.

3 MR. BECHTEL: Thank you. The first item to come  
4 before the commission today is from the Bureau of Wildlife  
5 Management. It concerns the Deer Management Assistance  
6 Program Records Release.

7 The Deer Management Assistance Program, or DMAP,  
8 was developed to provide landowners an additional tool to  
9 reduce deer impacts on their property through hunting and  
10 facilitate accomplishment of the landowner's land use  
11 objectives. Landowners have an interest in knowing more  
12 about hunter participation via DMAP on their property,  
13 hunting success, hunter impressions about deer availability  
14 and quality, access issues, habitat conditions, and so  
15 forth.

16 In an effort to monitor and administer better  
17 their DMAP program, landowner participants, particularly  
18 large property owners with large numbers of coupons, are  
19 requesting from the Commission DMAP participant address and  
20 contact information to survey them.

21 34 Pa. C.S. Section 325(c)(5) specifically  
22 prohibits disclosure of this type of information except as  
23 authorized by action of the Commission. In our continuing  
24 effort to work with participating DMAP landowners and  
25 improve DMAP program efficacy, Commission staff is seeking

1 authorization to provide landowners with contact information  
2 for hunters who have obtained DMAP permits for their  
3 enrolled DMAP property. The hunting license and permit  
4 information released shall be limited to the name, address,  
5 phone number, hunting license number, and DMAP harvest  
6 permit number. This authorization shall not in any manner  
7 be construed to authorize the release or distribution of  
8 social security numbers, dates of birth or sensitive  
9 financial data.

10 The Executive Director and staff recommend that  
11 the Commission authorize staff to release DMAP hunter  
12 contact information to DMAP landowners who request this  
13 information.

14 PRESIDENT ISABELLA: Is there a motion?

15 COMMISSIONER SCHLEIDEN: So moved.

16 PRESIDENT ISABELLA: Is there a second?

17 COMMISSIONER PALONE: Second.

18 PRESIDENT ISABELLA: Any discussion? With no  
19 discussion, all those in favor signify by saying aye.

20 (Ayes)

21 PRESIDENT ISABELLA: Opposed?

22 COMMISSIONER WEANER: A unanimous vote, Mr.  
23 President.

24 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

25 MR. BECHTEL: The next item to come before the

1 Commission concerns State Wildlife Grants Program. Last  
2 year Congress authorized \$4.9 million for the State Wildlife  
3 Grants, or SWG, Competitive Program in the Consolidated  
4 Appropriations Act of 2008. This competitive program was  
5 open to states, the District of Columbia, commonwealths, and  
6 territories that have an approved Comprehensive Wildlife  
7 Conservation Plan.

8           In November the Game Commission submitted a  
9 1.38-million-dollar project proposal for the Competitive  
10 State Wildlife Grants Program entitled "White Nose  
11 Syndrome: Multi-state Coordination, Investigation and Rapid  
12 Response to an Emerging Wildlife Health Threat." We were  
13 joined in the proposal by eleven state partners and five NGO  
14 partners. The U.S. Fish and Wildlife Service expects to  
15 announce awards this spring. Upon award of the funds,  
16 recipients are expected to initiate planned research and  
17 monitoring as expeditiously as possible. A small portion of  
18 the available funds will be used to subsidize agency staff  
19 work; however, a majority of grants funds will be used to  
20 manage and oversee the multi-state effort.

21           We are seeking Commission approval to initiate  
22 cooperative agreements needed to formalize coordination and  
23 research responsibilities to implement this multi-state  
24 project. We intend to contract with Dr. Joe Duchamp and Dr.  
25 Jeff Larkin, Indiana University of Pennsylvania Research

1 Institute for Project Management, Field and Laboratory  
2 Investigations in monitoring activities of all state and  
3 non-governmental organization participants at a cost not to  
4 exceed \$490,000.

5 This project will not require any net reduction  
6 in the Game Fund. The Game Fund will be reimbursed by the  
7 U.S. Fish and Wildlife Service Federal Aid Program using SWG  
8 funds.

9 The Executive Director and staff recommend  
10 approval of this State Wildlife Grants project.

11 PRESIDENT ISABELLA: Thank you, Brad. You've  
12 heard the commentary. Do I have a motion?

13 COMMISSIONER DELANEY: So moved.

14 COMMISSIONER WEANER: Second.

15 PRESIDENT ISABELLA: Commissioner Delaney.  
16 Second by Commissioner Weaner. Any discussion? Yes.  
17 Commissioner Schreffler.

18 COMMISSIONER SCHREFFLER: I would just like to  
19 comment and commend the Bureau of Wildlife Management for  
20 taking the lead among the states on this matter.

21 PRESIDENT ISABELLA: Thank you, Commissioner.  
22 Any other discussion? Commissioner Delaney.

23 COMMISSIONER DELANEY: Yes, Carl. I'm also  
24 impressed with the federal government and the moneys, the  
25 way they are today and the economy, to be able to get money

1 to deal with the issues with bats. I'm not sure the public  
2 realizes how dire this White Nose Syndrome is, and I'm happy  
3 that our agency has taken the lead to try to curtail or look  
4 at least at the disease process and hopefully try to fix  
5 it.

6 PRESIDENT ISABELLA: Any other discussion?  
7 Well, I'll make a comment here. Now that we have the  
8 outdoor writers here, I guess they'll be publishing that we  
9 got our stimulus check.

10 With that, all those in favor signify by saying  
11 aye.

12 (Ayes)

13 PRESIDENT ISABELLA: Opposed?

14 COMMISSIONER WEANER: The vote was unanimously  
15 yes.

16 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

17 MR. BECHTEL: The next item to come before the  
18 Commission concerns Adopted Rulemaking, the adoption of  
19 proposed amendments to Section 139.4.

20 To effectively manage the wildlife resources of  
21 this Commonwealth, the Game Commission at its January 27,  
22 2009 meeting, proposed the following changes.

23 Amend Section 139.4 relating to seasons and bag  
24 limits for the license year to provide updated seasons and  
25 bag limits for the 2009-2010 hunting license year.

1                   The Executive Director and staff recommend final  
2 adoption of these amendments to 58 Pa. Code as shown on  
3 Exhibit C on Pages 5 through 12 of your agenda.

4                   PRESIDENT ISABELLA: Okay. You heard the  
5 commentary. Is there a motion?

6                   COMMISSIONER SCHLEIDEN: So moved.

7                   PRESIDENT ISABELLA: Commissioner Schleiden.

8                   PRESIDENT ISABELLA: Second?

9                   COMMISSIONER SCHREFFLER: Second.

10                  PRESIDENT ISABELLA: Commissioner Schreffler.  
11 Discussion? Commissioners, what I'll do is we'll take each  
12 page and if anyone wants to discuss anything, just let me  
13 know. So Page 5. Page 6. Page 7. Commissioner  
14 Schreffler.

15                  COMMISSIONER SCHREFFLER: Yes. I would like to  
16 amend the turkey season for Wildlife Management Unit 2F. I  
17 would like to remove Wildlife Management Unit 2F from the  
18 three-week season of October 31st to November 23rd and put  
19 it in the two-week season, which it had been in previously,  
20 October 31st to November 14th for one more year.

21                  The reason for this is -- okay. That's the  
22 amendment.

23                  PRESIDENT ISABELLA: Okay. The amendment, if I  
24 understand you correctly, Commissioner Schreffler, is on  
25 Page 7 under WMU 2F, you want to move that from the

1 three-week season to the next line above where it commences  
2 at October 31st and ends November 14th?

3 COMMISSIONER SCHREFFLER: That's correct.

4 COMMISSIONER WEANER: I second the motion.

5 PRESIDENT ISABELLA: Seconded by Commissioner  
6 Weaner. All those in favor?

7 COMMISSIONER SCHREFFLER: Point of order.

8 PRESIDENT ISABELLA: I'm sorry. Discussion.

9 COMMISSIONER SCHREFFLER: My reason for this is  
10 the adopted turkey management plan currently states to  
11 assess the monitoring for a three-year period which would  
12 require one more year before changing. 1995 was noted as  
13 our baseline year because it had the highest population. To  
14 extend the full season for the three weeks, the previous  
15 three-year trend should have been involved in that and it  
16 was not. We need to be positive to make sure that our  
17 attempts will not suppress the population.

18 If the previous three-year population trends  
19 below the impact of 1995 and shows a decline, which they are  
20 in this case, then we need to maintain the season length, as  
21 in this case, to two weeks. Our fall harvest seems to have  
22 more impact on the spring breeding population than the other  
23 seasons. 2F was below the 1995 numbers with the declining  
24 spring harvest even though -- with the declining spring  
25 harvest even though that some of the sightings were up

1 in '08. A third year is needed to monitor turkeys and if  
2 the summer sightings in '09 spring harvest continues to show  
3 a trend, we can make a decision on that. If the harvest  
4 value increases in '09, then we can increase the season next  
5 year.

6                   Again, I'd like to emphasize that I feel that  
7 the turkey population gain depends a great deal on the fall  
8 harvest management, and the fall harvest season has a great  
9 effect on the population.

10                   PRESIDENT ISABELLA: Thank you, Commissioner.  
11 Any more discussion?

12                   COMMISSIONER SCHLEIDEN: Mr. President.

13                   PRESIDENT ISABELLA: Mr. Schleiden.

14                   COMMISSIONER SCHLEIDEN: While I respect  
15 Commissioner Schreffler's comments and reasoning and I do  
16 support the study, however, what we're really talking about  
17 here is birds per square mile on this harvest which is very  
18 impressive because it's big, but we're really talking a  
19 difference of about a half a bird per harvest per square  
20 mile. So when you look at this thing, it's expanded, but  
21 that's really what we're talking about based on the harvest  
22 index you're referring to.

23                   So that was my reason for moving forward  
24 with 2F. We did that with 2G, we did it with 4D, and there  
25 was a discussion there. And if you look at 2G and you look

1 at 4D, you'll see that in spite of the fact that we had it  
2 for three weeks, the population has grown. The input that I  
3 received up there both from staff and from others, you could  
4 stand the three weeks and it's been three weeks since 1995.  
5 So I respectfully request that the board support it. Thank  
6 you.

7 PRESIDENT ISABELLA: Any other discussion? With  
8 no more discussion, all those in favor of the amendment  
9 signify by saying aye.

10 (Ayes)

11 PRESIDENT ISABELLA: All those in favor of the  
12 amendment, please signify by raising your right hand.  
13 Opposed?

14 COMMISSIONER WEANER: Mr. President, the vote is  
15 5 to 2 in favor. Commissioner Isabella and Commissioner  
16 Schleiden voting no. The rest voting yes.

17 PRESIDENT ISABELLA: The amendment passes.  
18 Page 8. Page 9. Page 10.

19 COMMISSIONER WEANER: Mr. President, under Elk  
20 on Page 10, we've created a special license sold at auction,  
21 and therefore I'm interested in creating a special season  
22 for that license. Therefore, I move that there be a special  
23 season created for that one elk tag that will start on  
24 September 1 and run until November 7th.

25 PRESIDENT ISABELLA: Is there a motion on that

1 amendment?

2 COMMISSIONER DELANEY: So moved.

3 PRESIDENT ISABELLA: Second?

4 COMMISSIONER SCHLEIDEN: Second.

5 PRESIDENT ISABELLA: Second by Commissioner  
6 Schleiden. Any discussion?

7 COMMISSIONER WEANER: Mr. President, the reason  
8 I brought up this amendment is that in some states where  
9 they have similar tags available they do have special  
10 seasons. We felt if someone's going to bid, pay a lot of  
11 money for this tag, they might not -- it might not  
12 necessarily be convenient to hunt during the time that we  
13 have normally allotted in the off season, and we figured  
14 this would provide more opportunity, therefore possibly  
15 garner a higher bid price. And so therefore that's why I'm  
16 suggesting this.

17 PRESIDENT ISABELLA: Thank you, Commissioner.  
18 All those in favor of the amendment -- oh, I'm sorry.  
19 Commissioner Boop.

20 COMMISSIONER BOOP: Just a point of  
21 clarification. And I don't recall from our discussion  
22 yesterday, this tag or license can be used in all zones; is  
23 that my understanding?

24 PRESIDENT ISABELLA: Yes.

25 COMMISSIONER BOOP: All zones.

1                   PRESIDENT ISABELLA: All zones from September  
2 1st to November 2nd.

3                   COMMISSIONER BOOP: Thank you.

4                   PRESIDENT ISABELLA: All those in favor of the  
5 amendment signify by saying aye.

6   (Ayes)

7                   PRESIDENT ISABELLA: Opposed.

8                   COMMISSIONER WEANER: Mr. President, the vote  
9 was unanimously yes.

10                   PRESIDENT ISABELLA: Thank you, Mr. Secretary.

11 Page 11. Page 12.

12                   We're now going to vote on the amended  
13 proposal. All those in favor of it, please signify by  
14 raising --

15                   COMMISSIONER BOOP: Point of clarification. Are  
16 we voting on what's --

17                   PRESIDENT ISABELLA: No.

18                   COMMISSIONER BOOP: What are we voting on?

19                   PRESIDENT ISABELLA: The seasons and bag limits  
20 and the -- those two amendments that passed.

21                   COMMISSIONER BOOP: Thank you.

22                   PRESIDENT ISABELLA: There is a change on  
23 Page 12. And the change is Footnote Number 7, we are  
24 eliminating from half hour before sunrise to sunset. And  
25 Footnote Number 8, we are eliminating from half hour before

1 sunrise to sunset.

2 COMMISSIONER SCHLEIDEN: This is in reference to  
3 bobcat.

4 PRESIDENT ISABELLA: Yes.

5 COMMISSIONER SCHLEIDEN: I make a motion.

6 PRESIDENT ISABELLA: Motion by Commissioner  
7 Schleiden. Second?

8 COMMISSIONER PALONE: Second.

9 PRESIDENT ISABELLA: Second by Commissioner  
10 Palone. Any discussion? No discussion. All those in favor  
11 of the change signify by saying aye.

12 (Ayes)

13 PRESIDENT ISABELLA: Opposed?

14 COMMISSIONER WEANER: Mr. President, the vote  
15 was unanimously yes.

16 PRESIDENT ISABELLA: Thank you, Mr. Secretary.  
17 So now we're going to vote on the amended proposal. And all  
18 those in favor signify by raising your right hand.  
19 Opposed?

20 COMMISSIONER WEANER: Mr. President, the vote  
21 was unanimously yes.

22 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

23 MR. BECHTEL: The next item before the agenda is  
24 the Adoption of Proposed Amendments to Section 141.28.

25 To effectively manage the wildlife resources of

1 this Commonwealth, the Game Commission at its January 27,  
2 2009 meeting proposed the following change.

3 To Amend Second 141.28 relating to wild pheasant  
4 recovery areas to define the geographic locations of the  
5 wild pheasant recovery areas and prohibit the release of  
6 propagated pheasants and certain dog training activities  
7 within the same.

8 The Executive Director and staff recommend final  
9 adoption of this amendment to 58 Pa. Code as shown on  
10 Exhibit D on Pages 14 and 15 of your agenda.

11 PRESIDENT ISABELLA: We heard the commentary.  
12 Is there a motion?

13 COMMISSIONER DELANEY: I'll make that motion.

14 COMMISSIONER WEANER: Second.

15 PRESIDENT ISABELLA: Second, Commissioner  
16 Weaner. Any discussion?

17 COMMISSIONER DELANEY: President Isabella, I  
18 have -- I asked for this amendment just to show for the  
19 record just some minor geographical changes we added  
20 Greenwood Valley and there is some cosmetic changes for the  
21 Somerset Wild Pheasant Recovery Area. Would you like to  
22 have this -- the entire amendment read or we just vote on  
23 it?

24 PRESIDENT ISABELLA: I don't think -- I don't  
25 think so. We discussed this. We pretty much have a general

1 idea of what it is.

2 COMMISSIONER DELANEY: Okay. I make a motion.

3 PRESIDENT ISABELLA: So with that all those -- I  
4 need a second for the amendment.

5 COMMISSIONER WEANER: Second.

6 PRESIDENT ISABELLA: Commissioner Weaner. Any  
7 discussion?

8 COMMISSIONER SCHLEIDEN: Mr. President,  
9 listening to the folks who testified yesterday, it did have  
10 me somewhat concerned about the dog training portion of it.  
11 What I understand is that's going to be a temporary thing  
12 until we get the activities established, and I also believe  
13 we'll make some corrections along that line so that in fact  
14 expands.

15 I guess when comes to dog training and some of  
16 these things, Commissioner Guilford used to say be careful  
17 not to put the camel's nose under the tent. I just want to  
18 caution our board members for the future reference not to  
19 get carried away with that in other areas. This is only  
20 about a hundred thousand acres, is that right, Jay?

21 COMMISSIONER DELANEY: Yes, sir, less than  
22 that.

23 COMMISSIONER SCHLEIDEN: Mr. President, I'm  
24 supporting the amendment, of course.

25 PRESIDENT ISABELLA: Thank you, Commissioner.

1 Any further discussion? Commissioner Delaney.

2 COMMISSIONER DELANEY: I'd just like to take  
3 Commissioner Schleiden's step a little bit further in that  
4 in order to reestablish wild pheasants in Pennsylvania we  
5 need to give these pheasants the best opportunities to  
6 reestablish themselves. And there's no doubt, as we talked  
7 before, there will be some sacrifice to be able to achieve  
8 that goal.

9 And working along with our partner, Pheasants  
10 Forever, and our own biologists, we think to give these  
11 birds the best opportunity is to have these minor changes to  
12 the dog training and the release of propagated pheasants in  
13 these areas. And I'm thankful if the board would consider  
14 that in their vote.

15 PRESIDENT ISABELLA: Commissioner Boop.

16 COMMISSIONER BOOP: Covered by the previous  
17 comments.

18 PRESIDENT ISABELLA: Thank you. All those in  
19 favor of the amendment signifying by saying aye.

20 (Ayes)

21 PRESIDENT ISABELLA: Opposed?

22 COMMISSIONER WEANER: Mr. President, the vote is  
23 unanimously yes.

24 PRESIDENT ISABELLA: Now we're going to vote on  
25 the amended proposal. All those in favor signify by saying

1 aye.

2 (Ayes)

3 PRESIDENT ISABELLA: Opposed?

4 COMMISSIONER WEANER: Mr. President, the vote is  
5 unanimously yes.

6 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

7 MR. BECHTEL: The next item concerns the  
8 adoption of the proposed amendments to Section 141.66.

9 To effectively manage the wildlife resources of  
10 this Commonwealth, the Game Commission at its January 27,  
11 2009 meeting proposed the following change.

12 Amend Section 141.66 relating to cable  
13 restraints to permit properly licensed trappers to take and  
14 utilize non target furbearing species captured in a cable  
15 restraint device during an open season for the same.

16 The Executive Director and the staff recommend  
17 final adoption of this amendment to 58 Pa. Code as shown on  
18 Exhibit E on Page 17 of your agenda.

19 PRESIDENT ISABELLA: You heard the commentary.  
20 Is there a motion?

21 COMMISSIONER BOOP: So moved.

22 PRESIDENT ISABELLA: Mr. Boop. Second?

23 COMMISSIONER PALONE: Second.

24 PRESIDENT ISABELLA: Commissioner Palone. Any  
25 discussion? No discussion. All in favor signify by saying

1 aye.

2 (Ayes)

3 PRESIDENT ISABELLA: Opposed?

4 COMMISSIONER WEANER: Mr. President, the vote is  
5 unanimously yes.

6 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

7 MR. BECHTEL: The next item comes from the  
8 Bureau of Wildlife Protection. First is the Report of  
9 Notational Vote.

10 On January 27, 2008, the Commission finally  
11 adopted various regulatory amendments that, in relevant  
12 part, authorized broad use of the crossbow during deer and  
13 bear archery seasons. This broad authorization was  
14 qualified or limited by language prohibiting the use of  
15 magnifying optics on crossbows.

16 In light of extensive public comment received by  
17 the Commission concerning the prohibition on the use of  
18 magnifying optics on crossbows during the respective archery  
19 seasons, the Commission is prepared to revisit and promote  
20 further discussion on the issue.

21 To this end the Commission is proposing to amend  
22 Sections 143.43 and 143.44 to remove the prohibition on the  
23 use of magnifying optics on crossbows. The text of those  
24 changes appear on Page 18.

25 The Executive Director and staff recommend the

1 Commission approve these changes.

2 The notational vote was tabulated on March 4,  
3 2009, with a result of a 4-3 vote in favor of the proposal.  
4 And the votes are as shown on your agenda on Page 19.

5 The next item to come before the agenda is  
6 adopted rulemaking. This concerns the adoption of proposed  
7 amendments to Section 131.8.

8 To effectively manage the wildlife resources of  
9 this Commonwealth, the Game Commission at its January 27,  
10 2009 meeting proposed the following change.

11 Amend Section 131.8 relating to replacement  
12 costs for wildlife killed to provide a more comprehensive  
13 list of applicable costs for all of the various wildlife  
14 species found within this Commonwealth.

15 The Executive Director and staff recommend final  
16 adoption of this amendment to 58 Pa. Code as shown on  
17 Exhibit B on Page 21 of your agenda.

18 PRESIDENT ISABELLA: You've heard the  
19 commentary. Is there a motion?

20 COMMISSIONER SCHLEIDEN: So moved.

21 PRESIDENT ISABELLA: Commissioner Schleiden.

22 COMMISSIONER DELANEY: Second.

23 PRESIDENT ISABELLA: Commissioner Delaney. Any  
24 discussion? No discussion. All in favor signify by saying  
25 aye.

1 (Ayes)

2 PRESIDENT ISABELLA: Opposed?

3 COMMISSIONER WEANER: Mr. President, the vote is  
4 unanimously yes.

5 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

6 MR. BECHTEL: The next item concerns the  
7 adoption of proposed amendments to Section 141.4.

8 To effectively manage the wildlife resources of  
9 this Commonwealth, the Game Commission at its January 27,  
10 2009 meeting proposed the following changes.

11 Amend Section 141.4 relating to hunting hours to  
12 update the tables of hunting hours for the 2009-2010 hunting  
13 year to reflect the annual change in days and subsequent  
14 hunting times.

15 The Executive Director and staff recommend final  
16 adoption of these amendments to 58 Pa. Code as shown on  
17 Exhibit C on Pages 23 through 25 of your agenda.

18 PRESIDENT ISABELLA: You've heard the  
19 commentary. Is there a motion?

20 COMMISSIONER WEANER: So moved.

21 PRESIDENT ISABELLA: Commissioner Weaner. Is  
22 there a second?

23 COMMISSIONER SCHREFFLER: Second.

24 PRESIDENT ISABELLA: Commissioner Schreffler.  
25 Any discussion? Commissioner Schreffler.



1 process to gain authorization to participate in the program.

2 The Executive Director and staff recommend final  
3 adoption of these amendments of 58 Pa. Code as shown on  
4 Exhibit D on Pages 27 through 29 of your agenda.

5 PRESIDENT ISABELLA: You've heard the  
6 commentary. Is there a motion? Commissioner Schleiden.  
7 Second?

8 COMMISSIONER PALONE: Second.

9 PRESIDENT ISABELLA: Commissioner Palone.  
10 Discussion? No discussion. All those in favor signify by  
11 saying aye.

12 (Ayes)

13 PRESIDENT ISABELLA: Opposed?

14 COMMISSIONER WEANER: Mr. President, the vote  
15 was unanimously yes.

16 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

17 MR. BECHTEL: The next item concerns the  
18 adoption of the proposed amendments to Sections 141.43 and  
19 141.44.

20 To effectively manage the wildlife resources of  
21 this Commonwealth, the Game Commission by notational vote  
22 completed on March 4, 2009, proposed the following change.

23 To Amend Sections 141.43 and 141.44 (relating to  
24 deer and bear) to remove the prohibition on the use of  
25 magnifying telescopic sights on bows and crossbows during

1 deer and bear archery seasons.

2 The Executive Director and staff recommend final  
3 adoption of this amendment to 58 Pa. Code as shown on  
4 Exhibit E on Pages 31 and 32 of your agenda.

5 PRESIDENT ISABELLA: Thank you, Brad. You heard  
6 the commentary. Is there a motion?

7 COMMISSIONER SCHLEIDEN: So moved.

8 PRESIDENT ISABELLA: Commissioner Schleiden.  
9 Second?

10 COMMISSIONER PALONE: Second.

11 PRESIDENT ISABELLA: Commissioner Palone.  
12 Discussion? No discussion. All in favor of the proposal  
13 please raise you right hand. Opposed?

14 COMMISSIONER WEANER: Mr. President, the vote is  
15 6 to 1. Mr. Schreffler voted no. Everyone else voted yes.

16 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

17 MR. BECHTEL: The next item before the  
18 Commission concerns the proposed rulemaking. Amend 58 Pa.  
19 Code, Section 135.41.

20 Drug use and related drug crime has been a  
21 recurring problem that has plagued State game lands  
22 properties across the Commonwealth for decades. The  
23 Commission has and will continue to maintain a zero  
24 tolerance policy for drug use and related drug crime on  
25 State game lands in its continuing efforts to maintain these

1 lands for their primary purposes of providing and conserving  
2 habitat for the Commonwealth's wildlife resources, as well  
3 as providing public access to open lands for recreational  
4 hunting and trapping activities.

5 The Commission has determined that although  
6 current regulatory provisions clearly prohibit the use and  
7 possession of controlled substances, they fail to clearly  
8 prohibit the use and possession of drug paraphernalia. The  
9 Commission has also determined that the use and possession  
10 of drug paraphernalia on State game lands is just as  
11 deleterious as their related drug substances.

12 In an effort to address this concern, the  
13 Commission is proposing to amend Section 135.41 to  
14 specifically prohibit the use or possession of drug  
15 paraphernalia on State game lands. The text is shown on  
16 Page of 33 of your agenda.

17 The Executive Director and staff recommend the  
18 Commission approve this change.

19 PRESIDENT ISABELLA: Thank you, Brad. All  
20 right. Commissioners, you heard the commentary. Is there a  
21 motion?

22 COMMISSIONER SCHREFFLER: So moved.

23 PRESIDENT ISABELLA: Commissioner Schreffler.  
24 Is there a second?

25 COMMISSIONER DELANEY: Second.

1                   PRESIDENT ISABELLA: Commissioner Delaney.  
2 Discussion? No discussion. All those in favor signify by  
3 saying aye.

4   (Ayes)

5                   PRESIDENT ISABELLA: Opposed?

6                   COMMISSIONER WEANER: Mr. President, the vote is  
7 unanimously yes.

8                   PRESIDENT ISABELLA: Thank you, Mr. Secretary.

9                   MR. BECHTEL: The next item concerns an  
10 amendment to 58 Pa. Code Section 135.48.

11                   During the fall hunting seasons each year, the  
12 Commission enhances disabled hunter/trapper access to  
13 interior portions of its various State game land holdings  
14 across the Commonwealth by opening certain designated roads  
15 normally closed to public travel to limited vehicular travel  
16 by persons issued a Use of a Vehicle as a Blind/Disabled  
17 Person Permit. Traditionally, travel on these designated  
18 roads has been strictly limited to one-way travel.

19                   In an effort to further expand this access, the  
20 Commission has determined that directional travel and  
21 related limitations should be determined on a  
22 location-specific rather than on an across-the-board basis.  
23 Under this structure some roads will remain limited to  
24 one-way travel while other roads may be expanded to two-way  
25 travel, all based upon location and specific conditions.



1 amendment to 58 Pa. Code Section 135.103.

2           The Commission currently maintains two  
3 controlled goose hunting areas across the Commonwealth at  
4 its Pymatuning and Middle Creek Wildlife Management Areas.  
5 As a measure to promote full and equal opportunity for all  
6 Pennsylvania goose hunters, the Commission has limited  
7 hunters to hunt only one day per season on only one  
8 controlled goose hunting area as either a reservation holder  
9 or a guest of a reservation holder. Although a rare  
10 occasion, the lack of flexibility of this restriction has  
11 had the unfortunate consequence of limiting the Commission's  
12 ability to fill unclaimed blinds when there was an absence  
13 of available first-time hunter applicants present on the  
14 morning of the designated shooting day.

15           The Commission has determined that it can  
16 continue to promote full and equal opportunity for all  
17 Pennsylvania goose hunters while also advancing the fullest  
18 utilization of its unclaimed blinds by amending this  
19 restriction.

20           The Commission is proposing to amend Section  
21 135.103 to permit persons who have previously hunted a  
22 controlled goose hunting area to make application for  
23 unclaimed blinds on the morning of the designated shooting  
24 day, but only when there exists an absence of applications  
25 for the unclaimed blinds from persons who have not

1 previously hunted a controlled goose hunting area.

2 The text is found on Pages 35 and 36 of your  
3 agenda.

4 The Executive Director and staff recommend the  
5 Commission approve this change.

6 PRESIDENT ISABELLA: Thank you, Brad.

7 Commissioners, you heard the commentary. Is there a motion?

8 COMMISSIONER DELANEY: So moved.

9 PRESIDENT ISABELLA: Commissioner Delaney.  
10 Second?

11 COMMISSIONER SCHREFFLER: Second.

12 PRESIDENT ISABELLA: Commissioner Schreffler.

13 Any discussion? No discussion. All those in favor signify  
14 by saying aye.

15 (Ayes)

16 PRESIDENT ISABELLA: Opposed?

17 COMMISSIONER WEANER: Mr. President, the vote is  
18 unanimously yes.

19 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

20 MR. BECHTEL: The next item concerns the  
21 amendment of 58 Pa. Code Sections 141.47, 141.49 and 147.701  
22 and to add Subchapter Y, Sections 147.901 through 147.905 to  
23 Chapter 147.

24 Currently Sections 147.47, 141.49 and 147.701  
25 separately provide for the permitting of persons guiding

1 other hunters or trappers in their pursuit of elk and  
2 bobcats. The Commission has determined that these  
3 provisions fail to adequately define and implement all of  
4 the necessary aspects of the permitted process concerning  
5 this activity.

6 In an effort to correct this deficiency, the  
7 Commission is proposing to amend Sections 141.47, 141.49 and  
8 147.701, and to add Subchapter Y, Sections 147.901 through  
9 147.905 to Chapter 147 to relocate, consolidate and more  
10 clearly define the permitting process for persons interested  
11 in guiding other hunters or trappers for certain designated  
12 species. Some notable changes will be increases in the  
13 permit fees, as well as more stringent eligibility  
14 standards.

15 The text of these changes appears on Pages 37  
16 through 40 of your agenda.

17 PRESIDENT ISABELLA: Thank you, Brad.  
18 Commissioners, you heard the commentary. Is there a motion?

19 COMMISSIONER SCHREFFLER: So moved.

20 PRESIDENT ISABELLA: Commissioner Schreffler.  
21 Second?

22 COMMISSIONER PALONE: Second.

23 PRESIDENT ISABELLA: Commissioner Palone. Any  
24 discussion? Commissioner Schreffler.

25 COMMISSIONER SCHREFFLER: I would like to

1 commend the Bureau of Wildlife Protection for their  
2 continuing efforts in consolidating and simplifying the  
3 regulations which certainly are part of that. I think  
4 that's making a real difference for everyone being able to  
5 use the regulations. Thank you.

6 PRESIDENT ISABELLA: Thank you, Commissioner.  
7 Any other discussion? All those in favor signify by saying  
8 aye.

9 (Ayes)

10 PRESIDENT ISABELLA: Opposed?

11 COMMISSIONER WEANER: Mr. President, the vote is  
12 unanimously yes.

13 PRESIDENT ISABELLA: Thank you, Mr. Secretary..

14 MR. BECHTEL: The next item concerns the  
15 Amendment of 58 Pa. Code Section 147.142.

16 The Game and Wildlife Code and its attendant  
17 regulations currently lack a specific permit classification  
18 that authorizes the Commission to authorize residents of  
19 this Commonwealth to possess and consume the edible portions  
20 of game or wildlife that do not meet the current eligibility  
21 criteria of Section 147.142 (relating to possession of  
22 wildlife accidentally killed by a motor vehicle), including,  
23 but not limited to, mistake kills, agricultural or property  
24 protection kills and illegal kills. Despite this absence of  
25 a specific permit classification, the Commission has found

1 pragmatic approaches to informally authorize the possession  
2 and consumption of the edible portions of the applicable  
3 game or wildlife to make legitimate use of these valuable  
4 wildlife resources.

5           The Commission has determined that it has become  
6 necessary to more formally and clearly define and implement  
7 a permitting process by which these distributions should  
8 occur. The Commission is proposing to amend Section 147.142  
9 to expand the section's coverage application to cover  
10 wildlife disposition generally pursuant to a consumption  
11 permit.

12           The text of these changes are on Pages 41  
13 through 43 of your agenda.

14           The Executive Director and staff recommend the  
15 Commission approve this change.

16           PRESIDENT ISABELLA: Thank you, Brad.  
17 Commissioners, you heard the commentary. Is there a motion?

18           COMMISSIONER BOOP: So moved.

19           PRESIDENT ISABELLA: Commissioner Boop. Second?

20           COMMISSIONER WEANER: Second.

21           PRESIDENT ISABELLA: Commissioner Weaner. Any  
22 discussion? I have a question. Rich, I just want to  
23 clarify. For deer and turkey, it's an automatic pickup?

24           MR. PALMER: Yes.

25           PRESIDENT ISABELLA: They still have to phone

1 in?

2 MR. PALMER: Yes.

3 PRESIDENT ISABELLA: Okay. And for elk and  
4 bear?

5 MR. PALMER: Elk and bear cannot be taken  
6 possession of by a Pennsylvania resident until a Commission  
7 officer physically arrives and issues them a permit at that  
8 time.

9 PRESIDENT ISABELLA: Commissioner Schleiden.

10 COMMISSIONER SCHLEIDEN: Rich, nonresidents who  
11 are traveling through the state, what do they do?

12 MR. PALMER: This does not apply to  
13 nonresidents.

14 COMMISSIONER SCHLEIDEN: I'm sorry?

15 MR. PALMER: This regulation does not apply to  
16 nonresidents.

17 COMMISSIONER SCHLEIDEN: Does not apply to  
18 nonresidents?

19 MR. PALMER: That's correct.

20 PRESIDENT ISABELLA: Any other discussion? All  
21 those in favor signify by saying aye.

22 (Ayes)

23 PRESIDENT ISABELLA: Opposed?

24 COMMISSIONER WEANER: Mr. President, the vote is  
25 unanimously yes.

1                   PRESIDENT ISABELLA: Thank you, Mr. Secretary.

2                   MR. BECHTEL: The next item before the  
3 Commission concerns Hunting License Revocations-  
4 Convictions. Proposed recommendations to revoke the hunting  
5 and furtaking privileges of the individuals convicted of  
6 violating the Game and Wildlife Code.

7                   The Commission, under authority of the Game and  
8 Wildlife Code, may revoke any hunting license and furtaker's  
9 license and deny any person the right to secure a license or  
10 to hunt and furtake anywhere in the Commonwealth, with or  
11 without a license, if said licensee or person has been  
12 convicted or signed an acknowledgment of violating any  
13 provision of the Game and Wildlife Code.

14                   The Commission may revoke such licenses for a  
15 period of not to exceed three years for the first offense;  
16 for a second or subsequent offense, for such a period of  
17 time as the Commission shall determine.

18                   Persons denied the right to hunt or furtake in  
19 the Commonwealth through this action are notified by  
20 certified mail that the revocation will commence July 1,  
21 2009, and continue for such period of time as set forth  
22 following the individual's name. The symbol RA means the  
23 revocation was added to an existing revocation.

24                   In accordance with the Administrative Agency Law  
25 of April 28, 1978, the person placed on revocation has the

1 opportunity for an Administrative Hearing concerning the  
2 hunting license revocation. If an Administrative Hearing is  
3 requested, a petition for review must be filed at the  
4 Commission Headquarters within 30 days from the date of  
5 notice. Unless deemed in the best interest of the  
6 Commission by the Director or a designee, hearings shall be  
7 conducted at the central office. Hearings will be conducted  
8 in accordance with the General Rules of Administrative  
9 Practice and Procedure, 1 Pa., Code 31.1 et seq.

10           The hearing itself will be conducted in  
11 accordance with Chapter 35 of the Rules and Chapter 145 of  
12 the Pa. Code.

13           The Executive Director and the Wildlife  
14 Protection Director recommend that the Commission revoke the  
15 hunting and furtaking license privileges of the persons  
16 named by the Bureau of Wildlife Protection. Such revocation  
17 shall become effective July 1, 2009, and shall continue for  
18 such period of time under the conditions set forth following  
19 each individual's name.

20           PRESIDENT ISABELLA: Thank you, Brad. You've  
21 heard the commentary. Is there a motion?

22           MR. PALMER: Mr. President, there is one change  
23 to the revocation list that the board has been provided.  
24 That change is number 105 on the revocation list. That  
25 individual has filed an appeal and we do not wish to proceed

1 with revocation until that appeal is completed.

2 PRESIDENT ISABELLA: Thank you, Rich.

3 Commissioner Schleiden.

4 COMMISSIONER SCHLEIDEN: I make a motion that we  
5 accept the commentary as read and the inclusion of the  
6 supplemented evidence.

7 COMMISSIONER BOOP: Second.

8 PRESIDENT ISABELLA: Seconded by Commissioner  
9 Boop. Any further discussion? All those in favor signify  
10 by saying aye.

11 (Ayes)

12 PRESIDENT ISABELLA: Opposed?

13 COMMISSIONER WEANER: Mr. President, the vote is  
14 unanimously yes.

15 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

16 MR. BECHTEL: The next item concerns a  
17 supplement to your agenda. The next item concerns the  
18 Bureau of Wildlife Habitat Management Real Estate items for  
19 acquisition.

20 The first is Contract Number 3547, State Game  
21 Land No. 44, Elk County. 37.5 acres of land in Fox  
22 Township, Elk County, adjoining State Game Land Number 44  
23 (Exhibit Red 1). The purchase price of \$30,600 is to be  
24 paid by third-party commitments for compensation of habitat  
25 and recreational losses from previously approved Commission

1 actions involving oil, gas and mineral recovery. The  
2 sellers shall retain all coal, oil and gas rights. The  
3 property is a reclaimed surface mine. Trees and grasses  
4 were planted as part of the reclamation requirements  
5 creating a grassland interspersed with black locust.

6 Acquiring this property will reduce the size of  
7 an interior that was created when 1,555 acres were added to  
8 State Game Land No. 44 in June of 2008, and more recently  
9 when an additional 376-acre parcel was approved for  
10 acquisition from the New Shawmut Timber Company at the  
11 January 2009 Commission meeting. A township road borders  
12 the eastern side of the property and provided excellent  
13 access to the game lands.

14 Contract No. 3548, State Game Land No. 168,  
15 Northampton County is 12 acres of land in Bushkill Township,  
16 Northampton County adjoining State Game Land No. 168 as  
17 shown on Exhibit Red 2 on Page 47 of your agenda. This land  
18 consisting of three tracts is being offered to the Game  
19 Commission by the Wildlands Conservancy, Inc., for \$12,000  
20 lump sum. The wooded tracts are located on the south side  
21 of the Blue Mountain and have mature mixed oaks, maples,  
22 black gym and birch growing on the property. There are a  
23 few spring seeps located on the lower portion of the  
24 property as well as a headwater stream of the Bushkill  
25 Creek.



1 Number 3549, State Game Land Number 289, Bradford County.  
2 The Northern Tier Solid Waste Authority has proposed a land  
3 exchange of 26.1 acres of State Game Land No. 289 in West  
4 Burlington Township, Bradford County, one containing  
5 approximately 53.87 acres, and the other tract being 23.4  
6 acres as shown on Exhibit Red 3 on Page 50 of your agenda.

7 As part of the agreement, the Commission shall  
8 agree to a relocation of Township Road T-357 located north  
9 of the property being conveyed to the Northern Tier Solid  
10 Waste Authority to continue and enhance operations at its  
11 landfill site in West Burlington Township, Bradford County.  
12 The 26.1-acre portion of State Game Land Number 289 being  
13 exchanged with the Northern Tier Solid Waste Authority is a  
14 four-plus-year-old red pine plantation creating a  
15 monoculture with limited wildlife habitat value. The  
16 53.87-acre tract is mostly wooded with mixed oaks, maples,  
17 eastern hemlock and pine species. The age class is roughly  
18 40 percent mature timber, 40 percent pole timber and 20  
19 percent seedling sapling. Approximately 10 acres are a  
20 reverting old hay field.

21 The property is bounded by Route 6 to the south  
22 and provides access into the property. The 23.4-acre tract  
23 from the Northern Tier Sold Waste Authority is an indenture  
24 into State Game Land No. 289 consisting of a mature stand of  
25 hemlock and white pine interspersed with mixed hardwoods.

1 Mill Creek flows through the southwest corner of this  
2 property. This tract is surrounded on three sides by State  
3 Game Land No. 289, and acquiring this parcel will reduce  
4 future boundary line maintenance.

5 This exchange is contingent upon approval from  
6 the Department of Conservation and Natural Resources and the  
7 National Park Service since the 26.1 acres of State Game  
8 Land No. 289 was acquired in part with funding from the Land  
9 and Water Conservation Fund Act.

10 The Northern Tier Solid Waste Authority also  
11 entered into a cooperative agreement with the Commission to  
12 transfer an additional 35-acre tract adjoining State Game  
13 Land No. 289 to the Commission upon settlement of the above  
14 land exchange. As part of its continued operation, the  
15 Northern Tier Solid Waste Authority may desire to use  
16 topsoil from this 35-acre property and has retained the  
17 rights to remove said topsoil now or in the future.

18 Northeast Region personnel have determined this  
19 property is conducive for creating a wetland complex and  
20 deem the conversion to a wetland complex acceptable  
21 mitigation for removal of topsoil. The Commission agrees to  
22 assist with the design of the wetland complex prior to the  
23 topsoil removal by offering its expertise on creating  
24 wetlands. To the extent of available and budgeted funds,  
25 the Commission will offer manpower and equipment to be used

1 only on the portion of the property being made into  
2 wetlands. This tract is almost entirely tillable  
3 agricultural soils with a narrow wooded riparian corridor  
4 running parallel to Sugar Creek which is the southern  
5 boundary. The lower sections of the property are seasonally  
6 flooded. Access into the property is possible from Route 6,  
7 a portion of its northern boundary, and Carman Road, its  
8 western boundary.

9 The Executive Director and staff recommend that  
10 the land exchange listed above be approved and the  
11 Commission authorize the Bureau of Wildlife Habitat  
12 Management to proceed with this exchange.

13 PRESIDENT ISABELLA: Thank you, Brad.  
14 Commissioners, you heard the commentary. Is there a  
15 motion?

16 COMMISSIONER SCHLEIDEN: So moved.

17 PRESIDENT ISABELLA: Commissioner Schleiden.  
18 Second?

19 COMMISSIONER DELANEY: Second.

20 PRESIDENT ISABELLA: Commissioner Delaney.  
21 Discussion? Commissioner Delaney.

22 COMMISSIONER DELANEY: Yes. Bill, I'm maybe not  
23 the best mathematician in the world, but 26 acres for 113 is  
24 fairly awesome in my mind so I just wanted to compliment you  
25 and Regional Director Steve Schweitzer. This is with a

1 complicated issue, but I think certainly that the sportsmen  
2 are going to get a heck of a lot more of a return than what  
3 they once had if my fellow commissioners support this bill.

4 MR. CAPOUILLEZ: Thank you, sir.

5 PRESIDENT ISABELLA: Any more discussion? All  
6 those in favor signify by saying aye.

7 (Ayes)

8 PRESIDENT ISABELLA: Opposed?

9 COMMISSIONER WEANER: Mr. President, the vote is  
10 unanimously yes.

11 PRESIDENT ISABELLA: Thank you, Mr. Secretary.

12 MR. BECHTEL: The next item before the  
13 Commission concerns the settlement of dispute on State Game  
14 Land No. 44, Elk County.

15 By deed dated June 19, 2008, the Commission  
16 acquired a tract of land comprised of 4,968.2 acres in  
17 Horton Township, Elk County, from New Shawmut Timber  
18 Company. The acquisition was funded by moneys set aside by  
19 a third party as security for commitments for compensation  
20 of habitat and recreational losses from previously approved  
21 Commission actions involving oil, gas and mineral recovery.

22 At the time of this conveyance, there was an  
23 outstanding right of first refusal for a 35.53-acre parcel  
24 in favor of Ronald, Timothy and Matthew Rogos dated July 1,  
25 2002. This parcel is shown on Exhibit Red 4 on Page 52 of

1 your agenda. The deed to the Commission included this  
2 35.53-acre parcel which the Rogos have demanded be conveyed  
3 to them.

4 In an effort to settle this dispute, the  
5 Commission and the Rogos have negotiated a proposed course  
6 of action. The Commission would convey a 35.53-acre  
7 property as shown on Exhibit Red 4 to Ronald, Timothy and  
8 Matthew Rogos. Ronald, Timothy and Matthew Rogos will  
9 reimburse the third party in the amount that they paid for  
10 the property, which is \$400 per acre. The money will then  
11 be used to meet their commitments for compensation of  
12 habitat and recreational losses.

13 This settlement will result in clearing a cloud  
14 on title and fostering cooperation with private parties. In  
15 addition, the third party will still meet their commitments  
16 so the Commission and wildlife resources will benefit.

17 The Executive Director and staff recommend the  
18 settlement listed above be approved and the Commission  
19 authorizes the Bureau of Wildlife Habitat Management to  
20 proceed with the settlement agreement as outlined.

21 PRESIDENT ISABELLA: Thank you, Brad. Now  
22 you've heard the commentary. Is there a motion?

23 COMMISSIONER SCHLEIDEN: So moved.

24 PRESIDENT ISABELLA: Commissioner Schleiden.  
25 Second?

1 COMMISSIONER PALONE: Second.

2 PRESIDENT ISABELLA: Commissioner Palone. Any  
3 discussion? No discussion. All in favor signify by saying  
4 aye.

5 (Ayes)

6 PRESIDENT ISABELLA: Opposed?

7 COMMISSIONER WEANER: Mr. President, the vote is  
8 unanimously yes.

9 PRESIDENT ISABELLA: Thank you, Mr. Secretary.  
10 Okay. We're going go into new business. And the first item  
11 I'd like to turn over to Executive Director Roe.

12 EXECUTIVE DIRECTOR ROE: Thank you, Mr.  
13 President. Although it's not usual, it certainly isn't  
14 without precedent, as you know this year we had the  
15 opportunity to auction off our first elk -- conservation elk  
16 tag. And only fitting a gentleman from Pennsylvania in fact  
17 acquired that.

18 So, Jim Knight, if you'll come down here and let  
19 me recognize you for your generous donation on behalf of the  
20 Wild Turkey Federation. You not only had the opportunity to  
21 hunt one of our great elk in Pennsylvania, but we'd like to  
22 give you this as a recognition for the -- and get it on the  
23 official record of a Commission meeting that you were the  
24 first to get a conservation tag in Pennsylvania. Thank you,  
25 Jim.

1 (Applause)

2 PRESIDENT ISABELLA: I will say it was pretty  
3 exciting being at the table while the bidding was going on,  
4 but what was even better was the exchange of conversation  
5 afterward with the losing party. We'll save that for  
6 another time.

7 COMMISSIONER SCHLEIDEN: Jim, the bull on that  
8 photo is gone.

9 PRESIDENT ISABELLA: Thank you, Carl. The  
10 second item of new business, the Commission dates were  
11 approved for 2009 and January 2010. We just want to make  
12 sure do we want to proceed with these dates, Commissioners?

13 Can you look at them and just make sure  
14 everything is okay. The October date was tentative for  
15 Philadelphia, but we have firmed that up. No questions  
16 there.

17 Okay. Item Number 3. Cal DuBrock, Bureau  
18 Director.

19 MR. DUBROCK: I'm here to discuss the allocation  
20 of antlerless licenses for the 2009-2010 season. How would  
21 you like to proceed with this?

22 PRESIDENT ISABELLA: Did you hand that out for  
23 everybody?

24 MR. DUBROCK: That was handed out yesterday. I  
25 do have a few additional copies if anyone needs them.

1 PRESIDENT ISABELLA: Is there any discussion?

2 Is there a motion?

3 COMMISSIONER WEANER: Mr. President, I move that  
4 these recommendations be accepted.

5 PRESIDENT ISABELLA: Thank you, Commissioner.  
6 Second?

7 COMMISSIONER PALONE: I second it.

8 PRESIDENT ISABELLA: Thank you, Commissioner.  
9 Any discussion on the antlerless allocations? With that,  
10 all in favor signify by saying aye.

11 (Ayes)

12 PRESIDENT ISABELLA: Opposed?

13 COMMISSIONER BOOP: Nay.

14 COMMISSIONER WEANER: Commissioner, the vote is  
15 6 to 1. Mr. Boop voting no.

16 PRESIDENT ISABELLA: Thank you, Mr. Secretary.  
17 Thank you, Cal.

18 MR. DUBROCK: Thank you.

19 PRESIDENT ISABELLA: We're almost ready to wrap  
20 it up. And this is probably the last meeting for two of our  
21 commissioners. And Commissioner Palone and Commissioner  
22 Schleiden, I'd just like to know if you'd like to make any  
23 comments. Commissioner Palone.

24 COMMISSIONER PALONE: Thank you, Mr. Isabella.  
25 I can't believe it, but it's been ten-and-a-half years since

1 I first sent a letter to the Governor's Sportsmen Advisory  
2 Council and indicated my interest in wanting to become a  
3 commissioner. And that's been over a decade, and really a  
4 lot of things have changed in my life and in all of our  
5 lives in the last decade.

6 I guess the biggest event was the tragedy of  
7 September 11th, 2001. And at that time that day I didn't  
8 even know what was happening because we were at our  
9 Southwest Regional Meeting up at Prince Gallitzin State Park  
10 so I had to find out from the conservation officer when I  
11 arrived what had happened. And it was just horrible all  
12 these things that were unfolding in New York City and  
13 Somerset County which was very close by to us.

14 Then the next year I was in the terrible train  
15 accident in Maryland, and that set me back a little bit.  
16 Some people think it has influenced my brain some but I  
17 don't know. And then my mom passed away, and I miss her  
18 very because she was the person who really introduced me to  
19 the outdoors. And then I retired from my paying job and in  
20 the meantime all my pets died so I'm going to have to get  
21 some new pets.

22 But on the good side of things the Steelers won  
23 two Super Bowls in the time that I've been here, and we have  
24 a new Executive Director, Carl. And the Southwest Region  
25 moved from its old office in Ligonier out into the country,

1 which was a wonderful thing. And also we had two wildlife  
2 conservation officer classes since I've been here.

3           So a lot of good things have happened also and a  
4 lot of changes have happened, but one thing that has not  
5 changed is my commitment to wildlife and to hunters and my  
6 convictions concerning our natural resources and their  
7 conservation.

8           These things have stood the test of time. And  
9 if I had to do it all over again, I would not change a  
10 single vote that I have made on this board.

11           The letter that I wrote way back in 1998  
12 mentioned two important items, and I just want to touch on  
13 those briefly. One of the things that I wanted to see was  
14 that I said, I would like to see the Commission take a more  
15 proactive approach in public relations and develop long-term  
16 strategies to better educate the public about the important  
17 work it does.

18           Well, I'm here to tell you that we've made  
19 enormous progress in this area. I think that we are one of  
20 the most open and transparent agencies in the Commonwealth,  
21 and we use every means to get our message out. And in the  
22 ten years that I'm talking about here, technology has  
23 changed immensely and I feel like we've taken advantage of  
24 that.

25           And I just want to take this opportunity to

1 thank our Bureau of IE Director Joan Neville and our press  
2 secretary Jerry Feeser, who's our first press secretary that  
3 we've had as far as I know, for their good job in getting  
4 their message out. And also to Bob Mitchell who's from my  
5 hometown in Green County so I'm kind of partial to him, and  
6 Bob DeAngelo who's also one of my homeys.

7 But the whole department has really done a  
8 wonderful job, and I just think it's wonderful how hard they  
9 work and I'm going to talk about some other people too as I  
10 go along.

11 But my second quote from my letter said, my  
12 first priority as a commissioner will be seek an approach to  
13 deer management that is best for the herd and will result in  
14 long-term benefits to hunters.

15 I feel that we've also made tremendous progress  
16 in this area. For example, we have new and longer deer  
17 seasons, we have the recurrent seasons, we have the deer  
18 management assistance program. We have many new deer  
19 biologists and we have a revised deer management plan. And  
20 we learned yesterday we're one of the few states that do  
21 have a deer management plan. And the herd is now more in  
22 balance with its habitat and healthier than it's been in  
23 decades.

24 And I just want to thank Cal DuBrock and his  
25 team. Cal is probably one of the most persecuted people

1 ever in the history of the Game Commission. And that's  
2 okay. He really does a good job in having the tough skin  
3 and being stoic in all of this.

4                   And I just want to thank Trish Rosenberry and  
5 Jeannine Fleagle and Brad Wallingford for all their hard  
6 work. I'm very partial to biologists because I am one. And  
7 I don't say that at every Commission meeting, but I'm  
8 trained in biology and so I respect our biologists very much  
9 and the hard work that they do.

10                   I don't consider myself to be a very good  
11 politician. And I'm sure people will agree with you on  
12 that. Some would even consider me as naive when it comes to  
13 politics, but I will take that as a compliment. Sometimes  
14 when I'm out and about doing my Commission duties people  
15 consider me an elected official, but I'm really not. I  
16 consider myself a public servant. And I have diligently  
17 attended to the tasks for which I was appointed. And with  
18 the help of all the staff and our other commissioners we  
19 have made sound policy that I feel benefits hunters,  
20 wildlife and all residents. And I feel that this board and  
21 our executive office have integrity that's beyond reproach.

22                   It would have been very easy for me to come here  
23 and not stir the pot or ask any tough questions. I could  
24 have strove to be popular and liked by everybody just like a  
25 good politician does. But then if I would have done that I

1 would have not fulfilled my oath, nor my constitutional duty  
2 to be a trustee of the public's natural resources.

3           Way back when I first started Commissioner  
4 Guilford warned me that there would be nights when I  
5 wouldn't be able to sleep because I'd be wondering how to  
6 solve some complex social issue relating to wildlife, but at  
7 that time I didn't believe him. But now I know what he's  
8 talking about because I could not just pass the deer problem  
9 on to the next generation. That is not leadership.

10           If you wonder why issues like social security  
11 and budget deficits, property tax reform or any other hot  
12 political potato never gets fixed, you only need to look at  
13 the Pennsylvania deer management debate for the past eight  
14 years. Everybody wants things fixed and they want them  
15 fixed right now, but only if it's without pain, sacrifice  
16 and consequences. And we know, of course, that's not  
17 possible.

18           I have been very honored and humble to serve on  
19 this board. I was appointed to do a job that I have done  
20 faithfully. As a board I consider some of our greatest  
21 accomplishments to be the deer management program,  
22 especially the deer management assistance program, all of  
23 our youth hunts and youth days that we have instituted, in  
24 particular the mentor youth hunt program. We've also  
25 instituted the first elk hunts in several decades, the bear

1 archery season, the license point of sale and cable  
2 restraint devices, just to name a few.

3           And we've had some really good old-fashioned  
4 rump-'em-up fights too here. Russell doesn't call them  
5 fights. He just calls them debates, but I just like that  
6 word fight. But one of the very first lump-'em-ups we had  
7 at one of the first Commission meetings was how many foxes  
8 should a person be allowed to possess for the purpose of  
9 obtaining fox urine. And we debated about that for two  
10 whole meetings, and I know there were some people in the  
11 audience who were really looking at us. But we also had  
12 good fun debates concerning the abolition of deer farms, the  
13 private land only doe tags, in-line muzzle-loading seasons  
14 in the October season, how many doe tags should be allocated  
15 each year and the restrictions, game lands regulations,  
16 mining on Game Land 75 and whether or not feral cats come  
17 under the purview of the Game Commission. And John Shutter  
18 was here yesterday and I should have reminded him about the  
19 feral cat debates we had.

20           I've also had some of the most wonderful  
21 adventures while serving on this board, and I just want to  
22 comment on a couple of those. One of the most interesting  
23 was every April Game Commission personnel go out to Wade  
24 Island here in the Susquehanna River to count the egrets and  
25 the night herons that are out there. And Joe Kosack asked me

1 one year on a cold April day if I wanted to go out to Wade  
2 Island. So he took me out there and we counted the egrets.  
3 And I'm here to tell you when you're counting those birds in  
4 those big giant nests, they just don't sit up there real  
5 nice, cool and calm and quiet. They're flying all around  
6 the whole time dropping poop on you while you're down there  
7 counting them.

8 Well, after we got done we were heading back to  
9 shore, and, if that wasn't bad enough, we hit a big log in  
10 the middle of the Susquehanna River. And when we hit the  
11 big log we stopped, but I didn't stop. I was in the front  
12 and I continued forward over into the river.

13 And there were some people by us who were  
14 fishermen. They looked over because our canoe was sinking,  
15 all of our gear was sinking. And it was very calm, and it  
16 was only about 3 feet of water, but for me 3 feet, you know,  
17 can be dire. But these men were sitting there and they were  
18 saying, oh, well, that's one of the game commissioners,  
19 let's get out of here. So they high-tailed it out of there  
20 as fast as they could and didn't even help us.

21 But we got back to shore, and Kathy Wilson  
22 helped me find some dry clothes. And so we made it back to  
23 shore, but I just wanted to tell that story because it was  
24 funny. But I did lose my camera, but my husband did buy me  
25 another one.

1                   One of the most poignant adventures I went on  
2 was when we did the fawn mortality study in Penns Valley.  
3 And we went to catch fawns when they were newborn and then  
4 we put radio collars on them and studied why they died and  
5 why they lived.

6                   And we trampled through hill and dale, and we  
7 went over to Russ's farm and we went to Red Wallingford's  
8 farm and we counted 12 does that day -- I mean 12 fawns that  
9 we found that day. And our team was the most -- caught the  
10 most fawns ever on that day. And it was just wonderful. It  
11 was like a gift from God to see these little miracle tiny  
12 new fawns being born. And I just wanted to thank Justin and  
13 Wendy Freeland for letting me participate in that fawn  
14 mortality study.

15                   But every time we would pick up a fawn it would  
16 bawl like, hey, Mom, what's going on, where are you, tell  
17 them to put me down, and they would cry. But we would  
18 process them and let them go. And they were really miracles  
19 from God.

20                   One of the things I do every year also to age  
21 the deer at the deer processing plants in the southwest with  
22 Roger Brown, and he's our regional forester down there in  
23 the southwest, one of our foresters. And it's very  
24 interesting to check these deer heads and age the deer.  
25 Except when it's really warm weather and the deer have been

1 in the bottom of the barrel for a couple days, it's not very  
2 glamorous, but we need to do that to help with our harvest  
3 data.

4                   And one of the last things I wanted to mention  
5 was most years I get to go to the southwest game farm in  
6 Armstrong County to help the people there take off the  
7 pheasant hatch. And Jim Doemyer is the superintendent  
8 there, and May and June is the hatching time there at the  
9 game farm. And most days we take twelve to sixteen thousand  
10 eggs -- baby pheasants off the hatch. And it's really funny  
11 because these folks fret over these pheasants and the chicks  
12 and the eggs just like they're children.

13                   And just as an example, the hatchery has an  
14 alarm system and it wakes up Jim and his assistant when the  
15 electricity goes out or if anything goes wrong. And the  
16 phone when it wakes him up, there's a big panic message on  
17 there that says, wake up, wake up, get out of bed, the  
18 electricity is off at the hatchery or the humidity or the  
19 temperature in the incubator, something's wrong, get up and  
20 get over there now. And they just take their job so  
21 seriously and they really, really do a good job with the  
22 game farms, and I wanted to commend them on that.

23                   I also had the opportunity to go out with  
24 several conservation officers. My officers where I live  
25 that I want to thank are Rod Burns and Randy Crego and Steve

1 Linebecker. And they showed me how to careen through the  
2 game lands in the middle of the night with the headlights  
3 out, stop the truck, jump out and catch an illegal drunken  
4 four-wheeler while they're busting through the brush. So  
5 that was really an adventure. I was scared to death. I  
6 didn't jump out. I just sat in the back of the truck and  
7 watched them, but it was really kind of scary.

8           But I just wanted to thank a few people. And I  
9 know that I cannot thank everyone here today, and I  
10 apologize for that. But I appreciate all the hard work and  
11 the dedication that the Game Commission folks have done. I  
12 just wanted to thank Kathy and Francis for always taking  
13 care of our paperwork and our travel and making sure that we  
14 have supplies and making sure everything's ready for our  
15 meetings. I want to thank Janet Nyce for being such a role  
16 model and such a kind person and for all her hard work on  
17 the Youth Advisory Council.

18           I want to thank Melody Zullinger who's not here  
19 today but she really has brought the Pennsylvania Federation  
20 of Sportsmen's clubs along very well, especially in the area  
21 of legislative affairs.

22           I want to thank Mike Schmit for all of his  
23 optimism and his can-do attitude and his positive attitude  
24 and for really helping us get things done. I want to thank  
25 Bill Capouillez. When I first came here he had the back of

1 his truck full of fisher mining files, big files about  
2 fisher mining and what we were going to do there on Game  
3 Land 75 which was a surface mine. That's really come a way  
4 and this morning Mike Schmit gave out some handouts  
5 describing what was recently done there on Game Land 75.

6 I wanted to thank Bob Strailey for all his hard  
7 work in getting the point of sale system through. I know  
8 there were times when he wanted to give up and just say we  
9 need to start over again, but he didn't.

10 I wanted to thank hunters for always coming to  
11 our meetings faithfully and for testifying and for stepping  
12 up to the plate when we asked them to help us manage the  
13 deer. I worked in government for 27 years, and I can say  
14 from experience that the Pennsylvania Game Commission has  
15 some of the most dedicated people that I've ever worked  
16 with. And the PGC is one of the most transparent agencies  
17 in the Commonwealth.

18 And also I want to tell Carl how much I  
19 appreciate his hard work and his dedication along with Bob,  
20 he got the point of sale up and running when many people  
21 told him that it just wasn't going to work. Also, he has  
22 worked very hard to streamline our budget and make people  
23 accountable for all the money that we spend because we  
24 really do need a hunting license increase desperately and  
25 he's been working on that. And along with Dot Derr who's

1 really helped the regions with their budget constraints and,  
2 also, how to do their budgets and make them more  
3 accountable.

4 I want to thank Matt Hough who's our regional  
5 director. He took us on very tough adventures, and also all  
6 the regional directors were wonderful. Several years ago  
7 when we did the game land tours, he took us around and  
8 showed us some of the game lands and the good thing that the  
9 Food and Cover Corps were doing.

10 Also, I want to thank Carl for staying true to  
11 our mission and fulfilling the mission of the Game  
12 Commission and also our strategic plan.

13 In summary, I just want to convey my feelings  
14 about my colleagues that are here on stage and also of those  
15 who care about wildlife by quoting the words of President  
16 Ronald Reagan from 1992. This is what President Reagan  
17 said: "Whatever else history may say about me when I'm gone,  
18 I hope it will record that I've appealed to your best hopes,  
19 not your worst fears, to your confidence rather than your  
20 doubts. My dream is that you will travel the road ahead  
21 with liberty's lamp guiding your steps and opportunity's arm  
22 steadying your way. My fondest hope for each of you and  
23 especially for the young people here is that you love your  
24 country not for her power or wealth but for her selflessness  
25 and her idealism. May each of you have the heart to

1 conceive, the understanding to direct and the hand to  
2 execute works that will make the world a little better for  
3 your having been here."

4 PRESIDENT ISABELLA: Thank you, Commissioner.  
5 Commissioner Schleiden, any formal remarks?

6 COMMISSIONER SCHLEIDEN: Those of you know I  
7 usually ad lib so I don't usually have a lot to say. And,  
8 of course, Roxane covered a lot of my feelings as well on  
9 the various issues that we've been deeply involved.

10 When I look back over the past eight years as a  
11 commissioner, I think of a few key words to describe my  
12 experience. One is privilege, the other is integrity and  
13 another is the big picture.

14 Privilege. It's been a great privilege to serve  
15 the public of the Commonwealth to follow our mandates to  
16 support our hunting and trapping heritage to the best of my  
17 ability.

18 Integrity. The dedication and integrity of the  
19 employees of this great agency, the Pennsylvania Game  
20 Commission, that I have been exposed to over these past  
21 eight-and-a-half years has been very encouraging to me. You  
22 are a shining example of what a government agency should  
23 strive for. This carries over in my opinion to many of the  
24 people in the sports community out there. Many of you have  
25 been here for every meeting and you've played a role, you've

1 volunteered. You've also shown that same trait whether you  
2 agreed or disagreed with some of the votes up here.

3           You've been great volunteers for our hunting  
4 conservation and mining communities, and you've worked  
5 closely with one another in a positive way to protect our  
6 great heritage. And in that same light, like Roxane  
7 mentioned some of the individuals, and I really don't like  
8 to do that too much either because I'm afraid I'll miss  
9 somebody.

10           But I do want to recognize Janet. Janet, what  
11 you've done with the youth -- what you've done with the  
12 Youth Council is just fantastic. And they're going to be  
13 the future leaders. And I hope that they'll be sitting up  
14 here, and I hope that they keep that training that you gave  
15 them in mind.

16           I've watched them come in here. I never said a  
17 whole lot when they were here, but I admire the way that  
18 they handled themselves, and I think that they're going to  
19 be great leaders no matter whether they get involved at this  
20 level or as an employer or whether they go out into the  
21 business world, they're going to show that same positive  
22 attitude and have that integrity. And I thank you for  
23 that.

24           The big picture folks, I know you've heard me  
25 say it time after time after time. Big picture, that's what

1 we're all about. Sometimes this has been the most difficult  
2 item to stay focused on. And when that happens and we get  
3 to doubt one another, ultimately we lose ground as leaders  
4 in our wildlife conservation mission. So please, my fellow  
5 commissioners, those out there in the conservation and  
6 hunting community, please stay focused on the big picture.  
7 That's really what counts.

8                   Finally, it's always been my objective to work  
9 closely with people involved with our mission to vote on  
10 issues based upon the best information available to do so  
11 with a clear conscious knowing that I did not compromise my  
12 principles. I know many of you have heard the motto it is  
13 better to do the hard and right than the easier wrong.  
14 That's been my motto.

15                   Now I'm going to spend the rest of my time  
16 around the conservation community working very hard to  
17 continue to support our Wildlife for Everyone Foundation.  
18 Some of you have been following it, some of you, maybe you  
19 only hear about it when it's mentioned up here or somewhere  
20 else, but it's been making very steady progress. And it's a  
21 great foundation. Its basic reason for being, it was  
22 started by we commissioners and it supports some of the low  
23 times financially for the agency. Fortunately, we're not  
24 big enough to be the relief valve this time, but down the  
25 road 114 years, if we can double that so down the road it's

1 going to be even greater although we have in fact supported  
2 many of the minor projects that needed help.

3           And I wish my fellow board members continued  
4 positive success as they carry over a 114-year tradition.  
5 It's a good system. It's an excellent system, and it needs  
6 to stay independent. And it depends on you guys to keep  
7 that tradition going.

8           It's been a great honor to work with you, Carl.  
9 And your predecessor Vern. And Mike Schmit. You are two of  
10 the great leaders that sometimes don't get enough credit.  
11 Mike, you've just been steady as a rock and I very much  
12 appreciate your input.

13           Also, in this building downstairs Dave and his  
14 crew, the unsung heroes that keep things going. And Roxane  
15 mentioned supply and Kathy and Francis and Denise help us.  
16 It's usually a simple phone call downstairs and those people  
17 respond and provide transportation over to the Capitol and  
18 so on.

19           Kathy and Francis and Denise upstairs, a super  
20 job. You're the mainstay. And I'm glad to see you here  
21 today, Kathy, though you're still under the weather.

22           And, of course, we can't forget the bureau  
23 directors. I'm not going to start naming every individual.  
24 You guys are the leaders. And your staff and everyone of  
25 the bureau, good job. We're all human, we have our ups and



1 permit system continue as it had back in 2008. I would like  
2 to see the archery bear season be just like it was in 2008,  
3 meaning that crossbows would not be permitted unless you had  
4 the handicap permit. I would like to see a general crossbow  
5 season for deer to run the first two weeks of the regular  
6 archery season, twelve days, two weeks and two Saturdays,  
7 and for that the archery license would be required.

8           And I would like to see that if a crossbow  
9 hunter would like to hunt in muzzle loader season or the  
10 late season if they would buy a muzzle loader license just  
11 like they did in 2008.

12           Those are the four tenets of the plan that I'm  
13 putting forth and I'm recommending that -- or I would like  
14 to see our staff develop information to bring to the  
15 committee meeting as early as possible.

16           PRESIDENT ISABELLA: Commissioner, do you have  
17 your four-part plan written out?

18           COMMISSIONER WEANER: I do.

19           PRESIDENT ISABELLA: May I make a suggestion?  
20 Would you give a copy to the bureau directors of the  
21 respective bureaus or give it to Carl and Carl will  
22 disseminate it to the bureau directors.

23           COMMISSIONER WEANER: I will do that.

24           PRESIDENT ISABELLA: Any other new business?  
25 Commissioner Schleiden.

1                   COMMISSIONER SCHLEIDEN: I would comment on that  
2 proposal. Some time ago the board had reminded the  
3 commissioners that if they have a specific proposal that  
4 they would like to make, even though they had staff work on  
5 it and put it together, that in fact they can place that on  
6 the agenda as a commissioner and does not necessarily have  
7 to go with the president and the executive director.

8                   So I would recommend that you put that  
9 together. That's the way you probably should introduce it  
10 on the agenda. Just a recommendation. I'm not going to be  
11 here.

12                   PRESIDENT ISABELLA: Any other new business? Do  
13 I hear a motion to adjourn?

14                   COMMISSIONER DELANEY: I'll make that motion.

15                   PRESIDENT ISABELLA: Motion. Second?

16                   COMMISSIONER WEANER: Second.

17                   PRESIDENT ISABELLA: The meeting is adjourned.

18                   (Whereupon, the meeting was adjourned at 10:17  
19 a.m.)

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1 I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the notes  
3 taken by me on the within proceedings, and that this copy is  
4 a correct transcript of the same.

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Pamela L. Packer

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Court Reporter-Notary Public

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