COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
JANUARY 29, 2008

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING

BEFORE: THOMAS E. BOOP, ESQUIRE, PRESIDENT
ROXANE S. PALONE, VICE PRESIDENT
GREGORY J. ISABELLA, SECRETARY
RUSSELL E. SCHLEIDEN, COMMISSIONER
DAVID W. SCHREFFLER, COMMISSIONER
H. DANIEL HILL, III, COMMISSIONER
JAMES J. DELANEY, JR., COMMISSIONER

ALSO PRESENT:
CARL G. ROE, EXECUTIVE DIRECTOR
M.W. SCHMIT, DEPUTY EXECUTIVE DIRECTOR
BRADLEY C. BECHTEL, ESQUIRE, ASSISTANT COUNSEL

DATE: JANUARY 29, 2008, 8:40 A.M.

PLACE: 2001 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA

MELISSA FLINN
NOTARY PUBLIC
THE PRESIDENT: Good morning, ladies and gentlemen. Welcome to our Tuesday morning meeting of the Game Commission. As you will note, we are a few minutes late getting started. The weather caused a few problems logistically. According to my watch, it's now about 20 minutes of 9:00, so I formally call the meeting to order and ask that you please join us in the Pledge of Allegiance.

(Pledge of Allegiance taken.)

THE PRESIDENT: Mr. Secretary, will you call the roll.

MR. ISABELLA: THE PRESIDENT.

THE PRESIDENT: Here.

MR. ISABELLA: Vice THE PRESIDENT.

MS. PALONE: Here.

MR. ISABELLA: Isabella. Here.

Commissioner Schleiden.

MR. SCHLEIDEN: Present.

MR. ISABELLA: Commissioner Schreffler.

MR. SCHREFFLER: Present.

MR. ISABELLA: Commissioner Hill.

MR. HILL: Here.

MR. ISABELLA: Commissioner Delaney.
MR. DELANEY: Present.

MR. ISABELLA: Mr. President, all present and accounted for.

THE PRESIDENT: Thank you, Mr. Secretary.

Ladies and gentlemen, we have before us approval of the minutes of the October 2, 2007, meeting. You all received those. Is there a motion to approve those minutes?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. DELANEY: Motion to second.

THE PRESIDENT: Commissioner Delaney.

All in favor, say aye.

(Signify aye.)

THE PRESIDENT: Opposed, same sign.

The next item we have is the proposed Commission meetings for 2008. The next meeting would be April 21, 22; the June meeting, June 23 and 24; the October meeting, October 6 and 7.

Is there a motion to approve those dates for the upcoming year?

MR. ISABELLA: Motion, Mr. President.

THE PRESIDENT: Commissioner
1 Isabella. Is there a second?

2 MR. HILL: Second.

3 THE PRESIDENT: Commissioner Hill.

4 All in favor indicate by saying aye.

5 Opposed, same sign.

6 (Vote taken.)

7 MR. ISABELLA: Mr. President?

8 THE PRESIDENT: Yes; recognize

9 Commissioner Isabella.

10 MR. ISABELLA: I want to make a motion

11 that we move the election of officers to the

12 beginning of the business meeting as opposed to the

13 end.

14 THE PRESIDENT: Okay. You've heard

15 Commissioner's Isabella motion. Is there a

16 second?

17 MR. HILL: I'll second.

18 THE PRESIDENT: Commissioner Hill. So

19 we are doing, as I understand the motion, is the

20 printed agenda that we have, we would be moving the

21 election of the 2008 officers from the end of the

22 meeting to this point in the meeting. Is there any

23 discussion on the motion?

24 (No response.)

25 THE PRESIDENT: Hearing none, all
those in favor of the motion, please raise their
right hand.

THE PRESIDENT: Those opposed, please
raise their right hands.

(Vote taken.)

MR. ISABELLA: Five ayes, two nay.

THE PRESIDENT: The motion carries.

We'll now proceed with the election of our officers
for the board for 2008, typically from this January
meeting to the January meeting in '09. We have the
offices of president of the board, vice president
of the board, and secretary of the board.

Commissioner Hill, as the chair of the
nominating committee, does the nominating committee
have a slate of officers for these positions?

MR. HILL: It's voted 3 to 1. We will have
a slate.

THE PRESIDENT: Could you please
announce the slate to the public.

MR. HILL: For secretary, we have Jay
Delaney; for vice president, Greg Isabella; and for
president, Roxane Palone.

THE PRESIDENT: You've heard the
report of the nominating committee. Under the
rules of order, these three individuals are now in
nomination for the positions to which the
nominating committee has placed their names.

In agreement with the body, let's
proceed with the election of the board secretary.
Are there other nominations besides Commissioner
Delaney for board secretary?

(No response.)

THE PRESIDENT: Hearing none, I would
entertain a motion to close the nominations for
board secretary.

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner
Schleiden. Is there a second to that motion?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella.

All in favor, indicate by saying aye.

(Vote taken.)

THE PRESIDENT: By show of hand, all
in favor of Commissioner Delaney for secretary,
raise your right hand.

(Vote taken.)

MR. ISABELLA: It's unanimous, Mr.

President.

THE PRESIDENT: Moving to the position
of vice president, Commissioner Isabella has been
nominated. Commissioner Delaney, I would appoint you to tabulate votes for the vice president since Commissioner Isabella is standing for that position. Are there other nominations for the position of vice president?

(No response.)

THE PRESIDENT: Hearing none, I would entertain a motion to close the nominations for vice president.

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner Schleiden. Is there a second?

MS. PALONE: Second.

THE PRESIDENT: Commissioner Palone. All in favor, indicate by saying aye.

(Vote taken.)

THE PRESIDENT: Excuse me, raise your hands, please. All in favor, indicate by raising your hands.

(Vote taken.)

MR. DELANEY: It's unanimous, Mr. President.

THE PRESIDENT: Moving now to the office of board president, to which Commissioner Roxane Palone has been nominated, are there other
nominations for the office of president?

(No response.)

THE PRESIDENT: As of member of the board and in my belief that public bodies function best if there is a choice for leadership, I will nominate Commissioner David Schreffler. Are there other nominations for the position of president? If not, I'll entertain a motion to close the nominations.

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner Schleiden. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: So the nominations are closed.

MR. SCHREFFLER: Mr. President, I would like to make a motion to have secret ballots of this, on this vote, in accordance with the principles of our Democratic society. I would prefer that.

THE PRESIDENT: You've heard Commissioner Schreffler's motion for a secret ballot. Is there a second to that motion?

(No response.)

THE PRESIDENT: No second. The motion
fails. We'll vote in the same manner that we voted for the other offices. Commissioner Delaney, since you have been elected, with the permission of the board, I'll ask you to tabulate the votes. For Commissioner Palone, a show of support by raising your right hand.

(Vote taken.)

THE PRESIDENT: You have the vote.

MR. DELANEY: As I see it, Mr. President, the vote is five to two.

THE PRESIDENT: Five yes to two no. I don't know the two that are no. I think there's another candidate standing.

MR. DELANEY: My apologies. Five yes votes for Commissioner Palone were Commissioners Schleiden, Hill, Palone, Isabella and Delaney. Those commissioners in favor of Commissioner David Schreffler, please raise their right hands.

(Vote taken.)

MR. DELANEY: Mr. President, I see two votes for Commissioner Schreffler, Commissioners Boop and Schreffler.

THE PRESIDENT: Thank you,

Commissioner Delaney. Commissioner Palone, on behalf of the Board, I would like to congratulate
you on your election. I would like to pass the gavel to you and wish you the best in the upcoming year.

We'll take a ten-minute recess to reorganize. We'll come back at 9:00 o'clock.

(REcessed at 8:48 a.m.)

(Reconvened at 9:00 a.m.)

THE PRESIDENT: I'd like to reconvene the meeting. I'm glad everyone is here safe and sound.

I think it took Ronald Reagan three times to try and be president, so I think I'm in good company. Seriously, I want to thank a few people for their kind support. I want to thank Janet Nyce, and Melody and Cathy and Cathy. I admire them very much. It's their day to celebrate, too, because without their hard work and the Board members behind them, there would really be no today.

I don't really stand on symbolism over substance normally, but today we really have both; substance in the form of hard work and vision from the conservationists before me and substance in the form of the tireless effort of the president, present Commissioners, and all the
people in the agency. But it's also a symbolic day
and a historic message that the door is no longer
partially opened, but wide open for those that want
to aspire to join us and I hope very much that more
people will join us.

I want to dedicate this meeting to
Jerry Hatchinger and I would like to dedicate this
time as president to my mom. She passed away since
I've been on the Commission, but it was really my
mom that taught me to love the outdoors and taught
me how to fish. She also taught me how to milk a
cow; how to can. She taught me all the plants and
trees in the forest and she taught me, really, to
appreciate hunters and the Game Commission at a
eyear age.

I want to dedicate the rest of my term
to my grandmother, Edith Smith. She was born way
back in 1886, but she was really ahead of her time
and she gave me these rules to live by -- and I
have to tell you that sometimes I break a few of
these rules. These were the rules of my Grandma
Smith: Always have a paying job on your own;
always carry a fine hanky; never go out without a
proper escort -- and I think Vern Shaffer lived by
that, also.
(Audience laughter.)

THE PRESIDENT: Never call anybody on
the phone or never call on anyone past 7:00 p.m.
and always have the proper stationery.
So on behalf of all the women hunters,
I want to thank my fellow Commissioners, including
Mr. Riley, for their vote of confidence because
without their courage and resolve, the PCG
presidency may have remained homogenous for many
more years, so thank you.

(Audience applause.)

THE PRESIDENT: We are going to start
with the Bureau of Wildlife Management. Calvin.
There's some more agendas in the front
if you did not get one. Page 2, Bureau of Wildlife
Management. Brad.

MR. BECHTEL: Yes. The first item
concerns the State Wildlife Grant Program.
Congress has appropriated funds under the State
Wildlife Grants Program, SWG, directly and
exclusively to state wildlife agencies for wildlife
species of the greatest conservation concerned.
Pennsylvania is eligible to receive
these funds for fish and wildlife projects under
the SWG program. Projects listed in Exhibit A
shown on page 3 will not require any net reduction in the Game Fund since all are cooperator projects. The Game Commission will simply function as a conduit of federal funds. If approved, the Game Commission will contact the organizations and investigators of these projects and pay SWG-eligible costs from the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service Federal Aid program using SWG funds. The Game Commission will receive up to three percent of all SWG funds to administer the program.

The Executive Director and staff recommend approval of the slate of the State Wildlife Grant projects listed in Exhibit A as shown on page 3.

THE PRESIDENT: There is a list on page 3 of the State Wildlife Grant projects. Do I hear a motion to approve?

MR. ISABELLA: Motion.

THE PRESIDENT: MR. ISABELLA.

COMMISSIONER BOOP: Second.

THE PRESIDENT: Seconded by Mr. Boop.

Is there any discussion about the grants or any questions for Cal?
THE PRESIDENT: Hearing none, all those in favor of granting the wildlife projects, signify by saying aye.
All those opposed, signify by saying no.
(Vote taken.)
MR. DELANEY: Madame President, the vote is unanimous.
THE PRESIDENT: Thank you.
MR. BECHTEL: The next item for consideration are State Wildlife Grants-Northeast Cooperative Projects. To be eligible for federal funding under the State Wildlife Grants (SWG) program, states developed comprehensive wildlife action plans that identify species and habitats of greatest conservation need. Many of these species, habitats and conservation actions outlined in the state action plans are common across or are common to a group of states within a region and can most effectively be addressed by working across state lines.
This premise led to the development of the Northeast Wildlife Teamwork Strategy, NEWTS, by the Northeast Association of Fish and Wildlife
Agencies, NEAFWA. The goal of NEWTS is to cooperatively develop, coordinate, fund and implement conservation actions and projects that are regional or subregional in scope and build upon the many regional initiatives that already exist.

NEAFWA has entered into a cooperative agreement with the Wildlife Management Institute to provide overall coordination services for NEWTS projects. The Wildlife Management Institute has agreed to collect and manage state monies provided in support of the cooperative work, raise matching funds and coordinate NEAFWA-approved projects.

Additionally, Wildlife Management Institute will take NEAFWA-identified regional conservation needs, coordinate the solicitation of prospective cooperators and matching funds, develop an annual list of projects, prepare contracts and amendments for approved regional projects and write annual and final performance reports.

NEAFWA has asked each state in the Northeast U.S. and the District of Columbia to provide up to four percent of their annual SWG apportionment for funding projects under the regional NEWTS program. For our agency to participate in this multistate regional effort, we
will need to enter into an agreement with Wildlife Management Institute so that they can advise us of priority regional NEWTS projects and invoice us.

As with all SWG-related activities, NEWTS projects funded via the agreement with the Wildlife Management Institute will not require any net reduction in the Game Fund. The Game Fund will be reimbursed by the U.S. Fish and Wildlife Service Federal Aid program using SWG funds.

The Executive Director and staff recommend Commission approval to contract with the Wildlife Management Institute to annually fund through the State Wildlife Grants program multistate regional conservation projects.

THE PRESIDENT: Do I hear a motion to approve the Northeast Cooperative Projects?

MR. SCHREFFLER: So moved.

THE PRESIDENT: Second?

MR. ISABELLA: Second.

THE PRESIDENT: Any discussion?

MR. SCHLEIDEN: Madame President, I get concerned about all this. Do we have equal vote, how does this work?

MR. DuBROCK: We do, Commissioner, have equal vote in the process of looking at the
projects at both the technical level and then at an
administrative policy level. We get to vote on all
proposed projects. We also have input as to what
they call RCN, regional conservation needs, that
are used to solicit district projects, so we get
our oar in the water defining RCNs as well as then
voting on every individual project.

MR. SCHLEIDEN: How do you handle it
with the bureau? We have a number of people who
discuss various issues, whoever.

MR. DuBROCK: At the technical level,
we have Dan Brauning, who participates on the
Northeast Wildlife Diversity Committee, and they're
actually the first level on developing RCNs. That
then is subsequently passed on to the
administrators. Certainly, I represent our agency
at the Northeast Wildlife administrative level and
those are passed on to the directors and Executive
Director Roe gets to vote at that level.

MR. SCHLEIDEN: Thank you. I ask that
question so that also the audience, for their
benefit, of hearing that. Thank you.

THE PRESIDENT: Is there any other
discussion? If not, we'll vote on the proposal.

All those in favor, signify by saying aye.
All those opposed, say no.

(Vote taken.)

MR. DELANEY: It's a unanimous vote, Madame President.

THE PRESIDENT: We'll move on to page 5, Proposed Rule Making. This will have to do with setting the seasons and bag numbers for 2008 and 2009. This is just preliminary approval. We'll finalize season and bag limits in April.

MR. BECHTEL: The next item is to propose amending 58 Pa. Code 139.4. To effectively manage the wildlife resources of this Commonwealth and also provide hunting and trapping opportunities in the Commonwealth during the upcoming license year, the Commission is proposing to amend 58 Pa. Code 139.4 relating to seasons and bag limits for the license year, to provide updated seasons and bag limits for the 2008-2009 license year.

Although the 2008-2009 seasons and daily season and possession limits are similar to those set in 2007-2008, the 2008-2009 seasons and bag limits have been amended to conform to current available scientific data, population harvest records, field surveys and professional staff observations as well as recommendations from staff,
organized sporting groups, members of the agricultural community and others interested in the wildlife resources of the Commonwealth.

The amendments are on page 7 through 14 of your agenda. There are several changes. One change is proposed for small game; that is to extend by one day the special season for junior pheasant hunters to include an additional Saturday. Adding this Saturday will provide additional hunting opportunity of released game farm birds in farmland habitats.

Again, this year, we acknowledge the interest of some parties to close quail season statewide. Given the diminished status of wild quail populations, this recommendation is understandable. However, we do not plan to recommend changes in bobwhite season length or hunt areas until we have a bobwhite quail management plan completed. At that time, proposals to expand quail hunting or close it statewide will be considered. However, in the interim, bobwhite hunting closures will continue in the last vestiges of the historic quail range.

Another change is proposed in crow season dates to extend the shooting days to
approximately 124 days allowed under federal frameworks. By starting the season on the Friday closest to July 1st and running it every Friday, Saturday and Sunday continuously through the first weekend in April, we will provide 120 hunting days. By law, seasons must be set to avoid the peak nesting season, which falls between April 7 and the end of May.

On December 27, 2007, the Pennsylvania Supreme Court ruled that wild boars are protected mammals under the Game and Wildlife Code. As a result, the Commission must take regulatory action to remove protection from wild boars to allow incidental taking during the fall big game seasons.

The only substantial change for the deer hunting seasons is a proposal to have a five day antlered-deer only season in wildlife management units 2D, 2G, 3C and 4B, starting the Monday after Thanksgiving, followed immediately by seven days of concurrent antlered and antlerless deer hunting. This proposal retains the two week or 12 day concurrent antlered and antlerless season in the remaining 18 wildlife management units in the
Commonwealth. The change to the four wildlife management units is to evaluate the impact of changed season length on hunter success rates for future use as a new management tool.

The elk hunting season's proposal recommends curtailing September elk hunts following the 2008 season due to limited hunter success and satisfaction because of the small hunt area, the high proportion of private property, and very limited hunter access to property.

Finally, for bobcats, proposals recommend adding WMU 4D to the bobcat hunt/trap area. Increased number of incidental bobcat captures and bobcat sightings in this area support this proposal.

The Executive Director and staff recommend the Commission approve the proposed 2008-2009 hunting seasons and bag limits amendment to 139.4 as described in the attached table found on pages 7 through 14.

THE PRESIDENT: What we're going to do, I'm going to ask for a motion to approve the seasons in bag limits on pages 7 through 14 and then we'll go through each page and ask for amendments. And we'll amend each page, approve
each page, and we'll go back and vote on the whole package once we're done discussing each page.

So, first, I would like to ask for a motion to approve the seasons and bag limits on pages 7, 8, 9, 10, 11, 12, 13 and 14.

MR. SCHLEIDEN: Motion.

THE PRESIDENT: Commissioner Schleiden. Second?

MR. DELANEY: Second.

THE PRESIDENT: Second, Jay Delaney.

Do I hear any discussion about the proposal? We'll start with page 7. I'll ask for any amendment and also we'll ask if we have any questions on each page for Cal.

MR. SCHLEIDEN: Madame President, page 7.

THE PRESIDENT: Commissioner Schleiden.

MR. SCHLEIDEN: On page 7, the left-hand column under squirrels, I would like to offer the amendment -- do I make -- there are two amendments: One is dates and one is the resolution. Can I make those all in one amendment?

THE PRESIDENT: Yes.
COMMISSION SCHLEIDEN: Under squirrels, the date December 15 through December 20, eliminate December 20 and change that date to December 23. Under ruffed grouse, I offer the amendment, again, changing the date from December 20 to December 23.

Under ruffed grouse, I offer the amendment to eliminate the paragraph from the left column, which reads, Ruffed grouse—there is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County, which is posted Research Area—No Grouse Hunting. The amendment is to delete that paragraph.

And, finally, under rabbits, cottontail, again, a date, second date down, December 15 to December 20, delete 20 and make it December 23. That's my amendments.

THE PRESIDENT: Thank you. Do we have a second?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. We have an amendment on page 7 to change squirrel, ruffed grouse and cottontail rabbit seasons from December 20 to December 23. And, also, we have an amendment to delete the closed season for taking
ruffed grouse on Game Lands 176. Is there any
discussion about these amendments or any questions?
Hearing none, all those in favor of
Commissioner Schleiden's amendment, signify by
saying aye.

THE PRESIDENT: All opposed, say no.

(Vote taken.)

MR. DELANEY: Madame President, the
vote passes unanimously, the amendment.

THE PRESIDENT: Thank you. Now we'll
go to page 8 and I will ask if there are any
motions to amend page 8.

MR. DELANEY: Yes, I want to offer an
amendment for page 8.

THE PRESIDENT: Commissioner Delaney.

MR. DELANEY: On page 8, about halfway
down the page where it says ringneck pheasant, male
or female, combined in wildlife management units,
and all the WMUs are listed. We show December 20
to be the closing date. I would like to amend that
to increase additional better hunting opportunities
for those additional three days and make it to
December 23.

THE PRESIDENT: Is there a second?

MR. ISABELLA: Second.
THE PRESIDENT: Second, Commissioner Isabella.

We have an amendment on page 8 that would amend ringneck pheasant, male or female, from December 20 to December 23. Any discussion about the amendment?

MR. DELANEY: Yes, Madame President.

I should add -- just so our partners out there understand -- this is for north zone pheasant hunting only, it is not a statewide issue. The WMUs are listed. I just thought I should mention that.

THE PRESIDENT: Thank you. Any other discussion?

(No response.)

THE PRESIDENT: All those in favor of the amendment, signify by saying aye.

(No response.)

MR. DELANEY: The amendment passes, Madame President, unanimously.

THE PRESIDENT: On page 9, are there any amendments to the proposed season of bag limits?

(No response.)
THE PRESIDENT: Okay. Hearing none, we'll go to page 10. Are there any amendments to page 10?

COMMISSIONER BOOP: Madame President, I don't have an amendment, but I would like to make a comment, if I'm permitted to do so.

THE PRESIDENT: Yes, Mr. Boop.

COMMISSIONER BOOP: On page 10, we heard a lot on Sunday and yesterday about this wild boar feral pig issue and I think that those that are watching this proceeding should know that the Board is looking at this very carefully and we're certainly hoping that the Department of Agriculture will move forward with the trapping plan that they're proposing.

We think we should know that by the 1st of April, and depending on what happens at the Department of Agriculture, the Board will be looking at this issue of wild boar feral hogs again with the possibility of extending the opportunity for taking.

The concern that we have is that the shooting activity has a tendency to disburse the animals, and if the Department of Agriculture is going to embark on an aggressive trapping program,
we don't want to interfere with that. So we just
want those in the audience and covering this issue
to know that the board is very concerned about this
problem and we did take a lot of testimony on this
issue. Thank you.

THE PRESIDENT: Thank you, Mr. Boop.

If there's no amendment to page 10, we'll move on to page 11. We do have a replacement page, page 11, having to do with the regular antlered deer season.

MR. SCHLEIDEN: Madame President, on the replacement page, there is -- to be consistent with what we've done on the dates on the small game, I would like to offer an amendment to that page. Again, under deer, antlerless, bows and arrows, December 15 to December 23, scratch off December 20. And then down below, deer, antlerless, wildlife management units 2B, 5C and 5D, I offer the same amendment; change that date to December 23.

THE PRESIDENT: Commissioner Schleiden has an amendment. Is there a second to it?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. Is there any discussion about the
amendment?

(No response.)

THE PRESIDENT: The amendment is to change the date of deer, antlerless, in wildlife management units 2B, 5C and 5D from ending on December 20 to ending on December 23. And down where it says deer, antlerless, wildlife management units 2B, 5C and 5D, it would end on December 23 as opposed to December 20. Is there any discussion?

If not, all those in favor of the amendment signify by saying aye.

Those opposed, signify by saying no.

(Vote taken.)

MR. DELANEY: The amendment passes unanimously.

MR. HILL: I have a comment with regard to items 3 and 4 on page 11, specifically deer, regular antlered only, WMUs 2D, 2G, 3C and 4B, and the following entry, deer, regular antlered and antlerless, same WMUs. I propose for the period from December 1 through December 13, that regular antlered and antlerless seasons run concurrently.

THE PRESIDENT: Okay. Do we have a second?
MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. Is there a discussion about this amendment? Would you like to say, Mr. Hill, since you made the amendment --

MR. HILL: I would like to, with regard to the concurrent seasons we have now, we think that that is one of the -- I think, personally, one of the essential functions of our program, to manage deer herd size by allocation, not by days in the field. I think this is an important component of our program.

While I think the discussion regarding the study has been interesting, I think that, I understand our essential deer program better than I understand what has been proposed thus far regarding the study. So I'm -- my ears are wide open for the study. However, at this point, I would like to see us retain the concurrency component of our essential deer program. I think there are many options to work a study around concurrent seasons. That's my piece.

THE PRESIDENT: Thank you. Any other discussion?

MR. ISABELLA: Yes.
THE PRESIDENT: Commissioner Isabella.

MR. ISABELLA: I want to echo the comments of my colleague down at the far end. I just want to add further that the hunters in the southeastern region of the state have -- the majority of the hunters travel to camps in north central and northeast Pennsylvania. Hunting today is not like hunting 20, 30 years ago. People do not have the time to get off. Concurrency is very, very popular and this is why I intend to vote for this amendment. Thank you.

THE PRESIDENT: Thank you. Any other comments about the amendment?

MR. SCHLEIDEN: Madame President.

THE PRESIDENT: Yes.

COMMISSION SCHLEIDEN: I find myself in the very unique position, having debated with my esteemed colleagues and Attorney Boop on some of these issues, now I find myself with the other end of the table relative to this. I hope I can hold my own. As most of the board knows, the process of coming to the table with this agenda is a very complicated one, but it really follows the line of most private businesses and corporations whereas staff gets together, people are involved in the
certain area, they make a recommendation; staff
works with the recommendation; then it works its
way up through the system.

In this particular system, unlike a
lot of boards, this Board does have a final say. I
know that staff, senior staff, and the Executive
Director's office has looked at this more than just
a year and has talked about it -- and I, for one,
who are strongly supportive of concurrent,
Commissioner Hill, I'm strongly supportive of it --
however, from day one, when I got involved in this,
I said, you know, let's give this some time, we'll
stay with it and if we need to take a look at some
changes and do a study, I would not have a problem
with that if the timing was right. The timing
wasn't right last year and I'm not sure if it is
this year.

However, I look at this as a very
important ingredient that we can put into our
system and evaluate. And if nothing else, as I see
it, we keep the study going for a number of years
and give our people time to get it up and running,
and what it will probably do is solidify the
concurrent seasons as we have them.

So it's the sample study, as I see it,
it's mixed through a wide range -- our critics say we haven't looked at particular areas -- and for that reason, I will vote against the amendment.

MR. DELANEY: I'd like to comment.

THE PRESIDENT: Commissioner Delaney.

MR. DELANEY: Since I'm new to the Board, I try to learn from my fellow Commissioners and I think I have learned a lot. And some of these choices that we make are difficult choices, but when I looked and read and reread about our current deer management program, from what I read, that we should, from time to time, evaluate things and take a look at things. And when the agency asked to do a three-year study, I look at that as a three-year study and at the end of those three years, take the data the agency provides to us and then make a decision, is this working, the concurrent season.

I concur with Commissioner Schleiden. We'll get some good data back and our sportsmen and sportswomen may very well say, no, we want to keep this and we want to move forward, but I don't want to tie the agency's hand if they want another tool to manage our deer in Pennsylvania. Allow them to study it and we'll make some hard decisions three
years from now. Thank you, Madame President.

THE PRESIDENT: Anyone else? Mr. Schreffler.

MR. SCHREFFLER: I look at this as an evolution of the deer program, and as the changes happen on the ground out there, when we're trying to stabilize our deer herd, and the status of deer has changed, so we have to continually research this. This is in no way going to get rid of our goals for deer management and I see it as supporting them and giving them a little bit greater depth and breadth. I don't think anyone on the Commission wants to get rid of those goals in the deer management plan.

The goal is -- there is more than one way to come to the same goal and we have to look at all of those. We're sort of in a situation where a farmer can have all one crop and something happens; to make sure he has a crop, he diversifies; he always has another crop as insurance there that he can survive.

I also look at this and see we already had two studies on the ground in two of these areas, and actually in part from one of the other areas, and they needed to be fleshed out more --
they were somewhat limited -- and I thought that in
this case, I think that we should go forward. We
should go forward with those and compliment and
continue the science that we have in place at this
point.

The other thing that I have is in the
back of my mind, concerned with the hunters, and in
my mind, effective deer management needs a
sufficient number of hunters. We need active
numbers of hunters, we need enthusiastic hunters,
we need the hunters to have perception that there
are deer out there to hunt. We have to provide
opportunities for them because this is the essence,
the vital essence of our management program, and
this is what makes our deer program and a lot of
other wildlife management so effective and possible.

So those are some of the reasons that
I have to support this at this time. And I
mentioned it's only a study, and we'll study these
other options and come up with some effective
approaches that may provide us with tools and tool
boxes.

THE PRESIDENT: I would just like to
say I support Commissioner Hill's amendment. I
think having hunting opportunities is very
critical. That's why I'm supporting it. In 2004, responsive management did a study and a survey of hunters and why they quit hunting. One of the things they found was there's a lack of time to hunt as much as people would like to. So I think we should give people as much time as they would like to have. And also, in the words of one of my friends, he said that this flexibility allows a hunter to hunt when you want to and what you want to, so I think that's very telling.

Also, for the children, I know in most school districts where I live the first day of hunting season is a holiday; they go hunting. I think that's important to keep that concurrent season for that reason. Is there any other comments? If not, we have an amendment to, in effect, for wildlife management units 2B, 2G, 3C, 4B, to delete the portion that would have buck hunting for the first five days and have a concurrent season for the remainder of the season, and to make those units concurrent just like the rest of the state.

With that said, all in favor of the amendment, signify by saying aye.

Those opposed, say no.
MR. DELANEY:  Can we have a raise of hands here, it's a little bit easier.

THE PRESIDENT:  We are voting on the amendment to change 2B, 2G, 3C and 4B from the first five days of being buck only and the second week concurrent to having the whole season concurrent like the other wildlife units in the second item on page 11.  All those in favor of this amendment, raise your right hand.

All those opposed, raise your right hand.

(Vote taken.)

MR. DELANEY:  The vote tally is three votes for the amendment, Commissioners Hill, Palone and Isabella and four no votes. It appears the amendment fails.

THE PRESIDENT:  Thank you. Are there any other amendments to page 11? If not, we'll move on to page 12, bear season.

MR. DELANEY:  I have an amendment to offer.

THE PRESIDENT:  Mr. Delaney.

MR. DELANEY:  Pertaining to bear season, halfway down the page, there will be one amendment that I will offer and I guess it's kind
of a two-prong approach. Actually, the amendment will be to delete wildlife management unit 3D from the extended season and that was scheduled to run for 3D December 3rd through the 6th.

We want to delete that, after consultation with the wildlife management committee, and the Board of Commissioners, to support the deletion and removal of the extended seasons in wildlife management unit 3D, which takes in most of Pike and Monroe County, that's in northeastern Pennsylvania, and we felt that we received the desired results with bringing the bear in check.

THE PRESIDENT: I just didn't want to get into a long discussion yet.

MR. DELANEY: Okay. The motion will be to delete 3D and add wildlife management units 4C, 4D, 4E, December 3rd through the 6th.

THE PRESIDENT: Do we have a second to Commissioner Delaney's motion?

COMMISSIONER BOOP: Madame President, I will second Commissioner Delaney's motion, but I would note by point of order that 4C is already there. I don't think that has to be in the amendment, if Commissioner Delaney would accept
MR. DELANEY: I understand that. What I will do then is rewrite that and say we will remove 3D and we will add 4D and 4E.

COMMISSION BOOP: I'll second his amendment in that fashion.

THE PRESIDENT: Mr. Boop, second.

Commissioner Delaney, is there discussion on the amendment?

MR. DELANEY: No, thank you.

THE PRESIDENT: Any other discussion about the bear season? Mr. Boop.

COMMISSIONER BOOP: Yes, just briefly. We have -- and I think it's well-documented a large number of bear complaints, particular in 4D, the one management unit that was added, and to a lesser extent in 4E.

I know there have been extensive discussions with Mr. DuBrock and with the Wildlife Management Bureau and I know there's still some thought that we really believe, some of us as Commissioners, doing, in essence, what would be a carve-out, which is what we've done in the Williamsport area, which would be an even more appropriate approach than targeting the entire
management unit, but we know there's hesitancy to
do that.

I'm going to support this amendment
today and I've seconded it, but I would hope that
when we get to April, that we can continue to look,
because I don't think we want to target the bears
necessarily in the state forest areas of 4D and
4E. We're more concerned where they come down into
the suburban areas and we do think that a target or
carve-out approach would work better than in the
whole management unit. So I just ask that we do
continue to look at that till April.

THE PRESIDENT: Thank you. Any other
discussion?

MR. SCHLEIDEN: Madame President, I
concur with Commissioner Boop's comments, rather
than reiterate. I would like that for the record.

THE PRESIDENT: Thank you. Any other
discussion? We have an amendment on the floor on
page 12, bear, any age, the season is December 3rd
through December 6th. We are going to delete
wildlife management unit 3D and add wild management
units 4D and 4E. All those of favor of the
amendment, signify by saying aye.

(Signified aye.)
THE PRESIDENT: All those opposed, signify by saying no.
(No response.)
MR. DELANEY: The vote passed unanimously.
THE PRESIDENT: Thank you. Are there any other amendments to page 12 that anyone has?
(No response.)
THE PRESIDENT: Okay. We're going to page 13. Any amendments to page 13?
(No response.)
THE PRESIDENT: Okay. Page 14, as noted in the commentary, we added wildlife management unit 4D to the bobcat season. Are there any amendments to page 14?
MR. SCHLEIDEN: Madame President.
THE PRESIDENT: Commissioner Schleiden.
MR. SCHLEIDEN: We have a blue replacement page for 14 and the reason for that is there is one added footnote and it refers back to the deer season. It's footnote number 8. That amendment was made, failed, so we still have to vote on that. In that regard, if the season bag limit is passed as we have them now, then this
footnote will replace -- this is referring to the study -- it's item 8, it says, Season changes in wildlife management units 2B, 2G, 3C, 4B are for the purpose of a four-year study, which must be completed before additional units are modified.

So I make a motion we have added footnote number 8.

THE PRESIDENT: Thank you. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella.

We have an amendment to 14, footnote number 8, season changes of WMUs 2B, 2G, 3C and 4B for the purpose of a four-year study, which must be completed before additional units are modified.

All those in favor of the amendment --

COMMISSIONER BOOP: Excuse me. I want to offer a discussion at the appropriate time.

THE PRESIDENT: Okay.

COMMISSIONER BOOP: I guess just as a point of order, on this amendment by Commissioner Schleiden, I believe that the Wildlife Management Committee and the recommendation of the senior staff was a three-to four-year study. This notation says four, but more importantly, I would
just like to note that I don't think legally this Board has the ability to bind future boards to change based on changing circumstances.

Obviously, if we would have an outbreak of disease or something else would occur, future boards would have to be able to have the ability to make changes based on changing circumstances. So I understand the purpose of what is being offered, but I just would like to note for purposes of the record, I don't believe this commission of it would be legally binding on future boards.

MR. SCHLEIDEN: Madame President.

Again, I find myself agreeing with counsel. I believe that, Mr. Boop, the Board adds footnote 8, the board can also remove footnote 8 in the future if necessary. It's basically a statement of the intent and the study. That's how I read it, that's how I offered it. That's my intent. I feel that we change things at every meeting, so that can be changed. Thank you.

THE PRESIDENT: Any other discussion?

MR. HILL: I would like to address Mr. Boop's comment. We're perfectly entitled to make a statement on our present intent. Should
history not record this adequately, the intent of
this is to record a study and I've seen enough in
the press, in my short two and a half years, that
notes the history is not long remembered in some of
these important items.

So the focus of this and the focus of
my concern and my amendment was the study. I think
we are perfectly entitled to that and we're not
attempting to bind anyone legally. We are trying
to do, just memorialize what we have. That's all I
have to say.

THE PRESIDENT: Any other comments
about the amendment? If not, I will ask those in
favor of the amendment, signify by saying aye.
(Signified aye.)

THE PRESIDENT: Those opposed, say no.
COMMISSIONER BOOP: No.
MR. DELANEY: Madame President, it
appears it's not unanimous. Can I see everyone's
hand on this vote, please.
THE PRESIDENT: Those in favor of the
amendment raise your right hand.
Those opposed, same sign.
(Vote taken.)
MR. DELANEY: You were a no vote?
THE PRESIDENT: I'm a no vote.

MR. DELANEY: Five yes, two no votes, Commissioners Palone and Boop. The amendment passes.

THE PRESIDENT: Thank you. Now, we have went through all the season bag limits and made our amendments to all the pages, and I will need a motion to approve the season and bag limits as amended.

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Second?

MR. SCHREFFLER: Second.

THE PRESIDENT: Mr. Schreffler. Is there any discussion on approving the season and bag limits as amended? If not, all those in favor of the seasons and bag limits, signify by saying aye.

All those opposed, no.

(Vote taken.)

MR. DELANEY: Madame President, unanimous vote on the amendment to approve our seasons and bag limits.

THE PRESIDENT: Thank you. We have some other wildlife management things we need to take care of. We were on page 14.
MR. BECHTEL: We are on page 15 of the agenda, 58 Pa. Code Section 139.17. A uniform system of wildlife management units or WMUs was implemented in 2003 to replace the system of multiple, species-specific management units.

The primary objective of this new management unit system was to simplify regulations and develop and implement management decisions on a system of more homogenous units based on physiography, land cover and use, human population density, and land ownership. Boundaries were defined using recognizable physical landscape features.

At the time of the approval of new units, it was agreed to evaluate the use of the units after five years. The 2007-2008 season will mark the fifth year. Input on possible changes to WMUs was solicited from Game Commission headquarters and region staff. Wildlife population and harvest data also was analyzed. Recommended changes were relatively few.

The following WMU map revisions are proposed: 1) The boundary between 2C and 2E near Ebensburg was not clear on the state highway map or on the ground and needed correction; 2) New highway
construction around Lewistown has changed the
location of the U.S. Traffic Route 22, the boundary
between 4B and 4D, requiring a map correction; 3)
The boundary between 3B and 3C between Towanda and
Tunkhannock is U.S. Traffic Route 6, which closely
follows the Susquehanna River. Using the river as
the boundary will reduce hunter access problems and
property split problems and better-align WMU and
township boundaries; 4) Due to continuing increases
in human population in southeast Pennsylvania, it
is desirable to expand 5C around Reading and
Allentown, affecting boundaries with 5B, 4C and
3D.

The outline map that follows on page
16 of the agenda includes the noted boundary
adjustments to the existing system of 22 WMUs.
These proposed changes to WMU boundaries will have
minimal impact on wildlife databases.

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

THE PRESIDENT: Thank you, Brad. On
page 16 is a map of the proposed new wildlife
management unit boundaries. Is there a motion to
accept?

MR. SCHREFFLER: So moved.
THE PRESIDENT: Mr. Schreffler. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: We have a motion to modify the wildlife management unit boundary. Is there any discussion about it? Mr. Boop.

COMMISSIONER BOOP: I was looking forward to the five-year review and we have that matter before us now and I think that the changes that are indicated in this proposed agenda item are appropriate. I am, however, somewhat disappointed that we could not take further steps to reduce the size of some of the management units. I think even the experts who looked at our program from out of state have indicated that one of the concerns is the size of the management units.

So I'm not going to oppose the agenda item, but I would hope that as we go forward and resources would allow, that we could continue to look at reducing the size of some of these management units that span 11 more counties. I just think it's difficult to manage on the ground that large a mass. That's my comment.

THE PRESIDENT: Thank you. Any other discussion? I would just ask Cal to address that.
I know that you've addressed it before about making the management units smaller, and why don't we do that right now.

MR. DuBROCK: I think it's clearly understood by most of the Board, certainly by all of the Board, actually, but the management units are quite large, and to function the amount of data that we have for making decisions, I concur with Commission Boop's comments. We are constantly looking at opportunities to reduce the size of management units and we will continue to do so.

THE PRESIDENT: Any other discussion? If not, all those in favor of modifying the boundaries of the wildlife management units on page 16, signify by saying aye.

(Signified aye.)

THE PRESIDENT: Those opposed, say no.

(No response.)

MR. DELANEY: Unanimous vote, Madame President.

THE PRESIDENT: Thank you, Commissioner Delaney. Page 17.

MR. BECHTEL: The next item on the agenda is to amend 58 Pa. Code 139.2, 141.1 and 141.41. The Game and Wildlife Code (Title 34)
directs the Commission to promulgate such regulations as it deems necessary and appropriate to protect, preserve and manage wildlife, including permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth. The designation of special regulations areas is based on this authority and includes our most developed areas in the Commonwealth, which have been historically defined by county.

With the advent of wildlife management unit based seasons and bag limits, the retention of county-based special regulation areas has added considerable confusion among hunters and the public. To remedy this problem, and at the same time facilitate implementation of other agency objectives, we are proposing that special regulations areas be redefined wildlife management units. The text of these changes are found on pages 17 through 19.

The Executive Director and staff recommend the Commission approve these changes.
THE PRESIDENT: Thank you. Do I hear a motion?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second to the motion?

MR. DELANEY: I'll second that motion.

THE PRESIDENT: Is there a discussion?

MR. ISABELLA: Madame President, I would like to offer an amendment to table this proposal.

THE PRESIDENT: Okay. We have an amendment to table the agenda item. Is there a second?

MR. DELANEY: I'll second that motion.

THE PRESIDENT: Is there a discussion?

(No response.)

THE PRESIDENT: With no discussion, I would ask for a vote to table the amendment to table the items for seasons and bag limits on page 17 through 19. All those in favor, say aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

MR. SCHREFFLER: No.

MR. DELANEY: Madame President, the
vote is six yes, one no vote. The amendment to table passes.

THE PRESIDENT: So items on pages 17 through 19 will be tabled. Page 20.

MR. BECHTEL: Page 20. The next item on the agenda is found on page 20, vote to amend 58 Pa. Code Sections 141.48, 143.203 and 143.206 and 143.207.

The Commission recently redesigned all the elk management areas/units found within the Commonwealth's north central region as elk hunt zones. This redesignation is reflected in the Commission's elk management plan as well as in the Hunting and Trapping Digest; however, this change is not properly reflected in current regulations. Therefore, in an effort to correct this lack of consistency, the Commission is proposing to amend Sections 141.48 and 143.203 and 143.206 and 143.207 by redesigning elk management areas/units as elk hunt zones. The text of this amendment is found on pages 20 and 21 of your agenda.

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

THE PRESIDENT: Thank you, Brad. Is there a motion?
MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. SCHREFFLER: Second.

THE PRESIDENT: Second, Commissioner Schreffler. Is there a discussion on this agenda?

(No response.)

THE PRESIDENT: No discussion.

There's a motion on the floor to accept the changes that are on pages 20 and 21 of our agenda. All those in favor, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: The agenda item passes unanimously.

THE PRESIDENT: Page 22.

MR. BECHTEL: The next item on the agenda is to amend 58 Pa. Code Section 147.701. Several changes in bobcat regulations are being proposed. Bobcat-taking permits were authorized in 2000 after 30 years of protection and 15 years of intensive research. Initially, harvest opportunities were quite limited by geographic area
and restricted to resident furtakers. As the season has expanded in scope and permits now exceed 1,000 annually, nonresident furtakers have increasingly expressed an interest in applying for the bobcat permit drawing. Nonresidents currently are afforded the opportunity to be permitted as bobcat guides only. Nonresident furtakers make up less than one percent of licensed furtakers in Pennsylvania and pay four times the resident price for their license. This proposed rule making would permit nonresident furtakers to submit an application for the bobcat permit drawing beginning in 2008 and to receive a permit if drawn.

Beginning in 2003, the Commission began awarding preference points to individuals who apply for and do not receive a bobcat harvest during a given year. This preference point system was designed to incrementally increase the profitability of receiving a permit each year that an applicant is unsuccessful. Bobcat permits are awarded using a random computer drawing from an applicant database, which is maintained by the Bureau of Automated Technology Services. The number of preference points is
applied to the applicant's name prior to the
drawing. Under this system, the odds of being
selected increase significantly as points are
accrued, but new applicants always have a chance of
being selected. Applicants who are selected and
receive a permit are prohibited from applying the
following year and their preference points are set
back to zero.

Because the selection process is
random, it is possible that, under the current
system, a person can maintain maximum preference
points and never be selected to receive a permit.
It is also possible -- and this has occurred
numerous times -- that applicants may be selected
to receive a permit multiple times throughout the
years while some applicants are never drawn. Some
bobcat permit applicants see these situations as
inequitable.

We believe that the selection process
can be modified to provide guaranteed permits to
applicants with maximum preference points, but due
to random events, fail to receive a permit. Models
based on past trends in the applicant database
suggest that we can provide this benefit without
negating the chance of a new applicant receiving a
permit or significantly reducing the odds of applicants with lesser preference-point status.

The designation of a maximum preference of six or seven points would result in 100 to 350 permits guaranteed during a given year with the remaining permits allocated by random drawing. This proposed rule making would implement this permit selection process change beginning with the 2008 bobcat season.

Finally, changes are proposed to update the regulations to reflect the current operational tagging procedures used in the bobcat management program. These changes are found on pages 23 through 24 of the agenda.

The Executive Director and staff recommend the Commission approve these changes.

THE PRESIDENT: Thank you, Brad. We have a proposal to modify the bobcat hunting season and tagging procedure. Do I hear a motion?

MR. SCHLEIDEN: Motion.

THE PRESIDENT: Commissioner Schleiden.

MR. ISABELLA: Second.

THE PRESIDENT: Second, Commissioner
Isabella. Is there any discussion of the proposal?

(No response.)

THE PRESIDENT: All those in favor of the motion, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: Unanimous.

THE PRESIDENT: Thank you. The last thing for the Bureau of Wildlife Management, we want to set these licenses for the upcoming elk season and I think we have a handout about that.

MR. DuBROCK: What has been distributed is a recommendation for the November 2008 elk season, the number of licenses for that. We're recommending, as biologist John DeBerti mentioned yesterday, 40 licenses for the November 2008 season, 15 antlered, 25 antlerless. This is very similar to what had been allocated in 2007, actually, the same number. There's a slight redistribution, I would point out, contrast with 2007.

In 2007, I believe there were two
antlered and 2 antlerless in unit 4, and given low
hunter success there and also a much smaller elk
population in that particular unit, we
redistributed one antlered and one antlerless
license to elk hunt zone 7 and 8, but maintain two
tags in unit 4, resulting in the same total of
number of licenses. So that is what is being
proposed for the November 2008 year.

THE PRESIDENT: Thank you. Is there a
motion to approve the recommended elk licenses?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

COMMISSION SCHREFFLER: Second.

THE PRESIDENT: Commissioner Schreffler. Is there any discussion about the
motion?

COMMISSIONER BOOP: Madame President.

THE PRESIDENT: Yes, Commissioner Boop.

COMMISSIONER BOOP: We had discussed
this, and I realize in light of the realignment of
some of the zones that the merit in this proposed
number for this year, with the expanding range of
the elk and the expanding herd, I would hope that
the setting of these new zones, that we could look for increased hunter opportunities in the next year in the hope that we could seriously look at expanding the number of permits in the next license year. Thank you.

THE PRESIDENT: Any other discussion?

MR. SCHLEIDEN: In light of Commissioner Boop's comments, during the briefing yesterday, I noticed that the herd went from about 600 to 700, was 600, an estimate of 650 to 700, and I agree, I think that with the zones being spread out and the hunter interest being there, I would like to offer an amendment -- a very minimum amendment, I might add -- to add five more licenses to the total; the sex and zones to be determined by the Executive Director himself.

That is my amendment. That would be five more. That's less than a ten-percent increase.

THE PRESIDENT: Do we have a second to Mr. Schleiden's amendment?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. We have an amendment on the floor to add five more licenses to the 2008 November elk hunt, and the sex
and zones for these licenses would be determined by the Executive Director and the staff. Is there any discussion about this amendment?

(No response.)

THE PRESIDENT: Okay. All those in favor of the amendment, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed to the amendment?

(No response.)

MR. DELANEY: Unanimous vote, Madame President.

THE PRESIDENT: Thank you. Now, back to the original November elk licenses. I would like to have a motion to --

MR. SCHLEIDEN: You have a motion.

THE PRESIDENT: I would like to have a vote on the recommended elk licenses as amended. There will be a total of 45 elk licenses. All those in favor, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: Amendment passes
unanimously.

THE PRESIDENT: Thank you,

Commissioner Delaney. Thank you Cal for all your help and input this week. You've been great.

We are going to have a break for about 15 minutes and then we will resume at 10:20.

(Recess at 10:07 a.m.)

(Reconvened at 10:24 a.m.)

THE PRESIDENT: I would like to reconvene the meeting. We are going to switch gears here and hear from the Bureau of Wildlife Protection. Rich Palmer is our bureau director; he'll be coming up to the podium.

We are on page 25 of the agenda.

MR. BECHTEL: The following items relate to Adopted Rule Making, adoptions of proposed amendments to Section 141.20. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 2, 2007 meeting, proposed the following change:

Amend Section 141.20, relating to protected material, required to eliminate the protected material requirement for the spring turkey season.

The text of this is found on page 26 of your agenda.
The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit A.

THE PRESIDENT: Thank you, Brad.

Is there a motion for the protected material fluorescent orange?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella.

Is there a second?

MR. HILL: Second.

THE PRESIDENT: Second. Is there any discussion of the proposal?

MR. ISABELLA: Yes.

THE PRESIDENT: Commissioner Isabella.

MR. ISABELLA: Again, all this proposal really means is -- I'm sorry, final adoption -- if you want to wear orange during the season, you can go ahead and wear it. This doesn't mean you don't have to wear it. If you feel safe, if you want to feel safe, you bring an orange hat with you. I've got to be honest with you. I've hunted on Game Land 326 and I intend to have an orange hat with me just in case. It's not saying you can't wear orange. If you want to, it's voluntary.
Mr. Schreffler.

MR. SCHREFFLER: I would just like to say that I heard from some of our hunters concerned about this particular proposal. I myself have reservations about this proposal and the safety implications. To me, the loss of just one life because of the change would be too many, but the facts and the record that were presented to me by staff and others that I have researched make for a difficult decision for me and I don't really see that fluorescent orange is making a great deal of difference here.

I would like to mention, if this is passed, I would ask the agency staff to closely monitor the safety implications and that the Pennsylvania Turkey Federation increase its efforts for hunter safety and if our hunter incidents increase, I'm sure that the Board of Commissioners will revisit this item. And so with that, I conclude.

THE PRESIDENT: Thank you, Mr. Schreffler. Any other discussion of the proposal?

MR. HILL: I would like to make a brief comment.
THE PRESIDENT: Commissioner Hill.

MR. HILL: With all of our regulations as to hunter safety, the person most often best able to keep a hunter safe is the hunter himself and to avoid an injury. We have faith in hunters in a number of areas. Just be sure of your target and I think the data well supports this decision. I'm comfortable with it. I have faith in the hunters. We have a 15-year record of hunter safety. The initiation of the orange supports this. I'm happy to vote for it.

THE PRESIDENT: Any other discussion?

Mr. Boop.

COMMISSIONER BOOP: I echo what Commissioner Hill said. My comments exactly.

THE PRESIDENT: Anyone else?

(No response.)

THE PRESIDENT: Without further discussion then, we'll vote on the final adoption on pages 26 and 27 regarding the use of fluorescent orange during the spring turkey season. All those in favor signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.
MR. DELANEY: Unanimous, Madame President.


MR. BECHTEL: The next item actually appears on page 27, Adoption of Proposed Amendments. The exhibit is on page 28 and it shows that to effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 2, 2007 meeting, proposed the following change: Amend Section 143.12, relating to hunter education training, to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit B on page 28.

THE PRESIDENT: Do I hear a motion?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. SCHREFFLER: Second.

THE PRESIDENT: Is there any discussion?

(No response.)
THE PRESIDENT: We have a motion to approve Exhibit B on page 28 relating to hunter education training. All those in favor, signify by saying aye.

(Signified aye.)

THE PRESIDENT: Those opposed, no.

(No response.)

MR. DELANEY: Motion passed unanimously.


MR. BECHTEL: The next item concerns adoption of proposed amendments to Chapter 147, Subchapter V, Sections 147.761 to 147.765. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 2, 2007 meeting, proposed the following change: Amend Chapter 147 by adding Subchapter V, relating to agricultural damage depredation permit, to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit C, which is pages 30.
through 32 of your agenda.

THE PRESIDENT: Thank you, Brad. Do I hear a motion?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Second?

MR. SCHLEIDEN: Second.

THE PRESIDENT: Is there any discussion about the damage depredation permit?

(No response.)

THE PRESIDENT: Hearing none, all in favor of the motion, signify by saying aye.

(Signified aye.)

THE PRESIDENT: Those opposed, no.

(No response.)

MR. DELANEY: Seven yeses; unanimous, Madame President.

THE PRESIDENT: Thank you. Our next item is on page 33.

MR. BECHTEL: This item concerns the adoption of proposed amendments to Section 140.4 and Chapter 147 by adding Subchapter W, Sections 147.781 and 147.785. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 2, 2007 meeting,
proposed the following change: Amend Section 141.4, relating to hunting hours, and add Subchapter W, Sections 147.781 through 147.785 to Chapter 147 relating to snow goose conservation hunt permit, to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit D on pages 34 and 35 of your agenda.

THE PRESIDENT: Thank you. Do I hear a motion --

MR. ISABELLA: Motion.

THE PRESIDENT: Do I hear a motion for the snow goose conservation permit?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. SCHREFFLER: Second.

THE PRESIDENT: Mr. Schreffler. Is there any discussion regarding the snow goose conservation hunt?

MR. PALMER: I believe there was going to be a floor amendment.
THE PRESIDENT: We have an amendment to the goose hunt permit. We have a replacement for page 35. I would ask Rich Palmer to discuss this amendment with us.

MR. PALMER: What the amendment does, it specifies within the snow goose conservation season -- and again I think I should clarify for everyone, both the board and the public -- that this regulation is going to be based upon the passage of the federal rule.

The record of the decision and the final rule has to be published in the federal register prior to authorizing Pennsylvania to adopt this season. That was originally planned for sometime in February. The latest information that we have is that the rule-making process is held up within the Department of Interior and the solicitor's office.

However, in order for us to be able to implement the season, what we need to do is have this regulation in place now. What it does is, under 147.781, it authorizes the Executive Director to specify the time period when this hunt can take place, which will be within the federal guidelines once the rule is published. The amendment is
1 simply under 147.783 and it's really a
2 clarification language to say that, again, under
3 this season, there's a number of allowances that we
4 are anticipating the federal rule to allow.
5 One of them that we wanted to make
6 clear that we would allow is the extension of
7 shooting hours under 140.14. We changed the
8 language in C to make sure we clarified which of
9 those extra allowances we're anticipating the
10 federal rules to authorize, that we wanted to
11 authorize within this regulation.
12 THE PRESIDENT: Thank you. Do I hear
13 a motion to accept this amendment?
14 MR. SCHREFFLER: Motion.
15 MR. ISABELLA: Motion.
16 THE PRESIDENT: Commissioner
17 Schreffler; seconded by Commissioner Isabella. Any
18 discussion by the Commissioners of this amendment?
19 MR. SCHLEIDEN: Madame President.
20 THE PRESIDENT: Commissioner
21 Schleiden.
22 MR. SCHLEIDEN: I think it's very
23 important that we emphasize to the public and the
24 hunters the fact that we are passing this, but it's
25 subject to federal, and maybe in the press release,
but the emphasis here, talking with the Executive Director, the fact that we can control that even if they see this, I want to do it because they have to call here for a permit; is that correct?

MR. PALMER: That is correct.

MR. SCHLEIDEN: They don't necessarily call the region, they call -- or do they call the region?

MR. PALMER: I believe the way we're going to have this set up is done directly through Harrisburg.

MR. SCHLEIDEN: There wouldn't be any chance of somebody getting in trouble before the feds pass it?

MR. PALMER: No, the federal rule has to pass first before we have the state authorization to do it; besides the fact we thought it was prudent to have it in place this year, the regulation, as is written and amended, would still be in place for the following year. If this does happen for next season, then we'll already be ready to go.

MR. SCHLEIDEN: Thank you.

THE PRESIDENT: Thank you, Rich. Any further discussion of the amendment?
THE PRESIDENT: Okay. We have an amendment on page 35 Section 147.783 part C. All those of favor of the amendment, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: The amendment passes unanimously, Madame President.

THE PRESIDENT: Thank you. Now, I would ask that we would approve the snow goose conservation hunt as amended. Is there a motion for that?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Second?

MR. SCHREFFLER: Second.

THE PRESIDENT: All those in favor of the final adoption of the snow goose conservation hunt, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, signify by saying no.
MR. DELANEY: The ayes support seven yes votes, unanimous.

THE PRESIDENT: Thank you, Mr. Delaney. Now to page 36.

MR. BECHTEL: On page 36 of your agenda appears the adoption of proposed amendments to Section 143.52. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 2, 2007 meeting, proposed the following change: Amend Section 143.52, relating to the procedure for unlimited antlerless licenses, to change the over-the-counter sales date from the third Monday in September to the second Monday in September in order to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in wildlife management units 2B, 5C and 5D.

The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit E on page 37 of your agenda.

THE PRESIDENT: Thank you, Brad. Do I hear a motion for final adoption?
MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner Schleiden. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. Is there any discussion of the proposal?

(No response.)

THE PRESIDENT: All those in favor, signify by saying aye.

(Signified aye.)

MR. DELANEY: Unanimous, Madame President.

THE PRESIDENT: Thank you. Now we will go to Proposed Rule Making. These are the items on the agenda that are brought up for the first time, page 38.

MR. BECHTEL: On page 38 of your agenda appears a proposal to amend 58 Pa. Code Section 141.45. On June 30 of 2007, Governor Rendell signed into law Senate Bill 580, Act 18 of 2007. This legislation effectively amended Section 2383 of the Code to create an exception to prohibition against the use of dogs to hunt big game by specifically permitting the use of a dog to
pursue, chase, scatter and track wild turkeys
during fall wild turkey season.

With the passage of this legislation, 58 Pa. Code Section 143.45, relating to turkey, must be amended in order to maintain consistency with the recently-amended statute. Therefore, the Commission is proposing to amend Section 141.45 to remove the regulatory prohibition against the use of dogs while hunting wild turkey. The amendment appears below, the text of the commentary, on page 38.

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

THE PRESIDENT: Thank you, Brad. Do I hear a motion for this change?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. SCHLEIDEN: Second.

THE PRESIDENT: Commissioner Schleiden. Any discussion about this proposal?

(No response.)

THE PRESIDENT: All those in favor of the proposal, signify by saying aye.

(Signified aye.)
THE PRESIDENT: Those opposed, say no.

(No response.)

MR. DELANEY: Unanimous, Madame President.

THE PRESIDENT: Thank you. Now we will go on to page 39. I want to, for those in the audience, this is proposed rule making, we have a replacement page 40, but we do not have to do any amendments since this is just a proposal, but page 40 is different from the original. Brad.

MR. BECHTEL: This is a proposal to amend 58 Pa. Code Section 137.1. Currently, Section 137.1 requires a person importing lawfully acquired wildlife or parts thereof for a menagerie, educational or scientific purposes to obtain an importation permit, but does not require an importation permit for exotic wildlife dealer or exotic wildlife possession permit holders.

In an effort to create consistency in the regulations and increase the Commission's capabilities to address wildlife epidemiological concerns, the Commission is proposing to amend Section 137.1, relating to importation, sale and release of certain wildlife, to specifically require propagation, exotic wildlife dealer and
exotic wildlife possession permit holders to
acquire an importation permit prior to importing
any wildlife into this Commonwealth.

The Commission is also proposing to
amend Section 137.1, to prohibit the importation,
possession, sale and release of all nonhuman
primates and the Conure-Nanday, sometimes referred
to as the Black-hooded Parakeet, in response to
human health/safety and wildlife habitat health
purposes. The actual text appears on page 39 and
40.

The Executive Director and staff
recommend the Commission approve these changes.

THE PRESIDENT: Thank you, Brad. Do I
hear a motion for this proposal?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner
Isabella. Is there a second?

MR. HILL: Second.

THE PRESIDENT: Second, Commissioner
Hill. I'm going to ask for discussion, but during
this time, also, I'm going to ask Rich Palmer to
explain our replacement page 40.

MR. PALMER: The replacement page
essentially changes item 137.1(a)(9) and it removes
the Conure-Nanday specific language from the
restriction.

THE PRESIDENT: Thank you. Is there
any discussion by the Commissioners? Commissioner
Isabella.

MR. ISABELLA: Madame President, after
hearing all the testimony about Conure-Nandays, I
think I want to go out and buy one.

THE PRESIDENT: I also hear they come
in different colors. Anyone else?

MR. DELANEY: Yes.

THE PRESIDENT: Commissioner Delaney.

MR. DELANEY: I want to commend the
group that had a concern about that type of a bird
and I think you came here and you presented your
case to us well and adequately with respect to the
board. I think that that allowed me to better make
my decision, so I thank you for that.

THE PRESIDENT: Anyone else would like
to comment? Commissioner Hill.

MR. HILL: I think the outpouring of
support for that bird reminds me of the support we
have for our hunting dogs. I think you understand
how much we love our dogs and I highly recommend
that you put the picture of that rascal riding on
the back of your cat on YouTube. When I heard
that, I thought this is a special animal. Thank
you for your comments.

THE PRESIDENT: Anyone else?
(No response.)

THE PRESIDENT: If not, all those in
favor of the proposal signify by saying aye.
(Signified aye.)

THE PRESIDENT: All those opposed, say
no.
(No response.)

MR. DELANEY: Madame President, the
vote is unanimous.

THE PRESIDENT: Thank you. Page 41.

MR. BECHTEL: On page 41 of your
agenda appears a proposal to amend 58 Pa. Codes
Chapter 143, Subchapter A, B, C, D, E and J and
Chapter 147, Subchapter R. The Commission has been
working in joint partnership with the Pennsylvania
Fish and Boat Commission to create and implement
the Commonwealth's first point-of-sale licensing
system.

The Commission and the Pennsylvania
Fish and Boat Commission intend to replace their
own individual paper-based licensing systems with
the common computer-based automated licensing system.

Implementing this computerized point-of-sale licensing system within this Commonwealth will significantly streamline the application and purchase process for customers, virtually eliminate manual auditing and reporting for agents, and provide tremendous new electronic functionality to assist the Commission and the PFBC support staff in monitoring license administration.

In addition, the data from the point-of-sale licensing system will enable the Commission and the Pennsylvania Fish and Boat Commission to monitor license sales, create strategic business plans based on trend analysis, and most importantly, create marketing plans based on more accurate customer demographics.

However, despite all the enormous progress achieved so far, the Commission staff have identified the following various provisions that must be amended to accommodate the point-of-sale licensing system prior to it becoming operational. Those changes are shown on your agenda on pages 41 through 52.

The Executive Director and staff
recommend the Commission approve these changes.

THE PRESIDENT: Thank you, Brad. Do I hear a motion for this proposal?

COMMISSIONER BOOP: So moved.

MR. SCHREFFLER: Motion.

THE PRESIDENT: Commissioner Boop, and second, Commissioner Schreffler. Is there any discussion about the proposal?

(No response.)

THE PRESIDENT: All those in favor of the proposal, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: The proposal passes unanimously.


MR. BECHTEL: Page 53 appears Hunting License Revocations. The Commission, under the authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person to secure a license or to hunt and furtake anywhere in the Commonwealth with or
without a license.

If said licensee or person has been convicted or signed an acknowledgement of violating any provision of the Game and Wildlife Code, the Commission may revoke such licenses for a period of not to exceed three years for the first offense; for a second or a subsequent offense, for such period of time as the Commissioner shall determine.

First, persons denied the right to hunt or furtake in the Commonwealth through this action are notified by certified mail that the revocation will commence July 1, 2008, and continue for such period of time as set forth following the individual's name. The symbol RA means the revocation was added to an existing revocation.

Second, in accordance with the Administrative Agency Law of April 28, 1978, the person placed on revocation has the opportunity for an Administrative Hearing concerning the hunting license revocation. If an Administrative Hearing is requested, a petition for review must be filed at the Commission headquarters within 30 days from the date of notice.

Unless deemed in the best interest of the Commission by the Director or designee,
hearings shall be conducted at the central office. Hearings will be conducted in accordance with the General Rules of Administrative Practice and Procedure. The hearing itself will be conducted in accordance with Chapter 35 of the Rules and Chapter 145 of the Pa. Code.

The Executive Director and the Wildlife Protection Director recommend that the Commissioner revoke the hunting and furtaking privileges of the person's name by the Bureau of Wildlife Protection. Such revocations shall become effective July 1, 2008, and shall continue for such period of time and under the conditions set forth following each individual's name.

THE PRESIDENT: Thank you, Brad. We do have a list of individual names. I would ask for a motion to accept these revocations.

MR. ISABELLA: Motion.

THE PRESIDENT: Thank you. Second?

MR. HILL: Second.

THE PRESIDENT: Commissioner Hill.

Any discussion?

(No response.)

THE PRESIDENT: All those in favor of these proposal, signify by saying aye.
(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: The motion passes unanimously, Madame President.

THE PRESIDENT: Thank you.

That concludes our part of the agenda for the Bureau of Wildlife Protection.

MR. PALMER: I believe we have to review item number 2, which was the page handed out.

EXECUTIVE DIRECTOR ROE: I thought it was included in the overall revocation package.

MR. PALMER: I think we have individual commentary on each one because some remain the same, some were reduced, and some were overturned.

THE PRESIDENT: Thank you, Director Palmer. We have a supplement concerning Administrative Hearings. There's four parts, A, B, C and D, so should we vote on those all at once or each one separately?

EXECUTIVE DIRECTOR ROE: I think you can vote on them all at once.
MR. PALMER: That's fine.

MR. SCHLEIDEN: Do you need a motion?

THE PRESIDENT: Yes.

MR. SCHLEIDEN: Madame President, I make a motion that we pass the items on the blue sheet in reference to the commentary and recommendation by the staff on items A, B and C by the Executive Director. Each page names individuals and either reduces sentences, or supports the original, and rescinds one. So that's my motion, to accept all three, A, B and C, as presented.

THE PRESIDENT: Thank you, Commissioner Schleiden. Is there a second?

MR. HILL: Second.

THE PRESIDENT: Commissioner Hill. We have a motion to accept the findings of these Administrative Hearings. All those in favor of the recommendation, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, signify by saying no.

(No response.)

MR. DELANEY: Madame President, it's unanimous on the blue supplement, the vote.
THE PRESIDENT: Thank you. Thank you, Director Palmer. I apologize for trying to get rid of you too fast.

MR. PALMER: Thank you.

THE PRESIDENT: The next part of the agenda deals with the Bureau of Wildlife Habitat Management and we have Director Capouillez here at the podium. We're beginning on page 54.

MR. BECHTEL: The first items relate to acquisition. There are three options recommended for acquisition. Option No. 50054 is one-half acre more or less of land in North Franklin Township, Washington County, shown on Exhibit RED 1 on page 56 of your agenda. This tract is the Mount Wheeler tower site used in conjunction with the Commission's radio system.

The option price is $1 lump sum. Verizon is selling this site for $1 as part of a package wherein the Commission is agreeing to release Verizon from its obligations to remove towers and reclaim and revegetate three other tower sites on State Game Lands No. 38, 91 and 170.

These other three radio towers will also be used in conjunction with the Commission's radio system.
Option No. 50013 is 4,968 more or less acres of land in Horton Township, Elk County, adjoining State Game Lands No. 44. This is shown on Exhibit RED 2 on page 57 of your agenda. The option price is $400 per acre to be paid from funds previously escrowed by Penn State University as part of the obligation to acquire replacement lands in conjunction with the State Game Lands No. 176, Compartment 5 land exchange.

The option accepts and reserves all timber, excluding conifers, 12 inches diameter at breast height or greater for a period of ten years from the date of settlement. This tract adjoins the eastern boundary of State Game Land No. 44 for nearly one mile and shares an existing gated road. It will provide improved hunter access to remote portions of existing State Game Land No. 44 as well as open up thousands of acres previously posted no trespassing.

Most of the property has been logged or surface-mined with large herbaceous openings created during reclamation that are interspersed with early successional stages of seedling, sapling, forest growth comprised of mixed oak and northern hardwoods. Deer, bear, turkey, grouse,
rabbits, woodcock, foxes, coyotes and bobcats are present on the tract.

Numerous grassland bird species such as grasshopper sparrows, bobolinks and meadowlarks utilize the openings in the summer months. Ringneck pheasants from local stockings also take advantage of the established herbaceous areas. The North Central region envisions portions of this tract will be used in the future for releasing pheasants and will provide excellent areas for youth pheasant hunting opportunities.

The third option, No. 50045, is 1,555.6 more or less acres of land in Horton Township, Elk County, near State Game Land 44 shown on Exhibit RED 3 on page 58 of your agenda.

The option price is $400 per acre. Settlement on the real property shall occur only if the settlement simultaneously includes the sale and payment for timber growing on the property in the amount of $1,322,260. The purchase price for the land and the timber is to be paid from funds previously escrowed by Penn State University as part of the obligation to acquire replacement lands in conjunction with the State Game Land No. 176, Compartment 5 land exchange.
Approximately, half of the property is woodlands comprised of mixed oak and northern hardwoods. The other half has been surface-mined and reclaimed over the last 20 years with grasses, black locust and conifers. These extensive grasslands will add important small game habitat to State Game Land No. 44 that is predominantly forested. The stream bottoms contain areas that have not been timbered or mined and have stands of hemlock, white pine and hardwoods.

The Elk County chapter of Pheasants Forever has been involved in some large pheasant habitat recovery projects near this property and future management directed toward small game management would greatly compliment their efforts. Access to the property is enhanced from Brandy Camp Road, Township Road 2002, and from old logging and mining roads.

The Executive Director and staff recommend the options listed above be accepted and the Commission authorize the Bureau of Wildlife and Habitat Management to proceed with the acquisition of these tracts.

THE PRESIDENT: Thank you, Brad. Is there a motion for these acquisitions?
MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner Isabella. Is there a second?

MR. HILL: Second.

THE PRESIDENT: Second, Commissioner Hill. Is there any discussion?

MR. DELANEY: Yes. Comment, I guess, just on this acquisition. We heard from small game hunters that we don't hear of too often, and as an avid pheasant hunter myself, I think this is just huge for small game hunting in Pennsylvania. Not only has Pheasants Forever taken the lead for starts in habitat work, I think the Game Commission recognizes how important this is because it is excellent small game habitat.

THE PRESIDENT: Thank you. Any other discussion? Mr. Capouillez, do you have anything to add?

MR. CAPOUILLEZ: Yes, ma'am. I would be amiss if I wouldn't recognize Denny Dusza on this. You look at this particular acquisition and the complexity that's gone on here -- we initially got the Penn State monies back in 2003, and for four years we've been working on different tracts of land we were trying to acquire to replace small
game habitat.

I know Denny was up on this tract -- in fact, the landowner specifically told me he thought he was going to have to give Denny an office because Denny was up there so much constantly working to try to get this tract acquired for us. And at the rate of $400 an acre is extremely unheard of.

So not only with the north central region being involved with our real estate division, Dennis Neideigh and Brad Bechtel put -- there was a lot of work went behind getting us to this point.

THE PRESIDENT: Thank you. I'll concur with that. You all have done a wonderful job in getting this land for us. We have a motion on the floor to accept these acquisitions. All those in favor, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: Motion passes unanimously.

THE PRESIDENT: Thank you. Now we go
over to page 59.

MR. BECHTEL: There are two donations on the agenda today: Option No. 500444, 45.74 more or less acres of land in Eldred Township, McKean County, adjoining State Game Land No. 301 as shown be on Exhibit RED 4 on page 60 of your agenda.

Dominion Transmission, Inc. is purchasing this tract as required compensatory mitigation by the United States Army Corps of Engineers for wetland impacts associated with constructing a pipeline. This tract will be deeded directly to the Commission.

The property will be acquired and subjected to the covenants that the property shall be used and maintained in accordance with the Game and Wildlife Code for wildlife habitat and conservation, and that the property shall not have timber removed according to a permanent deed restriction required by the United States Army Corps of Engineers, referencing project permit number 200300942.

Thirteen acres of the tract are forested wetlands and contain balsam fir, hemlock and white pine to create a unique stand of tree species worthy of protecting.
The remaining portion of the tract is comprised of mixed hardwoods and pole-size timber. The property is easily accessible from Loop Road and improves access to the western boundary of existing State Game Land No. 301.

Option No. 50036, a private hunting club has voluntarily declared a restriction that if the club ever ceases to exist, the property owned by the club, consisting of almost 1,000 acres, will be given to the Commonwealth of Pennsylvania solely for the use of the Pennsylvania Game Commission. This action does not take effect unless and until the club dissolves.

There is no current interest being transferred to the Commission, so the club has asked not to have their name or exact location of the tract publicized. However, gifts are revocable in Pennsylvania until accepted and the club has requested the Commission to publicly accept the Declaration of Restrictions, which is on file in the county where the club is located.

This would effectively make the gift of the future interest irrevocable by future club members and ensure that the property would come to the Commonwealth upon dissolution of the club.
The Executive Director and staff recommends the donations listed above be accepted and that the Commission authorize the Bureau of Wildlife Habit Management to proceed with the acquisition of these tracts.

THE PRESIDENT: Thank you, Brad. Do I hear a motion to accept these donations?

MR. SCHREFFLER: So moved.

THE PRESIDENT: Second?

MR. HILL: Second.

THE PRESIDENT: Second, Commissioner Hill. Any discussion about the donations? Anything from Mr. Capouillez?

MR. CAPOUILLEZ: I just wish I could tell you exactly who that club was and commend them for having taken that issue forward.

THE PRESIDENT: Yes, it's a generous gesture. With no further discussion, all those in favor of the proposal, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: Unanimous vote, Madame President.
THE PRESIDENT: Thank you. Now we are over to page 61, Land Exchanges.

MR. BECHTEL: Yes, there are two land exchanges on the agenda. First, Option No. 50020, Clear Lake Timber Company was previously the high bidder on the Commission's timber sale called Never Ending, No. 108-05-2, in the amount of $158,624.

Clear Lake Timber Company is also the owner of a tract of land comprised of 120 acres in Burrell Township, Indiana County, adjoining State Game Land No. 276, which the Commission is interested in acquiring.

The Commission and Clear Lake Timber Company have agreed to the value of $150,000 for the parcel. Clear Lake Timber Company has offered to transfer the 120 acres in Burrell Township, Indiana County, shown on Exhibit RED 5 on page 61 of your agenda. The value of $150,000 would then be credited against the blocks to be cut on the timber sale listed above until the value has been exhausted.

The exchange will provide additional hunting acreage contiguous to State Game Land No. 276. The wooded tract will provide additional habitat to an existing population of Eastern...
Woodrats, which are listed as a threatened mammal in Pennsylvania. The tract contains mostly black cherry, tulip poplar, red maple and black birch, with approximately 100 acres of pole-size timber, with the remaining acreage in saw timber.

There are three acres of wetlands associated with the riparian corridor along Tom's Run, which is a small, high-quality stream. The tract will provide access to a presently inaccessible portion of existing State Game Land No. 276 that is south of Tom's Run from Chestnut Ridge Road.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

In addition, there is an Option No. 50023 on the agenda. Dominion Transmission, Inc. has agreed to a land exchange involving an easement for a new 24-inch pipeline with 12.70 acres of permanent right of way and 6.35 acres of temporary construction right of way, totaling 19.05 acres of impact on State Game Land No. 215, situated in Lack Township, Juniata County, as shown on Exhibit RED 6 on page 62 of your agenda and 2.44 acres of right of way and 1.22 of temporary construction right of way.
way, totaling 3.66 acres of impact on State Game Land No. 113 in Oliver Township, Mifflin County, as shown on Exhibit RED 7 on page 63 of your agenda.

In lieu of paying the annual rental fee associated with a right-of-way license and the timber damages from the pipeline project, Dominion Transmission Corporation has agreed to provide $475,000 towards the acquisition of 1,000 more-or-less acre tract of land located in Fermanagh Township, Juniata County, State Game Land No. 177, as shown on Exhibit RED 8 on page 64 of your agenda or such other lands as may be acceptable to the Commission.

The remainder the purchase price will be paid by a combination of funding sources, including the Game Fund, to the extent of available and budgeted funds. This tract will close out a large indenture into existing State Game Land No. 107. The property is entirely wooded with mixed northern hardwoods and contains a perennial stream supporting brook trout.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife. The Executive Director and staff recommend that the land
exchanges listed above be approved and the
Commission authorizes the Bureau of Wildlife Habit
Management to proceed with these exchanges.

THE PRESIDENT: Thank you, Brad. In
our agenda, the exhibits are on page 63, 64, 65,
and 66. Do I hear a motion to accept these land
exchanges?

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Moved by Commissioner
Schleiden. Do I hear a second?

MR. ISABELLA: Second.

THE PRESIDENT: Second, Commissioner
Isabella. Any discussion about the land exchanges,
any questions?

MR. SCHLEIDEN: I have one comment.

THE PRESIDENT: Commissioner
Schleiden.

MR. SCHLEIDEN: If I ever met Bill
Capouillez on the other side and I would try to do
a land deal with him, I think I'd run and hide.
You folks do an outstanding job in maximizing the
effort and I know you have a heck of a team behind
you, but your leadership is well-appreciated as
well.

MR. CAPOUILLEZ: Thank you, sir.
THE PRESIDENT: Any other discussion?

(No response.)

THE PRESIDENT: All those in favor of these land exchanges, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)

MR. DELANEY: The vote is unanimous,

Madame President.

THE PRESIDENT: Thank you,

Commissioner Delaney. The next item is on page 67, Oil, Gas and Minerals.

MR. BECHTEL: An underground mining coal lease for State Game Land No. 245 in Washington County is proposed. Consol Pennsylvania Coal Company, LLC, has requested to lease and remove by underground mining methods an estimated 9,060 tons of coal from one-acre block of the Pittsburgh coal seam located in Morris Township, Washington County, southwest region, as shown on Exhibit OGM-1 on page 68 of your agenda.

In exchange for the five-year lease from the Commission, Consol Pennsylvania Coal Company, LLC, will pay the Commission a one-time
lump sum payment of $120,000 into an interest-bearing account to be used for the future purchase of lands acceptable to the Commission.

The project will be regulated by the Commonwealth's coal mining regulations and the Commission's standard lease agreement. There will be no surface use of the lease area associated with this proposed mining.

The staff has reviewed this proposal and has determined that the total value of the coal royalty is greater than or equal to the accumulated value for the lease.

The Executive Director and staff recommend that the proposed lease be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with the leasing arrangements as listed above.

MS. PALONE: Thank you, Brad. Do I hear a motion to accept this proposal?

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner Schleiden. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: Second, Commissioner Isabella. Is there any discussion of the proposal?
(No response.)

THE PRESIDENT: All those in favor of the proposal, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, signify by saying no.

(No response.)

MR. DELANEY: Madame President, the motion passes unanimously.

THE PRESIDENT: Thank you. Now we'll move on to Item B on page 69.

MR. BECHTEL: An oil and gas lease offering for State Game Land No. 239 in Bradford County is on the agenda. The Commission offered its oil and gas ownership under State Game Land No. 239 for lease. Tract 239 A-08, containing 670.96 acres, was exposed for competitive royalty bid in January 2008 with a bonus payment of $125 per acre and a fixed yearly rental rate of $20 per acre. Additionally, the lease offer provides the Commission a one-time payment of $10,000 for each deep well drilled within the lease premises and a one-time payment of $5,000 for each shallow well drilled within the lease premises. The lease area exposed for competitive royalty bid is as
shown on the attached Exhibit OGM-2 down on page 70 of your agenda.

Oil/gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's standard oil/gas lease agreement and $25,000 performance bond. The lease will include the Commission's standard wildlife and environmental protection measures and further limits the subsequent well development to a total of two well-drilling locations unless additional written approval is obtained from the Commission.

The results of the royalty bid expressed in a percentage rate of the market value of each MCF of gas and the highest bidder are indicated in General Item B, which I believe was just handed out to us.

THE PRESIDENT: You can read that also, Brad.

MR. BECHTEL: It states, As indicated in the Agenda Item B, bids for this tract were opened on January 24, 2008, with EOG Resources, Inc., of Canonsburg, Pennsylvania submitting the highest royalty rate bid of 28.92 percent of the market value of each MCF of gas produced from the subject lease.
The Executive Director and staff recommends that an oil and gas development lease be awarded to EOG Resources, Inc. of Canonsburg, Pennsylvania in accordance with Commission policy and lease award procedure.

THE PRESIDENT: Thank you, Brad. Do I hear a motion to accept this proposal?

MR. SCHLEIDEN: So moved.

THE PRESIDENT: Commissioner Schleiden. Is there a second?

MR. ISABELLA: Second.

THE PRESIDENT: Commissioner Isabella. Is there any discussion about this oil and gas lease?

MR. SCHLEIDEN: One comment.

THE PRESIDENT: Commissioner Schleiden.

MR. SCHLEIDEN: I believe it's the House Legislative Finance Budget Committee that's going to be doing a study on our mining and timber operation and see how we are doing. I hope they have a chance to see this one, Bill; excellent job. Again, appreciate the work that you and your staff and the people in the region.

MR. CAPOUILLEZ: The thing to note not
only about this particular item as well as the one before that and the one you are going to read is this is done because of people understanding the industry that work with the Commission and understanding the timeliness; in particular, this tract, although it didn't seem like a lot of acreage, has already had private leases all around it, so the company is already committed to develop that area.

That's why we were able to constitute a range of 21 percent to 28.9 percent in the bid. The average is 12-and-a-half percent. We've doubled, by way of our action and timeliness and understanding the industry, we've doubled what the royalty rate is out there.

MR. SCHLEIDEN: Thank you.
THE PRESIDENT: Any other discussion about the proposal?

(No response.)

THE PRESIDENT: All those in favor of the proposal, signify by say aye.

(Signified aye.)

THE PRESIDENT: All those opposed, say no.

(No response.)
MR. DELANEY: The motion passes unanimously.

THE PRESIDENT: Item C on page 72.

MR. BECHTEL: The next item is an oil and gas lease offering on State Game Land No. 75, Lycoming County.

The Commission offered its oil and gas ownership under a portion of State Game Land No. 75 for lease. Tract 075A-08, containing 1,748.2 acres, was exposed for competitive royalty bid in January 2008 with a bonus payment of $125 per acre and a fixed yearly rental rate of $20 per acre.

Additionally, the lease offer provides the Commission a one-time payment of $10,000 for each deep well drilled within the lease premises and a one-time payment of $5,000 for each shallow well drilled within the lease premises. The lease area exposed for competitive royalty bid is shown on the attached Exhibit OGM-3 on page 73 of your agenda.

Oil/gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's standard oil/gas lease agreement and $25,000 performance bond. The lease will include the Commission's standard wildlife and
environmental protection measures and further
limits the subsequent well development to a total
of five well-drilling locations unless additional
written approval is obtained from the Commission.

The results of the royalty bid
expressed in a percentage rate of the market value
of each MCF of gas and the highest bidder are
indicated in General Item C -- which was handed out
to us today -- and states, As indicated in the
Agenda Item C, bids for this tract were opened on
January 23, 2008, with Range Resources-Appalachia,
LLC, of Hartville, Ohio submitting the highest
royalty rate bid of 28.25 of the market value of
each MCF of gas produced from the subject lease.

The Executive Director and staff
recommends that an oil and gas development lease be
awarded to Range Resources-Appalachia, LLC of
Hartville, Ohio in accordance with Commission
policy and lease-award procedure.

THE PRESIDENT: Thank you, Brad. Do I
hear a motion to accept this proposal?

MR. SCHLEIDEN: So moved.

COMMISSIONER BOOP: So moved.

THE PRESIDENT: Commissioner Schleiden
and seconded by Commissioner Boop. Is there any
discussion of this proposal?

MR. HILL: Madame President.

THE PRESIDENT: Commissioner Hill.

MR. HILL: This must be another one where they can offset themselves?

MR. CAPOUILLEZ: Exactly. It's a timing issue; location, location, location and timing.

THE PRESIDENT: Any other discussion?

If not, all those in favor of the proposal, signify by saying aye.

(Signified aye.)

THE PRESIDENT: All those opposed, signify by saying no.

(No response.)

MR. DELANEY: Madame President, the vote is unanimous.

THE PRESIDENT: Thank you. Thank you, Mr. Capouillez, and your staff for all their work.

At this time in the meeting, we will entertain new business. Does anyone have any new business?

(No response.)

THE PRESIDENT: We just want to announce that immediately following our meeting, we
will have a press conference in here and those
people who need to visit and talk, we would ask
them to go out into the lobby. You're welcome to
stay for the press conference, but you won't be
permitted to speak, but you are more than welcome
to listen to the questions and the answers. Do I
hear a motion for adjournment of the meeting?

MR. ISABELLA: Motion.

THE PRESIDENT: Commissioner
Isabella. Second?

COMMISSIONER BOOP: Second.

THE PRESIDENT: Thank you,
Commissioner Boop. This meeting is adjourned.
(The hearing was concluded at 11:18 a.m.)
I hereby certify that the proceedings and evidence in the above hearing are contained fully and accurately in the notes taken by me; and that this transcript is a correct copy of the same.

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Melissa Flinn