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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

1 THE PRESIDENT: Good morning, ladies
2 and gentlemen. Welcome to our Tuesday morning
3 meeting of the Game Commission. As you will note,
4 we are a few minutes late getting started. The
5 weather caused a few problems logistically.
6 According to my watch, it's now about 20 minutes of
7 9:00, so I formally call the meeting to order and
8 ask that you please join us in the Pledge of
9 Allegiance.

10 (Pledge of Allegiance taken.)

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

13 MR. ISABELLA: THE PRESIDENT.

14 THE PRESIDENT: Here.

15 MR. ISABELLA: Vice THE PRESIDENT.

16 MS. PALONE: Here.

17 MR. ISABELLA: Isabella. Here.

18 Commissioner Schleiden.

19 MR. SCHLEIDEN: Present.

20 MR. ISABELLA: Commissioner

21 Schreffler.

22 MR. SCHREFFLER: Present.

23 MR. ISABELLA: Commissioner Hill.

24 MR. HILL: Here.

25 MR. ISABELLA: Commissioner Delaney.

1 MR. DELANEY: Present.

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

4 THE PRESIDENT: Thank you, Mr.
5 Secretary.

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

10 MR. ISABELLA: Motion.

11 THE PRESIDENT: Commissioner
12 Isabella. Is there a second?

13 MR. DELANEY: Motion to second.

14 THE PRESIDENT: Commissioner Delaney.
15 All in favor, say aye.

16 (Signify aye.)

17 THE PRESIDENT: Opposed, same sign.

18 The next item we have is the proposed Commission
19 meetings for 2008. The next meeting would be April
20 21, 22; the June meeting, June 23 and 24; the
21 October meeting, October 6 and 7.

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

24 MR. ISABELLA: Motion, Mr. President.

25 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

1 those in favor of the motion, please raise their
2 right hand.

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

5 (Vote taken.)

6 MR. ISABELLA: Five ayes, two nay.

7 THE PRESIDENT: The motion carries.

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

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

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

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

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

23 THE PRESIDENT: You've heard the
24 report of the nominating committee. Under the
25 rules of order, these three individuals are now in

1 nomination for the positions to which the
2 nominating committee has placed their names.

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

7 (No response.)

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

11 MR. SCHLEIDEN: So moved.

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

14 MR. ISABELLA: Second.

15 THE PRESIDENT: Commissioner Isabella.
16 All in favor, indicate by saying aye.

17 (Vote taken.)

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

21 (Vote taken.)

22 MR. ISABELLA: It's unanimous, Mr.
23 President.

24 THE PRESIDENT: Moving to the position
25 of vice president, Commissioner Isabella has been

1 nominated. Commissioner Delaney, I would appoint
2 you to tabulate votes for the vice president since
3 Commissioner Isabella is standing for that
4 position. Are there other nominations for the
5 position of vice president?

6 (No response.)

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

10 MR. SCHLEIDEN: So moved.

11 THE PRESIDENT: Commissioner
12 Schleiden. Is there a second?

13 MS. PALONE: Second.

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

16 (Vote taken.)

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

20 (Vote taken.)

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

23 THE PRESIDENT: Moving now to the
24 office of board president, to which Commissioner
25 Roxane Palone has been nominated, are there other

1 nominations for the office of president?

2 (No response.)

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

10 MR. SCHLEIDEN: So moved.

11 THE PRESIDENT: Commissioner
12 Schleiden. Is there a second?

13 MR. ISABELLA: Second.

14 THE PRESIDENT: So the nominations are
15 closed.

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

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

24 (No response.)

25 THE PRESIDENT: No second. The motion

1 fails. We'll vote in the same manner that we voted
2 for the other offices. Commissioner Delaney, since
3 you have been elected, with the permission of the
4 board, I'll ask you to tabulate the votes. For
5 Commissioner Palone, a show of support by raising
6 your right hand.

7 (Vote taken.)

8 THE PRESIDENT: You have the vote.

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

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

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

20 (Vote taken.)

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

23 THE PRESIDENT: Thank you,
24 Commissioner Delaney. Commissioner Palone, on
25 behalf of the Board, I would like to congratulate

1 you on your election. I would like to pass the
2 gavel to you and wish you the best in the upcoming
3 year.

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

6 (Recessed at 8:48 a.m.)

7 (Reconvened at 9:00 a.m.)

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

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

20 I don't really stand on symbolism
21 over substance normally, but today we really have
22 both; substance in the form of hard work and vision
23 from the conservationists before me and substance
24 in the form of the tireless effort of the
25 president, present Commissioners, and all the

1 people in the agency. But it's also a symbolic day
2 and a historic message that the door is no longer
3 partially opened, but wide open for those that want
4 to aspire to join us and I hope very much that more
5 people will join us.

6 I want to dedicate this meeting to
7 Jerry Hatching and I would like to dedicate this
8 time as president to my mom. She passed away since
9 I've been on the Commission, but it was really my
10 mom that taught me to love the outdoors and taught
11 me how to fish. She also taught me how to milk a
12 cow; how to can. She taught me all the plants and
13 trees in the forest and she taught me, really, to
14 appreciate hunters and the Game Commission at a
15 early age.

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

1 (Audience laughter.)

2 THE PRESIDENT: Never call anybody on
3 the phone or never call on anyone past 7:00 p.m.
4 and always have the proper stationery.

5 So on behalf of all the women hunters,
6 I want to thank my fellow Commissioners, including
7 Mr. Riley, for their vote of confidence because
8 without their courage and resolve, the PCG
9 presidency may have remained homogenous for many
10 more years, so thank you.

11 (Audience applause.)

12 THE PRESIDENT: We are going to start
13 with the Bureau of Wildlife Management. Calvin.

14 There's some more agendas in the front
15 if you did not get one. Page 2, Bureau of Wildlife
16 Management. Brad.

17 MR. BECHTEL: Yes. The first item
18 concerns the State Wildlife Grant Program.
19 Congress has appropriated funds under the State
20 Wildlife Grants Program, SWG, directly and
21 exclusively to state wildlife agencies for wildlife
22 species of the greatest conservation concerned.

23 Pennsylvania is eligible to receive
24 these funds for fish and wildlife projects under
25 the SWG program. Projects listed in Exhibit A

1 shown on page 3 will not require any net reduction
2 in the Game Fund since all are cooperator projects.
3 The Game Commission will simply function as a
4 conduit of federal funds. If approved, the Game
5 Commission will contact the organizations and
6 investigators of these projects and pay
7 SWG-eligible costs from the Game Fund. The Game
8 Fund will be reimbursed by the U.S. Fish and
9 Wildlife Service Federal Aid program using SWG
10 funds. The Game Commission will receive up to
11 three percent of all SWG funds to administer the
12 program.

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

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

20 MR. ISABELLA: Motion.

21 THE PRESIDENT: MR. ISABELLA.

22 COMMISSIONER BOOP: Second.

23 THE PRESIDENT: Seconded by Mr. Boop.
24 Is there any discussion about the grants or any
25 questions for Cal?

1 (No response.)

2 THE PRESIDENT: Hearing none, all
3 those in favor of granting the wildlife projects,
4 signify by saying aye.

5 All those opposed, signify by saying
6 no.

7 (Vote taken.)

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

10 THE PRESIDENT: Thank you.

11 MR. BECHTEL: The next item for
12 consideration are State Wildlife Grants-Northeast
13 Cooperative Projects. To be eligible for federal
14 funding under the State Wildlife Grants (SWG)
15 program, states developed comprehensive wildlife
16 action plans that identify species and habitats of
17 greatest conservation need. Many of these species,
18 habitats and conservation actions outlined in the
19 state action plans are common across or are common
20 to a group of states within a region and can most
21 effectively be addressed by working across state
22 lines.

23 This premise led to the development of
24 the Northeast Wildlife Teamwork Strategy, NEWTS, by
25 the Northeast Association of Fish and Wildlife

1 Agencies, NEAFWA. The goal of NEWTS is to
2 cooperatively develop, coordinate, fund and
3 implement conservation actions and projects that
4 are regional or subregional in scope and build upon
5 the many regional initiatives that already exist.

6 NEAFWA has entered into a cooperative
7 agreement with the Wildlife Management Institute to
8 provide all over coordination services for NEWTS
9 projects. The Wildlife Management Institute has
10 agreed to collect and manage state monies provided
11 in support of the cooperative work, raise matching
12 funds and coordinate NEAFWA-approved projects.

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

20 NEAFWA has asked each state in the
21 Northeast U.S. and the District of Columbia to
22 provide up to four percent of their annual SWG
23 apportionment for funding projects under the
24 regional NEWTS program. For our agency to
25 participate in this multistate regional effort, we

1 will need to enter into an agreement with Wildlife
2 Management Institute so that they can advise us of
3 priority regional NEWTS projects and invoice us.

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

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

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

17 MR. SCHREFFLER: So moved.

18 THE PRESIDENT: Second?

19 MR. ISABELLA: Second.

20 THE PRESIDENT: Any discussion?

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

24 MR. DuBROCK: We do, Commissioner,
25 have equal vote in the process of looking at the

1 projects at both the technical level and then at an
2 administrative policy level. We get to vote on all
3 proposed projects. We also have input as to what
4 they call RCN, regional conservation needs, that
5 are used to solicit district projects, so we get
6 our oar in the water defining RCNs as well as then
7 voting on every individual project.

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

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

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

23 THE PRESIDENT: Is there any other
24 discussion? If not, we'll vote on the proposal.
25 All those in favor, signify by saying aye.

1 All those opposed, say no.

2 (Vote taken.)

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

5 THE PRESIDENT: We'll move on to page
6 5, Proposed Rule Making. This will have to do with
7 setting the seasons and bag numbers for 2008 and
8 2009. This is just preliminary approval. We'll
9 finalize season and bag limits in April.

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

19 Although the 2008-2009 seasons and
20 daily season and possession limits are similar to
21 those set in 2007-2008, the 2008-2009 seasons and
22 bag limits have been amended to conform to current
23 available scientific data, population harvest
24 records, field surveys and professional staff
25 observations as well as recommendations from staff,

1 organized sporting groups, members of the
2 agricultural community and others interested in the
3 wildlife resources of the Commonwealth.

4 The amendments are on page 7 through
5 14 of your agenda. There are several changes. One
6 change is proposed for small game; that is to
7 extend by one day the special season for junior
8 pheasant hunters to include an additional
9 Saturday. Adding this Saturday will provide
10 additional hunting opportunity of released game
11 farm birds in farmland habitats.

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

24 Another change is proposed in crow
25 season dates to extend the shooting days to

1 approximately 124 days allowed under federal
2 frameworks. By starting the season on the Friday
3 closest to July 1st and running it every Friday,
4 Saturday and Sunday continuously through the first
5 weekend in April, we will provide 120 hunting days.
6 By law, seasons must be set to avoid the peak
7 nesting season, which falls between April 7 and the
8 end of May.

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

16 The only substantial change for the
17 deer hunting seasons is a proposal to have a five
18 day antlered-deer only season in wildlife
19 management units 2D, 2G, 3C and 4B, starting the
20 Monday after Thanksgiving, followed immediately by
21 seven days of concurrent antlered and antlerless
22 deer hunting.

23 This proposal retains the two week or
24 12 day concurrent antlered and antlerless season in
25 the remaining 18 wildlife management units in the

1 Commonwealth. The change to the four wildlife
2 management units is to evaluate the impact of
3 changed season length on hunter success rates for
4 future use as a new management tool.

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

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

16 The Executive Director and staff
17 recommend the Commission approve the proposed 2008-
18 2009 hunting seasons and bag limits amendment to
19 139.4 as described in the attached table found on
20 pages 7 through 14.

21 THE PRESIDENT: What we're going to
22 do, I'm going to ask for a motion to approve the
23 seasons in bag limits on pages 7 through 14 and
24 then we'll go through each page and ask for
25 amendments. And we'll amend each page, approve

1 each page, and we'll go back and vote on the whole
2 package once we're done discussing each page.

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

6 MR. SCHLEIDEN: Motion.

7 THE PRESIDENT: Commissioner
8 Schleiden. Second?

9 MR. DELANEY: Second.

10 THE PRESIDENT: Second, Jay Delaney.

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

15 MR. SCHLEIDEN: Madame President, page
16 7.

17 THE PRESIDENT: Commissioner
18 Schleiden.

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

25 THE PRESIDENT: Yes.

1 COMMISSION SCHLEIDEN: Under
2 squirrels, the date December 15 through December
3 20, eliminate December 20 and change that date to
4 December 23. Under ruffed grouse, I offer the
5 amendment, again, changing the date from December
6 20 to December 23.

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

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

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

20 MR. ISABELLA: Second.

21 THE PRESIDENT: Commissioner Isabella.
22 We have an amendment on page 7 to change squirrel,
23 ruffed grouse and cottontail rabbit seasons from
24 December 20 to December 23. And, also, we have an
25 amendment to delete the closed season for taking

1 ruffed grouse on Game Lands 176. Is there any
2 discussion about these amendments or any questions?

3 Hearing none, all those in favor of
4 Commissioner Schleiden's amendment, signify by
5 saying aye.

6 THE PRESIDENT: All opposed, say no.

7 (Vote taken.)

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

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

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

15 THE PRESIDENT: Commissioner Delaney.

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

24 THE PRESIDENT: Is there a second?

25 MR. ISABELLA: Second.

1 THE PRESIDENT: Second, Commissioner
2 Isabella.

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

7 MR. DELANEY: Yes, Madame President.
8 I should add -- just so our partners out there
9 understand -- this is for north zone pheasant
10 hunting only, it is not a statewide issue. The
11 WMUs are listed. I just thought I should mention
12 that.

13 THE PRESIDENT: Thank you. Any other
14 discussion?

15 (No response.)

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

18 All those opposed, say no.

19 (Vote taken.)

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

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

25 (No response.)

1 THE PRESIDENT: Okay. Hearing none,
2 we'll go to page 10. Are there any amendments to
3 page 10?

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

7 THE PRESIDENT: Yes, Mr. Boop.

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

16 We think we should know that by the
17 1st of April, and depending on what happens at the
18 Department of Agriculture, the Board will be
19 looking at this issue of wild boar feral hogs again
20 with the possibility of extending the opportunity
21 for taking.

22 The concern that we have is that the
23 shooting activity has a tendency to disburse the
24 animals, and if the Department of Agriculture is
25 going to embark on an aggressive trapping program,

1 we don't want to interfere with that. So we just
2 want those in the audience and covering this issue
3 to know that the board is very concerned about this
4 problem and we did take a lot of testimony on this
5 issue. Thank you.

6 THE PRESIDENT: Thank you, Mr. Boop.

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

11 MR. SCHLEIDEN: Madame President, on
12 the replacement page, there is -- to be consistent
13 with what we've done on the dates on the small
14 game, I would like to offer an amendment to that
15 page. Again, under deer, antlerless, bows and
16 arrows, December 15 to December 23, scratch off
17 December 20. And then down below, deer,
18 antlerless, wildlife management units 2B, 5C and
19 5D, I offer the same amendment; change that date to
20 December 23.

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

23 MR. ISABELLA: Second.

24 THE PRESIDENT: Commissioner
25 Isabella. Is there any discussion about the

1 amendment?

2 (No response.)

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

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

12 Those opposed, signify by saying no.

13 (Vote taken.)

14 MR. DELANEY: The amendment passes
15 unanimously.

16 MR. HILL: I have a comment with
17 regard to items 3 and 4 on page 11, specifically
18 deer, regular antlered only, WMUs 2D, 2G, 3C and
19 4B, and the following entry, deer, regular antlered
20 and antlerless, same WMUs. I propose for the
21 period from December 1 through December 13, that
22 regular antlered and antlerless seasons run
23 concurrently.

24 THE PRESIDENT: Okay. Do we have a
25 second?

1 MR. ISABELLA: Second.

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

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

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

23 THE PRESIDENT: Thank you. Any other
24 discussion?

25 MR. ISABELLA: Yes.

1 THE PRESIDENT: Commissioner Isabella.

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

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

14 MR. SCHLEIDEN: Madame President.

15 THE PRESIDENT: Yes.

16 COMMISSION SCHLEIDEN: I find myself
17 in the very unique position, having debated with my
18 esteemed colleagues and Attorney Boop on some of
19 these issues, now I find myself with the other end
20 of the table relative to this. I hope I can hold
21 my own. As most of the board knows, the process of
22 coming to the table with this agenda is a very
23 complicated one, but it really follows the line of
24 most private businesses and corporations whereas
25 staff gets together, people are involved in the

1 certain area, they make a recommendation; staff
2 works with the recommendation; then it works its
3 way up through the system.

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

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

25 So it's the sample study, as I see it,

1 it's mixed through a wide range -- our critics say
2 we haven't looked at particular areas -- and for
3 that reason, I will vote against the amendment.

4 MR. DELANEY: I'd like to comment.

5 THE PRESIDENT: Commissioner Delaney.

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

19 I concur with Commissioner Schleiden.
20 We'll get some good data back and our sportsmen and
21 sportswomen may very well say, no, we want to keep
22 this and we want to move forward, but I don't want
23 to tie the agency's hand if they want another tool
24 to manage our deer in Pennsylvania. Allow them to
25 study it and we'll make some hard decisions three

1 years from now. Thank you, Madame President.

2 THE PRESIDENT: Anyone else? Mr.
3 Schreffler.

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

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

22 I also look at this and see we already
23 had two studies on the ground in two of these
24 areas, and actually in part from one of the other
25 areas, and they needed to be fleshed out more --

1 they were somewhat limited -- and I thought that in
2 this case, I think that we should go forward. We
3 should go forward with those and compliment and
4 continue the science that we have in place at this
5 point.

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

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

23 THE PRESIDENT: I would just like to
24 say I support Commissioner Hill's amendment. I
25 think having hunting opportunities is very

1 critical. That's why I'm supporting it. In 2004,
2 responsive management did a study and a survey of
3 hunters and why they quit hunting. One of the
4 things they found was there's a lack of time to
5 hunt as much as people would like to. So I think
6 we should give people as much time as they would
7 like to have. And also, in the words of one of my
8 friends, he said that this flexibility allows a
9 hunter to hunt when you want to and what you want
10 to, so I think that's very telling.

11 Also, for the children, I know in most
12 school districts where I live the first day of
13 hunting season is a holiday; they go hunting. I
14 think that's important to keep that concurrent
15 season for that reason. Is there any other
16 comments? If not, we have an amendment to, in
17 effect, for wildlife management units 2B, 2G, 3C,
18 4B, to delete the portion that would have buck
19 hunting for the first five days and have a
20 concurrent season for the remainder of the season,
21 and to make those units concurrent just like the
22 rest of the state.

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

25 Those opposed, say no.

1 (Vote taken.)

2 MR. DELANEY: Can we have a raise of
3 hands here, it's a little bit easier.

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

11 All those opposed, raise your right
12 hand.

13 (Vote taken.)

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

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

20 MR. DELANEY: I have an amendment to
21 offer.

22 THE PRESIDENT: Mr. Delaney.

23 MR. DELANEY: Pertaining to bear
24 season, halfway down the page, there will be one
25 amendment that I will offer and I guess it's kind

1 of a two-prong approach. Actually, the amendment
2 will be to delete wildlife management unit 3D from
3 the extended season and that was scheduled to run
4 for 3D December 3rd through the 6th.

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

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

16 MR. DELANEY: Okay. The motion will
17 be to delete 3D and add wildlife management units
18 4C, 4D, 4E, December 3rd through the 6th.

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

21 COMMISSIONER BOOP: Madame President,
22 I will second Commissioner Delaney's motion, but I
23 would note by point of order that 4C is already
24 there. I don't think that has to be in the
25 amendment, if Commissioner Delaney would accept

1 that.

2 MR. DELANEY: I understand that. What
3 I will do then is rewrite that and say we will
4 remove 3D and we will add 4D and 4E.

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

7 THE PRESIDENT: Mr. Boop, second.
8 Commissioner Delaney, is there discussion on the
9 amendment?

10 MR. DELANEY: No, thank you.

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

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

18 I know there have been extensive
19 discussions with Mr. DuBrock and with the Wildlife
20 Management Bureau and I know there's still some
21 thought that we really believe, some of us as
22 Commissioners, doing, in essence, what would be a
23 carve-out, which is what we've done in the
24 Williamsport area, which would be an even more
25 appropriate approach than targeting the entire

1 management unit, but we know there's hesitancy to
2 do that.

3 I'm going to support this amendment
4 today and I've seconded it, but I would hope that
5 when we get to April, that we can continue to look,
6 because I don't think we want to target the bears
7 necessarily in the state forest areas of 4D and
8 4E. We're more concerned where they come down into
9 the suburban areas and we do think that a target or
10 carve-out approach would work better than in the
11 whole management unit. So I just ask that we do
12 continue to look at that till April.

13 THE PRESIDENT: Thank you. Any other
14 discussion?

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

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

25 (Signified aye.)

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

3 (No response.)

4 MR. DELANEY: The vote passed
5 unanimously.

6 THE PRESIDENT: Thank you. Are there
7 any other amendments to page 12 that anyone has?

8 (No response.)

9 THE PRESIDENT: Okay. We're going to
10 page 13. Any amendments to page 13?

11 (No response.)

12 THE PRESIDENT: Okay. Page 14, as
13 noted in the commentary, we added wildlife
14 management unit 4D to the bobcat season. Are there
15 any amendments to page 14?

16 MR. SCHLEIDEN: Madame President.

17 THE PRESIDENT: Commissioner
18 Schleiden.

19 MR. SCHLEIDEN: We have a blue
20 replacement page for 14 and the reason for that is
21 there is one added footnote and it refers back to
22 the deer season. It's footnote number 8. That
23 amendment was made, failed, so we still have to
24 vote on that. In that regard, if the season bag
25 limit is passed as we have them now, then this

1 footnote will replace -- this is referring to the
2 study -- it's item 8, it says, Season changes in
3 wildlife management units 2B, 2G, 3C, 4B are for
4 the purpose of a four-year study, which must be
5 completed before additional units are modified.

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

8 THE PRESIDENT: Thank you. Is there a
9 second?

10 MR. ISABELLA: Second.

11 THE PRESIDENT: Commissioner Isabella.
12 We have an amendment to 14, footnote number 8,
13 season changes of WMUs 2B, 2G, 3C and 4B for the
14 purpose of a four-year study, which must be
15 completed before additional units are modified.
16 All those in favor of the amendment --

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

19 THE PRESIDENT: Okay.

20 COMMISSIONER BOOP: I guess just as a
21 point of order, on this amendment by Commissioner
22 Schleiden, I believe that the Wildlife Management
23 Committee and the recommendation of the senior
24 staff was a three-to four-year study. This
25 notation says four, but more importantly, I would

1 just like to note that I don't think legally this
2 Board has the ability to bind future boards to
3 change based on changing circumstances.

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

13 MR. SCHLEIDEN: Madame President.
14 Again, I find myself agreeing with counsel. I
15 believe that, Mr. Boop, the Board adds footnote 8,
16 the board can also remove footnote 8 in the future
17 if necessary. It's basically a statement of the
18 intent and the study. That's how I read it, that's
19 how I offered it. That's my intent. I feel that
20 we change things at every meeting, so that can be
21 changed. Thank you.

22 THE PRESIDENT: Any other discussion?

23 MR. HILL: I would like to address
24 Mr. Boop's comment. We're perfectly entitled to
25 make a statement on our present intent. Should

1 history not record this adequately, the intent of
2 this is to record a study and I've seen enough in
3 the press, in my short two and a half years, that
4 notes the history is not long remembered in some of
5 these important items.

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

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

15 (Signified aye.)

16 THE PRESIDENT: Those opposed, say no.

17 COMMISSIONER BOOP: No.

18 MR. DELANEY: Madame President, it
19 appears it's not unanimous. Can I see everyone's
20 hand on this vote, please.

21 THE PRESIDENT: Those in favor of the
22 amendment raise your right hand.

23 Those opposed, same sign.

24 (Vote taken.)

25 MR. DELANEY: You were a no vote?

1 THE PRESIDENT: I'm a no vote.

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

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

9 MR. ISABELLA: Motion.

10 THE PRESIDENT: Commissioner Isabella.
11 Second?

12 MR. SCHREFFLER: Second.

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

18 All those opposed, no.

19 (Vote taken.)

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

23 THE PRESIDENT: Thank you. We have
24 some other wildlife management things we need to
25 take care of. We were on page 14.

1 MR. BECHTEL: We are on page 15 of the
2 agenda, 58 Pa. Code Section 139.17. A uniform
3 system of wildlife management units or WMUs was
4 implemented in 2003 to replace the system of
5 multiple, species-specific management units.

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

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

22 The following WMU map revisions are
23 proposed: 1) The boundary between 2C and 2E near
24 Ebensburg was not clear on the state highway map or
25 on the ground and needed correction; 2) New highway

1 construction around Lewistown has changed the
2 location of the U.S. Traffic Route 22, the boundary
3 between 4B and 4D, requiring a map correction; 3)
4 The boundary between 3B and 3C between Towanda and
5 Tunkhannock is U.S. Traffic Route 6, which closely
6 follows the Susquehanna River. Using the river as
7 the boundary will reduce hunter access problems and
8 property split problems and better-align WMU and
9 township boundaries; 4) Due to continuing increases
10 in human population in southeast Pennsylvania, it
11 is desirable to expand 5C around Reading and
12 Allentown, affecting boundaries with 5B, 4C and
13 3D.

14 The outline map that follows on page
15 16 of the agenda includes the noted boundary
16 adjustments to the existing system of 22 WMUs.
17 These proposed changes to WMU boundaries will have
18 minimal impact on wildlife databases.

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

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

25 MR. SCHREFFLER: So moved.

1 THE PRESIDENT: Mr. Schreffler. Is
2 there a second?

3 MR. ISABELLA: Second.

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

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

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

24 THE PRESIDENT: Thank you. Any other
25 discussion? I would just ask Cal to address that.

1 I know that you've addressed it before about making
2 the management units smaller, and why don't we do
3 that right now.

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

12 THE PRESIDENT: Any other discussion?
13 If not, all those in favor of modifying the
14 boundaries of the wildlife management units on page
15 16, signify by saying aye.

16 (Signified aye.)

17 THE PRESIDENT: Those opposed, say no.

18 (No response.)

19 MR. DELANEY: Unanimous vote, Madame
20 President.

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

23 MR. BECHTEL: The next item on the
24 agenda is to amend 58 Pa. Code 139.2, 141.1 and
25 141.41. The Game and Wildlife Code (Title 34)

1 directs the Commission to promulgate such
2 regulations as it deems necessary and appropriate
3 to protect, preserve and manage wildlife, including
4 permitting or prohibiting hunting or furtaking, the
5 ways, manner, methods and means of hunting or
6 furtaking, and the health and safety of persons who
7 hunt or take wildlife or may be in the vicinity of
8 persons who hunt or take game or wildlife in this
9 Commonwealth. The designation of special
10 regulations areas is based on this authority and
11 includes our most developed areas in the
12 Commonwealth, which have been historically defined
13 by county.

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

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

1 THE PRESIDENT: Thank you. Do I hear
2 a motion?

3 MR. ISABELLA: Motion.

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

6 MR. DELANEY: I'll second that motion.

7 THE PRESIDENT: Is there a discussion?

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

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

14 MR. DELANEY: I'll second that motion.

15 THE PRESIDENT: Is there a discussion?

16 (No response.)

17 THE PRESIDENT: With no discussion, I
18 would ask for a vote to table the amendment to
19 table the items for seasons and bag limits on page
20 17 through 19. All those in favor, say aye.

21 (Signified aye.)

22 THE PRESIDENT: All those opposed, say
23 no.

24 MR. SCHREFFLER: No.

25 MR. DELANEY: Madame President, the

1 vote is six yes, one no vote. The amendment to
2 table passes.

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

5 MR. BECHTEL: Page 20. The next item
6 on the agenda is found on page 20, vote to amend 58
7 Pa. Code Sections 141.48, 143.203 and 143.206 and
8 143.207.

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

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

24 THE PRESIDENT: Thank you, Brad. Is
25 there a motion?

1 MR. ISABELLA: Motion.

2 THE PRESIDENT: Commissioner

3 Isabella. Is there a second?

4 MR. SCHREFFLER: Second.

5 THE PRESIDENT: Second, Commissioner

6 Schreffler. Is there a discussion on this agenda?

7 (No response.)

8 THE PRESIDENT: No discussion.

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

12 (Signified aye.)

13 THE PRESIDENT: All those opposed, say
14 no.

15 (No response.)

16 MR. DELANEY: The agenda item passes
17 unanimously.

18 THE PRESIDENT: Page 22.

19 MR. BECHTEL: The next item on the
20 agenda is to amend 58 Pa. Code Section 147.701.
21 Several changes in bobcat regulations are being
22 proposed. Bobcat-taking permits were authorized in
23 2000 after 30 years of protection and 15 years of
24 intensive research. Initially, harvest
25 opportunities were quite limited by geographic area

1 and restricted to resident furtakers. As the
2 season has expanded in scope and permits now exceed
3 1,000 annually, nonresident furtakers have
4 increasingly expressed an interest in applying for
5 the bobcat permit drawing.

6 Nonresidents currently are afforded
7 the opportunity to be permitted as bobcat guides
8 only. Nonresident furtakers make up less than one
9 percent of licensed furtakers in Pennsylvania and
10 pay four times the resident price for their
11 license. This proposed rule making would permit
12 nonresident furtakers to submit an application for
13 the bobcat permit drawing beginning in 2008 and to
14 receive a permit if drawn.

15 Beginning in 2003, the Commission
16 began awarding preference points to individuals who
17 apply for and do not receive a bobcat harvest
18 during a given year. This preference point system
19 was designed to incrementally increase the
20 profitability of receiving a permit each year that
21 an applicant is unsuccessful. Bobcat permits are
22 awarded using a random computer drawing from an
23 applicant database, which is maintained by the
24 Bureau of Automated Technology Services.

25 The number of preference points is

1 applied to the applicant's name prior to the
2 drawing. Under this system, the odds of being
3 selected increase significantly as points are
4 accrued, but new applicants always have a chance of
5 being selected. Applicants who are selected and
6 receive a permit are prohibited from applying the
7 following year and their preference points are set
8 back to zero.

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

19 We believe that the selection process
20 can be modified to provide guaranteed permits to
21 applicants with maximum preference points, but due
22 to random events, fail to receive a permit. Models
23 based on past trends in the applicant database
24 suggest that we can provide this benefit without
25 negating the chance of a new applicant receiving a

1 permit or significantly reducing the odds of
2 applicants with lesser preference-point status.

3 The designation of a maximum
4 preference of six or seven points would result in
5 100 to 350 permits guaranteed during a given year
6 with the remaining permits allocated by random
7 drawing. This proposed rule making would implement
8 this permit selection process change beginning with
9 the 2008 bobcat season.

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

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

17 THE PRESIDENT: Thank you, Brad.

18 We have a proposal to modify the
19 bobcat hunting season and tagging procedure. Do I
20 hear a motion?

21 MR. SCHLEIDEN: Motion.

22 THE PRESIDENT: Commissioner
23 Schleiden.

24 MR. ISABELLA: Second.

25 THE PRESIDENT: Second, Commissioner

1 Isabella. Is there any discussion of the
2 proposal?

3 (No response.)

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

6 (Signified aye.)

7 THE PRESIDENT: All those opposed, say
8 no.

9 (No response.)

10 MR. DELANEY: Unanimous.

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

15 MR. DuBROCK: What has been
16 distributed is a recommendation for the November
17 2008 elk season, the number of licenses for that.
18 We're recommending, as biologist John DeBerti
19 mentioned yesterday, 40 licenses for the November
20 2008 season, 15 antlered, 25 antlerless. This is
21 very similar to what had been allocated in 2007,
22 actually, the same number. There's a slight
23 redistribution, I would point out, contrast with
24 2007.

25 In 2007, I believe there were two

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

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

11 MR. ISABELLA: Motion.

12 THE PRESIDENT: Commissioner
13 Isabella. Is there a second?

14 COMMISSION SCHREFFLER: Second.

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

18 COMMISSIONER BOOP: Madame President.

19 THE PRESIDENT: Yes, Commissioner
20 Boop.

21 COMMISSIONER BOOP: We had discussed
22 this, and I realize in light of the realignment of
23 some of the zones that the merit in this proposed
24 number for this year, with the expanding range of
25 the elk and the expanding herd, I would hope that

1 the setting of these new zones, that we could look
2 for increased hunter opportunities in the next year
3 in the hope that we could seriously look at
4 expanding the number of permits in the next license
5 year. Thank you.

6 THE PRESIDENT: Any other discussion?

7 MR. SCHLEIDEN: In light of
8 Commissioner Boop's comments, during the briefing
9 yesterday, I noticed that the herd went from about
10 600 to 700, was 600, an estimate of 650 to 700, and
11 I agree, I think that with the zones being spread
12 out and the hunter interest being there, I would
13 like to offer an amendment -- a very minimum
14 amendment, I might add -- to add five more licenses
15 to the total; the sex and zones to be determined by
16 the Executive Director himself.

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

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

22 MR. ISABELLA: Second.

23 THE PRESIDENT: Commissioner Isabella.
24 We have an amendment on the floor to add five more
25 licenses to the 2008 November elk hunt, and the sex

1 and zones for these licenses would be determined by
2 the Executive Director and the staff. Is there any
3 discussion about this amendment?

4 (No response.)

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

7 (Signified aye.)

8 THE PRESIDENT: All those opposed to
9 the amendment?

10 (No response.)

11 MR. DELANEY: Unanimous vote, Madame
12 President.

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

16 MR. SCHLEIDEN: You have a motion.

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

21 (Signified aye.)

22 THE PRESIDENT: All those opposed, say
23 no.

24 (No response.)

25 MR. DELANEY: Amendment passes

1 unanimously.

2 THE PRESIDENT: Thank you,
3 Commissioner Delaney. Thank you Cal for all your
4 help and input this week. You've been great.

5 We are going to have a break for about
6 15 minutes and then we will resume at 10:20.

7 (Recess at 10:07 a.m.)

8 (Reconvened at 10:24 a.m.)

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

14 We are on page 25 of the agenda.

15 MR. BECHTEL: The following items
16 relate to Adopted Rule Making, adoptions of
17 proposed amendments to Section 141.20. To
18 effectively manage the wildlife resources of this
19 Commonwealth, the Game Commission, at its October
20 2, 2007 meeting, proposed the following change:
21 Amend Section 141.20, relating to protected
22 material, required to eliminate the protected
23 material requirement for the spring turkey season.
24 The text of this is found on page 26 of your
25 agenda.

1 The Executive Director and staff
2 recommend final adoption of this amendment to 58
3 Pa. Code as shown on Exhibit A.

4 THE PRESIDENT: Thank you, Brad.

5 Is there a motion for the protected
6 material fluorescent orange?

7 MR. ISABELLA: Motion.

8 THE PRESIDENT: Commissioner Isabella.
9 Is there a second?

10 MR. HILL: Second.

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

13 MR. ISABELLA: Yes.

14 THE PRESIDENT: Commissioner Isabella.

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

1 THE PRESIDENT: Any other discussion?

2 Mr. Schreffler.

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

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

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

24 MR. HILL: I would like to make a
25 brief comment.

1 THE PRESIDENT: Commissioner Hill.

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

12 THE PRESIDENT: Any other discussion?
13 Mr. Boop.

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

16 THE PRESIDENT: Anyone else?

17 (No response.)

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

23 (Signified aye.)

24 THE PRESIDENT: All those opposed, say
25 no.

1 (No response.)

2 MR. DELANEY: Unanimous, Madame
3 President.

4 THE PRESIDENT: Thank you. Page 28.

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

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

18 THE PRESIDENT: Do I hear a motion?

19 MR. ISABELLA: Motion.

20 THE PRESIDENT: Commissioner
21 Isabella. Is there a second?

22 MR. SCHREFFLER: Second.

23 THE PRESIDENT: Is there any
24 discussion?

25 (No response.)

1 THE PRESIDENT: We have a motion to
2 approve Exhibit B on page 28 relating to hunter
3 education training. All those in favor, signify by
4 saying aye.

5 (Signified aye.)

6 THE PRESIDENT: Those opposed, no.

7 (No response.)

8 MR. DELANEY: Motion passed
9 unanimously.

10 THE PRESIDENT: Thank you. Page 29.

11 MR. BECHTEL: The next item concerns
12 adoption of proposed amendments to Chapter 147,
13 Subchapter V, Sections 147.761 to 147.765. To
14 effectively manage the wildlife resources of this
15 Commonwealth, the Game Commission, at its October
16 2, 2007 meeting, proposed the following change:
17 Amend Chapter 147 by adding Subchapter V, relating
18 to agricultural damage depredation permit, to
19 define and create the regulatory structure
20 necessary to implement the new agricultural damage
21 depredation permit program within this
22 Commonwealth.

23 The Executive Director and staff
24 recommend final adoption of this amendment to 58
25 Pa. Code as shown on Exhibit C, which is pages 30

1 through 32 of your agenda.

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

4 MR. ISABELLA: Motion.

5 THE PRESIDENT: Commissioner
6 Isabella. Second?

7 MR. SCHLEIDEN: Second.

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

10 (No response.)

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

13 (Signified aye.)

14 THE PRESIDENT: Those opposed, no.

15 (No response.)

16 MR. DELANEY: Seven yeases; unanimous,
17 Madame President.

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

20 MR. BECHTEL: This item concerns the
21 adoption of proposed amendments to Section 140.4
22 and Chapter 147 by adding Subchapter W, Sections
23 147.781 and 147.785. To effectively manage the
24 wildlife resources of this Commonwealth, the Game
25 Commission, at its October 2, 2007 meeting,

1 proposed the following change: Amend Section
2 141.4, relating to hunting hours, and add
3 Subchapter W, Sections 147.781 through 147.785 to
4 Chapter 147 relating to snow goose conservation
5 hunt permit, to define and create the regulatory
6 structure necessary to implement the new snow goose
7 conservation hunt program within this Commonwealth.

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

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

14 MR. ISABELLA: Motion.

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

17 MR. ISABELLA: Motion.

18 THE PRESIDENT: Commissioner Isabella.
19 Is there a second?

20 MR. SCHREFFLER: Second.

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

24 MR. PALMER: I believe there was going
25 to be a floor amendment.

1 THE PRESIDENT: We have an amendment
2 to the goose hunt permit. We have a replacement
3 for page 35. I would ask Rich Palmer to discuss
4 this amendment with us.

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

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

19 However, in order for us to be able to
20 implement the season, what we need to do is have
21 this regulation in place now. What it does is,
22 under 147.781, it authorizes the Executive Director
23 to specify the time period when this hunt can take
24 place, which will be within the federal guidelines
25 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,

1 but the emphasis here, talking with the Executive
2 Director, the fact that we can control that even if
3 they see this, I want to do it because they have to
4 call here for a permit; is that correct?

5 MR. PALMER: That is correct.

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

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

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

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

23 MR. SCHLEIDEN: Thank you.

24 THE PRESIDENT: Thank you, Rich. Any
25 further discussion of the amendment?

1 (No response.)

2 THE PRESIDENT: Okay. We have an
3 amendment on page 35 Section 147.783 part C. All
4 those of favor of the amendment, signify by saying
5 aye.

6 (Signified aye.)

7 THE PRESIDENT: All those opposed, say
8 no.

9 (No response.)

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

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

16 MR. ISABELLA: Motion.

17 THE PRESIDENT: Commissioner
18 Isabella. Second?

19 MR. SCHREFFLER: Second.

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

23 (Signified aye.)

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

1 (No response.)

2 MR. DELANEY: The ayes support seven
3 yes votes, unanimous.

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

6 MR. BECHTEL: On page 36 of your
7 agenda appears the adoption of proposed amendments
8 to Section 143.52. To effectively manage the
9 wildlife resources of this Commonwealth, the Game
10 Commission, at its October 2, 2007 meeting,
11 proposed the following change: Amend Section
12 143.52, relating to the procedure for unlimited
13 antlerless licenses, to change the over-the-counter
14 sales date from the third Monday in September to
15 the second Monday in September in order to permit
16 county treasurers to begin accepting and processing
17 antlerless deer applications prior to the opening
18 day of the new archery season in wildlife
19 management units 2B, 5C and 5D.

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

24 THE PRESIDENT: Thank you, Brad. Do I
25 hear a motion for final adoption?

1 MR. SCHLEIDEN: So moved.

2 THE PRESIDENT: Commissioner

3 Schleiden. Is there a second?

4 MR. ISABELLA: Second.

5 THE PRESIDENT: Commissioner

6 Isabella. Is there any discussion of the

7 proposal?

8 (No response.)

9 THE PRESIDENT: All those in favor,

10 signify by saying aye.

11 (Signified aye.)

12 MR. DELANEY: Unanimous, Madame

13 President.

14 THE PRESIDENT: Thank you. Now we

15 will go to Proposed Rule Making. These are the

16 items on the agenda that are brought up for the

17 first time, page 38.

18 MR. BECHTEL: On page 38 of your

19 agenda appears a proposal to amend 58 Pa. Code

20 Section 141.45. On June 30 of 2007, Governor

21 Rendell signed into law Senate Bill 580, Act 18 of

22 2007. This legislation effectively amended Section

23 2383 of the Code to create an exception to

24 prohibition against the use of dogs to hunt big

25 game by specifically permitting the use of a dog to

1 pursue, chase, scatter and track wild turkeys
2 during fall wild turkey season.

3 With the passage of this legislation,
4 58 Pa. Code Section 143.45, relating to turkey,
5 must be amended in order to maintain consistency
6 with the recently-amended statute. Therefore, the
7 Commission is proposing to amend Section 141.45 to
8 remove the regulatory prohibition against the use
9 of dogs while hunting wild turkey. The amendment
10 appears below, the text of the commentary, on page
11 38.

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

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

16 MR. ISABELLA: Motion.

17 THE PRESIDENT: Commissioner
18 Isabella. Is there a second?

19 MR. SCHLEIDEN: Second.

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

22 (No response.)

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

25 (Signified aye.)

1 THE PRESIDENT: Those opposed, say no.

2 (No response.)

3 MR. DELANEY: Unanimous, Madame
4 President.

5 THE PRESIDENT: Thank you. Now we
6 will go on to page 39. I want to, for those in the
7 audience, this is proposed rule making, we have a
8 replacement page 40, but we do not have to do any
9 amendments since this is just a proposal, but page
10 40 is different from the original. Brad.

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

19 In an effort to create consistency in
20 the regulations and increase the Commission's
21 capabilities to address wildlife epidemiological
22 concerns, the Commission is proposing to amend
23 Section 137.1, relating to importation, sale and
24 release of certain wildlife, to specifically
25 require propagation, exotic wildlife dealer and

1 exotic wildlife possession permit holders to
2 acquire an importation permit prior to importing
3 any wildlife into this Commonwealth.

4 The Commission is also proposing to
5 amend Section 137.1, to prohibit the importation,
6 possession, sale and release of all nonhuman
7 primates and the Conure-Nanday, sometimes referred
8 to as the Black-hooded Parakeet, in response to
9 human health/safety and wildlife habitat health
10 purposes. The actual text appears on page 39 and
11 40.

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

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

16 MR. ISABELLA: Motion.

17 THE PRESIDENT: Commissioner
18 Isabella. Is there a second?

19 MR. HILL: Second.

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

24 MR. PALMER: The replacement page
25 essentially changes item 137.1(a)(9) and it removes

1 the Conure-Nanday specific language from the
2 restriction.

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

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

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

11 MR. DELANEY: Yes.

12 THE PRESIDENT: Commissioner Delaney.

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

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

21 MR. HILL: I think the outpouring of
22 support for that bird reminds me of the support we
23 have for our hunting dogs. I think you understand
24 how much we love our dogs and I highly recommend
25 that you put the picture of that rascal riding on

1 the back of your cat on YouTube. When I heard
2 that, I thought this is a special animal. Thank
3 you for your comments.

4 THE PRESIDENT: Anyone else?

5 (No response.)

6 THE PRESIDENT: If not, all those in
7 favor of the proposal signify by saying aye.

8 (Signified aye.)

9 THE PRESIDENT: All those opposed, say
10 no.

11 (No response.)

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

14 THE PRESIDENT: Thank you. Page 41.

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

23 The Commission and the Pennsylvania
24 Fish and Boat Commission intend to replace their
25 own individual paper-based licensing systems with

1 the common computer-based automated licensing
2 system.

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

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

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

25 The Executive Director and staff

1 recommend the Commission approve these changes.

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

4 COMMISSIONER BOOP: So moved.

5 MR. SCHREFFLER: Motion.

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

9 (No response.)

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

12 (Signified aye.)

13 THE PRESIDENT: All those opposed, say
14 no.

15 (No response.)

16 MR. DELANEY: The proposal passes
17 unanimously.

18 THE PRESIDENT: Thank you. Page 53,
19 Hunting License Revocations.

20 MR. BECHTEL: Page 53 appears Hunting
21 License Revocations. The Commission, under the
22 authority of the Game and Wildlife Code, may revoke
23 any hunting license and furtaker's license and deny
24 any person to secure a license or to hunt and
25 furtake anywhere in the Commonwealth with or

1 without a license.

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

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

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

24 Unless deemed in the best interest of
25 the Commission by the Director or designee,

1 hearings shall be conducted at the central office.
2 Hearings will be conducted in accordance with the
3 General Rules of Administrative Practice and
4 Procedure. The hearing itself will be conducted in
5 accordance with Chapter 35 of the Rules and Chapter
6 145 of the Pa. Code.

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

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

18 MR. ISABELLA: Motion.

19 THE PRESIDENT: Thank you. Second?

20 MR. HILL: Second.

21 THE PRESIDENT: Commissioner Hill.

22 Any discussion?

23 (No response.)

24 THE PRESIDENT: All those in favor of
25 these proposal, signify by saying aye.

1 (Signified aye.)

2 THE PRESIDENT: All those opposed, say
3 no.

4 (No response.)

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

7 THE PRESIDENT: Thank you.

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

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

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

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

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

24 EXECUTIVE DIRECTOR ROE: I think you
25 can vote on them all at once.

1 MR. PALMER: That's fine.

2 MR. SCHLEIDEN: Do you need a motion?

3 THE PRESIDENT: Yes.

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

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

15 MR. HILL: Second.

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

20 (Signified aye.)

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

23 (No response.)

24 MR. DELANEY: Madame President, it's
25 unanimous on the blue supplement, the vote.

1 THE PRESIDENT: Thank you. Thank you,
2 Director Palmer. I apologize for trying to get rid
3 of you too fast.

4 MR. PALMER: Thank you.

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

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

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

23 These other three radio towers will
24 also be used in conjunction with the Commission's
25 radio system.

1 Option No. 50013 is 4,968 more or less
2 acres of land in Horton Township, Elk County,
3 adjoining State Game Lands No. 44. This is shown
4 on Exhibit RED 2 on page 57 of your agenda. The
5 option price is \$400 per acre to be paid from funds
6 previously escrowed by Penn State University as
7 part of the obligation to acquire replacement lands
8 in conjunction with the State Game Lands No. 176,
9 Compartment 5 land exchange.

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

20 Most of the property has been logged
21 or surface-mined with large herbaceous openings
22 created during reclamation that are interspersed
23 with early successional stages of seedling,
24 sapling, forest growth comprised of mixed oak and
25 northern hardwoods. Deer, bear, turkey, grouse,

1 rabbits, woodcock, foxes, coyotes and bobcats are
2 present on the tract.

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

12 The third option, No. 50045, is
13 1,555.6 more or less acres of land in Horton
14 Township, Elk County, near State Game Land 44 shown
15 on Exhibit RED 3 on page 58 of your agenda.

16 The option price is \$400 per acre.
17 Settlement on the real property shall occur only if
18 the settlement simultaneously includes the sale and
19 payment for timber growing on the property in the
20 amount of \$1,322,260. The purchase price for the
21 land and the timber is to be paid from funds
22 previously escrowed by Penn State University as
23 part of the obligation to acquire replacement lands
24 in conjunction with the State Game Land No. 176,
25 Compartment 5 land exchange.

1 Approximately, half of the property is
2 woodlands comprised of mixed oak and northern
3 hardwoods. The other half has been surface-mined
4 and reclaimed over the last 20 years with grasses,
5 black locust and conifers. These extensive
6 grasslands will add important small game habitat to
7 State Game Land No. 44 that is predominantly
8 forested. The stream bottoms contain areas that
9 have not been timbered or mined and have stands of
10 hemlock, white pine and hardwoods.

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

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

24 THE PRESIDENT: Thank you, Brad. Is
25 there a motion for these acquisitions?

1 MR. ISABELLA: Motion.

2 THE PRESIDENT: Commissioner

3 Isabella. Is there a second?

4 MR. HILL: Second.

5 THE PRESIDENT: Second, Commissioner

6 Hill. Is there any discussion?

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

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

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

1 game habitat.

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

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

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

19 (Signified aye.)

20 THE PRESIDENT: All those opposed, say
21 no.

22 (No response.)

23 MR. DELANEY: Motion passes
24 unanimously.

25 THE PRESIDENT: Thank you. Now we go

1 over to page 59.

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

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

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

22 Thirteen acres of the tract are
23 forested wetlands and contain balsam fir, hemlock
24 and white pine to create a unique stand of tree
25 species worthy of protecting.

1 The remaining portion of the tract is
2 comprised of mixed hardwoods and pole-size timber.
3 The property is easily accessible from Loop Road
4 and improves access to the western boundary of
5 existing State Game Land No. 301.

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

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

22 This would effectively make the gift
23 of the future interest irrevocable by future club
24 members and ensure that the property would come to
25 the Commonwealth upon dissolution of the club.

1 The Executive Director and staff
2 recommends the donations listed above be accepted
3 and that the Commission authorize the Bureau of
4 Wildlife Habit Management to proceed with the
5 acquisition of these tracts.

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

8 MR. SCHREFFLER: So moved.

9 THE PRESIDENT: Second?

10 MR. HILL: Second.

11 THE PRESIDENT: Second, Commissioner
12 Hill. Any discussion about the donations?

13 Anything from Mr. Capouillez?

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

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

20 (Signified aye.)

21 THE PRESIDENT: All those opposed, say
22 no.

23 (No response.)

24 MR. DELANEY: Unanimous vote, Madame
25 President.

1 THE PRESIDENT: Thank you. Now we are
2 over to page 61, Land Exchanges.

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

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

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

22 The exchange will provide additional
23 hunting acreage contiguous to State Game Land No.
24 276. The wooded tract will provide additional
25 habitat to an existing population of Eastern

1 Woodrats, which are listed as a threatened mammal
2 in Pennsylvania. The tract contains mostly black
3 cherry, tulip poplar, red maple and black birch,
4 with approximately 100 acres of pole-size timber,
5 with the remaining acreage in saw timber.

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

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

16 In addition, there is an Option No.
17 50023 on the agenda. Dominion Transmission, Inc.
18 has agreed to a land exchange involving an easement
19 for a new 24-inch pipeline with 12.70 acres of
20 permanent right of way and 6.35 acres of temporary
21 construction right of way, totaling 19.05 acres of
22 impact on State Game Land No. 215, situated in Lack
23 Township, Juniata County, as shown on Exhibit RED 6
24 on page 62 of your agenda and 2.44 acres of right
25 of way and 1.22 of temporary construction right of

1 way, totaling 3.66 acres of impact on State Game
2 Land No. 113 in Oliver Township, Mifflin County, as
3 shown on Exhibit RED 7 on page 63 of your agenda.

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

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

22 The staff has reviewed this proposal
23 and has determined it to be of equal or greater
24 value for the benefit of wildlife. The Executive
25 Director and staff recommend that the land

1 exchanges listed above be approved and the
2 Commission authorizes the Bureau of Wildlife Habit
3 Management to proceed with these exchanges.

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

8 MR. SCHLEIDEN: So moved.

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

11 MR. ISABELLA: Second.

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

15 MR. SCHLEIDEN: I have one comment.

16 THE PRESIDENT: Commissioner
17 Schleiden.

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

25 MR. CAPOUILLEZ: Thank you, sir.

1 THE PRESIDENT: Any other discussion?

2 (No response.)

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

5 (Signified aye.)

6 THE PRESIDENT: All those opposed, say
7 no.

8 (No response.)

9 MR. DELANEY: The vote is unanimous,
10 Madame President.

11 THE PRESIDENT: Thank you,
12 Commissioner Delaney. The next item is on page 67,
13 Oil, Gas and Minerals.

14 MR. BECHTEL: An underground mining
15 coal lease for State Game Land No. 245 in
16 Washington County is proposed. Consol Pennsylvania
17 Coal Company, LLC, has requested to lease and
18 remove by underground mining methods an estimated
19 9,060 tons of coal from one-acre block of the
20 Pittsburgh coal seam located in Morris Township,
21 Washington County, southwest region, as shown on
22 Exhibit OGM-1 on page 68 of your agenda.

23 In exchange for the five-year lease
24 from the Commission, Consol Pennsylvania Coal
25 Company, LLC, will pay the Commission a one-time

1 lump sum payment of \$120,000 into an interest-
2 bearing account to be used for the future purchase
3 of lands acceptable to the Commission.

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

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

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

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

20 MR. SCHLEIDEN: So moved.

21 THE PRESIDENT: Commissioner
22 Schleiden. Is there a second?

23 MR. ISABELLA: Second.

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

1 (No response.)

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

4 (Signified aye.)

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

7 (No response.)

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

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

12 MR. BECHTEL: An oil and gas lease
13 offering for State Game Land No. 239 in Bradford
14 County is on the agenda. The Commission offered
15 its oil and gas ownership under State Game Land No.
16 239 for lease. Tract 239 A-08, containing 670.96
17 acres, was exposed for competitive royalty bid in
18 January 2008 with a bonus payment of \$125 per acre
19 and a fixed yearly rental rate of \$20 per acre.

20 Additionally, the lease offer provides
21 the Commission a one-time payment of \$10,000 for
22 each deep well drilled within the lease premises
23 and a one-time payment of \$5,000 for each shallow
24 well drilled within the lease premises. The lease
25 area exposed for competitive royalty bid is as

1 shown on the attached Exhibit OGM-2 down on page 70
2 of your agenda.

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

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

17 THE PRESIDENT: You can read that
18 also, Brad.

19 MR. BECHTEL: It states, As indicated
20 in the Agenda Item B, bids for this tract were
21 opened on January 24, 2008, with EOG Resources,
22 Inc., of Canonsburg, Pennsylvania submitting the
23 highest royalty rate bid of 28.92 percent of the
24 market value of each MCF of gas produced from the
25 subject lease.

1 The Executive Director and staff
2 recommends that an oil and gas development lease be
3 awarded to EOG Resources, Inc. of Canonsburg,
4 Pennsylvania in accordance with Commission policy
5 and lease award procedure.

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

8 MR. SCHLEIDEN: So moved.

9 THE PRESIDENT: Commissioner
10 Schleiden. Is there a second?

11 MR. ISABELLA: Second.

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

15 MR. SCHLEIDEN: One comment.

16 THE PRESIDENT: Commissioner
17 Schleiden.

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

25 MR. CAPOUILLEZ: The thing to note not

1 only about this particular item as well as the one
2 before that and the one you are going to read is
3 this is done because of people understanding the
4 industry that work with the Commission and
5 understanding the timeliness; in particular, this
6 tract, although it didn't seem like a lot of
7 acreage, has already had private leases all around
8 it, so the company is already committed to develop
9 that area.

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

16 MR. SCHLEIDEN: Thank you.

17 THE PRESIDENT: Any other discussion
18 about the proposal?

19 (No response.)

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

22 (Signified aye.)

23 THE PRESIDENT: All those opposed, say
24 no.

25 (No response.)

1 MR. DELANEY: The motion passes
2 unanimously.

3 THE PRESIDENT: Item C on page 72.

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

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

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

21 Oil/gas development will be regulated
22 by the Commonwealth's Oil and Gas Regulations and
23 the Commission's standard oil/gas lease agreement
24 and \$25,000 performance bond. The lease will
25 include the Commission's standard wildlife and

1 environmental protection measures and further
2 limits the subsequent well development to a total
3 of five well-drilling locations unless additional
4 written approval is obtained from the Commission.

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

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

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

22 MR. SCHLEIDEN: So moved.

23 COMMISSIONER BOOP: So moved.

24 THE PRESIDENT: Commissioner Schleiden
25 and seconded by Commissioner Boop. Is there any

1 discussion of this proposal?

2 MR. HILL: Madame President.

3 THE PRESIDENT: Commissioner Hill.

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

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

9 THE PRESIDENT: Any other discussion?

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

12 (Signified aye.)

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

15 (No response.)

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

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

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

23 (No response.)

24 THE PRESIDENT: We just want to
25 announce that immediately following our meeting, we

1 will have a press conference in here and those
2 people who need to visit and talk, we would ask
3 them to go out into the lobby. You're welcome to
4 stay for the press conference, but you won't be
5 permitted to speak, but you are more than welcome
6 to listen to the questions and the answers. Do I
7 hear a motion for adjournment of the meeting?

8 MR. ISABELLA: Motion.

9 THE PRESIDENT: Commissioner
10 Isabella. Second?

11 COMMISSIONER BOOP: Second.

12 THE PRESIDENT: Thank you,
13 Commissioner Boop. This meeting is adjourned.

14 (The hearing was concluded at 11:18 a.m.)

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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.

Melissa Flinn

