

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
JANUARY 27, 2009

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING

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

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

DATE: JANUARY 27, 2009, 8:30 A.M.
PLACE: 2001 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA

DONNA J. FOX, REPORTER
NOTARY PUBLIC

1 COMMISSIONER ISABELLA: Second.

2 PRESIDENT PALONE: Second, Commissioner Isabella.

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

4 (Vote taken.)

5 COMMISSIONER DELANEY: Madam President, the vote is
6 unanimous to accept the motion for the minutes in the previous meeting.

7 PRESIDENT PALONE: Thank you.

8 We have Brad Bechtel here, our legal beagle. I haven't heard that for a while.

9 COMMISSIONER BOOP: I found that offensive, Madam President.

10 PRESIDENT PALONE: Page 2, Adopted Rule Making.

11 MR. BECHTEL: Yes, Madam President. The first item to come
12 before the Board today comes from the Bureau of Administration. It involves
13 the adoption of the proposed amendments to Chapter 143, Subchapters A
14 through E, J and K, and Chapter 147, Subchapters R and S. To effectively
15 manage the wildlife resources of this Commonwealth, the Game Commission,
16 at its January 29, 2008 meeting, proposed the following changes: To amend
17 Chapter 143, Subchapters A through E, J and K (relating to licenses) and
18 Chapter 147, Subchapters R and S (relating to deer control and bobcat
19 hunting-trapping permit) to accommodate the implementation of the
20 Commission's new Point-of-Service licensing system within the
21 Commonwealth. It is important to note that this rule making was tabled
22 subsequent to its proposal due to the recurrent unavailability of an operational
23 Pennsylvania Automated Licensing Sales System during this time frame. In
24 light of the progress made to the system during the past year, the Commission
25 anticipates a full hard rollout of the system on June 15, 2009. As a
26 consequence, the Commission has reactivated this proposal to make the
27 necessary regulatory changes to effectuate the use of the system.

1 The Executive Director and staff recommend the final adoption of
2 these amendments to 58 Pa. Code as shown on Exhibit A on pages 3 through
3 10 in your agenda.

4 PRESIDENT PALONE: Thank you, Brad. I would like to recognize
5 Dot Derr. She's our Bureau Director of the Bureau of Administration. Is there
6 a motion to accept these proposals?

7 COMMISSIONER SCHLEIDEN: So moved.

8 PRESIDENT PALONE: Commissioner Schleiden. Is there a second?

9 COMMISSIONER SCHREFFLER: Second.

10 PRESIDENT PALONE: Second, Commissioner Schreffler. Is there
11 any discussion of the proposal?

12 COMMISSIONER WEANER: Madam President.

13 PRESIDENT PALONE: Commissioner Weaner.

14 COMMISSIONER WEANER: I move to amend this motion with the
15 following words: A fee of \$6 will be assessed for the replacement of any
16 DMAP harvest permit, that this will affect page 10, Section 147.674 (c); and
17 also the wording the original forms issued with the regular hunting license for
18 the original or a reasonable facsimile of the universal form contained in the
19 "Hunting and Trapping Digest" that is used for applying for an anterless
20 license or an unsold tag. This effects page 4, Section 143.42 and page 7,
21 Section 143.51 (b).

22 PRESIDENT PALONE: Is that all you have?

23 COMMISSIONER WEANER: That's it.

24 PRESIDENT PALONE: So we have a motion on the floor to amend
25 page 4, Section 143.42, Definitions; amendment to page 7, 143.51 Part B, and
26 page 10, 147.673, DMAP, Part C. Is there a second to that motion?

27 COMMISSIONER SCHLEIDEN: Second.

1 upcoming license year, the Commission is proposing to amend 58 Pa. Code,
2 Section 139.4 (relating to seasons and bag limits for the license year) to
3 provide updated seasons and bag limits for the 2009-2010 license year.

4 Although the 2009-2010 seasons and daily season and possession limits are
5 similar to those set 20 in 2008 -- 2009, the 2009-2010 seasons and bag limits
6 have been amended to conform to current available scientific data, population
7 and harvest records, field surveys and professional staff observations, as well
8 as recommendations received from staff, organized supporting groups,
9 members of the agricultural community and others interested in the wildlife
10 resources of the Commonwealth. A change is proposed for small game
11 seasons that prohibits the hunting and harvesting of pheasants in any area
12 designated as a wild pheasant recovery area within any Commonwealth
13 wildlife community unit. Again this year we acknowledge the interest of
14 some parties to close quail season statewide. Given the diminished status of
15 wild quail populations, this recommendation is understandable; however, we
16 do not plan to recommend changes in bobwhite season length or hunt areas
17 until we have a bobwhite quail management plan completed. In the interim,
18 bobwhite hunting closures will continue in the last vestiges of the historic
19 quail range.

20 This proposal also calls for a decrease in the length of the wild turkey
21 fall season in WMU 2D to two weeks and decreases the fall season in WMUs
22 5C and 5D to four days. Summer sighting indices and spring harvest densities
23 in WMU 2D have consistently been below the average values from 1995 to
24 2003 and the spring harvest density remains below the value prior to the
25 season extension. The surrounding WMUs (except for WMU 2B) all have
26 two-week seasons. Wild turkey spring harvest densities in WMU 5C continue
27 to show a declining trend even after decreasing the season by one day in 2005.
28 Although the dataset is limited for WMU 5D, the spring harvest density has

1 decreased approximately 78 percent since the fall season has been open.
2 Turkey populations are particularly vulnerable to overharvest in these WMUs
3 due to highly fragmented forested habitats.

4 These proposed regulations also recommend extended bear hunting
5 concurrent with a portion of the deer season in WMU 5B and 5C while
6 eliminating the extended bear hunting opportunity in WMU 3C. WMUs 5B
7 and 5C are, for the most part, outside the current primary bear range; they
8 have high human-bear conflict potential and low availability of contiguous
9 forested habitat. Further expansion of bear populations in these units is not
10 desired, hence the recommendation to allow additional bear harvest
11 opportunity. WMU 3C has been opened to an extended six-day season since
12 2005 and was partially open 21 beginning in 2004. A declining bear
13 population trend has been identified in WMU 3C during the last two 23 years
14 and bear captures and tagging have declined to a 24 level that makes this
15 extended season counterproductive for population management.

16 Finally, for bobcat, this proposal recommends adding WMUs 4A and
17 4E to the bobcat hunt/trap area. Increased numbers of incidental bobcat
18 captures and bobcat sightings in these areas support this proposal.

19 The Executive Director and staff recommend the Commission approve
20 the proposed 2009-2010 hunting seasons and bag limits amendment to 9
21 Section 139.4 as described in the attached table on pages 13 through 20 of
22 your agenda.

23 PRESIDENT PALONE: Thank you, Brad. I would like a motion to
24 accept the seasons and bag limits, and then we will go through each page and
25 ask for amendments and then vote on the amendments.

26 COMMISSIONER SCHREFFLER: So moved.

27 COMMISSIONER WEANER: Second.

1 2B, 5C and 5D to January 23rd. Is there any discussion of that 24
2 amendment? No discussion. All those in favor of the amendment signify by
3 saying aye. All those opposed say no.

4 (Vote taken.)

5 COMMISSIONER DELANEY: Madam President, Commissioner
6 Isabella's amendment passes by a vote of seven to zero.

7 PRESIDENT PALONE: Thank you. Commissioner Boop.

8 COMMISSIONER BOOP: Thank you, Madam President. With
9 respect to page 17, this is not an amendment but it's a comment. When the
10 early fall muzzleloader season and the special season for rifle for seniors and
11 juniors was first --

12 PRESIDENT PALONE: Commissioner Boop, we did have time for
13 discussion of the amendment.

14 COMMISSIONER BOOP: It's not the amendment Commissioner
15 Isabella made. This is another matter. With respect to these two, these were
16 supposed to be temporary seasons until our deer numbers came down to meet
17 our management goals. I'm simply asking that with respect to this, and my
18 comment, that after our harvest numbers come in between now and the April
19 meeting, that staff take a look to see about the viability of continuing this
20 season in future years. Thank you.

21 PRESIDENT PALONE: We can discuss that under new business
22 also, if you would like to. Page 18, are there any amendments to page 18?

23 COMMISSIONER SCHLEIDEN: Madam President.

24 PRESIDENT PALONE: Commissioner Schleiden.

25 COMMISSIONER SCHLEIDEN: Yes, under the title of Elk, I
26 believe under 17 we were -- and you can correct me here on the allocation.
27 Were we going to discuss it there. I think this is the appropriate time to offer
28 the amendment. We've been briefed on the allocations that are recommended

1 and the reasons for those. We saw that the herd had grown. The
2 recommendation of the allocations was 45; although, I would like to double
3 that. But with respect to the request from our new director of the elk study
4 and the elk program, I will be more conservative and ask for 59 on the
5 allocations. I don't think that should disturb the study and the new program
6 that you're going to be working for. So my motion is to, in conjunction with
7 the elk season, to add the allocations of 59 and allow staff to select whether
8 male or female end units.

9 PRESIDENT PALONE: Thank you. So for the elk season, the
10 motion is to allocate 59 elk licenses for the season. And they will be divided
11 between antlered and antlerless based on recommendations from the Bureau
12 of Wildlife Management. Is there a second to this motion?

13 COMMISSIONER ISABELLA: Second.

14 PRESIDENT PALONE: Second, Commissioner Isabella. Is there any
15 discussion of this motion? All those in favor of the motion signify by saying
16 aye. All those opposed say no.

17 (Vote taken.)

18 COMMISSIONER DELANEY: Madam President, the vote passes by
19 seven to zero for Commissioner Schleiden's amendment on elk.

20 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
21 19, are there any amendments to page 19? Page 20, are there any amendments
22 to page 20? That concludes our seasons and bag limits. All those in favor of
23 the seasons and bag limits as proposed on pages 13 through 20, signify by
24 saying aye. All those opposed say no.

25 (Vote taken.)

26 COMMISSIONER DELANEY: Madam President, the vote for
27 seasons and bag limits is unanimous seven to zero.

1 COMMISSIONER SCHLEIDEN: For the record, Madam President,
2 that was the final vote as amended, is that correct?

3 PRESIDENT PALONE: Yes.

4 COMMISSIONER SCHLEIDEN: Thank you.

5 PRESIDENT PALONE: Page 21.

6 MR. BECHTEL: The next item concerns the amendment of 58 Pa.
7 Code, Section 1491.28. The Ring-necked Pheasant Management Plan calls
8 for restoring self-sustaining and huntable ring-necked pheasant populations in
9 suitable habitats by establishing Wild Pheasant Recovery Areas. Wild-
10 trapped pheasants will be released in Wild Pheasant Recovery Areas in an
11 effort to establish populations of at least 10 hens per square mile in the spring,
12 while Wild Pheasant Recovery Areas remain closed to game farm pheasant
13 stocking and pheasant hunting, and dog training is restricted during the
14 population establishment period.

15 The moratorium on game farm pheasant releases is aimed at
16 minimizing the possibility of reducing genetic diversity and improving
17 survivorship of wild pheasants. Pheasant hunting curtailment is important to
18 eliminating the incidental taking of hen pheasants thus limiting population
19 viability. Dog training restrictions are essential to maximizing survivorship
20 and direct taking of hens, especially during the spring nesting and summer
21 brood rearing periods. Wild Pheasant Restoration Areas and the protections
22 outlined can be accomplished through the regulations proposed in 58 Pa.
23 Code, Section 141.28, shown on pages 21 and 22 of your agenda.

24 PRESIDENT PALONE: Thank you, Brad. Is there a motion to accept
25 pages 21 to 22, Wild Pheasant Recovery Areas?

26 COMMISSIONER SCHLEIDEN: So moved.

27 PRESIDENT PALONE: Commissioner Schleiden made the motion.
28 Is there a second?

1 COMMISSIONER SCHREFFLER: Second.

2 PRESIDENT PALONE: Second, Commissioner Schreffler. Is there
3 any discussion of the proposal?

4 COMMISSIONER DELANEY: Yes, Madam President.

5 PRESIDENT PALONE: Commissioner Delaney.

6 COMMISSIONER DELANEY: I would like to offer an amendment
7 to the proposal of the Ring-Necked Pheasant Management Plan, Code 141.28,
8 to add the Greenwood Valley of Columbia County should be added and
9 included in the Central Susquehanna Wild Pheasant Reintroduction Area. The
10 Bureau of Wildlife Management will define the boundaries.

11 PRESIDENT PALONE: This is under number 3 on page 22, is that
12 right?

13 COMMISSIONER DELANEY: Correct.

14 PRESIDENT PALONE: So the motion is to add Greenwood Valley.

15 COMMISSIONER BOOP: I'll second the motion.

16 PRESIDENT PALONE: Seconded by Commissioner Boop. Is there
17 any other discussion of the amendment? All those in favor signify by saying
18 aye. All those opposed say no.

19 (Vote taken.)

20 COMMISSIONER DELANEY: Madam President, the amendment
21 passes by a vote of seven to zero.

22 PRESIDENT PALONE: Thank you. Now we'll have to vote on the
23 Wild Pheasant Recovery Areas as amended. All those in favor signify by
24 saying aye. All those opposed say no.

25 (Vote taken.)

26 COMMISSIONER DELANEY: Madam President, the original
27 motion passes by a vote of seven to zero.

1 PRESIDENT PALONE: Thank you, Commissioner Delaney. We're
2 on page 23.

3 MR. BECHTEL: The next item concerns the amendment of 58 Pa.
4 Code, Section 141.66. In January of 2005, the Commission first defined and
5 authorized the limited use of cable restraint devices to harvest red fox, gray
6 fox and coyote. Since the inception of its lawful use by Pennsylvania
7 trappers, the Commission has identified a slow but recognizable incidence of
8 non-target furbearing species (including raccoons, opossum, skunk and
9 bobcat) being captured in legal sets of these devices.

10 Due to the limited authorization on the species that can be lawfully
11 harvested through the use of cable restraint devices, the Commission has
12 historically treated the capture of all other non-target furbearing species as
13 mistake catches despite the fact that there are typically open seasons on these
14 species at the time of capture. In an effort to avoid this result, the
15 Commission is proposing to amend Section 141.66 (relating to cable
16 restraints) to permit properly licensed trappers to take and utilize non-target
17 furbearing species captured in a cable restraint device during an open season
18 for that species. This amendment will also allow incidentally captured bobcat
19 to be harvested if the trapper possesses a valid bobcat harvest permit. This
20 modification does not in any manner change the legal definition of legal cable
21 restraint or the manner or location where the devices may be set.

22 The text appears on page 23 below, and the recommendation is that the
23 Executive Director and staff recommend the Commission approve this
24 change.

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

27 COMMISSIONER SCHREFFLER: So moved.

1 COMMISSIONER ISABELLA: Second.

2 PRESIDENT PALONE: Second, Commissioner Isabella. Is there a
3 discussion on the proposed adopted rule making.

4 COMMISSIONER ISABELLA: Madam President.

5 PRESIDENT PALONE: Commissioner Isabella.

6 COMMISSIONER ISABELLA: I want to offer an amendment, and
7 it's to make editorial changes to the broadhead description.

8 PRESIDENT PALONE: Okay. What page is that?

9 COMMISSIONER ISABELLA: That's going to be affecting page 25,
10 28, 29 and 31.

11 PRESIDENT PALONE: Okay. Go ahead.

12 COMMISSIONER ISABELLA: The language reads: "A crossbow
13 and bolt. A crossbow must have a peak draw weight of at least 125 pounds.
14 A bolt must be equipped with a broadhead that has an outside diameter or
15 width of at least 7/8th inches with at least two fixed cutting edges located on
16 the same plane throughout the length of the cutting surface and shall not
17 exceed 3 inches in length."

18 That is affecting page 25, Section 141.43 (a)(1); page 28, Section 141.44
19 (a)(1); page 29, Section 141.45 (a)(1); and page 31, Section 141.47 (a)(4) and
20 (5).

21 PRESIDENT PALONE: Thank you, Commissioner Isabella. Is there
22 a second?

23 COMMISSIONER WEANER: I second the motion.

24 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
25 discussion on the amendment to change the broadhead description? Hearing
26 none, all those in favor of the amendment signify by saying aye. All those
27 opposed say no.

28 COMMISSIONER BOOP: No.

1 PRESIDENT PALONE: No?

2 COMMISSIONER BOOP: No.

3 PRESIDENT PALONE: Commissioner Boop.

4 COMMISSIONER DELANEY: Madam President, the vote is six to
5 one. The editorial changes for Commissioner Isabella's amendment passes.

6 PRESIDENT PALONE: Thank you. Are there any other
7 amendments?

8 COMMISSIONER SCHREFFLER: Madam President.

9 PRESIDENT PALONE: Commissioner Schreffler.

10 COMMISSIONER SCHREFFLER: Madam President, I would like to
11 offer amendments also concerning several items. In the last weeks all the
12 communications and testimony has convinced me that there's much to learn
13 about implementing crossbow use during archery season. So I'm asking the
14 Bureau of Wildlife Management to better determine the facts and provide
15 timely reports to the Board of Commissioners so we may make a better
16 informed decision in the future. My amendment is as follows and is in several
17 parts, which I will cover one at a time after which we can vote on at once:

18 The first amendment includes a sunset clause to allow the use -- the first
19 amendment prohibits the use of magnifying telescopic sights for archery deer
20 and archery bear seasons. The language would be that the use of magnifying
21 telescopic sights would be a prohibited item affecting under pages 26, Section
22 141.43 (a)(2)(3) and on page 28, Section 141.44 (a)(2)(5).

23 The second item is the sunset clause, to allow the use of crossbows in archery
24 deer and archery bear season. And the wording should be, This subparagraph
25 shall become effective July 1st, 2009, and expire on June 30th, 2012, unless
26 the Commission authorizes its continued legal effectiveness prior to June
27 30th, 2012. This will be inserted on page 25, Section 141.43 (a)(1)(2) and on
28 page 28, Section 141.44 (a)(1)(2).

1 That concludes my amendment.

2 PRESIDENT PALONE: Thank you. Is there a second to
3 Commissioner Schreffler's amendment?

4 COMMISSIONER ISABELLA: Second.

5 PRESIDENT PALONE: Second, Commissioner Isabella. Is there any
6 discussion of the amendment? Commissioner Boop.

7 COMMISSIONER BOOP: Yes. A point of order. Can we discuss
8 both proposed amendments at one time, or do you want to discuss them
9 separately?

10 COMMISSIONER SCHLEIDEN: Madam President.

11 COMMISSIONER BOOP: The two proposed amendments, as I
12 understand, can we discuss them together or separately?

13 PRESIDENT PALONE: We can discuss them together because
14 Commissioner Schreffler asked that we vote on them together.

15 COMMISSIONER BOOP: May I then?

16 PRESIDENT PALONE: Yes, go ahead, Commissioner Boop.

17 COMMISSIONER BOOP: With respect to the two proposed
18 amendments, I'll discuss the sunset provision amendment first. I've been on
19 this board for five years. I've been a municipal solicitor for 35. My
20 experience with sunset provisions is they simply do not work. You cannot
21 give something and then later, after there's been reliance on it, take it away.
22 So the sunset amendment in my opinion respectfully does nothing to add a
23 plus or a minus to the original proposal.

24 On the issue of the magnification or telescopic sights, one of the
25 arguments that I have heard in favor of this main proposal to allow crossbows
26 is that it will get the Commission out of the permit business on this issue.
27 Currently we're issuing somewhere around 60,000 of these permits, and it is a
28 bureaucratic problem for the agency and an expense. This amendment will

1 simply put us back in permit business in my opinion. Studies have shown that
2 approximately one-third of elderly people in this country suffer from some
3 form of vision deficit. We already have 60 some thousand people out there
4 hunting with crossbows, presumably some of which have visual impairments.
5 So this amendment is going to take away the strongest argument in favor of
6 crossbows about getting us out of the permit business. In a couple of years,
7 we'll be right back in the permit business on this issue with people applying
8 and wanting to get disability permits because they have visual impairments.
9 So I do not think that the amendment is appropriate or wise. This proposal,
10 the main amendment should fall or rise on its own merits without this
11 amendment.

12 PRESIDENT PALONE: Thank you, Commissioner Boop. Are there
13 any other comments about these amendments? I would just like to say that
14 people would still be allowed to use the 1-by-30 red dot 0 devices that would
15 help them with their vision. So we really aren't discouraging people from
16 using those. They're very helpful in sighting your target. Any other
17 discussion?

18 COMMISSIONER BOOP: Excuse me, Madam President. Just a
19 point of clarification, if Commissioner Schreffler's amendment passes, those
20 people who are already permitted to use a crossbow, are they going to be able
21 to use magnifying telescopic sights? I don't understand the amendment in that
22 respect.

23 PRESIDENT PALONE: Director Palmer.

24 MR. PALMER: Commissioner Boop, no, they would not. The
25 amendment as made would prohibit the use of all magnifying telescopic sights
26 with no exceptions.

27 COMMISSIONER BOOP: Thank you.

1 PRESIDENT PALONE: Yes, we can.

2 COMMISSIONER BOOP: Because I think we ought to have an
3 opportunity to --

4 PRESIDENT PALONE: I thought we had done that. Thank you.

5 COMMISSIONER BOOP: No. All we had discussion on so far was
6 the amendment. As a point of order, I think we should allow discussion.

7 PRESIDENT PALONE: Go ahead. Does anyone else want to discuss
8 the original proposal?

9 COMMISSIONER WEANER: Yes.

10 PRESIDENT PALONE: Commissioner Weaner.

11 COMMISSIONER WEANER: Are you calling me now?

12 PRESIDENT PALONE: Yes.

13 COMMISSIONER WEANER: In the original proposal to change
14 them to add crossbows to the full season, I would like to explain my reason
15 for voting no on this proposal. And my reasons for such are that I don't see a
16 biological argument either way on this issue, therefore you come down to
17 sociological issues or some other means of determining which way to vote.
18 And from my correspondence and people I talked to and the people that have
19 contacted me, I feel fairly confident that the overwhelming majority of hunters
20 in Pennsylvania are not in favor of this. At the risk of annoying, ticking off,
21 angering the vast majority of the hunters in Pennsylvania, I think it would be
22 foolish to vote yes on this. I don't see a huge benefit to anybody by voting
23 yes. I don't think we're going to recruit significant more hunters. I just don't
24 see an upside. And to me, unless there's a huge upside, it's not worth angering
25 one of our greatest constituencies. So therefore I also vote no.

26 PRESIDENT PALONE: Any other discussion? Commissioner Boop.

27 COMMISSIONER BOOP: Yes, Madam President. I also intend to
28 vote no on the proposal, and I would like to give my reasons for voting no. In

1 the years 2006 and 2007, I had the unique opportunity to be president of the
2 board. One of roles of the president is that you assign and control the flow of
3 information through the committees. In all of 2006 and all of 2007, this was
4 never an issue of any significance. There were no requests made. This was
5 not even in my knowledge, to my knowledge even on the radar screen or the
6 agenda of proposals coming up through the agency. At the end of June of
7 2008, one commissioner made a request that we consider this proposal and
8 ask staff to consider it. Here we are seven months later and being asked to
9 vote on the final approval.

10 This agency in the five years that I have been here has taken a slow,
11 metrological approach to all issues. We can cite countless examples. The
12 archery bear. It went through committee. A two-day season in the middle of
13 the week, a three-year trial period, a collecting of information. Look what
14 we've done with bobcats, the slow, methodical approach that we've taken.
15 And we've applied science, we've gathered information, and we've acted in a
16 very cautious manner. We're taking the same approach to fishers.

17 So I ask my fellow commissioners, why the rush on this issue? Why
18 the rush to judgment when we have not any of these things on this particular
19 issue? So I have to ask myself what is driving this issue. And I think maybe
20 it's the sportsmen. Maybe the sportsmen want it. We as commissioners think
21 everyone sitting up here probably receives somewhere between 500 and 1,000
22 e-mails and letters and phone calls and personal contacts about this issue since
23 it was proposed in June. Most commissioners I've talked to, the opposition
24 was 90 percent to 10. Now, some commissioners in the more metropolitan
25 areas may have had more like 50/50. Mine was clearly running 90 percent or
26 more opposed to the NRA alert Thursday a week ago. But even then it was
27 roughly 50 percent voters.

1 I agree with Commissioner Weaner, if you're going to spend so much
2 political capital, you ought to get some benefit. We're going to annoy and
3 aggravate, I believe, the vast majority of our supporting community. And an
4 argument can be made that we're, in effect, destroying the six weeks' archery
5 season by putting this crossbow initiative in for the full six weeks. So what's
6 driving it? The only thing that I can see are two real possibilities driving this.
7 Number one, there seems to be a fear that if we don't act, that the Legislature
8 is going to act. Well, they may. They may act one way or the other.
9 Regardless how we vote here today, there may be legislation introduced.
10 Quite candidly, I believe, based upon the contacts that I have, Legislators are
11 going to get more contacts to introduce legislation to do something about
12 allowing crossbows in this season than to do something the other way.

13 We don't want the Legislature to interfere. So I ask myself and I ask
14 fellow commissioners, Why don't we do what we've done with every similar
15 proposal? Why don't we send it back to the Committee? Why don't we study
16 this issue? Why don't we contact the groups that are involved to see if a six-
17 week season is merited or a one-week season is merited or whether we should
18 limit this to one or two management units rather than this rush to get it in so
19 quickly with so little debate and discussion.

20 Just as evidence that we're rushing it, we have to be to have
21 Commissioner Isabella's amendment this morning to clarify the specifications.
22 I think that's just another clear example. If this is a good proposal, it will be a
23 good proposal in 2010. We'll do our due diligence and we'll come back, and it
24 will be a good proposal then just like it's a good proposal now. I, quite
25 frankly, fellow commissioners, am very troubled by the amount of money
26 that's involved here. Now, you've made fun of my numbers. But if you go out
27 to an archery shop and we all know that your 50-year-old hunter whose
28 children are out of the house and they want to get the right equipment at

1 Cabela's or Gander Mountain or whatever, they're going to spend, quite
2 frankly, close to a thousand dollars to go crossbow hunting this fall. And I
3 think that the statistics show -- and although I argued it with Mr. Galida who's
4 here representing the crossbow manufacturers, I think there's about a hundred
5 million dollars in play here. Another year will tell us how much that hundred
6 million dollars has affected this process. So on the merits, there's very little to
7 be gained. There's a lot to be lost.

8 There's a couple of other things that I think merit consideration. This
9 board is changing. By September of this year, we're going to have three new
10 commissioners, hopefully. It's quite possible from the discussion that we've
11 had here that we're going to go into the fall with a relatively new board having
12 to deal with what this is going to cost. And as many as six of those
13 commissioners could be opposed to this proposal. So for those two
14 commissioners that are going off, I simply ask you, is it fair to burden this
15 agency with this proposal, so poorly thought out, and have this occur? I
16 encourage every member of this board to vote this proposal down. If you
17 don't want to vote it down, at least let's table it and go back and do the due
18 diligence we should have done in the first place. I'm respectfully am moving
19 to table this motion.

20 PRESIDENT PALONE: There's a motion on the floor to table the
21 proposal. Is there a second?

22 COMMISSIONER WEANER: I second the motion.

23 PRESIDENT PALONE: Commissioner Weaner. Is there any further
24 discussion? We'll vote on the amendment to table. All those in favor signify
25 by saying aye.

26 (Vote taken.)

27 COMMISSIONER DELANEY: Madam President, if I can ask by a
28 show of hands.

1 those examples, but there were several examples about safety issues if we did
2 this or that, hunters rushing up to take over Game Land 176 if we open grouse
3 season, things like that; safety issues in our October season. Those things
4 have not come to pass. I don't think that crossbows will roll into the hunting
5 season and all the dire predictions will come to pass. But I guess the biggest
6 issue for me is that this is 2009. And while the anti-hunting community and
7 the animal rights community is growing and getting more money and more
8 organized, we are still arguing about what kind of hunting implements we're
9 going use. And as a commissioner, I don't have really that luxury to look at
10 very tiny, finite pieces of information. I have to look at really the big things
11 going on. Just an example, in Allegheny County there is really an organized,
12 growing opposition to hunting and hunters and hunting implements. So I
13 think it's in our best interest to try to come together on these issues and really
14 focus on those people who would try to end our hunting heritage and our
15 hunting privileges. Now, I'm going to call for the question.

16 COMMISSIONER SCHLEIDEN: Madam President.

17 PRESIDENT PALONE: Commissioner Schleiden.

18 COMMISSIONER SCHLEIDEN: Thank you, Madam President.
19 First of all, Commissioner Boop, we worked on point-of-sale for what, two
20 and a half years? And this morning we had to make some
21 amendments/corrections of the wording. I think that's pretty standard
22 procedure. And, Commissioner Weaner, I'm sure when you indicated that you
23 thought it was foolish to do this, you meant the idea and not the
24 commissioners.

25 COMMISSIONER WEANER: Yes.

26 COMMISSIONER SCHLEIDEN: The fact that we're supposedly
27 rushing to judgment is not really true, not really true. I think our good friends
28 -- and they still are our good friends -- have indicated that they fought this

1 thing three times. So ever since I've been on the Board, this has been an issue.
2 As a matter of fact, I still have postcards from the last round and now we use
3 the Internet. The NRA was mentioned. The NRA has a hunting division, they
4 are hunters. And they did respond when they found out, by the way,
5 Commissioner Boop. That's what the process is about.

6 This commissioner brought it up in June so that we would have public
7 comment and an opportunity. I asked in June to bring it forward in October so
8 that all voices could be heard, both for and against. And we've had some good
9 testimony from both sides. Manufactured in this is manufactured. They
10 manufacture crossbows as well. I have a crossbow buyer guide. It's not
11 crossbow. It's a bow hunters buyers guide that I looked at this morning. It
12 had 112 pages in it. Eight pages was on sights for compound bow, and most
13 of the advertising in it was for items for compound bow, the efficiency of the
14 arrow and some of the changes that were made. So to me this is freedom of
15 choice. It's that simple, folks, it's freedom of choice about what tool you want
16 to use. It's also about streamlining regulations. Now, I know that all of the
17 hunters out there like freedom of choice except if it's an NV dealer. I know
18 that all the sportsmen like to see our regulations streamlined. This is cleaning
19 it up quite a bit.

20 I question this business about the \$1,000. That may be true, my friend,
21 Commissioner Boop. But if they don't want it, why would they spend a
22 thousand dollars for crossbow? It doesn't make sense to me. So they must
23 want it. And I've heard this business that nobody wants this. But if you pass
24 it, everybody is going to do it. So what really is the issue? That's my
25 question.

26 Now, I'll speak to the fact that two of us are going off the Board. And
27 we have had that transition throughout the period of time that I've been on this
28 board, new people coming on. There's been communications between us.

1 And I respectfully submit to you that I was not really crazy about the
2 sunshine, and I'm not really crazy about the magnifying device. However,
3 realizing I'm going off the Board, whether your experience is the example of
4 all experiences or not, I felt that that was a reasonable request by
5 Commissioner Schreffler to look at this thing in two or three years. Why did I
6 feel that way? Because I know there will be some other commissioners on
7 this board. And if they feel strongly about it, they will bring it up. So those
8 are the reasons that I brought this thing forward and asked. No matter how it
9 goes, it's pure and simple from my standpoint and that's what it is. That's my
10 comments.

11 PRESIDENT PALONE: Any other comments? All those in favor of
12 the rule making as amended signify by raising your right hand. All those
13 opposed to the rule making as amended, same sign.

14 (Vote taken.)

15 COMMISSIONER DELANEY: Madam President, the vote is four to
16 three to accept the proposed rule making with the amendments.

17 PRESIDENT PALONE: Thank you, Commissioner Delaney. We're
18 now over to page 32, Brad.

19 MR. BECHTEL: Moving on to page 32 of your agenda, we have the
20 adoption of proposed amendments to Section 147.783. To effectively manage
21 the wildlife resources of this Commonwealth, the Game Commission, at its
22 October 24, 2008 meeting, proposed the following change: To amend Section
23 147.783 (relating to permits) to authorize the limited use of electronic calls for
24 all hunting and taking activities conducted 1 pursuant to a snow goose
25 conservation hunt period.

26 The Executive Director and staff recommend final adoption of these
27 amendments to 58 Pa. Code as shown on Exhibit B on page 33 of your
28 agenda.

1 pages 34 and 35 of your agenda. There was a replacement page just passed
2 out.

3 The recommendation is the Executive Director and staff recommend
4 the Commission approve this change to the proposed ruling.

5 PRESIDENT PALONE: Thank you, Brad. The replacement page on
6 page 35(b), "Trophy class" it just adds the word green in number 1 and
7 number 3. We don't need an amendment since this is proposed rule making.
8 We just need a replacement page. Commissioner Delaney.

9 COMMISSIONER DELANEY: Madam President, if everything is in
10 order, I would like to make a motion to accept this proposed rule making.

11 COMMISSIONER WEANER: Second.

12 PRESIDENT PALONE: Commissioner Delaney. Seconded
13 Commissioner Weaner. Is there any discussion? Commissioner Boop.

14 COMMISSIONER BOOP: I guess I misunderstood. I thought you
15 wanted me to make the amendment when we discussed yesterday. But since it
16 is proposed, I concur. But I just would like to comment on the change in
17 wording here. We just have added in (b)(1) and (b)(3) the term green to the
18 Boone and Crockett score. And, of course, for those that are following along
19 in their agenda, the purpose is that we don't want to delay the prosecutions
20 until we get the -- after the mandatory dry and shrinking periods. So this is
21 just adding green score so that these prosecutions can proceed in a timely
22 manner.

23 PRESIDENT PALONE: Any other discussion? Commissioner
24 Delaney.

25 COMMISSIONER DELANEY: Yes, Madam President. As far as this
26 commissioner, I think to me this is the most pressing issue that I've heard
27 about the value that we put on wildlife. And finally, I can see that we're doing
28 that; that if we vote for this proposed rule making, I think that we're sending a

1 loud and clear message to poachers across the state, come to Pennsylvania and
2 you'll pay dearly, no pun intended. But in all reality, we finally have a value
3 on wildlife. We've never been growing such large racked bucks as we do
4 today since the inception of an antler restriction. And I really think this will
5 go a long way to serve as a deterrent and also assist our WCOs in the field.
6 So I'm thankful that finally we have some language to get some restitution and
7 put a value on our wildlife in Pennsylvania. Thank you.

8 PRESIDENT PALONE: Any other discussion?

9 COMMISSIONER SCHREFFLER: Yes.

10 PRESIDENT PALONE: Commissioner Schreffler.

11 COMMISSIONER SCHREFFLER: I would just like to comment that
12 I think this is a good move on the part of the Commission. I know of several,
13 not far from where I live, hunting reserves that pay money. They charge
14 much more than this. My opinion is that these values are low. They should
15 be higher. But I am willing to go along with them as they are stated here. For
16 the record I just -- when I look at what people are paying to go hunting at
17 private reserves for each animal, this should be much higher. Thank you.

18 COMMISSIONER SCHLEIDEN: Madam President.

19 PRESIDENT PALONE: Commissioner Schleiden.

20 COMMISSIONER SCHLEIDEN: Thank you, Rich, and your staff for
21 finally moving forward with this. I think it's going to resolve a lot of cases
22 before magistrates now that we're aiming and listing these various species, so
23 that there's absolutely no question. I agree with Commissioner Schreffler,
24 also. The problem that I see in our particular area where there's no deer, we've
25 had a lot of -- I know of one case right now, a lot of young people who have
26 had a point contest. Can you believe that? And as soon as these bucks get
27 into the development, they're out there, as my friend in Philly would say,
28 whacking them. We need to really publicize what we did today, really get it

1 out there, folks, because those kids aren't going to do that because they see a
2 \$5,000 fine, know it. They're going to think twice or their parents will really
3 think for them. So it might be a good idea even to make that public in the
4 schools somehow in the agriculture courses and so on. So I'm all for this.
5 Thank you very much.

6 PRESIDENT PALONE: Anyone else? We'll have a vote then. All
7 those in favor of the proposed rule making for the replacement cost of wildlife
8 signify by saying aye. All those opposed say no.

9 (Vote taken.)

10 COMMISSIONER DELANEY: Madam President, the motion passes
11 by a vote of seven to zero.

12 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
13 36.

14 MR. BECHTEL: Page 36 concerns the amendments of 58 Pa. Code,
15 Section 141.4. Each year there's a shift in calendar days for each month. As a
16 result of this occurrence, the timetables come in Section 141.4 must be
17 amended and updated on an annual basis to accurately reflect the upcoming
18 year's dates and hours for legal hunting. The Commission is proposing to
19 amend Section 141.4 by replacing the current hunting hours table and
20 migratory game bird hunting hours table to accurately reflect the dates and
21 hours of legal hunting for the 2009-2010 hunting license year. That table and
22 the text appears on pages 36 and 38 of your.

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

25 PRESIDENT PALONE: Thank you, Brad. Is there a motion to accept
26 the hunting hours?

27 COMMISSIONER SCHLEIDEN: So moved.

28 PRESIDENT PALONE: Commissioner Schleiden. Is there a second?

1 COMMISSIONER WEANER: Second.

2 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
3 discussion of the hunting hours tables? Hearing none, all those in favor of the
4 proposal signify by saying aye. All those opposed say no.

5 (Vote taken.)

6 COMMISSIONER DELANEY: Madam President, the motion passes
7 for the hunting hours table by a vote of seven to zero.

8 PRESIDENT PALONE: Thank you. Now we're on page 39.

9 MR. BECHTEL: The next proposal is the amendment of 58 Pa.
10 Code, Chapter 143, Subchapter M, Sections 143.241 through 143.247. Since
11 the successful implementation of the Mentored Youth Hunting Program in the
12 fall of 2006, the Commission has been striving to find ways to improve this
13 innovative new program. In October this past fall the Commission first
14 improved the program with the addition of coyotes to the list of species that
15 may be lawfully pursued by mentored youth. The Commission is now
16 proposing to further improve the Mentored Youth Hunting Program by
17 implementing a permitting process to gain authorization to participate in the
18 program. The use of a permitting process will provide a twofold benefit by
19 providing the Commission with an accurate identification and count of
20 participants in the program as well as provide participants with official big
21 game tags appropriate for the species that may be taken by the mentored
22 youth.

23 When the Mentored Youth Hunting Program was in its initial
24 development, the steering committee recommended that a permit or junior
25 license be required. Unfortunately, the Commission did not have access to a
26 financially feasible administrative process to issue the permit in this manner at
27 that time. Now, with the advent of the Pennsylvania Automated License
28 System, there is an economic and efficient mechanism to facilitate issuance of

1 the permits and their respective big game tags. While functionality of the
2 Mentored Youth Hunting Program in the field will remain largely the same,
3 however, participants will now be required to apply for and receive a permit
4 through the PALS system at any of its issuing agent locations across the
5 Commonwealth prior to participating in the program. Permit application will
6 require participants to supply the required identification information and pay a
7 nominal fee of \$1, plus any applicable transactional and issuing agent fees.
8 The text of these changes appears on pages 39 through 44 of your agenda.

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

11 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
12 accept these changes to the Mentored Youth Hunting Program?

13 COMMISSIONER ISABELLA: Motion.

14 COMMISSIONER BOOP: Second.

15 PRESIDENT PALONE: Commissioner Isabella. Second,
16 Commissioner Boop. Is there a discussion on the proposal?

17 COMMISSIONER BOOP: Yes. Thank you, Madam President.

18 PRESIDENT PALONE: Commissioner Boop.

19 COMMISSIONER BOOP: I've been kind of surprised; and I'm sure
20 some of the other commissioners have received questions, comments,
21 concerns about this proposal that's on the agenda. And the concerns seem to
22 run along the line that we're putting up barriers now to mentored hunting.
23 This was what was originally proposed. We now have the ability to do it, to
24 be able to participate and get a permit. And we're talking, really, a dollar plus
25 licensing to the agent, we're talking less than a youth would pay for a pizza.
26 And I just think it's important to note that this is appropriate to be able to track
27 how many people are involved. We need this information to measure the
28 success of the program. I know that when this is implemented, some

1 management and operational decisions will need to be made. And I certainly
2 would want to encourage that we make this as user friendly as we can because
3 we really don't want to put up barriers to the success of this mentored
4 program, which I think is working quite well.

5 PRESIDENT PALONE: Thank you. Are there any other comments
6 or discussion of this proposal? Hearing no more comments, all those in favor
7 of the proposal signify by saying aye. All those opposed say no.

8 (Vote taken.)

9 COMMISSIONER DELANEY: Madam President, the vote passes
10 seven to zero.

11 PRESIDENT PALONE: Thank you, Commissioner Delaney. We're
12 over on page 45, Hunting License Revocations. In your packet of information
13 there should be a list of the hunting license revocations.

14 MR. BECHTEL: Yes. The next item concerns hunting license
15 revocations for convictions: Proposed recommendations to revoke the hunting
16 and furtaking privileges of the individuals convicted of violating the Game
17 and Wildlife Code. The Commission, under authority of the Game and
18 Wildlife code, may revoke any hunting license and furtaker's license and deny
19 any person the right to secure a license or to hunt and furtake anywhere in the
20 Commonwealth, with or without a license, if said licensee or person has been
21 convicted or signed an acknowledgment of violating any provision of the
22 Game and Wildlife Code. The Commission may revoke such licenses a
23 period of not to exceed three years for the first offense; for a second or
24 subsequent offense, for such period of time that the Commission shall
25 determine.

26 Persons denied the right to hunt or furtake in the Commonwealth,
27 through this action, are notified by Certified Mail that the revocation will
28 commence July 1st, 2009, and continue for such period of time as set forth

1 following the individual's name. The symbol "RA" means the revocation was
2 added to an existing revocation. In accordance with the Administrative
3 Agency Law, the person placed on revocation has the opportunity for an
4 Administrative Hearing concerning the hunting license revocation. If an
5 Administration Hearing is requested, a petition for review must be filed at the
6 Commission Headquarters within 30 days from the date of notice. Unless
7 deemed in the best interest of the Commission by the Director or a designee,
8 hearings shall be conducted at the central office. Hearings will be conducted
9 in accordance with the General Rules of Administrative Practice and 16
10 Procedure. The hearing itself will be conducted in accordance with Chapter
11 35 of the Rules and Chapter 145 of the Pa. Code.

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

17 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
18 accept the hunting license revocations?

19 COMMISSIONER BOOP: So moved.

20 PRESIDENT PALONE: Commissioner Boop. Is there a second?

21 COMMISSIONER WEANER: Second.

22 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
23 discussion about the revocations? Hearing none, all those in favor of the
24 revocations signify by saying aye. All those opposed say no.

25 (Vote taken.)

26 COMMISSIONER DELANEY: Madam President, the vote passes
27 seven to zero.

1 PRESIDENT PALONE: Thank you. And thank you, Director
2 Palmer. Now we're going to move on to the Bureau of Wildlife Habitat
3 Management. I would call on Director Bill Capouillez. We're on page 46 of
4 the agenda.

5 MR. BECHTEL: On page 46 of the agenda, we begin with donations:
6 Contract No. 3545, State Game Land No. 260 in Luzerne County. Grace
7 Ruckle has offered several building lots totaling 1.4, more or less, acres in
8 Salem Township, Luzerne County, adjoining State Game Land No. 260 (as
9 shown on RED 1 of page 47 of your agenda). The property is wooded and
10 will protect the integrity of the adjoining State game Lands from
11 encroachment by development.

12 The Executive Director and staff recommends the donation listed
13 above be accepted and the Commission authorize the Bureau of Wildlife
14 Habitat Management to proceed with the acquisition of this tract.

15 PRESIDENT PALONE: Thank you, Brad. The tract is shown on
16 page 47. All those in favor of this donation -- I'm sorry. I need a motion first.
17 I would like to hear a motion to accept this donation.

18 COMMISSIONER ISABELLA: Motion.

19 PRESIDENT PALONE: Commissioner Isabella. Is there a second?

20 COMMISSIONER WEANER: Second.

21 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
22 discussion about the motion?

23 COMMISSIONER SCHREFFLER: Yes.

24 PRESIDENT PALONE: Commissioner Schreffler.

25 COMMISSIONER SCHREFFLER: I would like to put on the record
26 my great thanks to Grace Ruckle and all the others who have donated in the
27 past properties and monies to the Game Commission. I would like them to
28 know how much we really appreciate that. Thank you.

1 PRESIDENT PALONE: Thank you, Brad. I would like a motion to
2 accept this land exchange.

3 COMMISSIONER DELANEY: So moved.

4 COMMISSIONER SCHLEIDEN: Second.

5 PRESIDENT PALONE: Commissioner Delaney, and seconded by
6 Commissioner Schleiden. Is there any discussion of this land exchange?
7 Commissioner Delaney.

8 COMMISSIONER DELANEY: Yes. When I read this, I just want to
9 -- I want to commend our Bureau Director for Wildlife Habitat Management
10 and the Northcentral Director. We talk about small game hunting over and
11 over and over again, and I'm hearing some very good results meeting after
12 meeting after meeting for us to get that habitat for small game hunting. So
13 you're to be commended, Bill and Denny, for continuing us in that direction.
14 Thank you.

15 PRESIDENT PALONE: Commissioner Boop.

16 COMMISSIONER BOOP: I echo Commissioner Delaney's
17 comments.

18 PRESIDENT PALONE: Thank you. Anyone else?

19 COMMISSIONER SCHLEIDEN: Yes.

20 PRESIDENT PALONE: Commissioner Schleiden.

21 COMMISSIONER SCHLEIDEN: Bill, when New Shawmut does the
22 timbering, do we have an agreement where -- I know we'll own the land. I
23 guess as a landowner, we'll have quite a bit to say as to how they operate that
24 harvest. Is that correct?

25 MR. CAPOUILLEZ: Yes, sir, they'll manage their timber harvest with
26 regard to a lot of our protocols. Our effort's out there for our succession
27 program of small game habitat. And so the reservation for the additional 10
28 years actually wasn't that hard of a pill for us to swallow because we're just

1 going to have them work for us for another 10 years. So we want them by
2 way of habitat.

3 COMMISSIONER SCHLEIDEN: Does a company like that leave the
4 tops or do they clean up everything in that regard?

5 MR. CAPOUILLEZ: A lot of the reservation we have there is for the
6 remainder of the winter thermal cover as well as for them to manage with
7 regard to the tops. And then those trees that aren't that valuable they'll leave
8 on-site. So It's geared toward small game habitat.

9 COMMISSIONER SCHLEIDEN: Thank you, sir. This is probably
10 the highlight of my eight years on the Board, having been here when you --
11 when that team that you represent and Denny and your group up there put the
12 package together is just outstanding. I know that we have a lot of the partners
13 up there and they're just elated about it. This ground hadn't been opened for a
14 number of years, I understand. So thank you very much to your staff and to
15 your people, Dennis.

16 PRESIDENT PALONE: Any other comments? If not, all those in
17 favor of the land exchange signify by saying aye. All those opposed say no.

18 (Vote taken.)

19 COMMISSIONER DELANEY: Madam President, the motion passes
20 for the land exchange by a vote of seven to zero.

21 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
22 50, Report of Notational Votes.

23 MR. BECHTEL: We have two notational votes to report for the
24 record. The following items were voted on notationally and were
25 unanimously approved: Contract No. 3543, State Game Land No. 168,
26 Monroe County. The Pennsylvania Game Commission is a participating
27 trustee in a Natural Resources Assessment case filed with regard to the
28 Palmerton Zinc site in Northampton and Monroe Counties. The current owner

1 of the Palmerton site, CBS, has agreed to a proposed settlement with the
2 participating parties. As part of that settlement, the Commission would
3 receive as compensation and mitigation for the damage a 1,100-acre property
4 known as King's Manor in Ross and Eldred Townships, Monroe County, near
5 to State Game Land No. 168 (as shown on Exhibit A, which is page 51 of
6 your agenda).

7 This property is mostly forested with mixed hardwoods, including
8 poplar, oaks, birch and maple. Approximately 5,853 feet of the Aquashicola
9 Creek runs through the property and both streambanks are accessible.
10 Numerous other unnamed tributaries drain into this creek. This is an
11 Important Bird Area and in connection with the Wildlife Action Plan will
12 protect the Blue Mountain migratory corridor. Acquisition will also protect
13 the view shed for the Appalachian Trail. In addition, 51.5 acres of reverting
14 field and openings throughout the property can be used to improve wildlife
15 habitat conditions with minimal cost.

16 The second notational --

17 PRESIDENT PALONE: Is there any comment that the commissioners
18 want to make about this? Okay. Go ahead, Brad.

19 MR. BECHTEL: The second notational vote before us is Contract No.
20 3544, State Game Land No. 317, Union County. Gerald L. Shoop of Milton,
21 Pennsylvania, is offering 397 acres, more or less, in Hartley Township and
22 Hartleton Borough, Union County, near to State Game Land No. 317, as
23 shown on Exhibit B on page 53 of your addenda. This property is expected to
24 meet all federal requirements for replacement agricultural land for
25 Compartment 5, State Game Land No. 176, exchanged to Penn State
26 University. Approximately 370 acres of the property is in agricultural fields,
27 with 315 acres currently enrolled in the Conservation Reserve Enhancement
28 Program or CREP. These acres have been removed from active agricultural

1 production and planted in grasses and legumes along with vegetated filter
2 strips to reduce erosion.

3 Prior to enrollment into the CREP, these fields had a crop history of
4 producing corn, soybeans and hay. The property has 50 acres currently being
5 intensively managed for agricultural row crops. The remaining acres are
6 either in reverting fields or small woodlots consisting of mixed hardwoods
7 and confers. Several streams traverse the property, including Spruce Run in
8 the northwest corner of the property and intermittent and perennial streams in
9 the southeast portion that run into Laurel Run. Soil type characteristics
10 include shaley and silt loams with interspersed glacial-till soil materials. Mr.
11 Shoop desires to consummate the transaction this calendar year 2009 for tax
12 purposes.

13 Therefore, the Bureau of Wildlife Habitat Management is requesting authority
14 to proceed with the acquisition using funds from the State Game Land No.
15 176 land exchange with Penn State prior to December 31st, 2008. The
16 purchase price is \$1,976,300.

17 PRESIDENT PALONE: Thank you, Brad. Are there any comments
18 about this notational vote? Commissioner Delaney.

19 COMMISSIONER DELANEY: I'm sorry, Bill, it's hard to not be
20 excited. With 315 acres already planted in CREP, as a small game hunter, it's
21 just -- these aren't trees. These are planted fields already in CREP. My first
22 time as a commissioner I saw us get property that's already ready to go for
23 small game hunters. My compliments again.

24 PRESIDENT PALONE: Anyone else? Page 54.

25 MR. BECHTEL: The next item for action is the Deep Mining Coal
26 Lease, Commission Owned Coal Reserves in Westmoreland County.
27 Kingston Coal Company of Wexford, Pennsylvania, has requested a lease to
28 deepmine and remove all of the economically available Freeport coal seam

1 (estimated to be 7,020,000 tons in place) from an approximate 1500-acre coal
2 reserve. This coal reserve was a gift from Loyalhanna Coal & Coke Company
3 deeded to the Commission in December of 1969. The coal reserve area
4 contains no surface land under Commission ownership and is located near the
5 city of Latrobe, as shown in Exhibit OGM-1 on page 56 of your agenda.

6 Currently, Kingston Coal Company has acquired the majority of the
7 privately owned coal reserves contiguous to this area. It is the staff's
8 conclusion that this lease arrangement negotiated with Kingston represents the
9 best opportunity for the Commission to maximize recovery of its coal reserve.
10 The potential accumulated coal royalty value of the proposed mining acreage
11 has been estimated at approximately \$3,510,000. This projected royalty value
12 is based on a 6 percent F.O.B. selling price for each ton of coal sold at current
13 market conditions over a 25-year recovery period.

14 In exchange for the deepmining lease, Kingston Coal will pay the
15 Commission an annual delay rental of \$15,000 until such time as coal is
16 removed from the premises, and thereafter a \$25,000 annual advance royalty.
17 Once the advanced royalty is exhausted, Kingston Coal Company will make
18 monthly payments based on the actual tons mined from the lease area at 6
19 percent F.O.B. portal selling price or minimum \$2 per ton, whichever the
20 greater. All monies will be deposited into the Game Fund. Mining will be
21 regulated by the Commonwealth's Coal and underground mine regulations and
22 the Commission's standard deepmine lease agreement. The lease will be for a
23 term of 25 years, provided that coal removal is initiated within eight years of
24 the execution date of the lease. The proposed lease will obligate Kingston to
25 provide the Commission with accurate and updated mining maps, coal sale
26 receipts, weigh slips and all pertinent documentation required to establish an
27 accurate accounting of coal removed. The Commission also has the right to

1 examine, audit and inspect Kingston's records and accounts to verify the
2 accuracy of the statements furnished to the Commission.

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

6 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
7 accept this deep mining coal lease?

8 COMMISSIONER ISABELLA: Motion.

9 PRESIDENT PALONE: Commissioner Isabella. Is there a second?

10 COMMISSIONER WEANER: Second.

11 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
12 discussion of the coal mine lease? Hearing none, all those in favor of the
13 lease signify by saying aye. All those opposed say no.

14 (Vote taken.)

15 COMMISSIONER DELANEY: Madam President, the vote passes
16 seven to zero for the deep mine coal lease.

17 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
18 57.

19 MR. BECHTEL: The next item concerns an Oil and Gas Lease
20 Offering for State Game Land No. 10 250 in Bradford County. The
21 Commission offered its oil and gas ownership under State Game Land No.
22 289 for lease. Tract 250A-09, containing 443.54 acres, was exposed for
23 competitive royalty bid in January of 2009, with a onetime bonus/rental
24 payment of \$1,250 per acre. Additionally, the five-year paid-up lease offer
25 provides the Commission a onetime fee of \$20,000 for each deep well pad
26 location, a \$15,000 well location fee for any horizontal shale well pad location
27 and a \$5,000 well pad location fee for each shallow well drilled within the

1 leased premises, and an annual fee gas clause of \$300,000 cubic feet. All
2 monies will be deposited into the Game Fund.

3 The lease area, exposed for competitive royalty bid, is shown on the
4 attached map on page 58 of your agenda. Oil/Gas development will be
5 regulated by the Commonwealth's Oil and Gas Regulations and the
6 Commission's standard oil/gas lease agreement and \$25,000 performance
7 bond. The lease will include the Commission's standard wildlife and
8 environmental protection measures, and further limits the subsequent well
9 development to a total of two well drilling pad locations, unless additional
10 written approval is obtained from the Commission. The results of the royalty
11 bid, expressed in a percentage rate of the market value of each Mcf of gas, and
12 the highest bidder will be made available to the Commission and the public
13 for review at the regularly scheduled January 2009 meeting.

14 The Executive Director and staff recommends that an oil and gas
15 development lease be awarded to the highest bidder, in accordance with the
16 Commission policy and the lease award procedure.

17 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
18 accept this royal and gas lease?

19 COMMISSIONER ISABELLA: Motion.

20 PRESIDENT PALONE: Commissioner Isabella. Is there a second?

21 COMMISSIONER SCHREFFLER: Second.

22 PRESIDENT PALONE: Second, Commissioner Schreffler. Is there
23 any discussion of this proposal? Hearing none, all those in favor signify by
24 saying aye. All those opposed say no.

25 (Vote taken.)

26 COMMISSIONER DELANEY: Madam President, the vote passes
27 seven to zero for the gas lease on State Game Land 250.

1 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
2 59.

3 MR. BECHTEL: Yes. The next item concerns an Oil and Gas Lease
4 Offering on State Game Land No. 289 in Bradford County. The Commission
5 offered its oil and gas ownership under State Game Land No. 289 for lease.
6 Tract 289A-09, containing 1529.19 acres, was exposed for competitive royalty
7 bid in January 2009, with a fixed bonus payment of \$1,000 per acre.
8 Additionally, the lease offer provides the Commission an annual rental fee of
9 \$50 per acre for undeveloped acreage, a onetime well location fee of \$20,000
10 for each deep well pad location, a \$15,000 well location fee for any horizontal
11 shale well pad location, a \$5,000 well pad location fee for each shallow well
12 drilled within the leased premises, and an annual free gas clause of 300,000
13 cubic feet. All monies will be deposited into the Game Fund.

14 The lease area, exposed for competitive royalty bid, is shown on the
15 attached map (Exhibit OGM-3) on page 60 of your agenda. Oil/Gas
16 development will be regulated by the Commonwealth's Oil and Gas
17 Regulations and the Commission's standard oil/gas lease agreement and
18 \$25,000 performance bond. The lease will include the Commission's standard
19 wildlife and environmental protection measures, and further limits the
20 subsequent well development to a total of 10 well drilling pad locations,
21 unless additional written approval is obtained from the Commission. The
22 results of the royalty bid, expressed in a percentage rate of each Mcf of gas,
23 and the highest bidder will be made available to the Commission and the
24 public for review at the regularly scheduled January 2009 meeting. As
25 indicated in this agenda, Item A, bids for this tract were open on January 14th,
26 2009, with Chesapeake Appalachia, LLC, of Charleston, West Virginia,
27 submitting the highest royalty bid right of 27.5 percent of the market value of

1 each Mcf of gas produced from the subject lease. The results of the bids are
2 listed as Chesapeake Appalachia, 27.5 percent.

3 The Executive Director and staff recommend that an oil and gas
4 development lease be awarded to Chesapeake Appalachia, LLC, of
5 Charleston, West Virginia, in accordance with Commission policy and the
6 lease award procedure.

7 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
8 accept this oil and gas lease offering?

9 COMMISSIONER SCHLEIDEN: So moved.

10 PRESIDENT PALONE: Commissioner Schleiden. Do I hear a
11 second?

12 COMMISSIONER BOOP: Second.

13 PRESIDENT PALONE: Second, Commissioner Boop. Is there any
14 discussion? Hearing none, all those in favor signify by saying aye. All those
15 opposed say no.

16 (Vote taken.)

17 COMMISSIONER DELANEY: Madam President, the oil and gas
18 lease for State Game Lands 289 have been voted on and approved by a vote of
19 seven to zero.

20 PRESIDENT PALONE: Thank you. Page 61.

21 MR. BECHTEL: The next item concerns a Surface Mining Coal
22 Lease Offering on State Game Land 75 in Lycoming County. Fisher Mining
23 Company, Inc. of Montoursville, Pennsylvania, has requested a lease to
24 surface mine and remove all of the available and economically recoverable
25 coal within a 254-acre tract of land being part of State Game Land No. 75.
26 The proposed mining lease operation will remove an estimated 1,525,100 tons
27 of coal from a portion of State Game Land No. 75 (shown on Exhibit OGM-4
28 on page 63 of your agenda). The proposed lease will utilize approximately

1 185 acres for actual mining and an additional 69 acres for erosion and
2 sedimentation controls, wildlife habitat compensation and operational support.
3 All merchantable timber within the proposed lease area was valued by the
4 Northcentral Regional Office's forestry staff at \$165,602. This timber has
5 already been harvested and paid for at single stumpage value by a separate
6 contractor through the Commission's standard timber bid process. Fisher
7 Mining Company, Inc. will be assessed an additional single stumpage value,
8 or \$165,602, for the habitat value of that merchantable timber due to the
9 proposed surface use of the State Game Lands.

10 In exchange for the surface mining lease, Fisher Mining Company,
11 Inc. will pay the Commission an advanced surface damage royalty payment of
12 \$3.5 million to be deposited into an interest bearing escrow account for future
13 purchase of lands acceptable to the Commission or to be directly deposited
14 into the Game Fund. Such payment shall be due upon the final execution of
15 the lease and the issuance of a mining permit from the Department of
16 Environmental Protection.

17 The advanced royalty payment is based on 12 percent of the current
18 F.O.B. pit price/ton of coal or \$4.56 per ton, whichever the greater. The
19 advanced 18 royalty payment will be subject to additional review by the
20 Commission and, if applicable, Fisher Mining Company, Inc. will make future
21 royalty payments to the Commission based on the average F.O.B. pit price
22 realized from the mining area after approximately five years of future coal
23 sales. All remaining coal royalty revenues generated from the proposed
24 operation will be deposited directly into the Game Fund. The accumulated
25 coal royalty value for the proposed mining acreage has been estimated to be
26 \$6,954,545. Mining will be regulated by the Commonwealth's Surface
27 Mining Regulations and the Commission's standard surface mine lease
28 agreement. The 10-year lease will include a \$25,000 performance bond from

1 Fisher Mining Company, Inc. As part of the mine reclamation plan, Fisher
2 Mining Company, Inc. will also be required to create a minimum of 3 acres of
3 wetlands, reclaim a minimum of 12 acres of abandoned surface mine area, and
4 construct an alkaline addition water quality enhancement system in the
5 headwater of Otter Run. A wildlife habitat and revegetation plan for all
6 disturbed areas of the lease tract will be developed in coordination with the
7 local Land Management Group Supervisor and incorporated into the lease
8 provisions.

9 The staff has reviewed this proposal and has determined the proposed
10 wildlife habitat enhancement projects, in conjunction with the advanced coal
11 royalty schedule and timber value, to be equal to or greater than the
12 accumulated coal lease value.

13 The Executive Director and staff recommend that this Coal Mining
14 Lease with Fisher Mining Company, Inc. be approved and that the
15 Commission authorizes the Bureau of Wildlife Habitat Management to
16 proceed with the leasing arrangement as outlined above.

17 PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to
18 accept this mining lease?

19 COMMISSIONER SCHREFFLER: So moved.

20 PRESIDENT PALONE: Commissioner Schreffler. Is there a second?

21 COMMISSIONER ISABELLA: Second.

22 PRESIDENT PALONE: Commissioner Isabella. Is there any
23 discussion of the proposal? Hearing none, all those in favor of the proposal
24 signify by saying aye. All those opposed say no.

25 (Vote taken.)

26 COMMISSIONER DELANEY: Madam President, the motion passes
27 for the surface mining coal lease on State Game Lands 75.

1 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
2 64.

3 MR. BECHTEL: Page 64 concerns an Oil and Gas Lease/Land
4 Exchange, State Game Lands No. 60, 108 and 158, Clearfield, Cambria and
5 Blair Counties. The Commission acquired 16,669.05 acres, more or less, in
6 Clearfield, Cambria and Blair Counties from Park Corporation and General
7 Waterworks Corporation by deeds dated December 7th, 1985. As part of the
8 transaction, General Waterworks Corporation reserved oil and gas until
9 December 31st, 2014. By various conveyances, mergers and consolidations,
10 the interest owned by General Waterworks is now owned by United Water.
11 United Water desires to offer its oil and gas ownership under a portion of
12 State Game Lands No. 60, 108 and 158 for lease, but desires to offer a term
13 five years longer than the reservation which ends December 31st, 2014.

14 If United Water is successful in entering into a lease agreement with a
15 prospective lessee, they will structure their lease to allow for a 10-year lease
16 term and for the Commission to receive 50 percent of all lease proceeds. To
17 compensate the Commission for the surface use of the 16,669.05 acres of
18 State Game Lands, \$3,500,00 of the projected revenue will be made available
19 toward acquisition of a tract or tracts of land to be approved by the
20 Commission at a future meeting or to be directly deposited into the Game
21 Fund.

22 The lease to be granted by United Water will provide a minimum
23 onetime bonus/rental payment of \$1,250 per acre as full consideration for the
24 10-year primary term, and a 16 percent minimum royalty. Additionally, the
25 lease offer provides the Commission well site location fees of \$20,000 per
26 each deep well sights drilled, \$20,000 for each horizontal well pad site, and
27 \$5,000 for each shallow vertical well drilled within the leased premises. The

1 area to be exchanged to United Water and exposed for lease is shown on the
2 attached map (Exhibit OGM-5) on page 65 of your agenda.

3 Oil/Gas development will be regulated by the Commonwealth's Oil
4 and Gas Regulations and will include the Commission's standard wildlife and
5 environmental protection measures, and further limits the subsequent well
6 development to a total of 100 shallow wells and 50 deep well pad sites, unless
7 additional written approval is obtained from the Commission.

8 The Executive Director and staff recommend that the exchange
9 outlined above be approved and the Commission authorize the Bureau of
10 Wildlife Habitat Management to proceed with the exchange to United Water.

11 PRESIDENT PALONE: Thank you, Brad. Is there a motion to accept
12 this oil and gas lease land exchange?

13 COMMISSIONER ISABELLA: Motion.

14 PRESIDENT PALONE: Commissioner Isabella. Is there a second?

15 COMMISSIONER WEANER: Second.

16 PRESIDENT PALONE: Second, Commissioner Weaner. Is there any
17 discussion on the lease land exchange. Hearing none, all those in favor of the
18 exchange signify by saying aye. All those opposed say no.

19 (Vote taken.)

20 COMMISSIONER DELANEY: Madam President, the vote passes on
21 the oil/gas lease exchange on State Game Lands 60, 108 and 158.

22 PRESIDENT PALONE: Thank you, Commissioner Delaney. Page
23 66.

24 MR. BECHTEL: The next item concerns an Oil and Gas Lease on
25 State Game Land No. 78 in Clearfield County. Little Pine Resources of
26 Clearfield, Pennsylvania, requests the Commission to offer its oil and gas
27 ownership under State Game Land No. 78 for lease. The proposed lease tract
28 078A-09 containing 720.7 acres is located in Graham Township, Clearfield

1 County, and is more clearly shown on the attached map (Exhibit OGM-6) on
2 page 68 of your agenda.

3 Little Pine Resources currently controls a strong oil/gas lease position
4 on private lands adjacent to State Game Land No. 78, and when developed
5 will effectively withdraw portions of the Commission's oil/gas reserve. The
6 staff has negotiated with Little Pine Resources in an effort to safeguard the
7 prudent development of the Commission's oil/gas reserve and simultaneously
8 protect the wildlife resources and recreational use of State Game Land No. 78.

9 In exchange for a non-surface use oil and gas lease, Little Pine
10 Resources will pay the Commission a bonus of \$500 per acre, or \$360,350,
11 within 45 days of executing the lease agreement; such payment to be
12 deposited into the Game Fund. Little Pine Resources also has agreed to utilize
13 wells located within 4,000 feet of the Commission's boundary and will pay the
14 Commission a 16.5 percent royalty of the wellhead price per Mcf of gas
15 produced and sold from each utilized well. The Commission's royalty shall be
16 prorated based on the fractional portion of the drainage area of each well
17 within the Commission's reserve.

18 The proposed lease agreement also provides an option for Little Pine
19 Resources to conduct exploration and development operations on the Game
20 Land surface. If a gas well development occurs on State Game Land surface,
21 Little Pine Resources will pay an additional \$500 per acre bonus, or \$360,500,
22 and well location and surface damage fees of \$20,000 per well pad site. All
23 monies will be deposited into the Game Fund.

24 Further, Little Pine Resources will provide 300,000 cubic feet of free
25 gas annually for the Commission's use. Little Pine Resources will adhere to
26 the reclamation and revegetation requirements as specified by the
27 Commission's Land Management Group Supervisor.

1 As additional bonus, Little Pine Resources will also convey a 10-acre
2 parcel of land to the Commission as depicted on the attached map (Exhibit
3 OGM-6), page 68 of the agenda. This parcel will provide public access to a
4 portion of the State Game Land in which the Commission currently has no
5 legal access.

6 Oil and gas development will be regulated by the Commonwealth's oil
7 and gas regulations and the Commission's standard oil and gas lease
8 agreement and \$25,000 performance bond. The lease will include the
9 Commission's standard wildlife and protection measures and further limits
10 well development to a total of two well pads on the lease area.

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

14 PRESIDENT PALONE: Thank you, Brad. Is there a motion to accept
15 this oil and gas lease of Clearfield County?

16 COMMISSIONER SCHLEIDEN: So moved.

17 PRESIDENT PALONE: Commissioner Schleiden. Is there a second?

18 COMMISSIONER ISABELLA: Second.

19 PRESIDENT PALONE: Second, Commissioner Isabella. Is there any
20 discussion of this lease?

21 COMMISSIONER SCHLEIDEN: Yes, ma'am.

22 PRESIDENT PALONE: Commissioner Schleiden.

23 COMMISSIONER SCHLEIDEN: Wow, Bill, you really covered it.
24 Excellent job. Again, thank you very much for the work that you and your
25 staff do. You really take care of this agency very well to the maximum
26 ability. And with the lack of a license increase, without the people out there
27 working there for our habitat while they're harvesting timber and doing the
28 work that you do, we would really be in trouble. So thank you for that.

1 PRESIDENT PALONE: Yes, thank you for keeping us out of trouble.

2 COMMISSIONER SCHREFFLER: Madam President.

3 PRESIDENT PALONE: Commissioner Schreffler.

4 COMMISSIONER SCHREFFLER: I would like to add exactly to
5 what Russ said. Thank you. Excellent job.

6 PRESIDENT PALONE: Anyone else? Hearing no more comments,
7 all those in favor of the proposal signify by saying aye. All those opposed say
8 no.

9 (Vote taken.)

10 COMMISSIONER DELANEY: Madam President, that vote for State
11 Game Land 78, Clearfield County, passes by a vote of seven to zero.

12 PRESIDENT PALONE: Thank you, Commissioner Delaney. If there
13 are no objections, I would like to move the election of officers to this place on
14 the agenda.

15 COMMISSIONER SCHREFFLER: I just ask that we have a secret
16 vote for the elections.

17 PRESIDENT PALONE: We'll get to that. But thank you. We'll get
18 to that. First of all, I would like to call on Commissioner Schleiden. He's the
19 Chair of our Nomination Committee. Commissioner Schleiden, do you have a
20 report for the commissioners?

21 COMMISSIONER SCHLEIDEN: Yes, I do, Madam President. It's a
22 little bit awkward doing this because the commissioner who was on the
23 nominating committee has departed and the other commissioner on the
24 nominating committee is actually running for office. So what I did when you
25 asked me to chair this, I personally interviewed each of my fellow
26 commissioners, all six of you at length, and got your opinions to come up with
27 a slate that really is a slate in which you recommended to me rather than a
28 nominating committee by themselves. And the slate that I have is as follows:

1 For president, Greg Isabella; for vice-president, Commissioner James
2 Delaney; and for secretary, we have two candidates, Commissioner Schreffler
3 and Commissioner Weaner. That is the extent of my report.

4 PRESIDENT PALONE: Thank you, Commissioner Schleiden.

5 We'll go through each one individually, starting with president.
6 Commissioner Schleiden and his committee have nominated Greg Isabella for
7 president of the Commission for 2009.

8 Are there any nominations from the floor for president of the
9 Commission? Are there any nominations for president of the Commission
10 from the floor? Hearing none, is there a motion to close the nominations? I
11 declare them closed then for nomination of president. We have one candidate,
12 Commissioner Isabella. And I would like to declare him president by
13 acclamation.

14 COMMISSIONER BOOP: I would like to abstain.

15 PRESIDENT PALONE: Commissioner Boop has abstained from
16 voting for president of the Commission. We have Commissioner Isabella as
17 president for 2009. Congratulations, Commissioner Isabella.

18 We will move on to vice president. We have one candidate from the
19 Nomination Committee, Commissioner James Delaney for vice president of
20 2009. Are there any nominations from the floor for vice president? Are there
21 any nominations from the floor for vice president? Is there anyone who
22 would like to abstain for the record for the vote for vice president? Hearing
23 no abstentions, by acclamation I declare James Delaney vice president of the
24 Game Commission for 2009.

25 Moving on to secretary of the Commission. The Nomination
26 Committee has recommended David Schreffler and Ron Weaner as secretary
27 of the Commission for 2009.

1 Are there any nominations from the floor for secretary? Are there any
2 other nominations from the floor for secretary of the Commission?

3 COMMISSIONER SCHLEIDEN: Madam Chair?

4 PRESIDENT PALONE: Yes.

5 COMMISSIONER SCHLEIDEN: I heard Commissioner Schreffler
6 and I'm not sure you heard his request.

7 PRESIDENT PALONE: First of all, if there are no nominations from
8 the floor, then I declare that the nominations are closed for secretary of the
9 Commission. Two commissioners have asked for a secret ballot. I'm going to
10 ask Brad Bechtel to be my teller. Excuse me. Commissioner Boop.

11 COMMISSIONER BOOP: As a point of order, can we debate the
12 issue or offer the comments on the issue of secret ballot? I would like to
13 comment on that.

14 PRESIDENT PALONE: Is that okay under the rules to debate that?

15 COMMISSIONER SCHLEIDEN: I think once it's requested, you
16 have to honor the request.

17 PRESIDENT PALONE: I thought so, but I don't have the rules right
18 here with me.

19 COMMISSIONER BOOP: I just think that we should have
20 transparency. I don't like secret ballots, if we're going to have a secret ballot.
21 I think transparency is important.

22 COMMISSIONER SCHREFFLER: I'm willing to give up my request.

23 PRESIDENT PALONE: That's a very good point, Commissioner
24 Boop. Those in favor --

25 COMMISSIONER SCHLEIDEN: That's okay, Madam President.
26 The rules are if it's requested, if Mr. Schreffler did not wish to support his
27 request, then I'll back off and --

1 COMMISSIONER DELANEY: The results are two yeses.

2 PRESIDENT PALONE: Two votes for Commissioner Schreffler.

3 COMMISSIONER DELANEY: Correct.

4 PRESIDENT PALONE: Now I will ask for votes for Commissioner
5 Weaner for secretary of the Commission for 2009. Please raise your hand.

6 (Vote taken.)

7 PRESIDENT PALONE: Commissioner Delaney, the results of that?

8 COMMISSIONER DELANEY: The results are an affirmation for
9 Commissioner Weaner. Voting positively was Commissioner Isabella,
10 Commissioner Delaney, Commissioner Palone, Commissioner Schleiden and
11 Commissioner Weaner.

12 PRESIDENT PALONE: So we had two votes for Commissioner
13 Schreffler and five votes for Commissioner Weaner. Commissioner Weaner
14 will be secretary of the Board for 2009.

15 We're just going to take a couple minutes for me to change places with
16 Commissioner Isabella, and he's going to run the rest of the meeting. I just
17 wanted him to be able to have the gavel here.

18 COMMISSIONER SCHLEIDEN: Can we have a 10-minute recess.

19 PRESIDENT PALONE: It will take too long.

20 COMMISSIONER SCHLEIDEN: I'm requesting it.

21 PRESIDENT PALONE: We will have a recess for five minutes.

22 (Recess.)

23 PRESIDENT ISABELLA: I would like to call this meeting back to
24 order. I will say this: I had some prepared remarks. But let me start by
25 saying when I came on the Board --

26 COMMISSIONER BOOP: Excuse me. Has a coup been completed
27 and our former leaders been dethroned?

1 PRESIDENT ISABELLA: Before I get into my prepared remarks,
2 when I first came here as commissioner, it was a culture shock to find out that
3 everybody here was a Steelers' fan and the only Eagles' fans was my boy Bob
4 Strailey, Joe Kosack, and I think one or two secretaries, and it was like a
5 culture shock. And then I'll never forget, I think we had the Super Bowl and I
6 turned over to Vern Ross and I said something. And he looked at me and he
7 said, I may have to root against Philadelphia for you saying that.

8 Anyhow, I have some prepared remarks and we'll get into the rest of
9 the meeting. On September 11th, 2003, I was sworn in as a Pennsylvania
10 Game Commissioner, representing Region 8 in Southeastern Pennsylvania.
11 Quite a few of you knew absolutely nothing about me. I did not attend any
12 Commission meetings or seminars, nor did I visit a Game Commission booth
13 to speak to any staff member or members.

14 I came from the firearms side of the fraternity. Rumors and
15 apprehension were swirling about. Those that did know me were keenly
16 aware that I was outspoken, dedicated, a tireless fighter and would never back
17 down to a challenge; most importantly, however, a leader.

18 When I attended my first Board of Commissioners meeting and
19 subsequent committee meetings, I was very observant of how the staff
20 conducted business. I felt that the staff was very efficient and thorough in
21 their reports, putting much thought an effort into the information that they
22 provided to the Commissioners. This made it much easier for the
23 Commissioners to make informed decisions.

24 During my more than five years as a Commissioner, the following has
25 been accomplished by the Board of Commissioners: Creation of a Point of
26 Sale License System, Youth Mentored Hunting Programs, Urban Deer
27 Management Programs, baiting in special regulation areas, prescribed fire
28 discussions, a second spring gobbler tag, extended hunting hours, DMAP

1 opportunities, numerous land management initiatives and reclamation
2 projects, selection of a new Executive Director and, lastly, voluntary orange
3 for spring gobbler season.

4 I can assure you that the same thoroughness and effort that existed in
5 the previous five years will continue during my tenure as president of the
6 Board of Commissioners. We have an excellent and diverse Board. While we
7 may sometimes disagree on issues, our ultimate objective is the strength,
8 growth and continued independence of the Pennsylvania Game Commission.

9 Items that I intend to focus on in my time as president are continuation
10 of our Healthy Herd Reduce Deer-Human Conflict Management Program,
11 including changes in corrections when appropriate; rollback of past budget
12 cuts and continuation of wild pheasant reintroduction in CREP areas;
13 continued cooperation with our conservation partners statewide; dialogue with
14 concerned groups, both hunting and non-hunting; the continued independence
15 of the Pennsylvania Game Commission as the sportsmen of the
16 Commonwealth have demanded from their legislators; and most important, a
17 license increase for this agency.

18 I have spoken about the past and the present and now the future. As a
19 businessman for over 26 years, I have seen how inflation, rising labor costs,
20 increased freight and fuel costs and other miscellaneous expenses can take a
21 major bite out of the bottom line of any business. As a business owner, I will
22 set these annual expenses with a price increase to my customers in a timely
23 fashion.

24 Unfortunately, as an independent wildlife agency that receives no
25 taxpayer funding, the PGC does not have that luxury. As a matter of fact, the
26 PGC had only two license increases in 15 years. No business that I am aware
27 of can survive without a steady flow of increases and income.

1 The PGC's liabilities, inflation, fuel costs, labor contracts and other
2 miscellaneous expenses are imposed upon us, as I am sure that you realize we
3 cannot raise our prices. Only the state Legislature can.

4 A coalition of nine statewide sportsmen's groups have proposed
5 several license increase alternatives. Hearings had been held to discuss and
6 debate these very proposals. It is imperative that every hunter, conservationist
7 and lover of wildlife contact their state legislator and tell them to support a
8 license increase for the Pennsylvania Game Commission. Without this much
9 needed license increase, many of the recently reinstated services will be
10 eliminated, the normalization of the pheasant program being a good example.

11 All of our habitat initiatives, State Game Land improvements and mine
12 reclamation work is accomplished by dedicated employees. Although some
13 of these crews are one and even two men short, the Wildlife Habitat
14 Management Bureau is taking the lead in a collaborative effort in leading the
15 way for a cooperative agreement with the wind/energy industry to address the
16 wildlife interest for the entire State of Pennsylvania.

17 No other state agency has the expertise to set that standard. All their
18 hard work benefits not only the hunters of the Commonwealth but all
19 Pennsylvanians. Pennsylvania wins.

20 I would like to express my gratitude to my colleagues for their support.
21 Thank you. With that, is there other new business?

22 COMMISSIONER SCHLEIDEN: The dates.

23 PRESIDENT ISABELLA: I was going to do that next.

24 COMMISSIONER SCHREFFLER: I would like to say something
25 from my end.

26 PRESIDENT ISABELLA: Yes, Commissioner.

27 COMMISSIONER SCHREFFLER: As Chairman of the Information
28 and Education Committee, I would like to bring it up to everyone's attention

1 that this year is the 50th anniversary of the Hunter and Trapper Education
2 Program of the Game Commission. And there's a new patch out and so on.
3 It's astounded me that it's been 50 years since this has started and been around,
4 and the impact it's had on hunting in Pennsylvania has been really beneficial.
5 So I wanted to bring that to everyone's alert that this patch is there.

6 Also, there was something else on the Information and Education
7 Committee that I would like to bring up. As I go out and talk to teachers, I've
8 had some teachers tell me they want more things from the Game Commission
9 directed to elementary school kids and some middle schools. As our
10 mentored program expands, there's more requests for things. And when I ask
11 them what do they want to see, they say, Get the wildlife notes, that kids
12 really like that, that we have to get it down to their level.

13 So we have a draft now. This is the first draft of something called
14 Nature Notes, which is going to be directed at elementary kids. It's going to
15 meet the state's standards. The highlighted words are all from the parts that --
16 mark the parts that meet the state standards. It's in a way that the kids will
17 better understand it and be more useful for teachers in the schools.

18 And I just wanted to bring those two advancements up that -- the two
19 items up that the Game Commission and our Information and Education
20 Committee are working very diligently on.

21 Again, spread the word this is the 50th anniversary of the Hunter and
22 Trapper Education Program. It's a great, great program. I am really thankful
23 for all of the people out there that donate their time, volunteer, help train our
24 kids in this tradition of hunting that we have in Pennsylvania. Thank you.

25 PRESIDENT ISABELLA: Thank you, Commissioner. Any other
26 Commissioner have anything more? Commissioner Boop.

27 COMMISSIONER BOOP: Thank you, Mr. President. We as
28 individual commissioners and as a board, we try to complement people when

1 we see people that are striving to do the best that they can do to advance the
2 purposes of the agency. And I think there's been some of that done here at
3 this meeting, and very appropriately so.

4 I've had the opportunity and the good fortune in my life to work with a
5 lot of CEOs. I just think one of the takeaway messages should be that
6 Executive Director Roe, I think, has really done a very, very commendable
7 job and probably an outstanding job in managing this agency in a very
8 difficult budgetary situation, with many, many issues that he can't control
9 coming up continually. And I just think -- I would like to personally thank
10 him for the job he's done this past year.

11 PRESIDENT ISABELLA: Any other Commissioner have any new
12 business?

13 With that we're going to go to the dates of the next Commission
14 meeting. I ask you to check your diaries and your Palms and your memo
15 pads.

16 The first date is April 20th and 21st, 2009. Does anybody have a
17 conflict with that? I guess that date is okay.

18 The next date is June the 22nd and 23rd. Commissioners, I have a
19 problem with that date. Can I make a suggestion, June 29th or the 30th? Is
20 the 29th and 30th okay?

21 COMMISSIONER DELANEY: No.

22 PRESIDENT ISABELLA: How about June 15th and 16th?

23 COMMISSIONER WEANER: It is not.

24 PRESIDENT ISABELLA: Commissioners, how is July 13th and
25 14th?

26 COMMISSIONER BOOP: No. I have a wedding. My son is getting
27 married.

1 EXECUTIVE DIRECTOR ROE: I think the 6th of July is a federal
2 holiday, isn't it, the 4th of July weekend?

3 PRESIDENT ISABELLA: How's July 7th and 8th? It's a Tuesday
4 and Wednesday.

5 COMMISSIONER DELANEY: No.

6 PRESIDENT ISABELLA: No, Commissioner Delaney. July 8th and
7 9th?

8 COMMISSIONER WEANER: I'm just checking something here.
9 Hold on a minute. That will work for me.

10 PRESIDENT ISABELLA: July 8th and 9th. The second date is July
11 8th and 9th.

12 The third date is October 5th and 6th. That date the Commission
13 meeting will travel to Philadelphia. Now, I'm going to say we're going to take
14 this hopefully to the stadium Holiday Inn. The only issue we have is that
15 hotel is right next to the stadiums. And the only issue we have is if the Eagles
16 are playing on a Sunday night, we may have to change the date. We don't
17 know the schedule. The NFL schedule comes out in April. But I'm told that
18 the Eagles may have a preliminary schedule a month before that. So please
19 make that October 5th and 6th a tentative date. I'll try to get that information
20 ASAP, and we're going to go to Philadelphia.

21 The last meeting is January 24th, 25th and 26th. No problem with that
22 date?

23 Lastly, we will have our press conference at the cafeteria. So it's just
24 the outdoor press is invited.

25 Again, if there is no more new business, we will adjourn this meeting.

26 COMMISSIONER PALONE: Second.

27 PRESIDENT ISABELLA: We have a motion and it's seconded. This
28 meeting is adjourned.

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(The proceeding was adjourned at 10:49 a.m.)

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

A handwritten signature in cursive script, appearing to read "Donna J. Fox", written over a horizontal line.

Donna J. Fox, Reporter
Notary Public