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COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

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IN RE: PENNSYLVANIA GAME COMMISSION BOARD MEETING

\* \* \* \* \*

BEFORE: James J. Delaney, President  
Ronald A. Weaner, Vice-President  
David Schreffler, Secretary  
Thomas E. Boop, Commissioner  
Gregory J. Isabella, Commissioner  
Ralph A. Martone, Commissioner  
David J. Putnam, Commissioner  
Robert W. Schlemmer, Commissioner  
Carl G. Roe, Executive Director  
R. Matthew Hough, Deputy Exec. Director  
Bradley C. Bechtel, Esquire, Counsel

HEARING: Tuesday, October 5, 2010

8:30 a.m.

Reporter: Kenneth D. O'Hearn

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I N D E X

OPENING REMARKS

By President Delaney

5 - 7

DISCUSSION AMONG PARTIES

7 - 50

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E X H I B I T S

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NONE OFFERED

## P R O C E E D I N G S

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4 PRESIDENT DELANEY:

5 Good morning and welcome to the business  
6 day of the October Pennsylvania Game Commission Board  
7 of Commissioners meeting. Please stand and join me in  
8 the Pledge of Allegiance.

9 ALL RECITE PLEDGE OF ALLEGIANCE

10 PRESIDENT DELANEY:

11 Before we start, just a quick reminder.  
12 If you would be so kind to put your cell phones on  
13 vibrate or turn them off. We had an excellent day  
14 yesterday with public comment and some very excellent  
15 staff reports. Today we will be moving forward with  
16 the business agenda. Mr. Secretary, would you be kind  
17 enough to do the roll call of the Commissioners,  
18 please?

19 SECRETARY SCHREFFLER:

20 Yes. Ralph Martone?

21 COMMISSIONER MARTONE:

22 Here.

23 SECRETARY SCHREFFLER:

24 Robert Schlemmer?

25 COMMISSIONER SCHLEMMER:

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Here.

SECRETARY SCHREFFLER:

David Putnam?

COMMISSIONER PUTNAM:

Present.

SECRETARY SCHREFFLER:

Thomas Boop?

COMMISSIONER BOOP:

Present.

SECRETARY SCHREFFLER:

Gregory Isabella?

COMMISSIONER ISABELLA:

Present.

SECRETARY SCHREFFLER:

David Schreffler, present. Ron Weaner?

COMMISSIONER WEANER:

Here.

SECRETARY SCHREFFLER:

James Delaney?

PRESIDENT DELANEY:

Present.

SECRETARY SCHREFFLER:

Mr. President, all present and accounted  
for.

PRESIDENT DELANEY:

1                   Thank you, Mr. Secretary. The first  
2 order of business I'd like is the approval of the  
3 minutes of the meeting held June 29th, 2010.

4                   COMMISSIONER BOOP:

5                   So moved.

6                   COMMISSIONER ISABELLA:

7                   Second.

8                   PRESIDENT DELANEY:

9                   Any discussion? All those in favor  
10 signify by saying aye.

11                  ALL SAY AYE

12                  SECRETARY SCHREFFLER:

13                  Mr. President, it's unanimous; accept the  
14 minutes.

15                  PRESIDENT DELANEY:

16                  Thank you, Mr. Secretary. Now if we  
17 could start with our legal counsel, Brad, if you would  
18 be kind enough to start with Wildlife Protection  
19 Adopted Rule Making.

20                  MR. BECHTEL:

21                  Thank you. The first item to come before  
22 the Board is the adoption of proposed amendments to  
23 Sections 147.101 and 147.103. To effectively manage  
24 the wildlife resources of this Commonwealth, the Game  
25 Commission, at its June 29th, 2010 meeting, proposed

1 to amend Sections 147.101 and 147.103 relating to  
2 definitions and classes, to require that a sponsor for  
3 a new falconer be a general or master class falconer,  
4 having at least two years experience as a general  
5 class falconer and expand the list of eligible species  
6 of eagles that a master class falconer may possess,  
7 with additional authorization to include eagles not  
8 covered by the Migratory Bird Treaty Act.

9           The Executive Director and staff  
10 recommend final adoption of these amendments to  
11 58 Pa. Code as shown on Exhibit A on page three of  
12 your agenda.

13           PRESIDENT DELANEY:

14           Is there a motion from the floor?

15           COMMISSIONER MARTONE:

16           So moved.

17           PRESIDENT DELANEY:

18           Second.

19           COMMISSIONER WEANER:

20           Second.

21           PRESIDENT DELANEY:

22           Commissioners, any discussion? All those  
23 in favor signify by saying aye.

24           ALL SAY AYE

25           PRESIDENT DELANEY:

1                   Opposed?

2                   SECRETARY SCHREFFLER:

3                   Mr. President, the motion has passed  
4 unanimously.

5                   PRESIDENT DELANEY:

6                   Thank you, Commissioner Schreffler.

7                   MR. BECHTEL:

8                   The next thing to come before the  
9 Commission concerns a document proposed amendments to  
10 Section 139.4. To effectively manage the wildlife  
11 resources of this Commonwealth, the Game Commission,  
12 at its June 29th, 2010 meeting, proposed to amend  
13 Section 139.4 (relating to seasons and bag limits for  
14 the license year) to reinstate 2,761 coupons on  
15 private land that would otherwise be denied. The  
16 Executive Director and staff recommend final adoption  
17 of this amendment to 58 Pa. Code as shown on Exhibit B  
18 on page six of your agenda.

19                   MR. BECHTEL:

20                   On August 17th, 2010, the Commission  
21 completed the notational vote to approve this  
22 amendment with unanimous approval.

23                   The next item then concerns proposed rule  
24 making to amend 58 Pa. Code Section 135.41.

25                   The Commission has historically permitted

1 the placement and use of portable hunting stands on  
2 State game lands and continued support for their  
3 allowance has not diminished. However, the Commission  
4 has identified that this allowance has, in certain  
5 instances, resulted in the unintended consequence of  
6 some portable hunting stands on State game lands  
7 seemingly becoming permanent fixtures due to long term  
8 placement by hunters.

9           While the Commission continues to support  
10 placement and use of portable hunting stands on State  
11 game lands, it is proposing to amend Section 135.41  
12 (relating to State game lands) to limit the overnight  
13 placement of portable hunting stands to two weeks  
14 before the opening of the first big game season to two  
15 weeks after the close of the last big game season  
16 within each respective wildlife management unit,  
17 excluding the spring turkey season.

18           The amendments are shown on page seven.  
19 There's a replacement page for that. The Executive  
20 Director and staff recommend the Commission approve  
21 this change.

22                           PRESIDENT DELANEY:

23                           Commissioners, is there a motion from the  
24 floor?

25                           COMMISSIONER WEANER:

1 So moved.

2 PRESIDENT DELANEY:

3 Commissioner Weaner. Second?

4 COMMISSIONER MARTONE:

5 Second.

6 PRESIDENT DELANEY:

7 Commissioner Martone. Any discussion?

8 Commissioner Weaner.

9 COMMISSIONER WEANER:

10 Yesterday in the public testimony, at  
11 least one person alluded to the fact that it might be  
12 a good idea to have ID --- ID names or numbers on tree  
13 stands. And something that I know a number of us have  
14 talked about from time to time, I would be interested  
15 in --- I mean, I'm going to support this amendment ---  
16 or this motion as made here. But until we vote on it  
17 the second time if it passes, I'd be interested in  
18 seeing some language from our staff. Maybe about how  
19 we could go about requiring ID numbers or names on  
20 these tree stands that apply to --- that are used on  
21 State game lands always. So that's something I think  
22 I'd like to see for January but I urge us to vote yes  
23 on this motion as it is. Thank you.

24 PRESIDENT DELANEY:

25 Thank you, Commissioner Weaner. Any

1 other Commissioners?

2 COMMISSIONER ISABELLA:

3 Mr. President.

4 PRESIDENT DELANEY:

5 Commissioner Isabella.

6 COMMISSIONER ISABELLA:

7 I concur with my colleague. This was a  
8 topic that did come up at the Pennsylvania Federation  
9 of Sportsmen's Convention. I received subsequent e-  
10 mails regarding that but I think this is an issue that  
11 needs to be supported.

12 PRESIDENT DELANEY:

13 Thank you, Commissioner Isabella. Any  
14 other discussion on the issue? All those in favor of  
15 the motion, signify by saying aye.

16 ALL SAY AYE

17 PRESIDENT DELANEY:

18 Opposed?

19 SECRETARY SCHREFFLER:

20 Mr. President, the motion is carried  
21 unanimously.

22 PRESIDENT DELANEY:

23 Thank you, Mr. Secretary.

24 MR. BECHTEL:

25 The next item concerns an amendment

1 58 Pa. Code Section 135.61. State game farms are the  
2 only lands and waters under Commission ownership that  
3 do not enjoy the wide range of enumerated protections  
4 from various conduct provided by Sections 135.2 and  
5 135.41 (relating to unlawful acts and State game  
6 lands) in addition to the protections provided by  
7 both. The Commission is proposing to amend Section  
8 135.61 (relating to State game farms) to make State  
9 game lands regulations equally applicable to State  
10 game farms.

11 This change is shown on page nine of your agenda.

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

14 PRESIDENT DELANEY:

15 Commissioners, is there a motion?

16 COMMISSIONER ISABELLA:

17 So moved.

18 PRESIDENT DELANEY:

19 Commissioner Isabella.

20 COMMISSIONER SCHLEMMER:

21 Second.

22 PRESIDENT DELANEY:

23 Second, Commissioner Schlemmer. Is there  
24 any discussion on the item? If not, all those in  
25 favor signify by saying aye.

1 ALL SAY AYE

2 PRESIDENT DELANEY:

3 Opposed?

4 SECRETARY SCHREFFLER:

5 Mr. President, the motion carries  
6 unanimously.

7 MR. BECHTEL:

8 The next item concerns the amendment of  
9 58 Pa. Code Section 141.7. On July 3rd, 2007, House  
10 Bill 881 was signed into law that, inter alia, amended  
11 sections 2308 and 2310 (relating to unlawful devices  
12 and methods and unlawful use of lights while hunting)  
13 to permit furbearer hunters or trappers to take  
14 furbearers with a firearm having a flashlight or  
15 spotlight mounted to it as long as the sole source of  
16 power for the flashlight or spotlight is contained  
17 within the light or possessed on their person.

18 In an effort to enhance consistency of the  
19 Commission's regulations with the act, the Commission  
20 is proposing to amend Section 141.7 (relating to use  
21 of artificial lights) to remove conflicting language  
22 purporting to continue to prevent the usage of gun-  
23 mounted lights by hunters.

24 This change is shown on page ten of your  
25 agenda. The Executive Director and staff recommend

1 the Commission approve this change.

2 PRESIDENT DELANEY:

3 Commissioners, is there a motion?

4 COMMISSIONER MARTONE:

5 So moved.

6 PRESIDENT DELANEY:

7 Commissioner Martone. Is there a second?

8 COMMISSIONER WEANER:

9 Second.

10 PRESIDENT DELANEY:

11 Commissioner Weaner. Any discussion on

12 the item? If not, all those in favor signify by

13 saying aye.

14 ALL SAY AYE

15 PRESIDENT DELANEY:

16 Opposed?

17 SECRETARY SCHREFFLER:

18 Mr. President, the motion carries

19 unanimously.

20 PRESIDENT DELANEY:

21 Thank you, Mr. Secretary.

22 MR. BECHTEL:

23 The next item is to amend 58 Pa. Code

24 Section 141.45. On January 26th, 2010, the Commission

25 adopted amendments to Section 141.22 (relating to

1 small game) that expanded the types of non-toxic shot  
2 that could be used to hunt small game to include a  
3 wide variety of commercially available non-toxic shot  
4 in addition to steel and Bismuth/tin shot ammunition.  
5 The Commission is proposing to amend Section 141.45  
6 (relating to turkey) to expand the non-toxic shot  
7 authorization to both fall and spring turkey seasons  
8 as well.

9                   This change is shown on page 11 of your  
10 agenda. The Executive Director and staff recommend  
11 the Commission approve this change.

12                   PRESIDENT DELANEY:

13                   Commissioners, is there a motion from the  
14 floor?

15                   COMMISSIONER WEANER:

16                   So moved.

17                   PRESIDENT DELANEY:

18                   Commissioner Weaner. Second?

19                   COMMISSIONER ISABELLA:

20                   Second.

21                   PRESIDENT DELANEY:

22                   Commissioner Isabella. Is there  
23 discussion on the item? If not, all those in favor  
24 signify by saying aye.

25                   ALL SAY AYE

1                   PRESIDENT DELANEY:

2                   Opposed?

3                   SECRETARY SCHREFFLER:

4                   Mr. President, the motion is carried  
5 unanimously.

6                   PRESIDENT DELANEY:

7                   Thank you, Commissioner Schreffler.

8                   MR. BECHTEL:

9                   The next item is to amend 58 Pa. Code  
10 Chapter 141 by creating Section 141.68. The  
11 Commission has recently identified anecdotal evidence  
12 of the usage of fishing or snagging hooks in certain  
13 trapping activities. While this practice has never  
14 been accepted by the Commission or the broader  
15 trapping community as an acceptable device for the  
16 harvesting of furbearers, current applicable statutes  
17 and regulations do not expressly prohibit this usage.

18                   The Commission is proposing to fill this  
19 gap by creating Section 141.68 (relating to prohibited  
20 devices) to specifically prohibit the usage of fishing  
21 hooks or snagging hooks or any other device that is  
22 not a lawful trap, firearm, bow or crossbow from being  
23 utilized during licensed trapping activities.

24                   This change is shown on page ten --- or  
25 13 of your agenda. The Executive Director and staff

1 recommend the Commission approve this change.

2 PRESIDENT DELANEY:

3 Thank you, Brad. Commissioners, is there  
4 a motion from the floor?

5 COMMISSIONER SCHLEMMER:

6 Motion.

7 PRESIDENT DELANEY:

8 Commissioner Schlemmer. Second?

9 COMMISSIONER MARTONE:

10 Second.

11 PRESIDENT DELANEY:

12 Commissioner Martone. Is there any  
13 discussion on the item? If not, all those in favor  
14 signify by saying aye.

15 ALL SAY AYE

16 PRESIDENT DELANEY:

17 Opposed?

18 SECRETARY SCHREFFLER:

19 Mr. President, the motion is carried  
20 unanimously.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner.

23 MR. BECHTEL:

24 The next item is from the Bureau of  
25 Wildlife Management concerning proposed rule making 58

1 Pa. Code Section 147.552 and 147.556. On March 31st,  
2 2010, the Commission's three year evaluation of the  
3 effectiveness of a broad scale and widely accessible  
4 authorization permitting the baiting of white-tailed  
5 deer across the southeast special regulations area  
6 expired. The Commission's final review of the baiting  
7 authorization generally concluded that broad scale and  
8 widely accessible baiting did not establish viable  
9 increases in harvest rates to justify an extension of  
10 the experimental program.

11 In furtherance of the Commission's  
12 continuing efforts to find effective tools to manage  
13 the population on agricultural lands in this area of  
14 the State, the Commission is proposing to amend  
15 Sections 147.552 and 147.556 (relating to application  
16 and lawful devices) to create a focused, limited  
17 authorization permitting the baiting of white-tailed  
18 deer in WMUs 5C and 5D on approved properties enrolled  
19 in the Red Tag program.

20 These changes are shown on pages 14 and  
21 15 of your agenda. Executive Director and staff  
22 recommend the Commission approve these changes.

23 PRESIDENT DELANEY:

24 Commissioners, is there a motion?

25 COMMISSIONER ISABELLA:

1 Motion.

2 PRESIDENT DELANEY:

3 Commissioner Isabella. Second?

4 COMMISSIONER WEANER:

5 Second.

6 PRESIDENT DELANEY:

7 Commissioner Weaner. Any discussion on  
8 the item?

9 COMMISSIONER ISABELLA:

10 Mr. President.

11 PRESIDENT DELANEY:

12 Commissioner Isabella has the floor.

13 COMMISSIONER ISABELLA:

14 Thank you. This proposal I think is  
15 desperately needed in the southeast. Although we can  
16 find wide-scaled baiting, but the hunters really did  
17 not increase the harvest. There were groups that used  
18 baiting successfully to harvest deer in these problem  
19 areas. And now if this passes, you know, some of  
20 these groups will be able to but in conjunction with  
21 the Red Tag farms that are involved in the Red Tag  
22 programs. I believe that this is necessary so we can  
23 keep peace with what's going on down there.

24 Thank you.

25 PRESIDENT DELANEY:

1           Thank you, Commissioner Isabella. Any  
2 new discussion on the item? If not, all those in  
3 favor signify by saying aye.

4           ALL SAY AYE

5           PRESIDENT DELANEY:

6           Opposed?

7           SECRETARY SCHREFFLER:

8           Mr. President, the motion is carried  
9 unanimously.

10          PRESIDENT DELANEY:

11          Thank you, Mr. Secretary.

12          MR. BECHTEL:

13          The next item concerns amendment to  
14 58 Pa. Code Section 147.673. In April of 2010, the  
15 Commission directed staff to review the DMAP program  
16 as it related to public landowners to enhance  
17 accountability for the program on public lands. Based  
18 upon this review, the Commission is proposing to amend  
19 Section 147.673 (relating to eligibility and  
20 application for DMAP) to require that all public  
21 landowners provide an approved management plan along  
22 with their application.

23          The Commission is also proposing to  
24 advance the application date one month earlier to  
25 allow staff adequate time to review and process DMAP

1 applications in a timely matter as well as notify  
2 applicants about permit availability prior to the  
3 issuance of regular antlerless licenses.

4                   These changes appear on pages 16 and 17  
5 of your agenda. The Executive Director and staff  
6 recommend the Commission approve this change.

7                   PRESIDENT DELANEY:

8                   Commissioners, is there a motion from the  
9 floor?

10                  COMMISSIONER WEANER:

11                  So moved.

12                  PRESIDENT DELANEY:

13                  Commissioner Weaner. Is there a second?

14                  COMMISSIONER BOOP:

15                  Second.

16                  PRESIDENT DELANEY:

17                  Commissioner Boop. Is there any  
18 discussion? I will just add one thing under  
19 discussion. We had some folks here yesterday to  
20 testify with regards to this amendment and we had a  
21 brief discussion with our staff with regards to the  
22 time elements listed in here. And we think that we  
23 need the time listed in this amendment to be effective  
24 with our DMAP program.

25                  Is there any other --- Commissioner

1 Martone.

2 COMMISSIONER MARTONE:

3 I agree with this and I wanted to let  
4 those that testified yesterday about the date being  
5 kind of early, that we did take it into consideration,  
6 but the timeline is very tight to get DMAP authorized  
7 in time for licenses to be distributed. I would ask  
8 that the Executive Director and the Bureau of I&E,  
9 make sure we publicize the date heavily and let the  
10 landowners and the public landowners know that the  
11 date is now June 1st. Thank you.

12 PRESIDENT DELANEY:

13 Thank you, Commissioner Martone. Any  
14 other discussion? Commissioner Boop.

15 COMMISSIONER BOOP:

16 Yes. I encourage all Commissioners to  
17 support this initiative. I think it will certainly  
18 enhance the accountability with respect to the DMAP  
19 coupons on public land. In my view, it really doesn't  
20 go far enough but it's certainly a step in the right  
21 direction.

22 PRESIDENT DELANEY:

23 Thank you, Commissioner Boop. Any other  
24 discussion on the issue? if not, all those in favor  
25 signify by saying aye.

1 ALL SAY AYE

2 PRESIDENT DELANEY:

3 Opposed?

4 SECRETARY SCHREFFLER:

5 Mr. President, the motion is passed  
6 unanimously.

7 PRESIDENT DELANEY:

8 Thank you, Mr. Secretary.

9 MR. BECHTEL:

10 The next item concerns amendments to 58  
11 Pa. Code Section 147.783. In recent years continental  
12 snow goose populations have experienced rapid growth  
13 in their numbers. This dramatic increase in  
14 population size has in turn resulted in extensive  
15 damage to arctic and subarctic breeding habitats of  
16 the continental snow goose, as well as other bird  
17 populations dependent on these habitats. In January  
18 of 2008, the Commission, working in conjunction with  
19 the United States Fish and Wildlife Service created  
20 Chapter 147, Subchapter W (relating to snow goose  
21 conservation hunt permit) to define and create the  
22 regulatory structure necessary to implement the new  
23 snow goose conservation hunt program within this  
24 Commonwealth.

25 In January 2009, the Commission amended

1 the program to authorize the limited use of electronic  
2 calls for all hunting and taking activities conducted  
3 under a snow goose conservation hunt permit. In light  
4 of the Commission's continued recognition of the need  
5 to dramatically increase the harvest of continental  
6 snow geese in this Commonwealth, the Commission is  
7 proposing to amend Section 147.783 (relating to  
8 permit) to authorize the use of electronic decoys for  
9 all hunting and taking activities conducted under a  
10 snow geese conservation hunt permit.

11 This change is shown on page 19 of your  
12 agenda. The Executive Director and staff recommend  
13 the Commission approve this change.

14 PRESIDENT DELANEY:

15 Commissioners, is there a motion from the  
16 floor?

17 COMMISSIONER BOOP:

18 So moved.

19 PRESIDENT DELANEY:

20 Commissioner Boop. is there a second?

21 COMMISSIONER MARTONE:

22 Second.

23 PRESIDENT DELANEY:

24 Commissioner Martone. is there any  
25 discussion on the item? All those in favor, signify

1 by saying aye.

2 ALL SAY AYE

3 PRESIDENT DELANEY:

4 Opposed?

5 SECRETARY SCHREFFLER:

6 Mr. President, the motion is carried  
7 unanimously.

8 PRESIDENT DELANEY:

9 Thank you, Commissioner Schreffler.

10 (Checker: audio cuts out in a few more seconds so I  
11 copied the commentary on page 20 of the agenda, per  
12 court reporter's note on control sheet.)

13 MR. BECHTEL:

14 The next item comes from the Bureau of  
15 Wildlife Habitat Management and concerns proposed rule  
16 making to amend 58 Pa. Code Sections 135.41, 135.181  
17 and Chapter 147, by creating Subchapter Z.  
18 Over the past few years the Commission has made large  
19 investments into its various shooting ranges located  
20 on State game lands across this Commonwealth. These  
21 investments have taken the form of lead remediation,  
22 safety barrier reconstruction, shooting range redesign  
23 and other related projects. These investments came at  
24 a high cost but kept many shooting ranges open and  
25 available to the public.

1                   Historically, hunters and furtakers have  
2 provided most, if not all, of the resources for  
3 keeping the Commission's shooting ranges open to the  
4 public through their license dollars. Additionally,  
5 the open use of game lands for shooting activities by  
6 those not licensed or otherwise permitted has resulted  
7 in situations where persons have used ranges and game  
8 lands for illicit activities. The Commission is  
9 proposing to regulate unlicensed recreational shooters  
10 to accomplish the twin goals of having those  
11 unlicensed persons contribute towards the cost of the  
12 program and to better quantify and control use of game  
13 lands and game lands ranges.

14                   To this end, the Commission is proposing  
15 to amend Section 135.181 (relating to rifle and  
16 handgun ranges) and Chapter 147, by creating  
17 Subchapter Z (relating to State game lands range  
18 permits) to require all users of shooting ranges on  
19 State game lands to possess either a valid  
20 Pennsylvania hunting or furtaker license or a  
21 Commission-issued range permit. The Commission is  
22 also proposing to amend Section 135.41 (relating to  
23 State game lands) to redirect target shooting  
24 activities of all unlicensed individuals to designated  
25 State game land ranges. These proposals will not

1 result in any increased cost or change in privileges  
2 for licensed hunters and furtakers.

3           This change is shown on page 20 of your  
4 agenda. The Executive Director and staff recommend  
5 the Commission approve this change.

6           PRESIDENT DELANEY:

7           Thank you, Brad.

8           COMMISSIONER WEANER:

9           So moved.

10          PRESIDENT DELANEY:

11          Okay. Commissioner Weaner, the motion.

12          Is there a second?

13          BRIEF INTERRUPTION

14          PRESIDENT DELANEY:

15          Okay. We will reconvene here. Under  
16 proposed rulemaking, Commissioner Weaner had the  
17 motion. We need a second.

18          COMMISSIONER ISABELLA:

19          Second.

20          PRESIDENT DELANEY:

21          Okay. Commissioner Isabella. Is there  
22 any discussion?

23          COMMISSIONER BOOP:

24          Yes, Mr. President.

25          PRESIDENT DELANEY:

1 Commissioner Boop.

2 COMMISSIONER BOOP:

3 I'm pleased that we have reached this  
4 resolution with respect to the problems that we've  
5 encountered with the shooting ranges. Throughout most  
6 of my tenure on the Board, this has been an issue that  
7 has been ongoing. I think, you know, the simple  
8 solution would have been just to close some or all of  
9 these ranges but I'm always impressed with the  
10 resources that we have within the agency and the  
11 energy we can bring to bear on these problems.

12 I think this is a very good solution  
13 that's been worked out. I hope it works as well as we  
14 intend it to and I'm glad we can keep these ranges  
15 open with some accountability. Hopefully, we'll sell  
16 a few more licenses. If not, we'll at least have some  
17 permits. So I encourage all Commissioners to support  
18 this action item.

19 PRESIDENT DELANEY:

20 Thank you, Commissioner Boop.

21 Commissioner Martone.

22 COMMISSIONER MARTONE:

23 Mr. Capouillez, could you explain the  
24 revision for the replacement page 21, please?

25 MR. CAPOUILLEZ:

1           Yes. The revision allows for one person  
2 to accompany anyone that would have a valid hunting  
3 license or actually have a range issued permit with  
4 them. So as long as that person is accompanied by  
5 someone who's been granted a hunting license or just a  
6 permit, they can utilize the range.

7           COMMISSIONER MARTONE:

8           Thank you. I think it's important to  
9 realize that even though we're putting a permit or  
10 requiring a hunting license, the junior license of 16  
11 years and younger are exempt from that and a guest is  
12 allowed to accompany a license holder or a permit  
13 holder. In addition, I would like to implore the  
14 sportsmen out there, the hunting license buyers, to  
15 use the shooting ranges in the same effort they use to  
16 do the sport program, as sportsmen policing our ranks  
17 together. I think it's up to sportsmen to make sure  
18 these ranges aren't abused and we don't suffer the  
19 kind of damage we have in the past. I implore  
20 sportsmen to get involved as well. Thank you.

21           PRESIDENT DELANEY:

22           Other Commissioners on discussion?

23           COMMISSSIONER ISABELLA:

24           Mr. President.

25           PRESIDENT DELANEY:

1 Commissioner Isabella.

2 COMMISSIONER ISABELLA:

3 Thank you. I think that this is a good  
4 proposal. I took my son when he was eight-years old  
5 to a game range. I intend to take my other members of  
6 my family, when they get of age, to the range. My  
7 only concern is I've seen the element that uses the  
8 range and they're not hunters. And my only concern is  
9 about getting the word out. I know Bill's on the  
10 other end; I can't see him. Bill, what are we  
11 prepared to do about getting the word out?

12 MR. CAPOUILLEZ:

13 We're going to develop a sign that will  
14 be placed on each one of the benches, which will speak  
15 of the new regulations and make sure that everybody  
16 utilizing the range knows that there's been a change  
17 in place.

18 PRESIDENT DELANEY:

19 Other Commissioners' discussion? I want  
20 to talk for a few points about it. First of all, I'm  
21 very supportive of it but in the northeast region, we  
22 have eight ranges and we've had significant damage to  
23 these ranges over the years, especially after we've  
24 rebuilt a few of them. So I think it does a few  
25 things. It offers our WCOs better law enforcement to

1 police the ranges. Secondly, it offers us additional  
2 finances for the upgrade of the ranges and probably  
3 the most important thing to me is the way that it's  
4 been drafted by our Executive Director and staff. We  
5 don't penalize our youth; our youth can still use  
6 these ranges without having the permits. So those are  
7 my reasons for supporting it and I thank my fellow  
8 Commissioners for your discussion.

9 Commissioner Isabella, one more point?

10 COMMISSIONER ISABELLA:

11 Thank you, Mr. President. I spoke to a  
12 lot of people that use game land ranges and a lot of  
13 them are under the impression that your tax dollars  
14 pay for the range, and that is not true. You know, it  
15 is the hunting license fees and whatever the Game  
16 Commission generates in revenue, that keeps those open  
17 so we need to get that message out also, possibly on  
18 those signs or any advertising that we're doing. On  
19 this, those ranges are not tax dollars; they are  
20 generally from the Game Commission revenues.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Isabella. Any  
23 more discussion? If not, all those in favor signify  
24 by saying aye.

25 ALL SAY AYE

1                   PRESIDENT DELANEY:

2                   Opposed?

3                   SECRETARY SCHREFFLER:

4                   Mr. President, the motion is carried  
5 unanimously.

6                   PRESIDENT DELANEY:

7                   Thank you, Mr. Secretary.

8                   MR. BECHTEL:

9                   The next item concerns a donation to  
10 Contract number 3574 on State Game Land number 243 in  
11 York County. Sofia Pearlman has offered to donate  
12 10.4, more or less, acres in Franklin Township, York  
13 County adjoining State Game Land number 243 as shown  
14 on Exhibit RED 1 on page 24 of your agenda.

15                   The tract is forested with mixed  
16 hardwoods containing yellow poplar, maple and beech as  
17 the predominant species. The understory is mostly  
18 spice bush and multiflora rose. The property lies  
19 south of Cabin Hollow Road.

20                   The Executive Director and staff  
21 recommend the donation listed above be accepted and  
22 the Commission authorizes the Bureau of Wildlife  
23 Habitat Management to proceed with the acquisition of  
24 this tract.

25                   PRESIDENT DELANEY:

1                   Thank you, Brad. Commissioners, is there  
2 a motion from the floor?

3                   COMMISSIONER WEANER:

4                   So moved.

5                   PRESIDENT DELANEY:

6                   Commissioner Weaner. Is there a second?

7                   COMMISSIONER ISABELLA:

8                   Second.

9                   PRESIDENT DELANEY:

10                  Commissioner Isabella. Is there any  
11 discussion on the item? if not, all those in favor  
12 signify by saying aye.

13                  ALL SAY AYE

14                  PRESIDENT DELANEY:

15                  Opposed?

16                  SECRETARY SCHREFFLER:

17                  Mr. President, the motion is carried  
18 unanimously.

19                  PRESIDENT DELANEY:

20                  Thank you, Commissioner Schreffler.

21                  MR. BECHTEL:

22                  The next item concerns an acquisition,  
23 Contract number 3575, State Game Land number 314 in  
24 Erie County. The Western Pennsylvania Conservancy has  
25 offered 115.66, more or less, acres of land located in

1 Springfield Township, Erie County, adjoining State  
2 Game Land number 314, as shown on Exhibit RED-2 on  
3 page 26 of your agenda.

4                   The option price is \$400 per acre. The  
5 property consists of seven parcels with a diversity of  
6 habitat types which include approximately 780 feet of  
7 frontage on Lake Erie with undeveloped natural bluffs,  
8 50 to 75 feet high, old reverting fields and woodland  
9 classified as Great lakes Region Lake Plain Palustrine  
10 Forest, a critically imperiled plant community. The  
11 tracts are bisected by Old Lake Road which provides  
12 access into the property.

13                   Although the majority of the property  
14 south of Old Lake Road is forested with maple, ash,  
15 beech, white pine and black cherry there are small  
16 pockets of open wetlands and old field reverting back  
17 to a natural condition. The tributary to Raccoon  
18 Creek flows through the southern portion of the  
19 property.

20                   The Executive Director and staff  
21 recommend the option above be accepted and the  
22 Commission authorize the Bureau of Wildlife Habitat  
23 Management to proceed with the acquisition of the  
24 tract.

25                   PRESIDENT DELANEY:

1 Commissioners, is there a motion?

2 COMMISSIONER ISABELLA:

3 Motion.

4 PRESIDENT DELANEY:

5 Commissioner Isabella. Second?

6 COMMISSIONER SCHLEMMER:

7 Second.

8 PRESIDENT DELANEY:

9 Commissioner Schlemmer. Is there any  
10 discussion on the item? Commissioner Martone.

11 COMMISSIONER MARTONE:

12 I just want to say this is an amazing  
13 acquisition and an amazing piece of property that has  
14 frontage on Lake Erie which they're not making any  
15 more shorelines out there and that would be a great  
16 benefit to the Commission to pick up this piece of  
17 property. I know some of the bird watching that goes  
18 on there is remarkable. So I would encourage anybody  
19 once this is acquired to visit the piece of property.  
20 Thank you.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Martone. Any  
23 other discussion? If not, all those in favor signify  
24 by saying aye.

25 ALL SAY AYE

1                   PRESIDENT DELANEY:

2                   Opposed?

3                   SECRETARY SCHREFFLER:

4                   Mr. President, the motion is carried  
5 unanimously.

6                   PRESIDENT DELANEY:

7                   Thank you, Mr. Secretary.

8                   MR. BECHTEL:

9                   The next item concerns two land  
10 exchanges, the first of which is Contract number 3576,  
11 State Game Land number 120 in Clearfield County.  
12 Richard D. and Christie D. Youngkin have proposed a  
13 land exchange involving a right-of-way 25 foot by  
14 approximately 3,448 feet in exchange for three, more  
15 or less, acres of land, both located in Beccaria  
16 Township, Clearfield County, within State game Land  
17 number 120 as shown on Exhibit RED-3 on page 28 of  
18 your agenda.

19                   The Youngkins own two interiors within  
20 State Game Land number 120. The Commission has agreed  
21 to accept one of the interiors in exchange for legal  
22 access across an existing road into the second  
23 interior. The easement for right-of-way shall not be  
24 used for the purpose of subdivision and the Youngkins  
25 agreed not to construct any buildings closer than 150

1 feet from the boundary line of State Game Land number  
2 120. Two thirds of the property coming to the  
3 Commission is reverting grassland with the other third  
4 in mixed forest cover including an old apple orchard.  
5 Acquiring the three acres will remove the interior  
6 property lying within State Game Land number 120 and  
7 reduce future boundary line maintenance.

8                   The second exchange involves Contract  
9 number 3577, State Game Lands number 111 and 93 in  
10 Somerset County. A number of adjacent property owners  
11 have been accessing their properties through State  
12 Game Lands number 111 in Lower Turkeyfoot Township,  
13 Somerset County, as shown on Exhibit RED-4 on page 29  
14 of your agenda.

15                   Some have been paying annual right-of-way  
16 license fees while others have questionable legal  
17 access. The landowners have agreed to exchange the  
18 right-of-way for replacement land. The landowners  
19 have agreed to cause to convey to the Commission a  
20 tract of land from the Wildlife for Everyone Endowment  
21 Foundation comprised of four acres adjacent to State  
22 Game Land number 93 located in Shade Township,  
23 Somerset County, as shown in Exhibit RED-5 on page 30  
24 of your agenda, which the Wildlife for Everyone  
25 Endowment Foundation acquired with the generous

1 assistance from the Laurel Mountain Midstream  
2 Operating, LLC and the Williams Pipeline Company, the  
3 Conservation Fund and Waste Management, Incorporated.  
4 The replacement land is located within the Flight 93  
5 National Memorial boundary and along Johnson Bottom  
6 Road. The land is a mowed field. Acquiring this  
7 property will expand recently acquired State Game Land  
8 number 93 which was named and dedicated in honor of  
9 the heroic passengers and crew of United Airlines  
10 Flight 93 that bravely sacrificed their lives on  
11 September 11th, 2001.

12                   The Executive Director and staff  
13 recommend the exchanges listed above be accepted and  
14 Commission authorize the Bureau of Wildlife Habitat  
15 Management to proceed with the exchange of these  
16 tracts.

17                   PRESIDENT DELANEY:

18                   Commissioners, is there a motion on the  
19 floor?

20                   COMMISSIONER BOOP:

21                   So moved.

22                   PRESIDENT DELANEY:

23                   Commissioner Boop. Is there a second?

24                   SECRETARY SCHREFFLER:

25                   Second.

1                   PRESIDENT DELANEY:

2                   Commissioner Schreffler. Is there any  
3 discussion? If not, all those in favor signify by  
4 saying aye.

5                   ALL SAY AYE

6                   PRESIDENT DELANEY:

7                   Opposed?

8                   SECRETARY SCHREFFLER:

9                   Mr. President, the motion is carried  
10 unanimously.

11                   PRESIDENT DELANEY:

12                   Thank you, Mr. Secretary. We move  
13 forward. Is there any old business items from the  
14 Board? Is there any new business items from the  
15 Board?

16                   COMMISSIONER PUTNAM:

17                   Mr. President?

18                   PRESIDENT DELANEY:

19                   Commissioner Putnam.

20                   COMMISSIONER PUTNAM:

21                   During our testimony yesterday that we  
22 heard and over the past year, the Board of  
23 Commissioners has heard numerous discussions regarding  
24 porcupines. We've had discussions with staff and the  
25 public regarding the damage that these animals are

1 causing. I'm requesting the Executive Director and  
2 staff develop language to remove the protection from  
3 porcupines for our January 2011 meeting.

4 PRESIDENT DELANEY:

5 Thank you, Commissioner Putnam. Anything  
6 additional to offer on that?

7 COMMISSIONER PUTNAM:

8 I don't have anything additional to  
9 offer.

10 PRESIDENT DELANEY:

11 Thank you, Commissioner Putnam. Any  
12 additional new business items? Commissioner Martone.

13 COMMISSIONER MARTONE:

14 I am submitting the following policy  
15 concerning species management plans and the strategic  
16 plan for inclusion on the agenda for the January 2011  
17 meeting of the Board of Commissioners. I would ask  
18 the Executive Director if he wished to have the public  
19 give comments and concerns prior to the January  
20 meeting. The motion reads as follows:

21 Approval policy for species management  
22 plans and the strategic plan. To improve oversight and  
23 enhance the public input process for all species  
24 management plans and the strategic plan of the  
25 Pennsylvania Game Commission, the Board of

1 Commissioners is implementing the following policy:  
2 Prior to implementation, all species management plans  
3 and a strategic plan shall be reviewed and approved by  
4 the following process:

5           The Executive Director will inform the  
6 Board of Commissioners prior to developing a species  
7 management plan or strategic plan. At the completion  
8 of a species management plan or strategic plan, a  
9 formal presentation would be made to the Board during  
10 the staff reporting segment of a public meeting.  
11 This document will be known as a preliminary plan.  
12 The preliminary plan will be posted on the PGC website  
13 for public comment until the next official Board  
14 meeting.

15           All public comments will be distributed  
16 to the Board of Commissioners at least seven days  
17 prior to the next Board meeting. The Board will  
18 address concerns and potential changes to the  
19 preliminary plan with the Executive Director and his  
20 staff during the staff reporting segment of a public  
21 meeting. Commissioners will vote to accept the plan  
22 or return to the staff for revision.

23           The following exceptions of the plan, any  
24 subsequent changes to the plan's goals and/or  
25 objectives, will be subject to Board approval. I'll

1 be presenting this as an agenda item in January.

2 Thank you.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Martone. Is  
5 there any additional new business items?

6 I have two resolutions that I'll be  
7 asking the Board to consider and to vote on. The  
8 first resolution is the Pennsylvania Game Commission  
9 Board of Commissioners Antlerless deer tag transferred  
10 to a Mentored Youth.

11 Whereas, increased youth hunting  
12 opportunities is the way to reverse the national trend  
13 of hunter recruitment.

14 Whereas, Pennsylvania's Mentored Youth  
15 Hunting Program was launched in 2006 and it was an  
16 immediate success. During its first two years, nearly  
17 103,000 mentored youths hunted with over 84,000 adult  
18 mentors.

19 Whereas, those youths harvested nearly  
20 114,000 squirrels, over 88,000 woodchucks and nearly  
21 3,500 spring gobblers.

22 Whereas, The program has been expanded  
23 since its inception, mentored youth are still limited  
24 in the species and/or sex of species they can hunt.

25 Whereas, Enhancing opportunities for

1 mentored youth can lead to additional time afield,  
2 rewarding experiences for youth and mentors and  
3 improved hunter replacement ratios.

4                   Whereas, The Pennsylvania Game Commission  
5 Board of Commissioners wish to advocate and support  
6 legislation to allow the transfer of an antlerless  
7 deer tag to a mentored youth.

8                   NOW, THEREFORE, BE IT RESOLVED THAT THE  
9 PENNSYLVANIA GAME COMMISSION, BOARD OF COMMISSIONERS,  
10 WHOLEHEARTEDLY SUPPORT THE TRANSFER OF AN ANTLERLESS  
11 DEER TAG TO A MENTORED YOUTH AND THE PGC EXECUTIVE  
12 DIRECTOR CONVEY THIS MESSAGE TO THE CHAIRMAN OF THE  
13 HOUSE GAME AND FISHERIES COMMITTEE AND THE SENATE GAME  
14 AND FISHERIES COMMITTEE.

15                   I make the motion. Is there a second on  
16 the motion?

17                   COMMISSIONER MARTONE:

18                   Second.

19                   PRESIDENT DELANEY:

20                   Commissioner Martone. Is there any  
21 discussion of the resolution? if not, all those in  
22 favor signify by saying aye.

23                   ALL SAY AYE

24                   PRESIDENT DELANEY:

25                   Opposed?

1                   SECRETARY SCHREFFLER:

2                   Motion is carried unanimously, Mr.  
3 President.

4                   PRESIDENT DELANEY:

5                   Thank you, Mr. Secretary. The second  
6 resolution that I'm proposing reads Wildlife  
7 Management Unit Deer Population Characteristics and  
8 Trends. During the past year, the Pennsylvania Game  
9 Commission Board of Commissioners has had discussions  
10 with staff and the public regarding THE DEER  
11 MANAGEMENT PROGRAM OF THE PENNSYLVANIA GAME  
12 COMMISSION, *A Comprehensive Review and Evaluation.*

13 The report, commonly called the DEER AUDIT, was issued  
14 by the Wildlife Management Institute in December 2009.

15                   The Commission has made significant  
16 progress in addressing the 11 recommendations from  
17 WMI. One recommendation that we have not addressed to  
18 date is that deer population estimates be made  
19 available to the public. WMI reported that the PGC  
20 uses a scientifically valid method to calculate deer  
21 numbers. The Pennsylvania Sex-Age-Kill (PA SAK) model  
22 generates numerical estimates of population parameters  
23 for each Wildlife Management Unit.

24                   The Board of Commissioners wish to enact  
25 a resolution that will increase the public trust in

1 deer management by providing annual deer population  
2 estimates and associated measures of variation.

3 I am proposing that this information be  
4 made available for the January 2011 Pennsylvania Game  
5 Commission Board of Commissioners meeting. And I'll  
6 make that motion and is there a second?

7 COMMISSIONER PUTNAM:

8 Second.

9 PRESIDENT DELANEY:

10 Commissioner Putnam. Is there any  
11 discussion on the resolution?

12 SECRETARY SCHREFFLER:

13 I have some, Mr. President.

14 PRESIDENT DELANEY:

15 Commissioner Schreffler.

16 SECRETARY SCHREFFLER:

17 I've only briefly reviewed that  
18 resolution, but I have a question. Will we have those  
19 numbers available for us by January?

20 PRESIDENT DELANEY:

21 I believe the Executive Director said  
22 they're available now and he just wants to formalize  
23 it before we get it and the public gets it.

24 SECRETARY SCHREFFLER:

25 Okay.

1                   PRESIDENT DELANEY:

2                   Do you have any other discussion on the  
3 point?

4                   SECRETARY SCHREFFLER:

5                   Just a point of clarification. I assume  
6 if the resolution is adopted, this will be an ongoing  
7 process, not just in January.

8

9                   PRESIDENT DELANEY:

10                  I think we have some affirmation from the  
11 Executive Director to do that. Any other discussion?  
12 If not, all of those in favor signify by saying aye.

13                  ALL SAY AYE

14                  PRESIDENT DELANEY:

15                  Opposed?

16                  SECRETARY SCHREFFLER:

17                  Mr. President, the motion was carried  
18 unanimously.

19                  PRESIDENT DELANEY:

20                  Thank you, Mr. Secretary. For the  
21 record, our next meeting will be held January 30th,  
22 31st and February 1st of 2011 in Harrisburg,  
23 Pennsylvania. Do the Commissioners wish to proceed  
24 with these dates for the next meeting? Are there any  
25 Commissioners that opposed those dates for the next

1 meeting? Okay.

2 SECRETARY SCHREFFLER:

3 Mr. President, it appears everyone is in  
4 agreement hearing no objections.

5 PRESIDENT DELANEY:

6 And if we could, Commissioners, just the  
7 tentative dates that we spoke about briefly for the  
8 April meeting, 11 and 12 and 17 and 18, and we'll  
9 confirm that over the next week or two with our  
10 executive staff. In closing, I would like to thank  
11 the Northeast Regional Office for helping to make  
12 these two days' meeting a huge success and our WCOs  
13 and land managers for being here and the Northeast  
14 Regional director, and thank our executive staff, Carl  
15 Roe and his staff, for coming here today and giving us  
16 two full days of really good information. And on that  
17 note --- Commissioner Boop.

18 COMMISSIONER BOOP:

19 I was hoping I'd get your attention  
20 before that comment, but nonetheless and not to have  
21 the last word, but as many of you know in this room,  
22 I've not been a real proponent of these traveling  
23 October meetings, given our financial situation. I  
24 know it is financially spent and I know it's for  
25 staff, it does strain staff to do it. But I'd just

1 like to compliment Jay. He wanted to bring it here to  
2 the northeast. The people here at Wilkes-Barre have  
3 certainly been very supportive of the meeting and we  
4 had good attendance yesterday and good attendance here  
5 this morning.

6                   And I know the Northeast Region has  
7 cooperated a lot in making this successful, Regional  
8 Director Schweitzer. But Jay, compliments on a good  
9 meeting and I know you've lost a little sleep and  
10 maybe a few hairs over this and the stress, that  
11 you've certainly done a good job and thank you.

12                   PRESIDENT DELANEY:

13                   Thank you, Commissioner Boop. Any other  
14 Commissioners want to say anything before we close the  
15 meeting? Commissioner Martone.

16                   COMMISSIONER MARTONE:

17                   I would also like to congratulate Board  
18 President Delaney. I think it's been a great  
19 experience for me, travelling all the way across the  
20 state. I don't get through this area very often;  
21 matter of fact, it's been a long time since I've been  
22 in the northeast. I enjoyed it. It helped me see  
23 what another part of the state looks like and what  
24 issues they deal with. And I do think it's been a  
25 great experience and the people of Wilkes-Barre are

1 very, very nice and I congratulate President Delaney  
2 for hosting us. He did a great job. Thank you.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Martone. If  
5 there's no other comments, is there a motion to adjoin  
6 the meeting?

7 COMMISSIONER WEANER:

8 So moved.

9 PRESIDENT DELANEY:

10 Commissioner Weaner. Meeting adjourned.

11 \* \* \* \* \*

12 MEETING CONCLUDED AT 9:16 A.M.

13 \* \* \* \* \*

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CERTIFICATE

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I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

  
\_\_\_\_\_  
Court Reporter