

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
APRIL 18, 2006

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A verbatim transcript
of meeting held at
2001 Elmerton Avenue,
Harrisburg, Pennsylvania,
on Tuesday,

April 18, 2006
8:34 A.M.

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BEFORE:

THOMAS E. BOOP, ESQUIRE, PRESIDENT
ROXANE S. PALONE, VICE PRESIDENT
GREGORY J. ISABELLA, SECRETARY (TELEPHONIC)
JOHN J. RILEY, COMMISSIONER
RUSSELL E. SCHLEIDEN, COMMISSIONER
STEPHEN L. MOHR, COMMISSIONER
DAVID W. SCHREFFLER, COMMISSIONER
H. DANIEL HILL, III, COMMISSIONER

ALSO PRESENT:

CARL G. ROE, EXECUTIVE DIRECTOR
M. W. SCHMIT, DEPUTY EXECUTIVE DIRECTOR
WILLIAM R. POUSS, ESQUIRE, CHIEF COUNSEL

1 PRESIDENT BOOP: Good morning. I'd like to call to
2 order the formal business meeting of our April meeting.
3 With respect to the sidebar here, probably many of you noticed
4 Commissioner Isabella was not with us yesterday. It's a very
5 serious health issue involving his wife. He spent the day at
6 the hospital yesterday and he is going to be joining us by phone
7 today. We're hoping that that's going to work satisfactorily
8 and not create a distraction for us.
9 Again, I'd like to formally welcome all of you to our business
10 meeting of our two-day Commission meeting. If you'll now join
11 us in the Pledge of Allegiance to the flag.

12 (Pledge of Allegiance said.)

13 PRESIDENT BOOP: In Commissioner Isabella's physical
14 absence, I asked Commissioner Palone, our vice president, to
15 assist us with the duties that normally would be performed by
16 the secretary. So, Vice President Palone, would you please call
17 roll?

18 MRS. PALONE: President Boop?

19 PRESIDENT BOOP: Here.

20 MRS. PALONE: Vice President Palone, here.

21 MRS. PALONE: Secretary Isabella?

22 MR. ISABELLA: Present.

23 MRS. PALONE: Commissioner Schleiden.

1 MR. SCHLEIDEN: Present.

2 MRS. PALONE: Commissioner Riley?

3 MR. RILEY: Present.

4 MRS. PALONE: Commissioner Mohr.

5 MR. MOHR: Here.

6 MRS. PALONE: Commissioner Hill.

7 MR. HILL: Here.

8 MRS. PALONE: Commissioner Schreffler.

9 MR. SCHREFFLER: Present.

10 MRS. PALONE: All present and accounted for.

11 PRESIDENT BOOP: Thank you, Commissioner Palone.

12 Our minutes of our January 23, 2006 meeting are here today for
13 approval. Do I hear a motion that they be approved?

14 MR. RILEY: So moved.

15 PRESIDENT BOOP: Is there a second?

16 MR. SCHREFFLER: Second.

17 PRESIDENT BOOP: All in favor.

18 (Signified aye.)

19 MRS. PALONE: Unanimous, Mr. President.

20 PRESIDENT BOOP: The minutes are approved.

21 As far as our agenda for today, the preprinted agenda
22 is available. I assume that those of you who are interested
23 have received copies. I believe there are more up front or
24 available if you don't have one. What we're going to do is

1 we're going to follow the agenda as it's printed. We'll go to
2 the first item, which is generally the seasons and bag limits
3 agenda item.

4 We like to do this on a page by page basis, so, Mr.
5 Pouss, if you could start with this and we'll go to the first
6 page, which is page 3 for our first action item?

7 MR. POUSS: Thank you, Mr. President.

8 The first item relates to adoption of proposed
9 amendment to §139.4, Title 58 of the Pennsylvania Code.

10 To effectively manage the wildlife resources of this
11 Commonwealth, the Game Commission, at its October 4, 2005
12 meeting, proposed the following change:

13 To amend §139.4 (relating to seasons and bag limits
14 for the license year) to provide updated seasons and bag limits
15 for the 2006-2007 hunting license year.

16 This proposed amendment was published on January 7,
17 2006, in the Pennsylvania Bulletin.

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

20 Do you want me to read it?

21 PRESIDENT BOOP: Page 3, Exhibit A is before us. I
22 don't know if you actually need to read it. I would like to
23 vote each page, because I'm assuming we may have some
24 amendments.

1 MR. SCHLEIDEN: Mr. President, we can vote to approve,
2 make a motion and a second and then we can make amendments if
3 you want to.

4 PRESIDENT BOOP: Do you want to do it that way?

5 MR. SCHLEIDEN: I recommend that we do it that way.
6 It will probably save some time.

7 PRESIDENT BOOP: Is the Board in agreement?

8 (Indicates yes.)

9 PRESIDENT BOOP: Do I hear such a motion?

10 MR. SCHLEIDEN: So moved.

11 PRESIDENT BOOP: Is there a second?

12 MR. RILEY: Second.

13 PRESIDENT BOOP: Discussion?

14 MR. ISABELLA: Mr. President, I backed out a little
15 bit there. What exactly are we doing right now?

16 PRESIDENT BOOP: We're going to proceed generally to
17 approve the seasons and bag limits and then we're going to
18 consider amendments by page, as I understand it from
19 Commissioner Schleiden's position.

20 MR. ISABELLA: Okay, that's all.

21 PRESIDENT BOOP: We have a motion. I have a second.
22 All in favor? Is there any additional discussion?

23 MRS. PALONE: For the present page.

1 PRESIDENT BOOP: Each page, page 3. Any discussion
2 with respect to page 3?

3 (No response.)

4 PRESIDENT BOOP: Hearing none, page 4?

5 (No response.)

6 PRESIDENT BOOP: Hearing none, page 5?

7 (No response.)

8 PRESIDENT BOOP: Hearing none, page 6?

9 (No response.)

10 MR. SCHREFFLER: Yes.

11 PRESIDENT BOOP: Commissioner Schreffler.

12 MR. SCHREFFLER: There was a date there, January 12.
13 It was changed to the thirteenth.

14 PRESIDENT BOOP: The last item on page 6 I think we
15 discovered that the date of January 12 is a Friday, and January
16 13, 2007. We wanted to change that.

17 MR. SCHREFFLER: Yes, I do. Make sure that's January
18 13.

19 MR. SCHLEIDEN: I'll second that motion, sir.

20 PRESIDENT BOOP: Any further discussion on that item?

21 (No response.)

22 PRESIDENT BOOP: All in favor of that page?

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed?

1 (No response.)

2 MRS. PALONE: Unanimous, Mr. President.

3 PRESIDENT BOOP: Page 7, any discussion on page 7?

4 (No response.)

5 PRESIDENT BOOP: I would like to offer an amendment
6 with respect to page 7, having to do with the length of the
7 concurrent deer season and propose here for a 12-day concurrent
8 season statewide, which is what we heard yesterday afternoon.
9 It's the recommendation from the Deer Management Team.

10 I think we all agree that what we heard yesterday was
11 the science portion. We do have a three-legged stool, which
12 includes political, social and science. In light of what I have
13 heard as a Commissioner for the past year, I'm not really
14 comfortable sitting on this one-legged stool of science only.
15 For one, I'm not completely convinced that all our problems
16 before us are as simple as saying it's just the deer.

17 I would like to offer an amendment on page 7 to be
18 concurrent buck/doe season would be in Management Units 2B, 5C
19 and 5D as stated, which are the special reg Management Units
20 generally. And the other 19 Management Units I would move for
21 an amendment to a concurrent season of one week, which would be
22 from December 4 through December 9, in the other 19 Management
23 Units would be my motion to amend.

24 MR. SCHLEIDEN: I'll second that.

1 PRESIDENT BOOP: Discussion?

2 MRS. PALONE: Mr. President, I just would like to say
3 that yesterday we had several people testify, I think around 50,
4 if I'm not mistaken. A lot of those folks were hunters and a
5 lot of them came from other walks of life. We had business
6 people. We had different producers, people who do landscaping,
7 agriculture, forestry.

8 I believe that we did listen to a lot of social issues
9 yesterday. I don't believe that social is just hunters, but
10 it's also people who have deer conflicts either in their
11 businesses, or on the highways or in agriculture.

12 So I do really feel that the Commission has taken into
13 consideration all the social issues having to do with deer. I
14 feel like we've done that in a very responsible way. So when I
15 think of social, I think of more than just hunters and a lot of
16 these people who testified yesterday are also hunters, so they
17 wear more than one hat. So I feel like the social issues have
18 been addressed by the Commission.

19 PRESIDENT BOOP: Any discussion?

20 MR. SCHLEIDEN: Call for the question.

21 PRESIDENT BOOP: Question has been called for.

22 We're voting on the amendment that was offered on page
23 7, which would be to in effect reduce the concurrent season in
24 19 of the 22 Management Units from the 12-day to a 6-day season.

1 All in favor?

2 MR. RILEY: Mr. President, I ask that we vote on a
3 show of hands.

4 PRESIDENT BOOP: All in favor of the motion to amend?

5 MRS. PALONE: Two.

6 (Commissioners Mohr and Boop raised hands.)

7 PRESIDENT BOOP: Opposed?

8 MRS. PALONE: Six opposed.

9 (Commissioners Palone, Schreffler, Isabella,
10 Schleiden, Riley and Hill oppose.)

11 PRESIDENT BOOP: So the motion to amend fails.

12 I would like to offer a second amendment on page 7,
13 and the second amendment would be to reduce the concurrent
14 season in Management Units 3A, 3C and 2F to a six-day concurrent
15 season, which would begin on Monday, December 4 and end on
16 Saturday, December 9.

17 And in Management Units 2C, 2G, 4B a three-day
18 concurrent season, which would begin on Thursday, December 14
19 and end on Saturday, December 16 -- excuse me, that's incorrect.
20 Seventh and the ninth. Begin on December 7 and end on December
21 9, the last three days concurrent to the season with the
22 authority for the Executive Director to extend for three
23 additional days in those three Management Units in the event of
24 inclement weather.

1 These are the six Management Units where the bulk of
2 the complaints seem to come from concerning the present Deer
3 Management Plan.

4 It's this Commissioner's considered opinion, given the
5 allocation numbers and been recommended by the team that the six
6 and the three-day season in those six Management Units will
7 accomplish our objectives.

8 That's my amendment, second amendment.

9 MR. MOHR: Second.

10 PRESIDENT BOOP: Discussion?

11 MR. ISABELLA: Mr. President, I just want to make sure
12 this is an amendment that is reducing the season days in certain
13 WMUs?

14 PRESIDENT BOOP: Correct.

15 MR. ISABELLA: Okay, thank you.

16 PRESIDENT BOOP: Discussion?

17 (No response.)

18 PRESIDENT BOOP: Can we have a show of hands again?
19 We're voting on the second amendment. All in favor?

20 MRS. PALONE: Two, Mr. President, in favor.

21 (Commissioners Mohr and Boop raise hands.)

22 PRESIDENT BOOP: Opposed?

23 MRS. PALONE: Six opposed, Mr. President.

1 (Commissioners Palone, Schreffler, Isabella,
2 Schleiden, Riley and Hill oppose.)

3 PRESIDENT BOOP: Motion fails.

4 Any other amendments with respect to page 7?

5 (No response.)

6 PRESIDENT BOOP: Page 8. We have a handout with
7 respect to that page relating to the bear season.

8 MR. RILEY: Mr. President, bear, any ages, strike the
9 Wildlife Management Units 3B, 3C, and 3D, 4C and 4E and add the
10 following language: "Wildlife Management Units 3C, 3D and that
11 portion of 3B, east of Route 14 from Troy to Canton, east of
12 Route 154 from Canton to Route 220 at Laporte and east of Route
13 42 from Laporte to Route 118 and that portion of 4E east of
14 Route 42."

15 Additional language, Mr. President, "Portion of
16 Wildlife Management Units 2G and 3B in Lycoming County that lie
17 north of the west branch of the Susquehanna River from the Route
18 405 bridge, west to the Route 220 bridge, east of Route 220 to
19 Route 44 and east of Route 44 to Route 973, south of Route 973
20 to Route 87, west of Route 87 to Route 864, south of Route 864
21 to Route 220 and west of Route 220 to Route 405 and west of
22 Route 405 to the west branch of the Susquehanna River."

23 MR. SCHREFFLER: I'll second that.

1 PRESIDENT BOOP: Commissioner Riley's amendment is
2 seconded by Commissioner Schreffler, as it's printed on the blue
3 handout that we have received and discussed yesterday.

4 Is there discussion on the amendment?

5 (No response.)

6 PRESIDENT BOOP: Hearing no discussion, all those in
7 favor of the amendment say aye.

8 (Signified aye.)

9 PRESIDENT BOOP: Opposed?

10 (No response.)

11 MRS. PALONE: It's unanimous, Mr. President.

12 PRESIDENT BOOP: Thank you, Commissioner Palone.

13 Page 9, any discussion or amendment with respect to
14 page 9?

15 (No response.)

16 PRESIDENT BOOP: Hearing none, with respect to page
17 10, which is just the notations with respect to seasons and bag
18 limits, any discussion or comments concerning those?

19 (No response.)

20 PRESIDENT BOOP: If not, we voted on the seasons and
21 bag limits with the amendment on page 6, with respect to the
22 change of date from January 12 to January 13, and the change
23 with respect to deer season that's set forth on page 8. These
24 amendments are adopted as stated with those two amendments.

1 MR. SCHLEIDEN: We have to vote.

2 PRESIDENT BOOP: Call for a vote. All
3 in favor?

4 (Signified aye.)

5 PRESIDENT BOOP: Opposed?

6 (Signified no.)

7 MRS. PALONE: Could we ask for a roll call vote or
8 not?

9 PRESIDENT BOOP: Sure.

10 MRS. PALONE: We're going to have a roll call vote,
11 Greg.

12 President Boop?

13 PRESIDENT BOOP: No.

14 MRS. PALONE: Vice President Palone, yes.
15 Secretary Isabella?

16 MR. ISABELLA: Aye.

17 MRS. PALONE: Commissioner Schleiden?

18 MR. SCHLEIDEN: Aye.

19 MRS. PALONE: Commissioner Riley?

20 MR. RILEY: Yes.

21 MRS. PALONE: Commissioner Mohr?

22 MR. MOHR: No.

23 MRS. PALONE: Commissioner Hill?

24 MR. HILL: Yes.

1 MRS. PALONE: Commissioner Schreffler?

2 MR. SCHREFFLER: Yes.

3 MRS. PALONE: It is six in favor and two opposed.

4 PRESIDENT BOOP: Thank you, Vice President.

5 We'll now go to page 11 of our agenda.

6 MR. POUSS: Thank you, Mr. President.

7 The next item relates to adoption of proposed
8 amendments to §§147.552-147.554 of Title 58 of the Pennsylvania
9 Code.

10 To effectively manage the wildlife resources of this
11 Commonwealth, the Game Commission, at its January 24, 2006
12 meeting, proposed the following changes:

13 Amend the sections as previously stated (relating to
14 application, permit and subpermit) to modify the public access,
15 signage posting and subpermit issuance requirements for
16 Agricultural Deer Control Permit permittees in Wildlife
17 Management Units 5C and 5D.

18 These proposed amendments were published in the
19 Pennsylvania Bulletin on March 25, 2006.

20 The Executive Director and staff recommend final
21 adoption of these amendments to 58 Pa. Code as shown on Exhibit
22 B, which is on page 12 of your agenda.

23 PRESIDENT BOOP: The action as printed on page 12. Do
24 we have a motion with respect to this agenda item?

1 MR. SCHREFFLER: So moved.

2 PRESIDENT BOOP: Do we have a second?

3 MR. SCHREFFLER: I'll second it.

4 PRESIDENT BOOP: Commissioner Schreffler.

5 Do we have discussion?

6 (No response.)

7 PRESIDENT BOOP: Any discussion on the item?

8 (No response.)

9 PRESIDENT BOOP: If not, all those in favor?

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed?

12 (No response.)

13 MRS. PALONE: Unanimous, Mr. President.

14 PRESIDENT BOOP: The Chair would like to make a
15 notation, a thanks to Commissioner Isabella for all his work in
16 resolving what was a difficult issue in these two Management
17 Units for the Commission.

18 Commissioner Isabella, I'd like to publicly thank you
19 for that.

20 MR. ISABELLA: Thank you, Mr. President.

21 PRESIDENT BOOP: Mr. Pouss.

22 MR. POUSS: The next item on the agenda is on page 13
23 and relates to adoption of proposed amendment to §141.18 of
24 Title 58 of the Pennsylvania Code.

1 The Game Commission, at it's January 24, 2006 meeting,
2 proposed the following change relating to permitted devices.

3 Amend §141.18 to specifically permit the use of
4 electronic devices used for locating dogs while hunting or
5 training, including such devices as e-collars, radio-telemetry
6 dog tracking systems and beeper collars.

7 The proposed amendment was published in the
8 Pennsylvania Bulletin on March 25, 2006.

9 The Executive Director and staff recommend final
10 approval of this amendment to 58 Pa. Code as shown on Exhibit C,
11 which is page 14 in your agenda.

12 PRESIDENT BOOP: You've heard the reading concerning
13 the action item as printed on page 14; is there a motion to
14 approve?

15 MR. RILEY: So moved.

16 PRESIDENT BOOP: Mr. Riley.

17 Is there a second?

18 MR. MOHR: Second.

19 PRESIDENT BOOP: Commissioner Mohr.

20 Is there discussion on the item?

21 (No response.)

22 PRESIDENT BOOP: Hearing none, all those in favor.

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed?

1 (No response.)

2 MRS. PALONE: It's unanimous, Mr. President.

3 PRESIDENT BOOP: Thank you, Mrs. Palone.

4 Mr. Pouss.

5 MR. POUSS: Mr. President, the next item on the agenda
6 is on page 15. It relates to adoption of proposed amendments to
7 §§131.2 and 141.41 of Title 58.

8 To effectively manage the wildlife resources of this
9 Commonwealth, the Game Commission, at its January 24, 2006
10 meeting, proposed the following changes:

11 Amend §§131.2 and 141.41 (relating to definitions and
12 general) to define and implement the use of the atlatl and dart
13 during any firearms deer season.

14 These proposed amendments were published in the
15 Pennsylvania Bulletin on April 1, 2006.

16 The Executive Director and staff do not recommend
17 final adoption of these amendments to 58 Pa. Code, as shown on
18 Exhibit D, which is on page 16 of your agenda.

19 PRESIDENT BOOP: You heard the reading. The item
20 appears on page 16.

21 Do I hear a motion?

22 MR. RILEY: So moved.

23 MR. HILL: Mr. President?

1 PRESIDENT BOOP: I think we heard two. We heard Mr.
2 Hill. Commissioner Hill?

3 MR. HILL: Mr. President, I'd like to make a motion
4 that we refer this item back to committee.

5 PRESIDENT BOOP: Is there a second?

6 MR. SCHLEIDEN: Second.

7 PRESIDENT BOOP: The motion on the floor is to refer
8 this action item back to committee, made by Commissioner Hill
9 and seconded by Commissioner Schleiden.

10 Discussion on the motion?

11 MR. RILEY: On that, Mr. President, this issue appears
12 that we're not basing this decision on science. It's totally a
13 political and social decision, so I sure hope that the
14 Commissioners take that same stance when we get to antlerless
15 allocations.

16 PRESIDENT BOOP: Any other discussion on the item?

17 Yes, Commissioner Palone.

18 MRS. PALONE: Mr. President, is this Law Enforcement
19 Committee? Is that where we want this to be?

20 PRESIDENT BOOP: I think that would be appropriate.

21 Do you accept that as an amendment, Mr. Hill?

22 MR. HILL: (Indicates yes.)

23 PRESIDENT BOOP: Commissioner Schleiden?

24 MR. SCHLEIDEN: Yes, sir.

1 PRESIDENT BOOP: Referral to the Law Enforcement
2 Committee.

3 MR. SCHLEIDEN: Mr. President.

4 PRESIDENT BOOP: Yes, Commissioner Schleiden.

5 MR. SCHLEIDEN: Commissioner Mohr, I don't believe
6 there's any science to present it to the Board on this
7 particular issue. However, there was a demonstration. So the
8 only thing we had to view was the social and political;
9 therefore, we are looking at that issue from that standpoint.

10 Those people who advocate the use of this now have
11 time, because we put it into committee, now have time to bring
12 their case forward, and if it requires science, they'll have
13 that opportunity. I don't think it has anything to do with
14 allocations.

15 Thank you, sir.

16 PRESIDENT BOOP: Other discussion?

17 MR. ISABELLA: Mr. President.

18 PRESIDENT BOOP: Yes, Commissioner Isabella.

19 MR. ISABELLA: I just want to make sure I know exactly
20 what's happening. We're referring the atlAtl, the issue of the
21 atlAtl to a Law Enforcement Committee?

22 PRESIDENT BOOP: Back to the Law Enforcement
23 Committee, yes.

24 MR. ISABELLA: Okay, thank you.

1 PRESIDENT BOOP: Other discussion?

2 (No response.)

3 PRESIDENT BOOP: Vote. All in favor of the motion to
4 send the atlatl back to the Law Enforcement Committee for study
5 indicate by saying aye.

6 (Signified aye.)

7 PRESIDENT BOOP: Opposed?

8 (Commissioner Palone indicated nay.)

9 MRS. PALONE: Seven to one.

10 PRESIDENT BOOP: Thank you, Commissioner Palone.

11 Mr. Pouss.

12 MR. POUSS: The next item on the agenda is proposed
13 rule making on page 17. It's to amend 58 Pa. Code, Chapter 141,
14 by adding Subchapter M, §§143.241-143.247.

15 Due to today's complex society, family structure
16 changes and the competing interests youths have to choose from,
17 it is difficult for our sporting men and women to introduce
18 youngsters to the joys of hunting. On December 22, 2005,
19 Governor Rendell signed into law House Bill 1690 to provide a
20 way to better combat these challenges.

21 In effect, this statutory amendment authorized the
22 Pennsylvania Game Commission to create, define and implement a
23 concept aptly named the "Mentored Youth Hunting Program".

1 The mission of the Mentored Youth Hunting Program is
2 simple and clear: create, expanded youth hunting opportunities
3 while maintaining safety afield. The MYHP provides youngsters a
4 chance to develop the love of hunting early and allow that
5 passion to grow as they do. The MYHP promotes the culture and
6 development of the type of one-on-one training, and hands on
7 experience that will help protect our hunting future as well as
8 increase hunting safety through the intimate counseling provided
9 by dedicated Mentors.

10 Youths who might otherwise never experience hunting
11 will now have the chance to taste the thrills and past
12 generations as they carry this Commonwealth's hunting heritage
13 into the future. The MYHP may not benefit all youths; however,
14 it does provide a vehicle into the hunting fraternity for many
15 youngsters whose parents feel are mentally, emotionally and
16 physically ready for the rigors of hunting.

17 It was only with the dedicated assistance of various
18 sportsmen's organizations that MYHP was even possible. Indeed,
19 the MYHP concept was initially developed and promoted by the
20 determination of organizations such as the National Wild Turkey
21 Federation, Pennsylvania Federation of Sportsmen's Clubs, United
22 Bowhunters of Pennsylvania, Central Counties Concerned
23 Sportsmen, National Rifle Association, Quality Deer Management

1 Association, Rocky Mountain Elk Foundation, Big Brothers/Big
2 Sisters Pass It On Program and U.S. Sportsmen's Alliance.

3 In a world in which everyone seems to have less and
4 less time, and we never seem to place the proper value on the
5 truly important things, there can be no greater way to instill
6 values, provide the ideal time and place to teach conservation,
7 respect, ethics and responsibilities that we all have as
8 caretakers of our streams and forests, than by adopting the MYHP
9 in Pennsylvania.

10 You can see the text on the youth provisions on pages
11 18, 19 and 20 of the agenda.

12 The recommendation is by the Executive Director and
13 staff that the Commission approve this new subchapter.

14 PRESIDENT BOOP: You've heard the reading by Mr.
15 Pouss. The action item does appear on pages 18, 19, and 20.

16 Is there a motion?

17 MR. SCHLEIDEN: So moved.

18 PRESIDENT BOOP: Commissioner Schleiden.

19 Is there a second?

20 MR. MOHR: Second.

21 PRESIDENT BOOP: Commissioner Riley.

22 Is there discussion?

23 MRS. PALONE: Mr. President.

24 PRESIDENT BOOP: Yes, Mrs. Palone.

1 MRS. PALONE: I would just like to offer an amendment.
2 On page 19, on §143.243, subsection (b) where we talk about the
3 species that the youth are allowed to hunt, we had a lot of
4 discussion about this and we wanted to include deer, some of us
5 did. We feel that deer is important.

6 But in talking to all the folk within the agency that
7 would have implemented this program, we felt that there was some
8 administrative issues that would need to be worked out and we
9 would need a little better tracking system. We feel like we
10 didn't have enough time to take all of this into consideration
11 for the fall season.

12 We feel that on July 1, of 2007, we would have a point
13 of sale system in place and we can track better who would be
14 mentors and who would be youths. So we decided that we would
15 put deer off until next year.

16 So I just want to offer this amendment under (b) and
17 it would read: "A mentored youth's hunting eligibility is
18 restricted to the following species: squirrel, woodchuck and
19 wild turkey (spring gobbler season only) for 2006 and 2007, and
20 antlered year starting with the 2007 and 2008 season mentored
21 youths would have to comply with the same antlered requirements
22 as junior licensed holders.

23 PRESIDENT BOOP: Before we go further, I just would
24 like to note on the record one item, Commissioner Palone. With

1 respect to your comment, you said "decided." We had discussions
2 concerning this item. There was no decision. I just want to
3 make it clear.

4 MRS. PALONE: Yes, pardon me.

5 PRESIDENT BOOP: No vote was taken and no decision was
6 made during our work session.

7 Yes, is there further discussion on this item?

8 MR. SCHREFFLER: Mr. President.

9 PRESIDENT BOOP: Yes, Commissioner Schreffler.

10 MR. SCHREFFLER: I want to agree that I think that
11 this makes sense that we not include deer this year, to make it
12 an issue for next year for the very same reasons that Mrs.
13 Palone had expressed. I think it will work out much easier for
14 us all, especially, I think this first year it's better to start
15 simple and work the program and see how it works and do a plan
16 committee and approve it next year.

17 I just wanted to make that point.

18 PRESIDENT BOOP: I assume that's your second,
19 Commissioner?

20 MR. SCHREFFLER: That's my second, yes.

21 PRESIDENT BOOP: Is there any other discussion?

22 MR. MOHR: On that, Mr. President, on that matter I
23 think the more we try to restrict this youth hunting opportunity
24 the probably less receptive it's going to be. I assumed all

1 along that we would just allow those youths to participate in
2 any season, the only stipulation being that they had to be in a
3 stationary position when they were participating.

4 So I'm sort of disappointed that we're even
5 restricting it to the species we are and deer, definitely deer
6 or what anyone wants to go after. Relating to deer, I think
7 we're only restricting ourselves to how many people are going to
8 participate. I'd surely like to see it open for all species and
9 just add the stationary position being the only mandatory
10 requirement.

11 End of my comments.

12 PRESIDENT BOOP: Other comments?

13 MR. RILEY: Mr. President, Commissioner Mohr's
14 comments are well-taken, I think, but when we look at this whole
15 youth hunting area and this mentored youth, there are a lot of
16 things to consider. I think it's best that we go a little
17 slower. During work session several problems arose in terms of
18 regulations and how we get them in place. Safety is a major
19 consideration here.

20 So we want to get this mentored youth hunt going. We
21 want to include those species, especially the antlered deer. We
22 will do so as quickly as we can put regulations in place so that
23 we know that safety is the primary goal of this delay.

24 Thank you.

1 PRESIDENT BOOP: Any other comment?

2 (No response.)

3 PRESIDENT BOOP: So we're voting on the item--

4 MR. ISABELLA: Excuse me, Mr. President.

5 PRESIDENT BOOP: Yes.

6 MR. ISABELLA: Are we still in discussion?

7 PRESIDENT BOOP: We're in discussion.

8 MR. ISABELLA: I originally when we discussed this
9 last meeting, as you remember, I really wanted to include other
10 species, like doves. I received numerous e-mails from people
11 who wanted to include deer hunting for this year. After
12 realizing how popular that was, I was ready to support that
13 amendment to include deer.

14 But, also, we have to be certain that the mechanics
15 that we're using is correct. We have to get it correct the
16 first time in how we're -- we know how many mentors are involved
17 and how many youths are involved. We just have to get it right
18 and going slow is the correct way.

19 I also received e-mails in reference to pheasant
20 hunting. Unfortunately, when you're trying to do the right
21 thing there are people who are trying to twist around what we're
22 doing and say that we want to eliminate pheasant hunting
23 altogether. That definitely isn't true.

1 Those people are dealing in fantasy land. I want to
2 deal and the rest of our Board, I know we're dealing with facts.
3 So we need to go at this slow.

4 Although I said I wanted the vote to include deer for
5 this year, I agree with what was said by our staff. We have to
6 go slow, so I will support this amendment for deer for next year
7 and hopefully, we're going to include other species.

8 That's it. Thank you.

9 PRESIDENT BOOP: Thank you, Commissioner Isabella, for
10 your always colorful commentary.

11 Is there any other discussion?

12 MR. SCHLEIDEN: Mr. President, there's one other
13 factor that weigh heavily on my decision to support until next
14 year, along with some of the staff comments was the fact that
15 the programs that we have in place for our Deer Team right now,
16 they, in fact, really need to take a look at what is going on in
17 the surrounding states and see how that would affect the
18 program, the recommendations they have made thus far in
19 anticipating this for next year if, in fact, we made a vote to
20 the antlerless issue between now and then.

21 So I think this gives them time to put it into the
22 proper prospective so that we can vote on it from the science
23 aspect as well.

24 Thank you, sir.

1 PRESIDENT BOOP: Any other Commissioner have comments?

2 (No response.)

3 PRESIDENT BOOP: If not, as I understand the item on
4 the floor is we have the agenda item. We have Commissioner
5 Palone's amendment, which would include deer as a covered
6 species in the 2007/2008 year. You will be voting on her
7 amendment, as seconded by Commissioner Schreffler. So we're
8 voting on the amendment, which would include deer in 2007/2008.

9 Is that your understanding, Commissioner Palone?

10 MRS. PALONE: Antlered deer and they would have to
11 comply with the antler restrictions that junior license holders
12 would have to comply with.

13 PRESIDENT BOOP: Acceptable, Commissioner Schreffler,
14 as amendment?

15 MR. SCHREFFLER: Absolutely.

16 PRESIDENT BOOP: Does everyone understand what we're
17 voting on?

18 MR. RILEY: What was the comment on antler
19 restriction?

20 PRESIDENT BOOP: Commissioner Palone, do you want to
21 restate that, please?

22 MRS. PALONE: These mentored youths would have to
23 comply with the same requirements as junior license holders in
24 regard to antler restrictions.

1 PRESIDENT BOOP: Everyone understands what we're
2 voting on? We're voting on the amendment as authored by
3 Commissioner Palone.

4 All those in favor say aye.

5 (Signified aye.)

6 PRESIDENT BOOP: Opposed?

7 (No response.)

8 MRS. PALONE: Unanimous, Mr. President.

9 PRESIDENT BOOP: We will vote now on the main motion.
10 So we're voting on this agenda item as now amended.

11 All in favor, signify by aye.

12 (Signified aye.)

13 PRESIDENT BOOP: Opposed?

14 (No response.)

15 MRS. PALONE: Unanimous, Mr. President.

16 PRESIDENT BOOP: Thank you.

17 Mr. Pouss.

18 MR. POUSS: Mr. President, the next on the agenda is
19 on page 21 and involves the amendment of §131.6 of Pa. Code.

20 On September 30, 2003, Pennsylvania's Driving Under
21 the Influence statutes were substantially modified and relocated
22 from 75 Pa. Consolidated Statue, §3731 to 75 Pa. Consolidated
23 Statue, §3801 et seq. Despite staff's awareness of the
24 amendment, 58 Pa. Code 131.6 was never formally amended to

1 reflect the changes to the DUI statutes. In an effort to
2 finally correct the inaccurate reference and citation in 58 Pa.
3 Code 131.6 to the proper, current DUI provisions, staff
4 recommends the following minor housekeeping amendment. This
5 amendment does not expand Wildlife Conservation Officer
6 enforcement authority relating to police powers.

7 You can see the text on page 21. The recommendation
8 by the Executive Director and staff is that the Commission
9 approve this change. I believe this is proposed for amendment.

10 PRESIDENT BOOP: You've heard the reading by counsel
11 on the action item.

12 Do I hear a motion?

13 MR. RILEY: So moved.

14 PRESIDENT BOOP: Mr. Riley.

15 Is there a second?

16 MR. SCHLEIDEN: Second.

17 PRESIDENT BOOP: Mr. Schleiden.

18 Discussion?

19 (No response.)

20 PRESIDENT BOOP: Hearing none, I guess we're ready for
21 vote.

22 All in favor say aye.

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed?

1 (No response.)

2 MRS. PALONE: It's unanimous, Mr. President.

3 PRESIDENT BOOP: Thank you, Commissioner Palone.

4 Mr. Pouss.

5 MR. POUSS: Mr. President, the next item is on page 22
6 of the agenda and it involves amending 58 Pa. Code, §135.107.

7 Since September goose hunting was initiated, the
8 resident Canada goose population on and in the vicinity of the
9 Middle Creek Wildlife Management Area has declined dramatically.
10 As added evidence of the population decline, hunter success
11 rates in the controlled area at Middle Creek have dropped from
12 57 percent in 1996 to 16 percent in 2005.

13 The Commission staff believes that it is absolutely
14 necessary to reduce the harvest of resident geese at the Middle
15 Creek Wildlife Management Area to sustain and recover Canada
16 goose population in the area and preserve the quality of the
17 waterfowl hunting experience in the controlled management area.

18 An interdisciplinary group has met and recommended
19 several administrative and regulatory changes to reduce goose
20 harvests and improve hunting on the controlled area at Middle
21 Creek. Enhanced hunter education and changes in the management
22 of hunting blinds on the area will be part of the changes
23 implemented for the 2006 season. Also recommended was a
24 reduction from four to three days in the number of waterfowl

1 shooting days at Middle Creek, eliminating Mondays. This can be
2 accomplished by amending 58 Pa. Code, §137.107(a)(4) as outlined
3 below.

4 The text is on page 22. The recommendation by the
5 Executive Director and staff is that the Commission approve this
6 change.

7 PRESIDENT BOOP: You've heard the reading with respect
8 to this proposed agenda item as set forth at the bottom of page
9 22. Is there a motion?

10 MR. SCHLEIDEN: So moved.

11 PRESIDENT BOOP: Commissioner Schleiden.

12 Is there a second?

13 MR. SCHREFFLER: Second.

14 PRESIDENT BOOP: Mr. Schreffler.

15 Discussion on the item?

16 MR. MOHR: Comment, Mr. President.

17 PRESIDENT BOOP: Yes, sir.

18 MR. MOHR: The declining goose population in Middle
19 Creek I think there's far more factors involved there than just
20 hunting.

21 I would like to ask staff as part of this if they
22 will, in fact, do a review of the management practices that are
23 going on in Middle Creek to make sure that everything is being

1 done to, in fact, maintain a viable population, in fact, to
2 increase the population of the goose.

3 PRESIDENT BOOP: Any other comment?

4 (No response.)

5 PRESIDENT BOOP: Hearing none, all in favor of the
6 item indicate by saying aye.

7 (Signified aye.)

8 PRESIDENT BOOP: Opposed?

9 (No response.)

10 MRS. PALONE: It's unanimous, Mr. President.

11 PRESIDENT BOOP: Mr. Pouss.

12 MR. POUSS: The next item on the agenda is on page 23
13 and relates to amending 58 Pa. Code, §141.4.

14 The proposal is to amend this section to reflect the
15 annual change in days and subsequent shooting times. This also
16 reflects the new daylight savings time, which starts on March
17 11, 2007.

18 You can see the text of the change on pages 23 and 24.

19 The recommendation by the Executive Director and staff
20 is the Commission approve this change.

21 PRESIDENT BOOP: As we look at the item as printed on
22 page 24, I just would call attention to the fact that daylight
23 savings time is significantly different in 2007. It's moved up

1 almost a month and that's reflected in the chart, for those of
2 you who are looking at it.

3 With respect to this action item, do we hear a motion?

4 MR. RILEY: So moved.

5 PRESIDENT BOOP: Second?

6 MR. SCHREFFLER: Second.

7 PRESIDENT BOOP: Discussion?

8 (No response.)

9 PRESIDENT BOOP: All in favor.

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed?

12 (No response.)

13 MRS. PALONE: It's unanimous, Mr. President.

14 PRESIDENT BOOP: Thank you.

15 Mr. Pouss.

16 MR. POUSS: Mr. Pouss, the next item is on page 25 of
17 the agenda and relates to hunting license revocations,
18 convictions. Proposed recommendations to revoke the hunting and
19 furtaking privileges of the individuals convicted of violating
20 the Game and Wildlife Code.

21 The Commission, under the authority of the Game and
22 Wildlife Code, may revoke any hunting license and furtaker's
23 license and deny any person the right to secure a license or to
24 hunt and furtake anywhere in the Commonwealth, with or without a

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

7 Persons denied the right to hunt or furtake in the
8 Commonwealth are notified by Certified Mail that the revocation
9 will commence July 1, 2006, and continue for such period as set
10 forth following the individual's name. The symbol "RA" means
11 the revocation was added to an existing revocation.

12 In accordance with the Administrative Agency Law, the
13 person placed on revocation has the opportunity for an
14 Administrative Hearing. If an Administrative Hearing is
15 requested, a petition for review must be filed at the Commission
16 Headquarters within 30 days from the date of the notice.

17 Unless deemed in the best interest of the Commission
18 by the Director or a designee, hearings shall be conducted at
19 the central office. Hearings will be conducted in accordance
20 with the General Rules of Administrative Practice and Procedure.
21 The hearing itself will be conducted in accordance with Chapter
22 35 of the rules and Chapter 145 of Title 58 of Pa. Code.

23 The Executive Director and the Law Enforcement
24 Director recommend that the Commission revoke the hunting and

1 furtaking license privileges of the persons named by the Bureau
2 of Law Enforcement. Such revocation shall become effective July
3 1, 2006, and shall continue for such period of time and under
4 the conditions set forth following each individual's name.

5 PRESIDENT BOOP: I believe that all of the
6 Commissioners received a list of the individuals so affected by
7 this agenda item.

8 Do we hear a motion?

9 MR. RILEY: So moved.

10 PRESIDENT BOOP: Mr. Riley.

11 A second?

12 MRS. PALONE: Second.

13 PRESIDENT BOOP: Commissioner Palone.

14 Any discussion?

15 MR. MOHR: Comment, Mr. President. I'm looking here
16 at my list. I think here again we have several hundred names on
17 a list that we're automatically taking out of our customer base.
18 At a time when their money is out-sourced, I think maybe we
19 should reevaluate what offenses we give a revocation and what
20 offenses we just accept a fine and turn them loose. Do it
21 again, they collect a fine again next year.

22 So I would ask that the Executive Director see fit, as
23 he sees fit that he would, in fact, review these revocations,
24 not each particular ones, but a list of offenses that fall under

1 Board revocation and a committee, or he sees fit that a change
2 has been made, so not so many are on the revocation list and we
3 can continue to receive the revenue.

4 PRESIDENT BOOP: It's one of concerns we don't want to
5 become more like PENNDOT. Comment is well taken. I'm sure the
6 Executive Director is duly noted.

7 Is there any other discussion?

8 (No response.)

9 PRESIDENT BOOP: All those in favor say aye.

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed?

12 (No response.)

13 MRS. PALONE: It's unanimous, Mr. President.

14 PRESIDENT BOOP: I'd like to thank Mr. Houghton for
15 representing the Bureau of Law Enforcement this morning. Thank
16 you, Greg.

17 MR. HOUGHTON: You're welcome.

18 PRESIDENT BOOP: At this point I think we're going to
19 take a recess. The Bureau of Land Management will be next. We
20 have a number of items that are in the agenda. I am not
21 anticipating that the handling of these items is going to take
22 very long. Once they're completed, we'll take up the issue of
23 the antlerless allocations under new business.

1 So at this point we're going to recess for a half-an-
2 hour.

3 (Recess 9:30 A.M.)

4 (Reconvened 9:55 A.M.)

5 PRESIDENT BOOP: When we adjourned for recess there
6 was a question asked me by one of the reporters in the audience
7 whether or not we were taking an executive session. We were not
8 taking an executive session. We planned a break midway through
9 the morning.

10 At the end of the day yesterday a number of the
11 Commissioners had asked for some additional information on
12 allocation numbers, which was given this morning to the
13 Commissioners, some additional information. They reviewed it
14 individually, but there was no executive session. That will
15 clear the record on that.

16 Also, it was brought to our attention that Bureau of
17 Law Enforcement also had an additional item which needs to be
18 included at today's hearing. This is a supplement. I believe
19 all the Commissioners have a copy at their places. This
20 concerns the Administrative Hearings.

21 Mr. Houghton has a handout covers that item.

22 MR. HOUGHTON: Yes. Yes, I do.

23 PRESIDENT BOOP: You would want this handled through
24 your Bureau?

1 MR. HOUGHTON: Correct.

2 PRESIDENT BOOP: Bill, if you could handle the reading
3 of that item without the names?

4 MR. POUSS: Okay, Mr. President.

5 The first item is labeled (A) I guess, Administrative
6 Hearings.

7 Administrative Hearings are held to review the Hunting
8 and Furtaking Revocations for those persons who file a petition
9 requesting a review, in accordance with Administrative Agency
10 Law.

11 The Commission was furnished a copy of the Findings of
12 Fact, the Conclusions of Law, and the Recommendations of the
13 Hearing Officer concerning the Administrative Hearing held at
14 the request of each individual listed below. The Findings of
15 Fact set forth the circumstances surrounding this matter.

16 The Executive Director recommends that the Commission
17 approve the Findings of Fact, Conclusions of Law, and
18 Recommendation of the Hearing Officer, Andrew Lehman, allowing
19 the revocation period to remain as originally ordered for each
20 individual listed and there are six names listed.

21 PRESIDENT BOOP: You heard the reading of this item.
22 You got a copy in front of you. Do we hear a motion?

23 MR. RILEY: So moved.

24 PRESIDENT BOOP: Mr. Riley.

1 Do we hear a second?

2 MR. SCHLEIDEN: Second.

3 PRESIDENT BOOP: Commissioner Schleiden.

4 Discussion?

5 (No response.)

6 PRESIDENT BOOP: All in favor indicate saying aye.

7 (Signified aye.)

8 PRESIDENT BOOP: Opposed?

9 (No response.)

10 MRS. PALONE: It's unanimous, Mr. President.

11 MR. POUSS: Okay, the next item is labeled (B) and
12 also involves Administrative Hearings concerning reducing the
13 hunting and furtaking revocation.

14 It was indicated Administrative Hearings are held to
15 review Hunting and Furtaking Revocation under the Administrative
16 Agency Law.

17 The Commission was furnished a copy of the Findings of
18 Fact, Conclusions of Law, and Recommendations of the Hearing
19 Officer concerning the Administrative Hearing held at the
20 request of each individual listed.

21 The recommendation is that the Executive Director
22 recommends that the Commission approve the Findings of Fact,
23 Conclusions of Law, and Recommendation of the Hearing Officer,

1 Andrew Lehman, allowing the revocation period to be reduced for
2 each individual listed. There are two individuals listed.

3 PRESIDENT BOOP: You heard the presentation on this
4 action item which is (B) under the Law Enforcement Bureau. Is
5 there a motion?

6 MR. SCHLEIDEN: So moved.

7 PRESIDENT BOOP: Mr. Schleiden.

8 Is there a second?

9 MR. RILEY: Second.

10 PRESIDENT BOOP: Mr. Riley.

11 Is there discussion?

12 (No response.)

13 PRESIDENT BOOP: All in favor consent by saying aye.

14 (Signified aye.)

15 PRESIDENT BOOP: Opposed same sign.

16 (No response.)

17 MRS. PALONE: It's unanimous, Mr. President.

18 PRESIDENT BOOP: Part C, Mr. Pouss.

19 MR. POUSS: Again, relates to Administrative Hearings
20 that are held to review Hunting and Furtaking Revocations under
21 the Administrative Agency Law.

22 The Commissions was furnished copies of Findings of
23 Fact, Conclusions of Law, and Recommendations of the Hearing

1 Officer. The Findings of Fact set forth the circumstances
2 surrounding this matter.

3 The Executive Director recommends that the Commission
4 approve the Findings of Fact, Conclusions of Law and
5 Recommendation of the Hearing Officer, Andrew Lehman, allowing
6 the revocation period to be rescinded, resulting in no
7 revocation for the one individual listed.

8 PRESIDENT BOOP: You heard the reading. Is there a
9 motion?

10 MR. RILEY: So moved.

11 PRESIDENT BOOP: Mr. Riley.

12 Is there a second?

13 MR. SCHLEIDEN: Second.

14 PRESIDENT BOOP: Mr. Schleiden.

15 Is there discussion?

16 (No response.)

17 PRESIDENT BOOP: If not, all in favor indicate by
18 saying aye.

19 (Signified aye.)

20 PRESIDENT BOOP: Opposed same sign?

21 (No response.)

22 MRS. PALONE: It's unanimous, Mr. President.

23 PRESIDENT BOOP: Thank you, Mr. Houghton.

1 We'll now move to the Bureau of Land Management. I
2 recognize Bureau Director Klinger at the podium.

3 I refer to Mr. Pouss for the first item.

4 MR. POUSS: The first item is on page 26 of the agenda
5 and relates to two acquisitions of land.

6 The first one relates to Option No. 4069 - 48 acres
7 more or less of land in Albany Township, Berks County, adjoining
8 State Game Lands No. 106, as shown on Exhibit LM1, which is page
9 27 of your agenda. The option is subject to a timber
10 reservation with regard to an ongoing timber operation pursuant
11 to a plan worked out with the Southeast Regional Forester. The
12 option price is \$48,000 lump sum to be paid from monies escrowed
13 from a coal lease to Landnar, Inc., on State Game Lands No. 264.

14 Should I do the other option now?

15 PRESIDENT BOOP: Please.

16 MR. POUSS: The other option is No. 4070 and relates
17 to 221 acres more or less of coal and minerals in Monroe
18 Township, Bradford County, underlying State Game Lands No. 36,
19 as shown on Exhibit LM2, which is page 28 of your agenda. The
20 option prices is \$3,400 lump sum.

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

1 PRESIDENT BOOP: The two acquisitions as set forth and
2 the option number as noted. They're depicted on pages 27 and 28
3 of the agenda.

4 Do we hear a motion to approve?

5 MR. SCHREFFLER: So moved.

6 PRESIDENT BOOP: Commissioner Schreffler.

7 Is there a second?

8 MR. MOHR: Second.

9 PRESIDENT BOOP: Commissioner Mohr.

10 Is there any discussion?

11 Commissioner Schreffler.

12 MR. SCHREFFLER: I think both these are excellent
13 decisions by our staff. I really encourage everybody to go
14 along with this. I commend the staff for doing a good job in
15 this.

16 PRESIDENT BOOP: The Chair will concur with those
17 thoughts.

18 Are there other comments?

19 (No response.)

20 PRESIDENT BOOP: I hear a motion to approve both
21 acquisitions. We're voting on the motion.

22 All in favor say aye.

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed same sign.

1 (No response.)

2 MRS. PALONE: Unanimous, Mr. President.

3 PRESIDENT BOOP: Mr. Pouss, page 29.

4 MR. POUSS: Yes, Mr. President.

5 That item relates to land exchange involving State
6 Game Lands No. 79, in Jackson Township, Cambria County.

7 Jackson Township Water Authority has agreed to a land
8 exchange involving a right-of-way 3,000 feet long and 30 feet
9 wide across a portion of State Game Lands No. 79 in Jackson
10 Township, Cambria County, as shown on Exhibit LM3, which is page
11 30 of your agenda.

12 In exchange, Jackson Township Water Authority will
13 cause to be conveyed a tract of land totaling three acres, more
14 or less, in Jackson Township, Cambria County, also shown on
15 Exhibit LM3. This exchange straightens the boundary line.

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

19 The Executive Director and staff recommend this land
20 exchange be approved and the Commission authorize the Bureau of
21 Land Management to proceed with the exchange as listed above.

22 PRESIDENT BOOP: You've heard the reading with respect
23 to this agenda item, the exhibit which appears on page 30 of the
24 preprinted agenda. Do I hear a motion to approve?

1 MR. SCHLEIDEN: So moved.

2 PRESIDENT BOOP: Commissioner Schleiden.

3 Is there a second?

4 MR. SCHREFFLER: Second.

5 PRESIDENT BOOP: Commissioner Schreffler.

6 Is there discussion or comment?

7 (No response.)

8 PRESIDENT BOOP: If not, all those in favor consent by
9 saying aye.

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed same sign.

12 (No response.)

13 MRS. PALONE: Unanimous, Mr. President.

14 PRESIDENT BOOP: Mr. Pouss.

15 MR. POUSS: I think the final item on the agenda is
16 relating to Land Management. It's an oil and gas lease
17 amendment. It involves surface mining coal, also. It involves
18 State Game Lands No. 75, in Pine Township, Lycoming County.

19 Fisher Mining Company of Montoursville, PA, seeks to
20 amend its existing 159 acre lease (Tract 075A-04) by adding 27.3
21 acres of additional mining area to the lease, as shown on
22 Exhibit OGM1, which is on page 33 of the agenda.

23 The proposed amendment will allow Fisher Mining
24 Company to remove an additional estimated total of 249,858 tons

1 of coal from the leased premises. This amendment, if approved,
2 will allow Fisher Mining Company to remove coal from two
3 separate areas that are adjacent to the existing mining areas of
4 Fisher's leases.

5 The proposed amended mining area consist of a 14-acre
6 area and a 13.3-acre area. The 13.3-acre area is currently
7 under Fisher Mining's existing lease and is designated as mining
8 support area. The 140acre area includes approximately 2.5 acres
9 currently under lease and an additional 11.5 acres of new lease
10 area.

11 No additional acreage will be required for support
12 areas under this proposals. All proposed mining areas have
13 already been reviewed and approved in accordance with the
14 Pennsylvania Department of Environmental Protection's surface
15 mining regulations.

16 As part of the mine reclamation plan, Fisher Mining
17 will complete a stream enhancement project on the Right Fork of
18 Otter Run and construct wetland complexes in order to enhance
19 existing terrestrial and aquatic wildlife habitats. The mining
20 and reclamation plan will consist of leaving a coal barrier in
21 place, adding a minimum of 1,200 tons per acre of alkaline
22 addition material on the pit floor, and constructing an
23 infiltration basin to release alkaline water into an acid
24 impaired receiving stream. The project is directed towards

1 increasing the overall alkalinity of the Right Fork of Otter Run
2 to induce natural trout reproduction.

3 The accumulated coal royalty value of the proposed
4 additional mining has been estimated to be \$763,216 which will
5 be paid in full to the Commission upon the final execution of
6 the lease amendment. All coal royalty payments being paid
7 directly into the Commission's Game Fund. All merchantable
8 timber which is cut, and/or impacted by this mining operation
9 will be assessed by the Commission's Northcentral Regional
10 forestry staff, and payments owed to the Commission will be made
11 in strict accordance with that existing terms and conditions of
12 the original lease. All other terms of the current lease will
13 remain unchanged.

14 Mining will be regulated by the Commonwealth's Surface
15 Mining Regulations and the Commission's existing mining lease
16 agreement.

17 The staff has reviewed this proposal and determined
18 the stream enhancement, in conjunction with the advanced coal
19 royalty schedule and timber value, to be equal to or greater
20 than the total accumulated coal lease value.

21 The Executive Director and staff recommend this Coal
22 Mining lease amendment be approved and the Commission authorize
23 the Bureau of Land Management to proceed with the leasing
24 arrangement as listed above.

1 PRESIDENT BOOP: You've heard the description of the
2 agenda item, which is depicted on the exhibit, which appears as
3 page 33 for the surface mining coal lease amendment.

4 Do I hear a motion to approve?

5 MR. HILL: So moved.

6 PRESIDENT BOOP: Commissioner Hill.

7 Is there a second?

8 MR. RILEY: Second.

9 PRESIDENT BOOP: Commissioner Riley.

10 Is there discussion or comment?

11 (No response.)

12 PRESIDENT BOOP: Hearing none, all in favor of this
13 surface mining coal lease amendment as stated indicate by saying
14 aye.

15 (Signified aye.)

16 PRESIDENT BOOP: Opposed same sign.

17 (No response.)

18 MRS. PALONE: Unanimous, Mr. President.

19 PRESIDENT BOOP: Thank you, Mr. Klinger.

20 We are now at the point in the agenda where we conduct
21 new business. Under new business we will take up the antlerless
22 allocations for the 22 Management Units.

1 Mr. DuBrock and Dr. Rosenberry are both present. The
2 Commissioners all have the 22 handouts with respect to the
3 antlerless allocations as presented here yesterday afternoon.

4 I believe that the suggestion has been that we handle
5 these in much the same manner as we handle seasons and bag
6 limits. We would vote preliminarily and then go through them
7 individually and then take a final vote.

8 Is that agreeable to all Commissioners?

9 MRS. PALONE: I just wanted to ask, Mr. President, if
10 we could have a show of hands and that it would be easier for me
11 to count?

12 PRESIDENT BOOP: I'd be happy to do that.

13 So initially I guess we would ask for a motion to
14 approve the allocations as presented yesterday afternoon,
15 preliminary approval for the 22 Management Units for the
16 allocation figures that are set forth.

17 MR. SCHREFFLER: So moved, Mr. President.

18 PRESIDENT BOOP: Commissioner Schreffler.

19 Is there a second?

20 MR. SCHLEIDEN: Second.

21 PRESIDENT BOOP: Commissioner Schleiden.

22 Now, we're going to have discussion on each individual
23 Management Unit. So I guess we'll start with 1A.

1 Chris, it might be helpful if you would share the
2 podium with Cal. So we're talking 1A where the recommended
3 allocation for 2006-2007 is 42,000 allocations.

4 Is there discussion on the allocation recommendation
5 for this Management Unit?

6 MR. MOHR: Discussion, Mr. President. In fact, I'd
7 like to make an amendment to that. In 1A, the chart we received
8 it says "deer health, satisfactory; habitat, satisfactory;
9 conflicts, low; and population trend is stable." In an area
10 like that it seems to me that it's a prime candidate, prime
11 example for actually starting to increase the deer herd to
12 satisfy some of our other stakeholders.

13 So in 1A I'd like to amend the motion that we have and
14 make a motion that we, in fact, we allow the population to
15 increase somewhat and that we reduce that allocation from 42,000
16 to 36,000 and continue with a 12-day season.

17 PRESIDENT BOOP: Is there a second to that amendment?

18 I will second the amendment.

19 Is there discussion on the amendment?

20 MR. ISABELLA: Yes, Mr. President.

21 PRESIDENT BOOP: Yes, Commissioner Isabella.

22 MR. ISABELLA: I just want to make sure I understand
23 exactly. Is there an amendment, proposed amendment for WMU 1A

1 to reduce the recommended allocation to 36,000; is that what I'm
2 hearing right?

3 PRESIDENT BOOP: That's correct.

4 MR. ISABELLA: Okay, thank you.

5 PRESIDENT BOOP: Is there other comment or discussion
6 on the amendment?

7 MRS. PALONE: Mr. President.

8 PRESIDENT BOOP: Yes, Commissioner Palone.

9 MRS. PALONE: Yesterday we heard a lot of testimony
10 from different people on deer-human conflicts. Even though the
11 biologists have done a very good job in working with measures,
12 we did hear yesterday that the measures were a work in progress.
13 We don't have them all of them in place yet.

14 I feel that the deer-human conflicts measures are our
15 weak link right now in my evaluation of these antlerless
16 allocations. Just as an example, if we look at Wildlife
17 Management Unit 2B, that's where Pittsburgh is located, the
18 deer-human conflicts on our assessment was minimal, because only
19 two deer were harvested in DMAP. But we know that the deer-
20 human conflicts around Pittsburgh are not minimal.

21 So I guess I couldn't with a clear conscience vote yet
22 to increase some of these deer populations and change the
23 objective, because I don't feel like we have a good handle on
24 our deer-human conflicts. We heard yesterday there were a lot

1 of discussion about forest regeneration and we know it takes
2 more than one year for forests to be regenerated.

3 We also know that Pennsylvania led the United States
4 in lyme disease in 2003. We were 27 percent of all the cases in
5 the United States. Pennsylvania vehicle collisions with deer
6 are about, they average 12 deaths per year. This is an enormous
7 cost to our society.

8 The landscaping industry is between five and eight
9 million dollars annually. Agriculture costs average \$9,000 per
10 farm. So there are a lot of conflicts out there. I feel that
11 we need a little more data on those.

12 Also, we worry about deer diseases, chronic waste
13 disease is on both sides of us, and tuberculosis. Even though I
14 don't feel that chronic waste disease would wipe out the deer
15 herd, I believe that in high populations that diseases spread a
16 lot faster, and deer is a very social animal. We have a lot of
17 roads, a lot of ways for diseases to spread in Pennsylvania, a
18 lot of people.

19 So I just feel that we should not be increasing the
20 herd in some of these Wildlife Management areas until we have a
21 little bit more, a better handle on this deer-human conflicts.

22 PRESIDENT BOOP: Are there other comments or
23 discussion?

1 MR. MOHR: Mr. President, I would like to add to that
2 that when the Deer Team presented the figures to us they did
3 mention emphatically this is a science. Now it's up to you to
4 add the social and political. They tell you about a three-
5 legged stool. We surely shouldn't base and try to sit on just
6 that one leg of science. We have other decisions here today
7 based on social and political. I'm sure they've been warned
8 that the deer population trend and the objective be scrutinized
9 by political and social issues also.

10 Cal or Chris, would you like to comment on that
11 amendment that I made? In fact, I encourage you to.

12 MR. DUBROCK: We're just looking to see who drew the
13 short straw.

14 I think this is a scenario again where we've discussed
15 with the Wildlife Management Committee and individually with
16 Commissioners from time to time. We collect the biological
17 information, interpret it. You certainly have the
18 responsibility of setting policy and setting direction.

19 So in particular we're talking about 1A. This
20 Management Unit, again the characteristics of it are that deer
21 health is satisfactory. In fact, the younger age classes
22 reproduction is good. Habitat health again is satisfactory,
23 conflicts low. Population in the last two years has been

1 relatively stable. Over the longer term, five-year has
2 declined.

3 This is a scenario not too dissimilar from discussion
4 we had about area 4B where we had the Citizen Advisory
5 Committee. This is a population that we probably could
6 increase. We would want to proceed cautiously and monitor the
7 impacts on deer health and habitat health.

8 So if that is the wish of the Board to allow a slight
9 increase and begin to move this population in the other
10 direction, we would not be opposed to that direction.

11 PRESIDENT BOOP: I would like to also offer a little
12 comment. The Board has already on a six to two vote decided to
13 continue the 12-day concurrent season, which is very unpopular
14 with many of our hunters. Our written comments that we receive
15 that come into the staff in terms of supporting the current deer
16 program one to six, reduce antlerless allocations 460.

17 Those of us who are out there and are hunters and
18 interact with the stakeholders, our legislators have told us, in
19 fact, they have pleaded with us to offer them some options. We
20 didn't offer them options with the current seasons. This is the
21 chance to offer some options. We got the science to support us
22 here. This Management Unit will support a slight increase.

23 Commissioner Mohr's amendment is a modest reduction.
24 We're still going to have 12-day season in 1A. We're talking

1 about a reduction in allocation from 42 to 36. It's my
2 understanding it's about four licenses to kill a deer.

3 MR. ROSENBERRY: In this Unit 3.

4 PRESIDENT BOOP: In this Unit 3, so you can do the
5 math.

6 I think that we need to send some direction here
7 somewhere. We don't have too many opportunities left to send
8 that direction. Sixty thousand hunters did not buy a license in
9 Pennsylvania last year and there's a reason for that. We can
10 debate the reasons here all day, but if there's anyone that
11 feels broad satisfaction with this program, go around and say.

12 MR. DUBROCK: Mr. President, if I may add one
13 additional comment, which I neglected to add?

14 PRESIDENT BOOP: Yes.

15 MR. DUBROCK: I'd just like to point out one other
16 thing and that is the land use within this particular Management
17 Unit. This is kind of throwing you a little curve, but
18 something you need to think about as well. About half of this
19 particular Management Unit is forested, but two out of every
20 five acres is also involved in agriculture.

21 So increases certainly will be felt in that community
22 more so than in the forest health community. So that's
23 something to factor into your deliberation, but recognizing that
24 particular aspect of this Management Unit.

1 PRESIDENT BOOP: Any other comment or discussion?

2 MR. SCHLEIDEN: Mr. President.

3 PRESIDENT BOOP: Yes, Mr. Schleiden.

4 MR. SCHLEIDEN: I'm just looking at the annual, going
5 back to 2003, the allocation was 44,000. Our people felt we
6 needed to increase that. We moved it up in 2004 to 48,000. Two
7 thousand five they took another look at it and dropped it to 40.
8 Obviously, looking at it, they felt that they needed to increase
9 it somewhat and recommended it to 42.

10 So you're really dropping in two-year fact from 48 to
11 36, which is a significant drop while we're trying to collect
12 data. I do know that there's a lot of agriculture out in that
13 area trying to get it from a deer license.

14 That's my comment. Thank you.

15 PRESIDENT BOOP: Again, you know how I feel that
16 there's a risk. When we have all the data collected the door
17 may be closed.

18 Is there any other discussion?

19 MR. MOHR: One more comment, Mr. President.

20 With those lands that are in private ownership we do
21 have programs now that allow those individual landowners to help
22 take care of their own situation. DMAP is surely available in
23 all of them.

1 PRESIDENT BOOP: If there's no further discussion
2 we're voting on the amendment in Management Unit 1A to lower the
3 allocation from 42,000 to 36,000. May I see a show of hands of
4 those that support that amendment?

5 (Hands raised.)

6 MRS. PALONE: Two, Mr. President.

7 PRESIDENT BOOP: Those opposed?

8 MRS. PALONE: Greg, are you for or against the
9 amendment?

10 MR. ISABELLA: I'm against it.

11 MRS. PALONE: Okay, six nos.

12 PRESIDENT BOOP: All right, if there are no other
13 amendments with respect to 1A, we'll move to 1B.

14 Is there any discussion on 1B?

15 MR. ISABELLA: What's the next one you want me to be
16 looking at now?

17 PRESIDENT BOOP: One (B), yeah, like in Bob.

18 MR. ISABELLA: Oh, 1B, okay. I got it.

19 PRESIDENT BOOP: No discussion or comment on 1B?

20 (No response.)

21 PRESIDENT BOOP: We'll move to 2A.

22 MRS. PALONE: Mr. Boop, do we have to vote on each one
23 individually?

1 PRESIDENT BOOP: I think we're going to vote at the
2 end if there are no amendments to save some time.

3 So I take it there's no comment or discussion on 1B.
4 The allocation recommendation there is 30,000.

5 Moving to 2A, comment or discussion in 2A where the
6 recommended allocation is 55,000?

7 MR. MOHR: Two (A), Mr. President, is another WMU
8 that, in fact, the deer health is satisfactory; habitat
9 satisfactory; deer-human conflict is minimal, but that's
10 Commissioner Palone's area and she still feels there's far too
11 many deer out there, so my advice would be to hire some buses
12 and get some Amish out there.

13 PRESIDENT BOOP: Any other comment or discussion on 2A
14 where the allocation recommendation is 55,000?

15 (No response.)

16 PRESIDENT BOOP: Moving to 2B, recommended allocation
17 is 58,000 in 2B.

18 Comment or discussion?

19 MRS. PALONE: Mr. President, I just want reiterate
20 this is the area I was referring to that has Pittsburgh in it.
21 The deer-human conflicts were reported as low. We know that's
22 not the case, so I know we'll be working on this measure in the
23 future. But the other thing that we considered was we kept the
24 allocation the same as last year, because that's about all that

1 we can sell. So there's really not much use in having lots of
2 allocations where people aren't going to buy them if the market
3 is saturated.

4 PRESIDENT BOOP: Any other comment on 2B? The
5 recommended allocation is 58,000.

6 (No response.)

7 PRESIDENT BOOP: Going to 2C, recommendation
8 allocation is 49,000.

9 Comment/discussion?

10 MR. SCHREFFLER: Mr. President, I'd like to make a
11 comment.

12 In 2C, there is some concern by some of the landowners
13 about the lack of deer, but we see poor health and poor habitat
14 health in that area. I'd like to comment that in 2004, we had
15 75,000 allocations, which dropped in 2005, to 53. This year
16 we're dropping it to 49,000. I'd just like to make that
17 comment.

18 I have no question about I think that is a reasonable
19 move for this Wildlife Management Unit.

20 PRESIDENT BOOP: Anyone else have a comment at all on
21 2C?

22 (No response.)

23 PRESIDENT BOOP: Moving to 2D, the recommended
24 allocation is 56,000.

1 MR. MOHR: Mr. President, I'd like to offer an
2 amendment on 2D, much like I did on 1A. Two (D) shows good deer
3 health; satisfactory habitat, minimal deer-human conflicts.
4 There again, I'd like to submit that we reduce that allocation
5 to 51,000 from the recommended allocation of 56,000.

6 PRESIDENT BOOP: Is there a second to Mr. Mohr's
7 proffered amendment to reduce the allocation in 2D from 56,000
8 to 51,000?

9 I will second the amendment.

10 Is there any additional discussion or is there
11 discussion on the amendment?

12 Yes, Mr. Schreffler?

13 MR. SCHREFFLER: I have a question for the deer
14 people.

15 What is the land use characteristics in this area?

16 MR. ROSENBERRY: In 2D, about 68 percent forested and
17 27 percent ag and fields.

18 PRESIDENT BOOP: Other questions or comments?

19 MR. SCHREFFLER: That's it.

20 PRESIDENT BOOP: Hearing none, we're voting on
21 Commissioner Mohr's amendment to reduce the allocation in 2D for
22 2006/2007 from 56,000 to 51,000.

23 Show of hands, all those in favor of the amendment?

24 (Commissioners Boop and Mohr raise hands.)

1 MRS. PALONE: Two in favor.

2 PRESIDENT BOOP: Opposed?

3 (Commissioners Schreffler, Isabella, Riley, Palone,
4 Schleiden and Hill oppose.)

5 MRS. PALONE: Six opposed.

6 PRESIDENT BOOP: The amendment fails.

7 Any further amendment with respect to 2D? If not,
8 we'll move to 2E.

9 (No response.)

10 PRESIDENT BOOP: Two (E) the recommendation allocation
11 there is 21,000.

12 Any comment, discussion with respect to 2E?

13 (No response.)

14 PRESIDENT BOOP: Hearing none, we'll go to 2F. Two
15 (F) the recommended allocation is 28,000.

16 Comment or discussion with respect to 2F?

17 (No response.)

18 PRESIDENT BOOP: Hearing none, we'll move to 2G. Two
19 (G) the recommended allocation 19,000.

20 Comment or discussion?

21 MR. MOHR: Mr. President, 2G is a prime example of a
22 WMU that is far too large as far as I'm concerned. I think Cal
23 has stated that 75 percent of it's private, 25 percent is state

1 owned, but what's the percent of forested to all the land in
2 that WMU?

3 MR. ROSENBERRY: In Wildlife Management Unit 2G it's
4 90 percent forested, but 49 percent public.

5 MRS. PALONE: Forty-nine percent what?

6 MR. ROSENBERRY: Public lands.

7 MR. MOHR: Also, I think that's a good example there
8 that deer probably aren't the problem. By continuing to reduce
9 or keep that deer level down I will see very little change in
10 the habitat. I would contend in that area DCNR and the private
11 forestry practices are more the blame for it than the deer.

12 It does show a reduction, but even reducing that
13 allocation to 19,000, it's still only going to, at best,
14 stabilize a herd that's depleted in an area that we get an awful
15 lot of public comment.

16 PRESIDENT BOOP: This is an area where we're looking
17 at the future for pilots. I believe that we could select an
18 area in 2G and we could kill all the deer and there would be
19 little or no regeneration in most of those areas.

20 Any other comment?

21 MR. MOHR: That's it.

22 MR. SCHLEIDEN: I've been to 2G quite a bit and it's
23 strange. Do you fence it is growing? There will be fences. We
24 had 2G in 2003, was 52,000 allocation. In 2004, 52,000

1 allocation; 2005, 29; 2006, right now is down to 19. I think
2 that if you want to say that people are looking at both the
3 social and political, I would say that that indicates and the
4 habitat is still poor in my estimation. We do have a problem up
5 there.

6 It's not one in which we are not looking at. I know
7 that our people up there in Land Management have, in fact, tried
8 some lining in certain areas and we're looking at that. So
9 right now the reason it's poor is because we got the land with
10 our piece both for 75 years.

11 I'm really not happy with that allocation. I would
12 like to see it higher, but I'm willing to live with it.

13 PRESIDENT BOOP: Other comments?

14 MR. MOHR: The bottom line on that allocation is that
15 we're stabilized. Even though it's more than 19,000, we reduced
16 to 19,000, it's not allowing that herd to increase. There's a
17 prime example where maybe a WMU you should have a different
18 antlerless allocation for public and private lands.

19 Some folks think that political and social issues will
20 have no bearing. Probably this is the reason.

21 PRESIDENT BOOP: Any other comments or discussions?

22 (No response.)

23 PRESIDENT BOOP: Moving to 3A, recommended allocation
24 in 3A is 29,000.

1 Comment or discussion with respect to the recommended
2 allocation in 3A for 2006/2007?

3 (No response.)

4 PRESIDENT BOOP: Hearing none, we move to 3B. Three
5 (B) the recommended is 43,000 for '06/07.

6 Is there comment or discussion with respect to this
7 recommended allocation?

8 (No response.)

9 PRESIDENT BOOP: Hearing none, we'll move to 3C.
10 Three (C) the recommended allocation is 27,000.

11 No comment or discussion with respect to 3C.

12 (No response.)

13 PRESIDENT BOOP: We move to 3D. Three (D) the
14 recommended allocation is 38,000.

15 Comment or discussion pertaining to that WMU's
16 allocation recommendation?

17 (No response.)

18 PRESIDENT BOOP: Hearing none, we'll move to 4A.
19 Recommended allocation there is 29,000.

20 Comment or discussion with respect to this WMU?

21 MR. MOHR: Four (A), Mr. President, I'd like to make
22 an amendment there also. Deer health, habitat, conflicts
23 they're all showing a sign that good, satisfactory, low. I'd

1 like to make an amendment there to reduce that allocation to
2 22,000.

3 PRESIDENT BOOP: Is there a second to Commissioner
4 Mohr's amendment?

5 I will second the amendment.

6 Is there discussion or comment on the amendment?

7 (No response.)

8 PRESIDENT BOOP: All those in favor of the amendment
9 to reduce the allocation in 4A from 29,000 to 22,000 show of
10 hands?

11 (Commissioners Mohr and Boop raise hands.)

12 MRS. PALONE: Two, yes.

13 PRESIDENT BOOP: Those opposed show of hands.

14 (Commissioners Schreffler, Isabella, Riley, Palone,
15 Schleiden and Hill oppose.)

16 MRS. PALONE: Six oppose.

17 PRESIDENT BOOP: The amendment fails.

18 Any further amendment or discussion?

19 (No response.)

20 PRESIDENT BOOP: We move to 4B. Four (B) the
21 recommended allocation for 4B is 31,000.

22 Any comment or discussion on 4B?

23 MR. MOHR: Four (B), Mr. President, is a notice to you
24 that it's pretty observant, it's quite obvious then that the

1 only difference between 4B and the other three that I mentioned
2 prior to this was 4B had a citizen advisory group and I would
3 sure hope by next year at this time we have a citizen advisory
4 group for every WMU.

5 Four (B) is the only one that's being recommended to,
6 in fact, allow the herd to increase with the allocation that
7 we're coming up with. It's quite obvious that that citizen
8 advisory group wants to recommend that.

9 PRESIDENT BOOP: Cal or Chris want to comment on those
10 comments?

11 (No response.)

12 PRESIDENT BOOP: Commissioner Palone.

13 MRS. PALONE: I just want to remind everyone that the
14 citizen advisory committee is just one part of a whole array of
15 factors that are taken into account on setting allocations. By
16 its very nature it's advisory. Even if you have citizen
17 advisory committees in each Wildlife Management Unit, the
18 Commission and agency is not bound to do exactly what they say.
19 They're just advisors.

20 PRESIDENT BOOP: Any other comments or discussion with
21 respect to the recommended allocation of 31,000 for 4B?

22 (No response.)

23 PRESIDENT BOOP: If not, moving to 4C, recommended
24 allocation in 4C is 39,000.

1 Any discussion or comment with respect to 4C?

2 (No response.)

3 PRESIDENT BOOP: Hearing none, goes to 4D. The
4 recommended allocation in 4D is 40,000.

5 Is there any comment or discussion with respect to 4D?

6 (No response.)

7 PRESIDENT BOOP: If I could briefly offer some comment
8 with respect to 4D? It's pretty obvious that my making an
9 amendment with respect to 4D is not going to be met with any
10 success, so I'm not inclined to make the amendment. This is my
11 home area, the eastern part of 4D. I did not move given the
12 current climate to do anything about the Management Units this
13 year.

14 But 4D, in my personal opinion, is the poster child
15 for a Management Unit that's too large. I hunt. I spend about
16 20-some days hunting turkey and deer in the eastern end of 4D.
17 This is an area where church groups are disbanding their events
18 and dinners, because no one in the congregation got a deer.
19 This is where you can hunt for a whole day without seeing a deer
20 and where one local sportsman's club is going to discontinue
21 their big buck contest for next year.

22 The pain that this program is inflicting in this area
23 and the result in the loss of license sales, I just wish some of
24 you would spend a little time there. In light of the sentiment

1 with respect to the other amendments, I'm not going to offer an
2 amendment. It doesn't matter whether you make that 40,000 or
3 100,000, it's not going to change.

4 Yes?

5 MRS. PALONE: While I agree that some of the Wildlife
6 Management Units have increased or they've changed, I think this
7 is a good time to tell hunters that it's imperative that we send
8 in our hunter's report cards. If we have better data or more
9 data for each Wildlife Management Unit, in the future we may be
10 able to make it smaller. I think this year only 40 percent of
11 the people sent in their hunter's licensed report cards. It's
12 getting to the point now the participation is so low that in the
13 future if it gets lower we might have a little trouble
14 estimating things.

15 So I would just ask for it to go on the record that we
16 really need to have an education, an information, something to
17 tell hunters why it's so important for us to send in our
18 hunter's report cards.

19 PRESIDENT BOOP: Any other comment or discussion on
20 the recommended allocation of 40,000 for 4D?

21 (No response.)

22 PRESIDENT BOOP: If not, moving to 4E. Four (E) the
23 recommended allocation there is 38,000.

24 Is there comment or discussion with respect to 4E?

1 MR. MOHR: Four (E), Mr. President, is another WMU
2 that falls under the category of satisfactory, good, low. Staff
3 says they didn't have a problem with reducing the antlerless
4 allocation there. It was made and they recommended 38,000. I'd
5 like to reduce that to 32,000 and that's my amendment.

6 PRESIDENT BOOP: Is there a second to the amendment?

7 I will second the amendment to reduce the allocation
8 from 38 to 32,000.

9 Is there discussion or comment on the amendment?

10 (No response.)

11 PRESIDENT BOOP: Although my cabin and most of my
12 hunting is done in 4D, I personally live in 4E on a farm outside
13 of Sunbury. Four (E) encompasses almost all of Northumberland
14 County, a good portion of Columbia and Montour.

15 As Commissioner Mohr has noted, deer health is
16 satisfactory; habitat is good; and the allocation reduction that
17 he has proposed is a modest one from 38,000 to 32,000. There's
18 almost no human conflict. DMAP usage in that area is the
19 minimal. A lot of farm area.

20 Where my farm is located and, certainly, a slight
21 increase in that area I think go a long way, a slight advantage
22 to some of our stakeholders in that area and, in my opinion,
23 have a minimal impact on both habitat and the deer herd health.

1 Is there any other comment or discussion on the
2 proposed amendment in 4E?

3 MR. SCHREFFLER: I have one comment to offer and that
4 is that this allocation for 4E has remained basically the same
5 for 2003, 2004, 2005 and again this year, always at 38,000.

6 PRESIDENT BOOP: Is there any other discussion or
7 comment on the recommended amendment in 4E to lower the
8 allocation from 38,000 to 32,000?

9 (No response.)

10 PRESIDENT BOOP: If not, those in favor of the
11 amendment indicate by raising their hand?

12 (Commissioners Schreffler, Mohr and Boop raise hands.)

13 MRS. PALONE: Three, Mr. President.

14 PRESIDENT BOOP: Those opposed?

15 (Commissioners Isabella, Riley, Palone, Schleiden and
16 Hill oppose.)

17 MRS. PALONE: Five, Mr. President.

18 PRESIDENT BOOP: All right so the amendment fails in
19 4E.

20 Is there any other discussion, comment or further
21 amendment with respect to 4E?

22 (No response.)

23 PRESIDENT BOOP: If not, moving to 5A, recommended
24 allocation in 5A is 25,000.

1 Is there comment or discussion with respect to the
2 recommended allocation in 5A?

3 (No response.)

4 PRESIDENT BOOP: Hearing none, we move to 5B. Five
5 (B), the recommended allocation for next year is 53,000.

6 Is there comment or discussion with respect to the
7 recommended allocations for 5B?

8 MR. MOHR: Mr. President, 5(B) is a Management Unit
9 that I actually reside in. Another example where deer health is
10 good, habitat is listed as satisfactory. I'd like to challenge
11 somebody to show me why that's satisfactory and not good.
12 That's Lancaster County, York County and in those counties we
13 don't need one ounce of forest land to grow deer. We just need
14 to fence roads and brushy hillside and the farmers that are
15 willing to feed them.

16 Right now we have all of those. I get complaints
17 whenever deer come up. I get complaints even on the farmers
18 they don't have enough deer. I personally let five acres of
19 corn stand for the deer this year and not one single deer was
20 seen in that corn since the first of January.

21 I'd like to make an amendment here that that number be
22 reduced 40,000 for the antlerless allocation.

23 PRESIDENT BOOP: Is there a second to Commissioner
24 Mohr's amendment?

1 I will second the amendment.

2 Is there discussion or comment on the amendment?

3 MR. SCHREFFLER: Mr. President, does the staff have an
4 actual land use figure for this and is that accurate?

5 MR. DUBROCK: We do and this particular unit is 63
6 percent in ag and open field land use, so basically two out of
7 every three acres. Seven percent of it's developed. It's one
8 of the most rapidly developing areas of the Commonwealth, as
9 well.

10 MR. SCHREFFLER: Are we hearing a lot of complaints
11 with human-deer conflicts here, with the people landscaping, his
12 lawn being eaten up?

13 MR. DUBROCK: Well, as evidenced by DMAP
14 participation, we are not. Anecdotally, I would I guess defer
15 to the Regional Director in that area to know about complaints
16 that his officers are dealing with. But I would say, no,
17 generally speaking.

18 MR. SCHREFFLER: Is that a concern of yours?

19 MR. DUBROCK: I think the concern always is in this
20 particular area it's a matter of what people are willing to
21 tolerate. As we drop allocations and increase populations, the
22 deer population will increase and they need to be supported on
23 that landscape.

1 So it likely would exert more pressure on the
2 predominate land use, which in this area is agriculture. That
3 would be a consequence. Whether it reaches a level of
4 intolerance, I think is difficult to predict.

5 MR. SCHREFFLER: In response to Commissioner Mohr, I
6 could go along with some of an increase here, but not quite as
7 much as he suggested. I don't think, I think that is maybe so
8 large an increase that we're going to leave ourselves open for a
9 lot more conflict in the future with the human-deer conflict and
10 the socially acceptable levels are going to put more pressure on
11 this in the future.

12 PRESIDENT BOOP: I think that Commissioner Mohr's
13 amendment is on the table and we're offering and that's comment
14 on that, of course, Commissioner Schreffler, and we're going to
15 vote on this amendment. There may be a subsequent amendment,
16 but is there any further discussion or comment on this proposed
17 amendment?

18 MR. MOHR: Cal, when I asked you to come up with a
19 figure to actually increase the herd somewhat, how did you
20 determine that 40,000 was the allocation that we needed to use?

21 MR. ROSENBERRY: That increase would be about a deer
22 per square mile across that entire unit, is what we would expect
23 that allocation, the result of that allocation would be an
24 increase.

1 PRESIDENT BOOP: The 40,000 figure.

2 MR. ROSENBERRY: About a deer per square mile across
3 the entire unit.

4 PRESIDENT BOOP: Any further comment or discussion on
5 the proposed amendment?

6 (No response.)

7 PRESIDENT BOOP: If not, we're voting on the amendment
8 to reduce the allocation in 5B, recommended allocation from
9 53,000 to 40,000. Let's see a show of hands that support that
10 amendment?

11 (Commissioners Boop and Mohr raise hands.)

12 MRS. PALONE: Two, Mr. President.

13 PRESIDENT BOOP: Opposed?

14 (Commissioners Schreffler, Isabella, Riley, Palone,
15 Schleiden and Hill oppose.)

16 MRS. PALONE: Six, Mr. President.

17 PRESIDENT BOOP: The amendment fails.

18 Is there any additional amendment with respect to the
19 recommended allocation number of 53,000?

20 MR. SCHREFFLER: I'll make that additional amendment
21 that we change the allocation to 46,000.

22 PRESIDENT BOOP: Commissioner Schreffler has made a
23 motion that the recommended allocation of 53,000 in 5B be
24 reduced to 46,000. Is there a second to that amendment?

1 MR. MOHR: Second.

2 PRESIDENT BOOP: Is there discussion or comment on
3 that amendment?

4 (No response.)

5 PRESIDENT BOOP: Hearing none, all those in favor of
6 Commissioner Schreffler's amendment to reduce the allocation to
7 46,000, show of hands?

8 (Commissioners Schreffler, Boop and Mohr raise hands.)

9 MRS. PALONE: Three.

10 PRESIDENT BOOP: Opposed?

11 (Commissioners Isabella, Riley, Palone, Schleiden and
12 Hill oppose.)

13 MRS. PALONE: Five. The amendment fails.

14 PRESIDENT BOOP: The amendment fails.

15 Is there any further discussion or further amendment
16 on the allocation number for 5B?

17 (No response.)

18 PRESIDENT BOOP: Hearing none, we move to 5C. Five
19 (C), the recommended allocation number is 79,000. Is there
20 comment or discussion on that allocation number for that
21 Management Unit?

22 (No response.)

23 PRESIDENT BOOP: Hearing none, we move to 5D.

1 The recommended allocation number for 5D is 20,000.

2 Is there comment or discussion on that allocation number?

3 MR. SCHREFFLER: I have one question. Do we sell out
4 our antlerless allocations?

5 MR. ROSENBERRY: No, not in 5D.

6 PRESIDENT BOOP: Any other question or comment?

7 (No response.)

8 PRESIDENT BOOP: That completes the individual review
9 of 22 Management Units.

10 Commissioner Palone can correct me, but I think all
11 amendments failed in those that were offered, so we're now down
12 to taking a vote on the allocation numbers for each of the 22
13 Management Units as set forth in what was presented yesterday
14 afternoon and what we reviewed for this morning.

15 So I think by a show of hands we'll vote on the
16 allocation numbers for 2006/2007. All those in favor--

17 MR. MOHR: Comment, Mr. President, before we vote.

18 PRESIDENT BOOP: Sure.

19 MR. MOHR: I'd like to make a comment. The numbers
20 that we're voting on and the apparent disregard for political in
21 putting all the faith into science, the social aspect's been
22 disregarded. I know there's going to be ramifications for this
23 vote. I just hope that the hunters and those folks that are

1 disappointed in the vote do realize that they did have some
2 voice here.

3 Yesterday one of the Commissioners made the statement
4 that hunters don't have much clout politically in Pennsylvania.
5 So I guess we'll know next year at this time when you have to
6 bring your candles in, your flashlights along in here they may
7 have had more clout than you thought. And I'm not sure the
8 Governor is in agreement with that, those positions.

9 MR. RILEY: Mr. President.

10 PRESIDENT BOOP: Mr. Riley.

11 MR. RILEY: Hunters always have clout. They always
12 have had clout. That's just baloney. We have clout. We're
13 following the science because for the last 70 years the science
14 has failed. Every time we got to the threshold, all of you
15 know, you read the 1895 to 1995, you know the heartbreak for all
16 of us through those years.

17 This Board has taken a oath to do something positive
18 for this problem. The majority of these Commissioners are
19 living by that vote, in my judgment. It has to stop or our
20 grandchildren will never know what deer hunting is. We cannot
21 bring social and the legislative legs into this equation when
22 the resource and the habitat are not matched. It's foolhardy.

23 We all enjoyed the good years when we saw 40 or 50
24 deer a day. We all anticipated, even though science and the

1 written word proved otherwise, but we disregarded that. We know
2 the famous story about Roger Latham back in 1953, when he wrote
3 his article in the Game News. It's too late, gang. It's too
4 late. You've waited too long. In 50 years you will have
5 negatively impacted the white-tailed deer hunting in the State
6 of Pennsylvania to a point of where we're at today.

7 History repeats itself. The history books are full of
8 those little sayings about those who ignore history. We are
9 doing something positive for the next generation. We have to
10 manage. Just like we had a pasture for ten cows, you put a 100
11 cows in that pasture you lose the pasture and the cows.

12 The habitat and the herd have to be balanced and we
13 are responsible for that. That's the whole of this Commission.
14 I think that we did the proper thing. I don't take kindly to
15 Commissioner Mohr's remarks. We have done the right thing. We
16 followed the science. That's why we have biologists.

17 The hunter does count. We're all hunters. We want to
18 be counted, but we have to be responsible. There's a deer herd.
19 There's habitat and there's conflict. We have to manage them,
20 just like we've managed our families, managed our businesses,
21 managed our ball teams, managed our nation. It is our
22 responsibility. Hopefully, this will go in the history book as
23 this Board of Commissioners taking their responsibility very
24 seriously.

1 Thank you, Mr. President.

2 MR. SCHREFFLER: Mr. President, may I speak?

3 PRESIDENT BOOP: Sure.

4 MR. SCHREFFLER: I have a few comments to say.

5 First of all, I want to make public my thanks to the
6 field staff, the WCOs, the land managers, the foresters around
7 the state for the extra time they put in this year in trying to
8 get some data to us from the field on deer numbers, mass
9 production forest regeneration and so on and their analytical
10 data that they gave us with that.

11 Also, for the data supplied by a lot of hunter,
12 landowners, which I appreciated. It wasn't just hearsay or
13 wrong, but it was some good data that I got.

14 I also want to make mention that this is the first
15 year that we're beginning to use the preliminary figures from
16 our new measures. The first year starting to do that. This is
17 the first year that we're beginning to make a prescription by
18 Wildlife Management Unit. Whether they're too big or not,
19 that's what we have to live with now. We're trying to describe
20 points of the conditions there.

21 I want to thank the team for doing an excellent job.
22 We asked them to give us data that would be defensible, data
23 that was backed up and with peer review how they came to that
24 data. There was peer review and put out there. All of this

1 information we asked the staff to put out on the Web and put out
2 to the public so that everyone would see how we came to these
3 figures.

4 That's a big, a big, big matter of trust to each and
5 every one of you from our deer team that we will look at those
6 objectively and fairly. They did an excellent job, because I
7 think that when you understand how we come to these conclusions
8 and how we get there, that you will realize the validity of it.
9 If it's not out there so that the public can see what we're
10 doing and it's secret or it's not made available to you, that's
11 when we have the fear that we're not doing the right thing.

12 I really think the Deer Team has put a great deal of
13 trust in you, the public, to fairly evaluate how they come to
14 this. They've been very conscientious.

15 We have made a number of other changes, which I had
16 heard we are following the same old policy. No, we threw out
17 the old deer population model. We're coming up what new
18 performance measures. We're changing and tweaking the system
19 all the time, trying to improve, trying to respond to your
20 criticisms and your suggestions.

21 I like especially myself, personally, to hear the
22 suggestions. Criticism is very easy, but I like suggestions.

23 So I think that we've got a good product here. We're
24 not all happy with it. We wanted some emotion. We wanted some

1 things to be different. Intellectually, conscientiously, and
2 following our oath to put wildlife out there so that the hunters
3 have something to hunt down the future, looking at the big
4 picture down the road, we have sometimes -- we're put in the
5 position we have little or no other choice and it goes one way,
6 which is obvious.

7 So, again, my thanks to those people. This have been
8 a very tough decision. We put in a lot of hours. At times when
9 I thought I would be working two hours I ended up working eight
10 to ten on whatever it may have been and just working through
11 this.

12 Thanks to those people again and thanks to the Deer
13 Team and I hope you all appreciate the seriousness that we all
14 take for this decision.

15 PRESIDENT BOOP: Anyone else?

16 Commissioner Palone.

17 MRS. PALONE: Thank you, Mr. President.

18 First of all, I want to say that I think the deer
19 debate in Pennsylvania is changing. Ten years ago we didn't see
20 or hear much written about deer, except in the outdoor magazines
21 and outdoor newspaper. But today the talk of the deer is on
22 everyone's television and radio shows. It's in community,
23 township and borough meetings. There's community seminars about
24 deer and the general public has really been noticing deer.

1 These folks, I believe, speak as one voice and they're
2 united. There's been various organizations springing up to
3 support their cause. I believe in the future they'll be a
4 probable course to be reckoned with. I think as hunters we need
5 to get back to our conservationist's routes. We're very
6 personalized and that makes us vulnerable to some of these
7 people who don't hunt and don't share our traditions.

8 I think that we must stop managing deer based on
9 opinion and emotion, because these are the same tactics that the
10 animal rights people use. Sometimes I think that we want to
11 take the easy way out and want instant gratification, but really
12 there's no easy way out.

13 It took us decades to get into this mess and I think
14 it's reasonable to ask our hunters just for a few years to be
15 patient to get out of this mess. I think we brushed aside
16 sensible methods of correcting to over grazing year, after
17 year, after year and now the turkey has come home to roost.

18 By most accounts there appears to be the start of a
19 recovery of our habitat, but I think we should continue this
20 recovery. I don't think we should do it with rhetoric or trying
21 to place blame, but I think we need to use the best signs that
22 is out there.

23 I think for decades that many of us, including
24 Commissioners, and some of the journalists, and legislators and

1 others who report to this issue have really sought favorable
2 headlines rather than doing what has to be done. Now that we're
3 nearly there I think that no one's position or even friendship
4 should take precedence over doing the hard right.

5 I don't think that we could pass this burden on to the
6 next generation again. Mr. Riley talked about that. I think we
7 need to have the courage and leadership to finish this process,
8 because we as Commissioners and as hunters are the last line of
9 defense. We Commissioners asked for this responsibility and I
10 think we should show that we can finish the job.

11 We have been asked to emphasize social and political
12 factors, but I feel like we've tried that for decades and that
13 it failed. I believe in my heart that it's time to put biology
14 at the top of our decision making process, at the very top.
15 It's time to give them a chance to help us rectify some of these
16 deer problems.

17 I'm confident that the day will come and parts of this
18 day where we can increase the herd a little bit and it will
19 still be sustainable, but I don't think that day is today.

20 PRESIDENT BOOP: I think we've heard from most
21 Commissioners.

22 Commissioner Hill or Commissioner Schleiden, do either
23 of you want to comment before we vote?

24 MR. SCHLEIDEN: I have nothing to add, sir.

1 PRESIDENT BOOP: Commissioner Hill?

2 MR. HILL: I have nothing to add at this time.

3 PRESIDENT BOOP: One of the benefits that I personally
4 feel that I have is that I've been trained as a lawyer. As a
5 lawyer, I bring the prospective that unanimous votes usually are
6 not in the best interest of organizations. I think that to get
7 to the right point by debating the issue and sharing their
8 concerns and making the other person justify their position.

9 So I think that on an issue as this issue has been
10 concerning deer management that an 8-0 vote probably is not in
11 the best interest of the Commission or the Commonwealth. I
12 don't want to incur Commissioner Riley's wrath, but I have a
13 very different view on the issue and I'm in the minority. I
14 think that history will prove who was right and who was wrong
15 and I'm willing to trust that to history.

16 I also am a student of history and history is full of
17 examples of people who thought they were right and lost the war.
18 I think maybe we do need to take a look at our structure that we
19 have here. I think all Commissioners took the same oath, all
20 Commissioners are trying to do the right thing.

21 I think personally we've given the forestry community
22 a pass on this issue. I wish that some of you in the writing
23 community would direct the same attention to the forestry

1 practices in this state that you directed to this Commission and
2 how we've managed the wildlife.

3 I think by blaming everything on deer and accepting
4 that deer are the root of all evil in the forest, is just giving
5 a couple other industries a buy. I wish that some of you would
6 direct some attention in that area and see if their practices
7 will stand up to the scrutiny that our practices have stood up.

8 Unfortunately, the structure is that two-thirds of our
9 income is on the hunters unless someone in another place, in
10 another time is going to change that. I think that some of us
11 on the Board felt that we at least had to consider backing you
12 as well.

13 The decision has apparently been made. I think we all
14 try to do the right thing. It's not personal. I'm personally
15 friendly with all of the Commissioners and it will be that way a
16 half-hour from now.

17 So we're going to vote and the vote is on the
18 anterless allocations as presented for 2006/2007.

19 All those in favor of the allocations for the 22
20 Management Units as proposed, indicate by raising their hands.
21 All those in favor?

22 (Commissioners Schreffler, Isabella, Riley, Palone,
23 Schleiden, and Hill raise hands.)

24 PRESIDENT BOOP: All those opposed?

1 (Commissioners Boop and Mohr oppose.)

2 MRS. PALONE: Six in favor, two opposed.

3 PRESIDENT BOOP: That concludes that portion of the
4 business meeting.

5 I would like to offer a few thanks before we leave
6 today. We did ask the Deer Management Team to provide the Board
7 with more detailed data on each Management Unit. I think they
8 worked very hard to do that. It's presented in a fashion that
9 is certainly understandable.

10 Although some of us didn't agree with what was
11 presented, we feel that they did comply with what we asked them
12 to do, so I'd like to make a sincere, personally thank Dr.
13 Rosenberry and his team for the work that you did.

14 I also know the other issue that generated a lot of
15 discussion was the subject of a lot of interest for those of you
16 in the audience is our mentor hunt that we'd like to complement
17 and recognize all of you who worked so hard on getting that
18 together. Just bear with us a little bit. We wanted you here
19 too and we want you here next year. Please give us a little
20 time to get that all in place.

21 Our next meeting will be held here in Harrisburg in
22 June. I believe the dates are the fifth and sixth of June, and
23 that will be our next meeting.

1 Do any of the Commissioners have anything to add
2 before I ask for a motion to adjourn?

3 MR. MOHR: Mr. President, we've been contacted for the
4 last several years for individuals wanting us to allow peep
5 sights to be used on the flintlock. We presently allow fiber
6 optics, which is far modern than peep sights. I'd like to have
7 the Law Enforcement Committee initiate, look into that to allow
8 peep sights to be put on.

9 One other thing I'd like to ask the Executive Director
10 if he could initiate, see that next year by the October meeting
11 there's an advisory committee for each Wildlife Management Unit.

12 PRESIDENT BOOP: I think Commissioner Mohr's comments
13 are duly noted.

14 Any other Commissioners have any comments or requests
15 before we adjourn?

16 (No response.)

17 PRESIDENT BOOP: Commissioner Isabella, are you still
18 there?

19 MR. ISABELLA: Yes, I am, Mr. President.

20 PRESIDENT BOOP: We wish you well and wish your wife
21 for a recovery.

22 MR. ISABELLA: Thank you, Mr. President.

23 PRESIDENT BOOP: Mr. Roe, anything?

24 (No response.)

1 PRESIDENT BOOP: I'll entertain a motion to adjourn?

2 PRESIDENT BOOP: Commissioner Riley.

3 MR. RILEY: So moved.

4 PRESIDENT BOOP: Is there a second?

5 MRS. PALONE: Second.

6 PRESIDENT BOOP: All in favor?

7 (Signified aye.)

8 PRESIDENT BOOP: We're adjourned.

9 (Hearing adjourned 11:12 A.M.)

10

11 C E R T I F I C A T I O N

12

13 I hereby certify that the proceedings taken by me in
14 the within matter are fully and accurately indicated in my notes
15 and that this is a true and correct transcript of same.

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Notary Public