

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
JANUARY 24, 2006

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

January 24, 2006
8:30 A.M.

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BEFORE:

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

ALSO PRESENT:

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

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PRESIDENT RILEY: Call this meeting together here on Tuesday, the twenty-fourth of January 2006. I want to welcome everyone here. Good morning.

Please rise for the Pledge of Allegiance of the flag.

(Pledge of Allegiance said.)

PRESIDENT RILEY: Mr. Secretary, a roll call of Commissioners, please?

MR. BOOP: Riley.

PRESIDENT RILEY: Here.

MR. BOOP: Palone.

MRS. PALONE: Here.

MR. BOOP: Boop, present.

Schleiden.

MR. SCHLEIDEN: Present.

MR. BOOP: Mohr.

MR. MOHR: Here.

MR. BOOP: Isabella.

MR. ISABELLA: Present.

MR. BOOP: Hill.

MR. HILL: Here.

MR. BOOP: Schreffler.

MR. SCHREFFLER: Here.

MR. BOOP: All present and accounted for, Mr. President.

PRESIDENT RILEY: Thank you, sir.

The election of officers we're going to bend the rules there and move back to the end of our agenda this morning.

Proposed Commission dates, we have, I think for June is fifth and sixth. We had the twenty-sixth and the twenty-seventh wedged in-between there. We don't seem to be able to get a quorum to meet those dates, so if the fifth and sixth of June works, we'll try to do that.

October 1, 2, and 3, we're not going to have somebody in October, which may or may not be, and then January of '07, will be January 21, 22 and 23.

We have Representative Haluska with us this morning, which sort of does us proud. If we have other representatives or someone who's here that has something to say, just let me know that.

You're up, Representative.

REPRESENTATIVE HALUSKA: Thank you.

Good morning, Commissioners. Good morning everybody.

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I just had a few comments. I've been in the House of Representatives 12 years now. I've sat on the Game and Fisheries Committee for that time. I've never really come up to the meetings. I've talked to the Commissioners individually, of course, the people that come over to the Capitol and talk to us on issues.

A few things that the Commission is doing. I just wanted to hear some comments from the people. I come from Cambria County. I represent about two-thirds of the county itself. It is a rural county. We have a lot of hunters, a lot of fisherman and a lot of outdoors men.

I appreciate the Commissioners looking at the expanded use of the crossbow, especially in spring gobbler season, which is on their docket. When implementing the new bear season for bear only, I'd appreciate them thinking about crossbows.

I got interested in crossbows a number of years ago. I've been to Ohio for the past six years, hunted with crossbows. I hunt in Pennsylvania with a bow. A crossbow to me is not the devastating weapon that everybody thinks it is. You still have to learn to hunt with a bow. It just gives so many more opportunities.

A lot of people that I talk to that are busy people that don't have a lot of time to practice, with the construction people, whatever, like the idea of using a

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crossbow, because they can sight it in. They can go hunting. They can be proficient.

Some of the people I talk to that don't have that time to utilize, to go out and be proficient with their other forms of bow sometimes won't buy a bow license, because they know that they really haven't practiced enough to be there. So it gives those opportunities for those people.

It gives opportunities for younger people to step in for bow hunting. It also gives people the advantage of extending their bow hunting career as they get older and don't have the power with their shoulders to really use the other forms of bows.

So that's one thing I just want to mention when you're looking at expanding seasons that crossbow is something that gives a lot more opportunities for our hunters. I hope we get to the day when it's bow season, whether you're a traditionalist and want a long bow, a recurve, a compound bow or a crossbow, you pick your bow, you go enjoy the season and have fun.

I'd also like to compliment the Commissioners, looking at some of the new things we've done. I know that Representative Staback had some legislation passed two years ago I think it was now that people can accompany on a hunt, even though they don't have a hunting license, trying to

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bring the people into the hunting community that you can take them with you.

You can take them out in the woods. They can do everything but actually kill an animal. They can help drive. They can sit on the stand with you.

The new Mentor Hunting Bill that has been put in place now that went through the House and the Senate, as a matter of fact, the Governor is going to sign that bill Friday, if I'm not mistaken, that will also be a big help to bring people into the hunting ranks that we don't have now since we know our hunting ranks are shrinking.

I've introduced a bill and asked Chairman Smith to have a couple public hearings on it. It's House Bill 2256. It's called a "Beginner's Hunting License," which has no minimum age limit, allows youth to hunt turkey and small game. They have to be accompanied by a parent, a legal guardian or a grandparent. This would expand also getting some young people into the hunting ranks.

Just a couple comments for the people in Cambria County. Antler restrictions seem to be overwhelming supportive, a few negative comments, but on the whole, it's mostly a positive thing. The comments I get on the antlerless deer season, of course, deer are in pockets. There are more deer some places than others and some hunters refuse to change their habits and move with the deer

population.

But most of the comments I've gotten from the hunters that I talked to, the antlerless season being a full two weeks they feel is really, really, too much. If we're going to have a concurrent season, they would really like to see that reduced to three days or one week of the season.

Those are some of the comments that I just wanted to relay to the Board before you get started. I appreciate the time here and if you have a question for me I'd be more than glad to be able to answer it.

I look forward to working through the dilemma that we have as far as the financial end of the Game Commission, which hopefully is something that will happen here before the end of the year, before we go out of session in November.

Thank you.

PRESIDENT RILEY: Thank you.

There's no one else to speak to us this morning before we start our agenda?

(No response.)

MR. POUSS: Okay, Mr. President, Congress appropriated funds under the State Wildlife Grants Program directly and exclusively to state wildlife agencies for "wildlife species of the greatest conservation concern." We are recommending approval of the following project:

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Estimating Fisher Population Size and Distribution in Pennsylvania. During the 1990's the fisher was reintroduced to forested landscapes throughout northcentral and northwestern Pennsylvania. Monitoring efforts by the PGC have demonstrated expansion and reproduction by reintroduced fishers throughout the northern region of the state as well as a significant natural expansion of fisher populations in southcentral and southwestern areas.

This project will provide information on geographic distribution of the fisher, population density, and minimum population size. Additionally, this project will assist PGC staff in developing reliable field methods to monitor population trends on a statewide basis. State Wildlife Grants funding of \$85,460 would be provide to Drs. Jeffery L. Larkin and Matthew R. Dzialak at Indiana University of Pennsylvania. Dr. Matthew J. Lovallo, PGC furbearer biologists, will serve as the agency collaborator with the investigators in this study.

This project will not require any net reduction in the Game Fund, since this is a cooperator project. The Game Commission will simply function as a conduit for these federal funds. If approved, the Game Commission will contract with the organization/investigators of this project, and pay SWG-eligible costs from the Game Fund. The Game Fund will be using SWG funds. The Game Commission will

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receive up to 3 percent of all SWG funds to administer the program.

The Executive Director and staff recommend approval of the State Wildlife Grant project, "Estimating Fisher Population Size and Distribution in Pennsylvania," as described in the commentary.

PRESIDENT RILEY: You've heard the reading of the commentary, Commissioners.

May I have a motion, please?

MR. ISABELLA: Motion.

PRESIDENT RILEY: Second?

MR. SCHLEIDEN: Second.

PRESIDENT RILEY: Any discussion on that motion?

(No response.)

PRESIDENT RILEY: Hearing none, all those in favor say aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

MR. POUSS: Mr. President, the next item is on page 3 of your agenda, adopted rule making. It involves adoption of proposed amendments to §§137.32 and 137.33 of Title 58 of the Pennsylvania Code.

To effectively manage the wildlife resources of

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this Commonwealth, the Game Commission, at its June 28, 2005 meeting, proposed the following changes:

Amend §173.33 (relating to feeding of certain wildlife prohibited) to add the restriction on the feeding of elk outside of specified exceptions and to rescind §137.32 (relating to feeding of elk prohibited) to eliminate duplication and redundancy of language in the regulation.

These proposed amendments were published in the PA Bulletin on November 5, 2005.

The Executive Director and staff recommend final adoption of these amendments to 58 Pa. Code, as shown on Exhibit A, which is page 4 of the agenda.

PRESIDENT RILEY: Thank you, sir.

You've heard the reading of the commentary.

May I have a motion, please?

MR. SCHLEIDEN: So moved.

MRS. PALONE: Second.

PRESIDENT RILEY: Moved and seconded.

Is there any discussion on the motion?

MRS. PALONE: Mr. President, I'd like to offer an amendment.

PRESIDENT RILEY: Go right ahead.

MRS. PALONE: The Attorney General sees our regulations as part of approval process. Since we do not have a process in place to notify the public of when to

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start or stop artificial feeding of elk, the Attorney General removed the language pertaining to the Director's emergency authority to allow artificial feeding. Additionally, the new language did not address unintentional feeding of elk.

I propose that we remove the sentence "If songbird feeders are being used by bears, the Commission may issue a written notice prohibiting the songbird feeding" and add the following: "If otherwise lawful feeding is attracting bear or elk, the Commission may provide written notice prohibiting such activities."

PRESIDENT RILEY: You've heard the amendment.

Is there a motion to accept the amendment?

MR. MOHR: I motion it.

PRESIDENT RILEY: Any second?

MR. SCHREFFLER: Second.

PRESIDENT RILEY: All those in favor of the amendment respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: Thank you, sir.

Now on the motion itself as amended, all those in favor respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: All those opposed?

(No response.)

MR. BOOP: Again, unanimous, Mr. President.

PRESIDENT RILEY: Thank you very much.

MR. POUSS: Mr. President, the next on the agenda is on page 5. It relates to the adoption of proposed amendment to §139.4 of Title 58 of the Pennsylvania Code.

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

Amend §139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2006-2007 hunting license year.

This proposed amendment was published in the PA Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code, §139.4, as shown on Exhibit B, which goes from pages 6 through 13.

PRESIDENT RILEY: You've heard the reading on the commentary.

May I have a motion, please?

MR. SCHLEIDEN: Mr. President, I would like to make a statement following that motion if that's appropriate at this time.

PRESIDENT RILEY: Go right ahead, sir.

MR. SCHLEIDEN: When I was President of this board in 2004, seems like a long time ago, it was recommended to the Board from both inside and outside the agency to move our seasons and bag limits to October and January of each year. Benefits over the long run were emphasized and you all heard a number of years now, so I won't go into the benefits. I'd rather address later on.

In October of 2004, in State College, Pennsylvania, I announced our intentions to move seasons and bag limits to October and January. Now, that was a one-year public notice. We had almost no comments or complaints about this until about June of '05, of course, obviously, we can't change that date. We received also very few comments from within the agency as to any opposition to that.

Yesterday during our Wildlife Bureau briefings, more specifically on bear and turkey, we received more recommendations from members to their respective season and bag limits. I looked at that, as well as the other Commissioners, and heard our people say that their concern that they would more doubt than feel comfortable.

Furthermore, at the end of their report the Bureau Director recommended we postpone that on these two species until April. Now, that certainly caught this Commissioner by surprise, I have to tell you that.

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After receiving all the amendments needed it was obvious to me and others our effort to make those amendments up here would put and would probably result in several mistakes in the final product, and that's not good and that's not the way we want to operate.

This, coupled with the desire, stunned Board members already wanting to postpone a portion of the season and bag limits referencing deer until April. Then finally, advice from staff that we may not be able to legally postpone some parts of 139.4 and not the whole, brought us to a conclusion, a number of us, and me specifically, to this conclusion and make this motion.

The motion is that I move to postpone action on the proposed amendment to 139.4 season and bag limits until the April 2006 meeting. That is my motion, sir.

MR. SCHREFFLER: I'll second that.

PRESIDENT RILEY: Thank you.

It has been seconded.

All those in favor? Any more discussion on it?

MR. ISABELLA: In addition to what Commissioner Schleiden has indicated, I think it's fairly obvious to the Board that we had better input and better feedback from our stakeholders by doing this. We had very little comment or people in attendance in October of this past year, and January seems to be a better time to receive that

information after most of the seasons are completed. So I certainly concur at this time.

PRESIDENT RILEY: Any other discussion on the motion?

(No response.)

PRESIDENT RILEY: All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: All those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

MR. POUSS: Mr. President, the next item on the agenda is page 14 of the agenda and relates to the adoption of proposed amendments to §§143.202, 143.222, 143.224, 147.674 and 147.701.

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

Amend §§143.202 (relating to application), 143.222 (relating to application), 147.674 (relating to issuance of DMAP harvest permits) and 147.701 (relating to general) to provide hunters with expanded application opportunities for elk licenses, special wild turnkey licenses, bobcat permits and DMAP harvest permits.

Also, amend §143.224 (relating to unlawful acts)

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to require hunters to complete and submit a harvest report card after harvesting a wild turkey pursuant to a special wild turkey license.

Also, amend §147.674 (relating to issuance of DMAP harvest permits) to eliminate the hunter application ineligibility provision.

These proposed amendments were published in the PA Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption to these amendments to 58 PA Code, as shown on Exhibit C, which can be found on pages 15 and 16.

PRESIDENT RILEY: You heard the reading of the commentary.

May I have a motion please?

MR. ISABELLA: So moved.

MRS. PALONE: Second.

PRESIDENT RILEY: So moved and seconded.

PRESIDENT RILEY: Discussion?

MR. ISABELLA: Mr. President, I propose an amendment.

PRESIDENT RILEY: Go ahead, sir.

MR. ISABELLA: The proposed amendment will read, "The legislative referenced bureau recommends that we reword the language to say, 'Social Security number or hunter I.D. number on the application.'"

I propose we amend 143.202, 143.222 and 147.701 to reflect this change.

PRESIDENT RILEY: All right, sir.

MR. SCHLEIDEN: I'll second his motion.

PRESIDENT RILEY: The amendment's been made, been duly seconded.

All those in favor of the amendment please respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: Thank you, sir.

Now, on the amended motion, all those in favor of the amended motion please respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Again, unanimous.

MR. POUSS: Mr. President, the next item on the agenda is on page 17 and relates to the adoption of proposed amendment to §147.142 of title 58 of the PA Code.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005 meeting, proposed the following change. Amend

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§147.142 (relating to possession of wildlife accidentally killed by a motor vehicle) to permit the lawful possession of furbearers accidentally killed on the highway by persons possessing a valid furtaking license.

This proposed amendment was published in the PA Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption of this amendment to Title 58 of the Pennsylvania Code, as shown on Exhibit D, which is on page 18 of the agenda.

PRESIDENT RILEY: All right, you just heard the reading of the commentary, Commissioners.

May I have a motion?

MR. ISABELLA: Motion.

PRESIDENT RILEY: May I have a second, please?

MR. SCHREFFLER: Second.

PRESIDENT RILEY: Motion's made and seconded.

Discussion?

MR. SCHREFFLER: I have discussion. I'd like to make an amendment to this.

PRESIDENT RILEY: Go right ahead, sir.

MR. SCHREFFLER: Since there's a limited season for taking bobcat and there's no season for river otters and fishers, the staff has recommended that we amend 147.142 to prohibit the taking or possession of these species that are

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killed on the highway.

I propose that we add the following: §147.142(b) and the first sentence after furbearer add, "Except river otters, bobcats, and fishers."

And then §147.142(c) add subparagraph (6) to say, "To possess a river otter, bobcat or fisher accidentally killed on the highway unless otherwise permitted by the Commission."

I would also like to add subsection (e) to say, "This provision shall not be construed in any manner to limit lawful possession of furbearer pursuant to §147.141, which relates to the sale of wildlife and wildlife plots.

PRESIDENT RILEY: That's your amendment?

MR. SCHREFFLER: Yes.

PRESIDENT RILEY: You've heard the amendment.

Is there a second to that amendment?

MR. SCHLEIDEN: Second.

PRESIDENT RILEY: All those in favor of the amendment respond by saying--

MR. DUBAICH: Mr. President, I have one more additional here that we failed to complete on this. I just noticed a break front actually.

In paragraph 5 we need to add there, what language do we have there, Greg, "except in closed season"?

MR. ISABELLA: After "highway, during the closed

season."

MR. DUBAICH: In subparagraph 5, after "killed on the highway," we need to add to words, "during the closed season."

That covers what we addressed up there in 147.142.

MR. SCHREFFLER: Mr. President, I will amend mine to add that phrase there on number five, after highway, "during the closed season."

MR. SCHLEIDEN: I'll second it.

PRESIDENT RILEY: It's an amended motion and it's been made and seconded.

Again, all those in favor of that amended amendment please respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: Any further discussion?

(No response.)

PRESIDENT RILEY: If not, then we will vote on the motion as amended.

All those in favor of the motion as amended please respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: It's unanimous.

MR. POUSS: Mr. President, the next item is on page 19 of the agenda and it relates to the adoption of proposed amendment to §141.22 of Title 58.

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

Amend §141.22 (relating to small game) to identify the inapplicability of the party limit to waterfowl or dove hunters when hunting from a blind or other stationary position.

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

The Executive Director and staff recommend final adoption of this amendment, as shown on Exhibit E, which is on page 20 of your agenda.

PRESIDENT RILEY: You heard the reading of the commentary.

Is there a motion, please?

MR. SCHLEIDEN: So moved.

PRESIDENT RILEY: A second, please?

MR. ISABELLA: Second.

PRESIDENT RILEY: Any discussion on the motion?

(No response.)

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PRESIDENT RILEY: Hearing none, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. POUSS: Mr. President, the next item is on page 21 of the agenda and it relates to the adoption of proposed amendment to §141.7 of Title 58.

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

Amend §141.7 (relating to use of artificial lights) to extend the recreational spotlighting ban to all regular firearms seasons within each wildlife management unit.

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

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code, as shown on Exhibit F, which is page 22 of your agenda.

PRESIDENT RILEY: All right, sir, you heard the commentary.

Commissioners, is there a motion, please?

MR. ISABELLA: So moved.

PRESIDENT RILEY: Second, please?

MR. SCHREFFLER: Second.

PRESIDENT RILEY: Any discussion on the motion?

MR. BOOP: Mr. President, for purposes of clarification, this only is in the individual management units, so it's not changed the spotlighting in those management units that are now affected.

PRESIDENT RILEY: Thank you for your comment.

Any other comments or discussions?

(No response.)

PRESIDENT RILEY: If not, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: The next item is on page 23 of the agenda and relates to adoption of proposed amendment to §141.45 of Title 58.

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

Amend §141.45 (relating to turkey) to clearly define the types of devices that may be lawfully be used to harvest wild turkey during the fall turkey season and also expand the lawful use of crossbows to both the fall and

spring turkey seasons.

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

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code, as shown on Exhibit G, which is on page 26 of your agenda.

PRESIDENT RILEY: You've heard the commentary of the proposed amendment to 141.45.

Is there a motion, please?

MR. SCHREFFLER: Motion.

PRESIDENT RILEY: Second, please?

MR. ISABELLA: Second.

PRESIDENT RILEY: A motion made and seconded.

Discussion?

(No response.)

PRESIDENT RILEY: There's no discussion.

All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed.

(No response.)

MR. BOOP: Unanimous.

PRESIDENT RILEY: Thank you, sir.

MR. POUSS: The next item is on page 25 of the agenda. It relates to adoption of proposed amendments to

§141.63 of Title 58.

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

Amend §141.63 (relating to definitions) to provide a more accurate definition of "cable restraint" by making two minor language adjustments to the existing definition.

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

The Executive Director and staff recommend final adoption of this amendment to 58 PA Code, as shown on Exhibit H, which is on page 26 of your agenda.

PRESIDENT RILEY: Thank you, sir.

You've heard the reading of the commentary, Commissioners.

Is there a motion, please?

MR. MOHR: So moved.

PRESIDENT RILEY: Second, please.

MR. ISABELLA: Second.

PRESIDENT RILEY: Discussions?

(No response.)

PRESIDENT RILEY: Hearing no discussion, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: The next item on the agenda, Mr. Chairman, is the adoption of proposed amendments to §§147.102 and 147.109.

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

Amend §§147.102 (relating to examination and fees) and 147.109 (relating to restrictions on taking raptors) to expand the falconry permit examination period to January 1 through June 20 annually and expand the nonresident application period to January 1 through August 15 annually.

These proposed amendments were published in the Pennsylvania Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption of these amendments to Title 58 of the Pennsylvania Code, as shown on Exhibit I of your agenda, which is on page 28.

PRESIDENT RILEY: Thank you, sir.

You've heard the reading of the commentary, Commissioners.

Is there a motion, please?

MR. SCHREFFLER: So moved.

PRESIDENT RILEY: A second, please?

MR. ISABELLA: Second.

PRESIDENT RILEY: Discussion?

(No response.)

PRESIDENT RILEY: Hearing no discussion, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

PRESIDENT RILEY: Very fine.

MR. BOOP: Unanimous.

MR. POUSS: Mr. President, the next item is on page 29 of the agenda and it relates to an adoption of a proposed amendment to §147.745.

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

Amend §147.745 (relating to exclusions) to allow the issuance of depredation permits for a limited take of state listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the statewide population of the species.

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

The Executive Director and staff recommend final

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adoption of this amendment to Title 58 of the Pennsylvania Code, as shown on Exhibit J, which is on page 30 of your agenda.

PRESIDENT RILEY: Commissioners, you have heard the reading of the commentary, is there a motion, please?

MR. MOHR: So moved.

PRESIDENT RILEY: A second, please?

MR. ISABELLA: Second.

PRESIDENT RILEY: All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

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

MR. POUSS: The next item is on page 31 of the agenda and it relates to the adoption of proposed amendments to §§139.2 and 131.2 of Title 58.

To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its October 4, 2005 meeting, proposed the following changes.

Amend §§139.2 (relating to definitions) and 131.2 (also relating to definitions) to relocate the majority of the definitions found in §139.2 and §131.2 to permit cross chapter application of the subject definitions.

These proposed amendments were published in the

Pennsylvania Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption of these amendments to Title 58 of the Pennsylvania Code, as shown on Exhibit K of your agenda, which is on pages 32 and 33 of the agenda.

PRESIDENT RILEY: Commissioners, you've heard the reading of the commentary.

Is there a motion, please?

MR. MOHR: Motion.

PRESIDENT RILEY: Second?

MR. ISABELLA: Second.

PRESIDENT RILEY: Motion made and seconded.

All those in favor respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

PRESIDENT RILEY: Thank you, sir.

MR. POUSS: The next item is on page 34 of the agenda and it relates to the adoption of proposed amendments to §§141.25 and 141.26 and 141.27.

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

Amend §§141.25 (relating to early goose hunting

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season), 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) and 141.27 (relating to early Canada goose hunting season on Pymatuning Wildlife Management Area) to eliminate redundant and unnecessary language.

These proposed amendments were published in the Pennsylvania Bulletin on January 7, 2006.

The Executive Director and staff recommend final adoption of these amendments to Title 58 of the Pennsylvania Code, as shown on Exhibit L of the agenda. That's on page 35 of the agenda.

PRESIDENT RILEY: You heard the reading of the commentary, Commissioners.

Is there a motion?

MR. ISABELLA: So moved.

PRESIDENT RILEY: Is there a second, please?

MR. SCHLEIDEN: Second.

PRESIDENT RILEY: Discussion on the motion?

(No response.)

PRESIDENT RILEY: Hearing none, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: Thank you, sir.

MR. POUSS: The next item, Mr. President, relates to proposed rule making. It is on page 36 of the agenda. It is a proposal to amend 58 PA Code, §§131.2 and 141.41.

Currently, the only lawful devices that may be used to harvest white-tailed deer in Pennsylvania are manually operated centerfire rifles and handguns, shotguns, muzzleloading long guns, and long, recurve, compound and crossbows. The Commission has recently received requests from persons wishing to expand the list of lawful devices for deer hunting to include use of the atlatl and dart.

Under new business at the October 2005 Commission meeting, the Board of Commissioners requested staff to work on draft regulations defining an atlatl and incorporating it into our hunting seasons for the January Commission agenda.

The proposal certainly represents a new hunting and harvest opportunity requested by a small segment of the hunting community. However, permitted use of the atlatl and dart for deer hunting seems to be inconsistent with the current Commission regulations restricting lawful arms and ammunition. Specifically, these regulations permit the use of only those devices that possess sufficient lethality to safely, ethically and humanely harvest a deer through the use of minimum caliber, ammunition, projectile and draw weight requirements.

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Staff does not question whether the use of an atlatl and dart has the potential to harvest a deer. However, staff is not convinced that an atlatl and dart, in the hands of the average hunter, possesses sufficient lethality to ethically and humanely harvest a deer in Pennsylvania. There, after due consideration of the relevant issues and concerns, the staff concludes that it is inappropriate to accommodate the request of the atlatl and dart supporters.

The proposed amendments I believe are set forth on pages 36 and 37 of your agenda.

The recommendation, the Executive Director and staff strongly recommend the Commission disapprove these changes.

MR. MOHR: Motion, Mr. President, to that concern.

PRESIDENT RILEY: A motion has been made.

Second?

MRS. PALONE: I'll second it.

PRESIDENT RILEY: Discussion?

MRS. PALONE: Mr. President, I feel that the reservations expressed in the commentary are subjective of how you judge them on one segment of our hunting population and they're not appropriate.

These atlatls were not used by an average hunter but experts who are proficient in using them and I request

that the Board would approve this proposal, approval request.

PRESIDENT RILEY: That's your amendment?

MRS. PALONE: No, sir, just discussion.

PRESIDENT RILEY: Discussion?

MRS. PALONE: Yes.

PRESIDENT RILEY: Is there any other discussion?

MR. MOHR: Comment, Mr. President.

PRESIDENT RILEY: Go right ahead, sir.

MR. MOHR: I think it is perceptions of these weapons by anyone that is fortunate to the use of it would never question his ability to harvest big game proficiently.

PRESIDENT RILEY: All right, sir.

Any other comments?

(No response.) PRESIDENT RILEY: Hearing none, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: The next item on the agenda is on page 38 and relates to a proposed amendment to 58 PA Code, §§147.552, 147.553 and 147.554.

The Commission recognizes the unique challenges

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faced by farmers in our most urban areas. Deer have certainly proven themselves able to create significant agricultural destruction, even in moderate numbers. Unfortunately, for farmers in highly developed or urbanized areas deer population issues are complicated.

As a measure to help combat high deer populations and their associated problems, the Commission provides farmers with a number of deer management programs, including agricultural deer control permits. These permits generally allow for a focused deer harvest in a designated area in addition to the harvest authorized by traditional hunting seasons. Unfortunately, it appears that despite the availability of these permits, farmers in both Wildlife Management Units 5C and 5D continue to suffer significant agricultural destruction.

In response to this damage, a number of farmers and/or those representing their interests have requested additional relief. Specifically, these individuals are requesting that the following requirements be eliminated for permittees in Wildlife Management Units 5C and 5D:

One, a minimum of two years and concurrent enrollment in one of the Commission's public access programs; two, conspicuous posting of deer control permit signs on the boundaries of and along all public roadways traversing the permitted property; and three, limitation

preventing permittees from issuing more than one subpermit to a qualified individual.

Although staff has some reservation in eliminating public access requirements from agricultural deer control permits, the Commission is nonetheless convinced that it needs to provide some measure of relief to affected farmers in WMU's 5C and 5D. Therefore, the staff recommends that the Commission accommodate the requests made by these farmers and/or those representing their interests.

This amendment is intended as a short-term remedial measure until the Commission's Urban Deer Management Plan can be further developed to provide more effective tools to address the needs of farmers in highly developed or urbanized area.

The text of the amendments to the regulations can be found on pages 39 and 40.

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

PRESIDENT RILEY: Commissioners, you've heard the reading of the commentary.

Is there a motion, please?

MR. ISABELLA: Motion.

PRESIDENT RILEY: A second, please.

MR. SCHLEIDEN: Second.

PRESIDENT RILEY: Discussion?

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MR. MOHR: Brief comment. I'm a little under the weather, I'll make it brief, but I've been involved, the entire staff, since I came on the Board. There are deer and, unfortunately, some of our critics are saying we don't know anything about urban deer management and we're incapable of handling it. They are the ones that should have been working on this, but they let the ball drop.

Our new deer management team is here. We've been assured by April, we will have our Urban Deer Management Program. All I'm saying is this is just an immediate fix for the farmers in that area and when the urban program does come in, it should help them tremendously. That's all.

PRESIDENT RILEY: Thank you, sir.

Any further discussion?

(No response.)

PRESIDENT RILEY: All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: The next item is not in your agenda. It's on a replacement page that's been handed out and that is to amend 58 PA Code, §141.18.

The Commission has recently received a number of

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requests from persons to use dogs to hunt a variety of game species to amend the regulations to specifically permit the use of electronic devices used for the purpose of locating dogs while hunting or training. The devices specifically requested for permitted use are e-collars, radio-telemetry tracking systems and beeper collars.

These requests have resulted from fears that strict interpretation of the provision(s) prohibiting use of electronic devices to hunt or take wildlife could put persons who use electronic devices to locate their dogs while hunting or training at risk of being found in violation.

From a fundamental perspective, staff accepts the use of electronic devices to locate dogs while hunting or training just as staff currently accepts use of electronic devices to locate fellow hunters (two-way radios, cell phones, et cetera). Use of devices in this manner does not give a hunter an unfair advantage or violate the principles of fair chase.

However, staff is concerned that specific permitted use of electronic devices to locate dogs while hunting will encourage hunters to misuse these devices to also locate. Despite this concern, after consideration of the relevant game management issues/concerns, staff believes that it is appropriate to accommodate the requests of

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persons who use dogs to hunt and train and therefore recommend that the Commission amend §141.41 (relating to permitted devices) to reflect the same.

The text can be found on page 41.

The recommendation is--

EXECUTIVE DIRECTOR ROE: A section of page 41 of the change is deleted.

MR. POUSS: Right.

EXECUTIVE DIRECTOR ROE: You need to read the new page.

MR. POUSS: The text of the change to the regulation can be found on the requested page is §141.18 permitted devices.

The following devices may be used to hunt or take wildlife:

Subparagraph 3, electronic devices used for locating dogs while training or hunting include such devices as e-collars, radio-telemetry dog tracking and beeper collars.

The recommendation is, by the Executive Director and staff, is that the Commission approve this change.

PRESIDENT RILEY: Thank you, sir.

MR. HILL: So moved.

PRESIDENT RILEY: So moved.

MRS. PALONE: Second.

PRESIDENT RILEY: So moved and seconded.

Discussion, please?

(No response.)

PRESIDENT RILEY: Hearing none, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: Mr. President, the next item on the agenda relate to hunting license revocations. It's on page 42 of the agenda.

Proposed recommendations to revoke the hunting and furtaking privileges of the individuals convicted of violating the Game and Wildlife Code.

The Commission, under authority of the Game and Wildlife Code, may revoke any hunting license and furtaker's license and deny any person the right to secure a license or to hunt and furtake anywhere in the Commonwealth, with or without a license, if said license or person has been convicted, or signed an acknowledgment of violating any provision of the Game and Wildlife Code. The Commission may revoke such licenses for a period not to exceed three years for the first offense; for a second or subsequent offense, for such period of time as the Commission shall determine.

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Persons denied the right to hunt or furtake in the Commonwealth are notified by Certified Mail that the revocation will commence July 1, 2006, and continue for such period as set forth following the individual's name.

In accordance with the Administrative Agency Law, persons who receive revocations have the opportunity to request a hearing and be heard with regard to the matter of revocation.

The recommendation is that the Executive Director and Law Enforcement Director recommend that the Commission revoke the hunting or furtaking license privileges of the persons named by the Bureau of Law Enforcement. Such revocation shall become effective July 1, 2006, and shall continue for such period of time and under the conditions set forth following each individual's name.

PRESIDENT RILEY: You've heard the reading of the commentary, the recommendations.

Commissioners, is there a motion, please?

MR. ISABELLA: Motion.

PRESIDENT RILEY: A second, please?

MR. MOHR: Second.

PRESIDENT RILEY: Discussion?

MR. MOHR: Question, Mr. President.

Normally, the Commissioners receive a copy of that list here. Was that just overlooked or is there a reason we

didn't receive on this time?

MS. WILLS: It should be in your folder, the red folders that you were given. Is it there?

MR. MOHR: Yes.

PRESIDENT RILEY: It is in the red folder?

MR. MOHR: Yes, it is.

PRESIDENT RILEY: No other comments?

(No response.)

PRESIDENT RILEY: All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: It's unanimous.

MR. POUSS: We have moved to the Bureau of Land Management. The next item is on page 43 of your agenda and relates to real estate acquisitions.

Option No. 4067 involves 223.7 more or less acres of land in Ferguson and Halfmoon Townships, Centre County, an indenture to State Game Lands No. 176, as shown on Exhibit LM1, which is on page 44, in the agenda.

The option is subject to a timber reservation with regard to an ongoing timber operation until December 31, 2006, and the right to remove a cabin until December 31, 2006. The option price is \$974,000 lump sum to be paid from

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the Penn State escrowed monies and will therefore require approval of the U.S. Fish and Wildlife Service.

The second option is No. 4068. It relates to 100 more or less acres of land and a right-of-way in Marion Township, Centre County, adjoining State Game Lands No. 323, as shown on Exhibit LM2, which is page 45 of your agenda.

The option is subject to approval by the Bankruptcy Court. There are no new reservations. The option price is \$176,336 lump sum, with a plus or minus 5 percent allowance based on appraisal. This purchase price is to be paid from the Penn State escrowed monies and will therefore require approval of the U.S. Fish and Wildlife Service.

The recommendation is that the Executive Director and staff recommend the options listed above be accepted by the Commission and that the Commission authorize the Bureau of Land Management to proceed with the acquisition of these tracts.

PRESIDENT RILEY: Commissioners, you've heard the reading of the acquisition proposal. Is there a motion?

MR. ISABELLA: So moved.

PRESIDENT RILEY: Second?

MR. BOOP: Second.

PRESIDENT RILEY: Any discussion?

MR. SCHLEIDEN: Mr. President, I'd like to comment

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on the Option 4067. If you look in your agenda, you'll notice that State Game Lands No. 176, this is a portion of an indenture into State Game Lands 176. As you know, and read and heard it's in Centre County. This is one of the early game lands that were purchased. It turned out to be a blessing in disguise for the whole Centre County area, more specifically, State College and Penn State because it happens to be the octopus, the key octopus for that entire area.

So in the infinite wisdom of our forefather Commissioners, they purchased this land and basically, as most of you know, State College is growing around it. What that means is, as we get crowded there, safety zones encroach on us. Fortunately, the folks that own this, the Brown family, did after many years of discussion with our people, did agree to sale that portion of it. We would have liked to have gotten the rest of it.

We notice the purchase price is a little bit high, but I have to tell you that that was a reasonable purchase in that area considering what is going on around it, about worth four times that per acre.

What this means is we did make a decision several years ago to allow Penn State to take 960 acres, I believe, of Game Lands in another area which they had had a lease on for 25 years. That area was basically used as a test area

for effluent spray and so on and it really was not a good thing to happen to our animals.

We got the money and we came back and we're buying more land in that area as we can get it, so that our sportsmen will, in fact, have a higher quality habitat to work with. By the way, we still have the right to use that 960 acres, so we haven't lost anything.

That's why we have the Penn State money and that's why want to use it. I would like to see the Brown family sell us the rest of that at some point, but they are using a dairy farm there.

I want to congratulate our staff, our land people for a job well done.

That's my comments.

PRESIDENT RILEY: Any other comments?

(No response.)

PRESIDENT RILEY: All those in favor of the motion respond, of course, by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: Thank you, sir.

MR. POUSS: Mr. President, the next item on the agenda is on page 46 and it relates to donations, Option No.

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4066 involves 90 more or less acres of land in Elk Creek Township, Erie County adjoining State Game Lands No. 152, as shown on Exhibit LM3, which is on page 47 of the agenda. It has been transferred to the Commission as a donation by donors who desire no public recognition at this time. The donation is subject to a life estate to the current resident, who is about 69 years old.

Option No. 4067 involves two parcels of land in Eldred Township, McKean County comprised of 35.82 more or less acres and 37.56 more or less acres adjoining State Game Lands No. 301, as shown on Exhibit LM4, which is on page 48 of the agenda.

These tracts are being purchased by Dominion Transmission, Inc., as required compensatory mitigation by the United States Army Corp of Engineers for wetland impacts associated with constructing a pipeline and will be deeded directly to the Commission. The properties will be acquired under and subject to the covenants that the properties shall be used and maintained in accordance with the Game and Wildlife Code for wildlife habitat conservation and that the properties shall not have any timber removed according to a permanent deed restriction required by the United States Army Corp of Engineers referencing project permit No. 200300942.

The recommendation of the Executive Director and

staff recommend the donations listed above be ratified and accepted and that the Commission authorizes the Bureau of Land Management to proceed with the acquisition of this tract.

PRESIDENT RILEY: You've heard the reading of the commentary about the land and 4066. We need a motion on that part agreeing and may we have a motion on the 4066, please?

MR. HILL: Moved.

MR. SCHLEIDEN: Second.

PRESIDENT RILEY: Those in favor about the 4066 -- no, I'm going to have to do discussion.

Yes, Commissioner.

MR. HILL: Mr. President, I move that we table Option 4066. We have a pending meeting regarding the payment of real estate taxes. The folks that are going to donate the property have no obligation to pay the rest of these taxes for the current option of the property.

We'd like to make that a motion now until we can respond to it.

PRESIDENT RILEY: That's tabled.

MR. SCHLEIDEN: If you need a motion to table, I'll second it, sir.

PRESIDENT RILEY: Motion to table and you second that?

MR. SCHLEIDEN: Yes, sir.

PRESIDENT RILEY: Motion to table and second.

All those in favor of that motion, that amendment
respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

PRESIDENT RILEY: Now, on 4067, may I have a
motion, please?

MR. SCHLEIDEN: So moved.

PRESIDENT RILEY: Second, please?

MR. HILL: Second.

PRESIDENT RILEY: Discussion?

(No response.)

PRESIDENT RILEY: Hearing none, all those in favor
respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

PRESIDENT RILEY: Thank you, sir.

MR. POUSS: Mr. President, the next item on the
agenda is on page 49 and involves a land exchange. I guess
there are two land exchanges involved.

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The first one involves State Game Lands No. 67, Carbon Township, Huntingdon County.

John R. Chomko and Linda A. Chomko have agreed to a land exchange involving a 6-acre portion of State Game Lands No. 67 situate in Carbon township, Huntingdon County, as shown on Exhibit LM5.

In exchange, John R. Chomko and Linda A. Chomko will convey a tract of land totaling 22 acres, more or less in Carbon Township, Huntingdon County, also shown on LM5. This exchange removes about two miles of shared access on a State Game Lands Road while allowing both the Commission and Chomkos continued access to their properties.

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

The second exchange involves State Game Lands No. 249, Huntington Township, Adams County.

Franklyn I. Geist, Jr. and Carol A. Geist have agreed to a land exchange involving two portions of State Game Lands 249 totaling 18.2 more or less acres, situate in Huntington Township, Adams County, as shown on Exhibit LM6, which is on page 51 of the agenda.

In exchange Franklyn I. Geist, Jr. and Carol A. Geist will convey a tract of land containing 20.8 acres, more or less, in Huntington Township, Adams County, also

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shown on the Exhibit LM6. This exchange protects a valuable wetland restoration project on the existing Game Lands and restricts development of Geist's remaining property in accordance with Township zoning, which includes requirement that any occupied buildings be set back at least 150 yards from the Game Lands boundary and a restriction that no buildings shall be erected upon any of the property traded to Geist. The land to be acquired by Geist was purchased using Project 70 funds and this exchange will require the approval of the General Assembly.

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

The Executive Director and staff recommend that these land exchanges be approved and the Commission authorizes the Bureau of Land Management to proceed with the exchanges, as listed above.

PRESIDENT RILEY: Commissioners, you've heard the reading of the two properties.

Is there a motion, please?

MR. MOHR: Motion.

PRESIDENT RILEY: Second, please?

MR. ISABELLA: Second.

PRESIDENT RILEY: Any discussion?

MR. HILL: Yes, Mr. President.

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I'd like to commend the staff for completing the Chomko exchange. I thought it was very a valuable exchange. That is my commendation. Excellent.

MR. KLINGER: Of course, on all these real estate transactions the regions are probably in on all of them. The southcentral region spent a long time moving on that particular job.

MR. HILL: I include them as members of the staff, also.

PRESIDENT RILEY: Thank you, Commissioner.

Any other discussions?

(No response.)

PRESIDENT RILEY: All those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: It's unanimous.

MR. POUSS: The next item on the agenda is on page 52 and it relates to an oil and gas lease. I guess there are actually two oil and gas leases involved there.

The first one involves the Southwest Regional Office Building, Ligonier Township, Westmoreland County.

Texas Keystone, Inc. of Pittsburgh, Pennsylvania, requests that the Commission offer its oil and gas ownership

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under the State Game Commission's Southwest Regional office land for lease. The proposed lease tract, containing 6.736 acres is located in Ligonier Township, Westmoreland County, as shown on Exhibit OGM1, which is on page 53 of the agenda.

TKI has initiated a well drilling/ development program on privately owned land surrounding the Southwest Regional office acreage. These current and future gas wells will effectively withdraw and drain the oil and gas from beneath the Commission's 6.736 acre oil and gas reserve. The staff has expeditiously negotiated with TKI in an effort to safeguard the prudent development of the Commission's oil and gas reserve.

In exchange for the 5-year oil and gas lease, TKI agrees to pay the Commission a 12.5 percent royalty for each and every mcf of gas or oil produced and sold from the leased premises. TKI will also install the gas line, high/low pressure tanks and tap for heating the Southwest Regional office at no cost to the Commission. TKI is required to drill the well by March 30, 2006. The Commission will provide a waiver to TKI to drill within 200 feet of the Southwest Regional office building in order to meet with the proposed well spacing requirements.

Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil and gas lease agreement and a \$25,000

performance bond. The lease will include the Commission's standard wildlife and protection measures and TKI will be limited to one well on the lease area.

The Executive Director and staff recommend this oil and gas lease be approved and the Commission authorize the Bureau of Land Management to proceed with the leasing arrangement as specified above.

PRESIDENT RILEY: You've heard the reading of the commentary, Commissioners.

Is there a motion, please?

MR. ISABELLA: Motion.

MR. MOHR: Second.

PRESIDENT RILEY: Discussion?

(No response.)

PRESIDENT RILEY: Hearing none, all those in favor of the motion respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous.

MR. POUSS: Mr. President, the next item on the agenda is on page 54. It relates to the Loyalhanna Estate Reserve, Ligonier Township, Westmoreland County.

CDX Gas, LLC of Dallas, Texas requests the Commission offer its coal bed methane gas ownership under

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the Game Commission's Loyalhanna Estate Mineral Reserve for Lease. The Loyalhanna Estate Mineral Reserve was a gift from the Loyalhanna Coal and Coke Company deeded to the Commission in December 1969.

The mineral reserve area contains no surface land under Commission ownership. The proposed lease tract, containing approximately 1,500 acres, is located in Derry and Unity Townships and Latrobe Borough, Westmoreland County, as shown on Exhibit OGM2, which is on page 55 of the agenda.

Currently, CDX Gas, LLC has acquired the majority of the privately held coal bed methane reserves contiguous to this area. It is the staff's conclusion this lease arrangement, negotiated with CDX Gas affords the best opportunity for the Commission to maximize the recovery of the coal bed methane gas. Failure to act in a timely manner will isolate the reserve, drastically reducing the Commission's ability to recover the coal bed methane gas.

In exchange for the 5-year coal bed methane gas lease, CDX agrees to pay the Commission a 15 percent royalty rate for all coal bed methane gas produced and sold from the leased premises. Further, CDX Gas, LLC will pay the Commission \$5 per acre rental upon the execution of the lease agreement.

The lease will allow for a maximum of three wells

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and CDX Gas will be required to drill one well within one year or surrender the leases. Further, CDX Gas must unitize all 1,5000 leased acres within three years with Commission approval.

The lease will also include a 350,000 cubic feet per year free gas clause with payback to the Commission for non-use. CDX Gas has also agreed to provide the Commission with all title work relative to the Commission's ownership of oil, gas, mineral and surface holdings within the Loyalhanna Coal and Coke Mineral reserve.

Coal bed methane gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard oil and gas lease agreement. The lease will not impact any known Game Commission surface lands.

The Executive Director and staff recommend this coal bed methane gas lease be approved and the Commission authorize the Bureau of Land Management to proceed with the leasing arrangement as listed above.

PRESIDENT RILEY: You've heard the commentary relative to the lease.

May I have a motion?

MR. ISABELLA: Motion.

PRESIDENT RILEY: And a second?

MR. MOHR: Second.

PRESIDENT RILEY: Motion and seconded.

Is there discussion on the motion?

(No response.)

PRESIDENT RILEY: All those in favor respond by saying aye.

(Signified aye.)

PRESIDENT RILEY: Those opposed?

(No response.)

MR. BOOP: Unanimous, Mr. President.

PRESIDENT RILEY: That completes other than new business.

Any other new business?

MR. ISABELLA: Yes, Mr. President.

I relate for our next business meeting to have staff looking to the regulations where a non-resident had applied for antlerless license the same time that a resident can. I had numerous complaints from people from New Jersey, who were Pennsylvania residents, are property owners here, have camps in rural Pennsylvania, and they were a little upset. Quite honestly, they were upset at not being able to get an antlerless license and I really believe we lost revenue because of those licenses.

Thank you, Mr. President.

PRESIDENT RILEY: Any other new business?

MR. SCHREFFLER: That's not a motion. I'd like to

make a motion.

PRESIDENT RILEY: You can't. So staff will handle that.

Thank you very much.

Other new business?

MR. MOHR: A couple more comments.

I also would like to ask staff and appropriate committees to look into to allow the use of turkey dogs and to also look in to allow the use of the crossbow for all seasons, except archery deer season, and to also look in to allow the use of the atlatl for all seasons.

PRESIDENT RILEY: All right, sir. They have to look into the turkey dog issue, crossbow for all seasons, except archery and also into the atlatl season.

MR. SCHLEIDEN: Mr. President, I have one other item.

PRESIDENT RILEY: Go right ahead, sir.

MR. SCHLEIDEN: I passed out to fellow Commissioners the elk allocation numbers. Because we postponed the season and bag limits till April, I wanted to make sure that everybody knows that the allocations for the elk licenses preliminarily addressed in the preliminary season and bag limits. I'm not anticipating any change, but I have something to say right now.

We want to make certain that the public

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understands and knows that beginning this month you'll be able to put an application out on file for the elk license. So I wanted to make that clear. I hope I have.

Paul, if you'd like to make any other comments on that regard?

(No response.)

MR. SCHLEIDEN: I can give you the basic number that the staff from the northcentral and the biologists have recommended. The season total would be 40 per '06, and that's broken down to 15 antlered and 25 antlerless.

And then for the September '07 hunt, it would be broken down to two either sex and eight antlerless. I believe that will be on the Web site.

PRESIDENT RILEY: Any other new business?

(No response.)

PRESIDENT RILEY: If not, we're going to take a break. Let's get back here at 20 minutes after ten, and we have to deal with our election of officers and anything else that we need to do.

(Recessed 10:00 A.M.)

(Reconvened 10:30 A.M.)

PRESIDENT RILEY: A couple things that I did not do in the beginning was the approval of the minutes of the October 4 meeting. That has to happen.

Commissioners, do I have a motion to approve?

MR. SCHLEIDEN: So moved.

PRESIDENT RILEY: Second?

MR. ISABELLA: Second.

PRESIDENT RILEY: All those in favor.

(Signified aye.)

PRESIDENT RILEY: All those opposed?

(No response.)

MR. BOOP: Unanimous.

PRESIDENT RILEY: There seems to be some confusion developments of the atlatl and how the vote was taken and how the Commissioners actually voted. They voted for the atlatl. We don't vote on the staff's recommendations, so that seemed to be a confusion for some people.

Some people thought we voted no on the motion because of staff comments. We did not. We support the atlatl. So that clears up anybody's confusion.

Okay, the next order of business is the nomination of officers, election of officers and the nominating committee, your report, please.

MR. MOHR: Mr. President, the nominating committee does have a slate of officers for consideration. That nominating committee, for your information, consists of Commissioner Schleiden, Commissioner Isabella, Commissioner Schreffler and myself.

For president the nomination committee has Roxane

Palone and Tom Boop.

Vice president, Roxane Palone, secretary, Greg Isabella.

PRESIDENT RILEY: All right, sir, that's your report. We'll take the office of the president and deal with that first.

I guess, if nobody minds, we'll do by roll call. We have to open nominations from the Board.

Any other nominations for the office of president? Any other names come from the Board for the office of president?

MR. MOHR: We're just speaking of the office of president?

PRESIDENT RILEY: Yes.

I declare the nominations closed for the office of president.

Mr. Secretary, just do the roll call.

All those in favor of Roxane Palone for president -- no, let's do Roxane first and then on the roll call vote, as your name is mentioned, let me get this straight.

First vote for the name and as your name is called, then respond with whom you are supporting, either Roxane Palone or Tom Boop. So if you would do that, Mr. Secretary.

MR. BOOP: Riley.

PRESIDENT RILEY: Roxane Palone.

MR. BOOP: Palone.

MRS. PALONE: Roxane Palone.

MR. BOOP: Thomas Boop.

Boop.

Schleiden.

MR. SCHLEIDEN: Roxane Palone.

MR. BOOP: Mohr.

MR. MOHR: Thomas Boop.

MR. BOOP: Isabella.

MR. ISABELLA: Roxane Palone.

MR. BOOP: Schreffler.

MR. SCHREFFLER: Thomas Boop.

MR. BOOP: Hill.

MR. HILL: Thomas Boop.

MR. BOOP: It's four/four, Mr. President.

PRESIDENT RILEY: Interesting.

Well, you're all aware that midnight comes after 11 o'clock this evening and we have to have a slate of officers to move forward. So I think we'll try this, I want everybody to think about it, and let's try this roll call again. If that doesn't give us any results, then I think this Board of Commissioners is going to have to go into an executive session and work on this area of president before we move forward.

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So we got a second to think about where we're going and what our obligations are.

So, Mr. Secretary, we'll try it again to see if there's any change of heart.

MR. BOOP: Riley.

PRESIDENT RILEY: Palone.

MR. BOOP: Palone.

MRS. PALONE: Palone.

MR. BOOP: Boop.

Boop.

Schleiden.

MR. SCHLEIDEN: Palone.

MR. BOOP: Mohr.

MR. MOHR: Boop.

MR. BOOP: Isabella.

MR. ISABELLA: Palone.

MR. BOOP: Schreffler.

MR. SCHREFFLER: Boop.

MR. BOOP: Hill.

MR. HILL: Boop.

MR. BOOP: Four/four.

PRESIDENT RILEY: So much for my Irish theory.

I think the Board is just going to go into executive session and we will go upstairs and have a discussion about where we're going and see if we can resolve

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this issue of the presidency. The other two offices seem to have only one candidate, unless I have nominations from the Board.

MR. MOHR: Are we open for nominations from the Board for the other two?

PRESIDENT RILEY: I have no idea how long we might be gone. I know it's 12 o'clock and you know I'm eating lunch. Let's give a half-an-hour and see if we can come back here with a resolution.

I said we'd go upstairs to go into executive session and see if we can iron this thing out. However, I was counseled about the lack of wisdom in doing that. So we tried to call the State for some authority to determine how we should proceed. I know you're not going to believe this, but there was nobody there to answer our question.

So we wanted to make sure that we're doing this thing in the proper manner, that we don't alienate people and usurp anybody's rights and all these things that we have to be very cautious of. There was some writers, et cetera, that took exception to this executive session business and I don't know if they were right or wrong.

However, we thought we would call authorities in this area to set the pace for us, but that didn't seem to happen, so here we are in the same stance as we left it. So nothing has transpired, other than our failed phone calls.

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So I think what we need to do is just have the two candidates for president, Mrs. Palone and Tom Boop give us a three to five-minute dissertation about why they believe they should be the one. I think anybody here that supports one side or the other in terms of the Board of Commissioners that has comments let us do this thing and questions they might have of the candidates, those types of things.

So I think we'll try to proceed.

And then as was suggested to me by several Commissioners that perhaps a secret ballot was the way to go. So we will do that when we get done.

Mike Schmit would be so kind as to act as the teller and collect the votes. I hope there's nobody that finds fault Mike touching ballots. I don't think he'll taint them in any way. I checked him for erasers, so he doesn't do that. We have some yellow pads here so they're distinctive so that I can tell that they're being used for the ballot.

MR. SCHLEIDEN: May I make one statement?

PRESIDENT RILEY: Yes, you certainly can.

MR. SCHLEIDEN: I know you touched on it, but I want to just for the record make it absolutely clear in everybody's mind that there was no discussion about this election when we went upstairs. We had a brief discussion about the appropriateness of the executive session, but we

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did not discuss candidates.

So what you're hearing today and what you're seeing today is exactly what took place, is taking place from the moment we left this room.

PRESIDENT RILEY: I think when we were apprised of the facts that we might not be really doing this in a proper manner, that's when we thought we should call the experts to let us know how to proceed properly but that didn't seem to work.

So with that, Mrs. Palone and Mr. Boop, you'll have to decide who wants to go first and let's get the show on the road.

MR. BOOP: These remarks are really directed to my fellow Commissioners. As I indicated when we left the room, I had nothing to say upstairs that I'm not prepared to say here.

We're all here because we care and are involved in wildlife and wildlife issues. The thing that's so exciting about coming here yesterday is to hear all the different opinions. Whether you agree or disagree with the people that were here, the passionate love for the outdoors and the sport is evident from all of us.

This is in no way personal. I admire Mrs. Palone personally. I admire her dedication and all that she has contributed to this agency. This is an election about

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leadership style and I think I offer a different leadership style and I think that the Board ought to have an opportunity to have an open debate and a decision on a different leadership style.

I've been involved in many board elections over the years and I can tell you from my own experience that an 8-0 vote is not the best thing for an agency or a corporation. I think that there needs to be an open debate.

What can I offer in comparison? We have a new Executive Director that just started at the helm of this agency. We have an exciting time for this agency. I would like to be a partner with Mr. Roe in taking this agency forward and I think I offer a new prospective and a new view.

I think that the other choice, Mrs. Palone, is very identified with the past policies of this agency, many of which are being called into question in the public debate. I think that a new prospective is the thing that is best for the agency at this time.

I've had a lot of experience for over 31 years as a litigator, and I've certainly annoyed people over the years, but I have retained friendships with those people. This is not personal. If this Board selects Mrs. Palone as its president, I will fully support her and work with her.

I feel strongly about some issues and I will vote

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my conscious on those issues. If I am elected president, I will be very careful in my public remarks as to when I'm speaking for the Board and when I'm speaking personally.

I think I can run a very effective meeting. I think those of you who have served with me on the different committees know that I run an effective meeting, things move along, get done, deadlines get met.

I also think that I am not a polarizing candidate. I think that although I disagree with different opinions, I think that I can move the debate forward on those different opinions.

So I think it's somewhat trite but I offer you a chance for change and moving forward with the agency. I think the other choice does not offer you that.

I don't have a lot more to say than that. I would appreciate your support, but if Mrs. Palone is ultimately selected, she has my support at that time.

Thank you.

PRESIDENT RILEY: Do any of the Commissioners have any questions to ask of Mr. Boop?

MR. SCHLEIDEN: Yes, sir.

Mr. Boop, Commissioner, you realize, of course, as president your authority is limited to one vote anyway on the issues, as it is with all of us.

There were a couple things that came up over the

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last few months that troubled me somewhat and I'd like to address those to you. One of which was you initially indicated that if anybody nominated you, you would decline the nomination.

MR. BOOP: I'm having a little trouble hearing Mr. Schleiden.

MR. SCHLEIDEN: You indicated initially several months ago that if you were nominated as president you would decline the nomination. Then you changed that and you indicated that your leadership and friendship with certain legislators would allow you to move the agenda forward, and at least one legislator indicated to you that if we needed issues moved forward you needed to be the president; is that correct or not?

MR. BOOP: Well, let me go back to your first comment.

I fully expected a year ago that we probably wouldn't be having this thing. A lot of things have happened in the past year, particularly, what occurred here in October, at this meeting. After the October meeting, I was approached by three different members of this Board and requested that if they nominated me would I accept the nomination so that there could be a debate on the leadership of the agency.

After the third one approached me I said that I

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would do that. So that is why I am standing here today. I don't want to get into the personal issues, but I don't think it's any secret that the other candidate is polarizing or can be polarizing with the legislator.

I have been approached by numerous legislators who have encouraged me to stand for election, that a four/four vote or a five/three vote is a good thing for this agency to have an alternate debate and an alternate discussion.

If the suggestion by your question is that in some way I will be controlled by or influenced by a legislator you don't know me very well, because I vote my conscience and I tell people how I'm going to vote.

So that's the way I would answer that question. I certainly understand that I have one vote and one vote only, and I will be very careful of my public comments to distinguish between Board policy and how I feel personally.

PRESIDENT RILEY: Thank you.

Any other Commissioners have any comments for Mr. Boop?

(No response.)

PRESIDENT RILEY: Thank you, Tom.

Roxane Palone.

MRS. PALONE: Thank you, Mr. President. I would just ask you not to turn on the red-light before I'm done.

Each one of the Commissioners here took an oath to

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uphold the Constitution of the State of Pennsylvania. I took that oath also and I take that oath very seriously, especially Article 1, Section 27 that deals with natural resources and the public estate.

The people have a right to clean air, pure water and the preservation of natural scenic historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.

As trustees of these resources, the Commonwealth help reserve and maintain them for the benefit of all the people. I take that oath very seriously and I believe that in my voting record, if you will check in the past four-and-a-half years, that I have tried to represent all the people.

While I realize that hunters are very important and they pay our bills, and they're very important in all the things that we do, we also have other constituents. I would not be the trustee of our natural resources if I just voted every time in the narrow focus of just hunting and deer management. We are the Game Commission. We're not just the deer commission.

So why I think hunters are very important, that's one of my distinctions with Mr. Boop. I think that we need to look at all the natural resources in the State, not just mammals and birds, but also the habitat in which they live.

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This is common property of all the people, not just people who buy hunting licenses. Also, it's for future generations, not just for the generations that we have here today.

Last year I stepped aside and let Mr. Riley be nominated for the presidency, because I admire him very much, and I knew that this was his last year, and Mr. Riley deserves to be president. I kept my word, and I would just ask all the other Commissioners to keep their word that they gave to me last year.

I served my country well, as my father did before me, as a veteran, and I feel that the vote we make here today will give us a chance to bring the Pennsylvania Game Commission into the 21st Century. We can make history here today by the vote that we make for president.

So I'm appealing to all the folks in the Commonwealth, not just those folks who bought hunting licenses and I would ask you all to bring the Game Commission into the 21st Century.

PRESIDENT RILEY: Roxane, Mr. Boop brings up this polarization. I'd like you to address that.

MRS. PALONE: I've been a conservationist for about 23 years, both as Commissioner and as my job as a forestry and I feel I have very broad support and I don't polarize. I just have strong convictions. I believe in

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those convictions, and I've had those same convictions all my life.

I've had the same convictions on this Board every time that I vote. Before I became a Commissioner, I made my views known, and I don't believe that I have changed them, as my voting record will indicate.

I have support from folks in the Turkey Federation and other groups, the Federation of Sportsmen's Clubs. Also, other groups, such as, Conservation Districts, the Society of American Foresters, people that aren't traditionally associated with sporting clubs, but I also do have support from sporting clubs. I belong to my local sporting club, which I have belonged to for most of my life.

If I am polarizing it's just because I have convictions that I believe I need to stick to and I believe that I need to stick to that oath that I took. And I take that oath very seriously. It's for all the people and all the natural resources. Natural resources include trees, and plants and wildflowers, snakes, and birds, fish and mammals.

PRESIDENT RILEY: And deer, too?

MRS. PALONE: Yes. I love deer. That's my favorite thing to hunt.

But also I really believe that we are supposed to represent all the people in the Commonwealth.

Commissioner Ken Rhodes, from Philadelphia, said

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that so eloquently in the 1890's, that he was a Commissioner for everyone, that he didn't just have a certain constituency, that he believed that Commissioners should serve everyone.

PRESIDENT RILEY: Commissioners, any comments for Mrs. Palone?

(No response.)

PRESIDENT RILEY: Thank you, Roxanne.

Mike, if you would pass out ballots to the Commissioners, please?

(Ballots passed out to Commissioners.)

MR. MOHR: Can I have a couple comments please before we vote?

PRESIDENT RILEY: You can have comments, yes.

MR. MOHR: You know the debate seems to be that one individual is capable or maybe not capable of handling the presidency, and I don't think that's it at all. I think either one of the candidates we have there can do a well job, a good job in a different situation.

It's just the situation we're in right now I'm favoring the one candidate over the other. Last year at this time the scenario posing, it was different. It's not that any one of us up here have an opposing affect with each or any one of the candidates.

I know the feeling when you're looked over, but I

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wasn't the person to lead the agency and that's why. This year we're going into big battle this year, and if you look back in history, not too many people who went to a gunfight with a knife lived to talk about it.

PRESIDENT RILEY: Thank you, sir.

Any other comments?

MR. HILL: First, I'd like to mention if you make a comment in this circumstance you run the risk of making everyone mad for independent reasons. I hope I don't distinguish myself in that regard.

I think a couple of points that are very important here, including we had this discussion and we made this discussion and we're doing it now. We're laying bare a couple of things.

One of them is we should be, in my eyes, our thoughts about management generally. I'm making the decision to support Commissioner Boop for two very simple reasons, the first being varied and merit.

I'm not voting for a particular agenda. I'm voting for what I perceive to be, after three meetings, which is mainly this year, a skill set. It's as simple as that, a skill set adapted to where I think we're going to be in the next 12 months. I can understand why that may cause some people some concern, I guess, or disappointment.

But another thing that might cause them concern at

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this point is this thought. With regard to fit and merit, I don't think there should be a rotation among any board. I put myself in that category now. I think we ought to vote year in and year out on the best person for that area going forward.

I think we also ought to have the best policy going forward and therein lies the drive people as well as policy. I'm making this decision based on that alone.

I run the risk of upsetting people I guess on every decision I can make up here, but you'll find me to be very consistent about fit and merit on every decision. That's how I feel on that and I hope people genuinely believe that. I think it's important you do. I hope I going forward continue to prove that.

Thank you, sir.

PRESIDENT RILEY: Thank you, Commissioner.

I think Commissioner Mohr and Commissioner Hill touched on what it is we are and who we are and it's not who we vote for or don't vote for. We all have our own responses.

Commissioner Hill is absolutely right, anybody on this table is worthy to serve in this position. It's just a candidate's service because of strengths. They are asked to serve the Commission.

When I first got involved with this Commission I

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asked how much of my time it would take. They said, oh, I'll have to say it won't. If you have to say a day, is closer to the truth.

Everybody up here is asked to take, and they will get in your face to discuss issues and their standpoints, but I don't think there's any animosity between people. It's just one group think that's Mrs. Palone is the one for the office, because of their thoughts, and others would say that Mr. Boop would be the better of the two candidates.

So having said that and if there's no other remarks to be made by the Commissioners--

MR. SCHREFFLER: No, just one. I just ask that everybody vote for someone, not against someone. Vote for them. You consider voting on conviction, rather than on the Game Commission. Think about what's best for whichever person, what's best for which will be able to serve the Commission.

That's all.

PRESIDENT RILEY: Thank you very much. Very valid statement. Vote for someone.

I think we're ready, Mike. Everyone has a ballot.

MR. SCHLEIDEN: Commissioner Riley, I hear the two. The Commission is really very eloquent and I respect your opinion and I respect the opinion of the other Board members.

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I do believe that each of us are voting for rather than against. I know it's a very difficult thing for a very valid reason.

I must tell you that having served on this Board, I guess Steve's probably been on it longer, but we've been here a while and we've observed a number of very difficult decisions that had to be made. When you make difficult decisions you do, you're correct, sir, you do tend to upset. Sometimes it's a small faction that views you of small, vociferous faction that views one or another Commissioner as being polarizing.

The fact is that Commissioner Palone has an opportunity, this Board has an opportunity to make history. Without a doubt, what this agency has been about and what this Board has been about is to be all-inclusive. We worked very hard on various issues to bring more people to the table of this outstanding agency and the thing we all love so dearly, and that's the outdoors, the habitat, the resource and our wildlife. It's called wildlife for everyone.

Palone's polarization basically was over what I viewed as one subject and one species. I happen to know with that particularly species is a great love and she admires it. She also brings a wealth of knowledge, a wealth of knowledge. She didn't talk about her trainings overly.

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She brings a wealth of knowledge to this Board, an expertise to this Board that is beyond most of us in the field of wildlife habitat uses. That's very important.

Sometimes she asks very difficult questions amongst the Board and personnel. I believe that this agency is at that point in life that we need to step up to the plate, move forward and bring us into the 21st Century and I believe that Roxane is willing to do that.

Thank you, sir.

PRESIDENT RILEY: Are there any other comments?

(No response.)

PRESIDENT RILEY: Hearing none, Mike, we'll go ahead and vote.

DEPUTY EXECUTIVE DIRECTOR SCHMIT: Will you grant me a latitude to have one personal witness to do the counting?

PRESIDENT RILEY: Absolutely.

DEPUTY EXECUTIVE DIRECTOR SCHMIT: I'd like to have Mike Dubaich to do that for me.

PRESIDENT RILEY: Mike's fine. One or however many you'd like.

(Deputy Executive Director Schmit and Mike Dubaich leave room to count the votes.)

DEPUTY EXECUTIVE DIRECTOR SCHMIT: Mr. President, you're still deadlocked at four/four.

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PRESIDENT RILEY: I think we're going to take a break for lunch. We'll be back here at 1 o'clock.

(Lunch break.)

(Reconvened 1:15 P.M.)

PRESIDENT RILEY: Well, here we are again. We've had lunch.

So, are there any comments from any of the Commissioners, any of the candidates?

(No response.)

PRESIDENT RILEY: If not, I guess we'll try our secret ballot again, see what we have. One thing we know, we have to stay here until it's done. You don't have to stay here. We'll have a secret ballot. You'll have to be approved and you'll have to be nominated. Everybody write your name on that secret ballot and you're a candidate.

Anyhow, Mike Schmit and Mike D. may be a little thinner before the afternoon is over, running around getting the secret ballots, but I guess we're going to try it again.

DEPUTY EXECUTIVE DIRECTOR SCHMIT: If everybody would write down the name of the individual they support and fold it once?

(Deputy Executive Director Schmit and Mike Dubaich leave room to count the votes.)

DEPUTY EXECUTIVE DIRECTOR SCHMIT: Commissioner Riley, your work is not complete. We're still deadlocked at

four.

PRESIDENT RILEY: I'm so pleased to hear that. Commissioners, any suggestions, ideas? Do the candidates want to flip a coin?

MR. BOOP: No.

PRESIDENT RILEY: They don't want to flip a coin. Nobody wants to respond?

MR. BOOP: No.

MR. SCHREFFLER: Commissioner, your comment a while ago that anybody could put anyone's name down, is that what you said?

PRESIDENT RILEY: Anyone could put any of the members of the Board there. If they have to put, the person's whose name would have to agree to serve at that point. If they didn't agree to serve, that's out.

MR. SCHLEIDEN: Mr. President, would it, however it would be more appropriate, if that was the case, if they should actually have a nomination, I'm not saying it has to be, the name that you want to put, you would have to let them accept or refuse the nomination at that point?

PRESIDENT RILEY: Well, we can open the nominations again.

MR. SCHLEIDEN: That's what I'm saying.

PRESIDENT RILEY: If everybody agrees to that. If somebody wants to nominate another party or even if they

don't nominate, they still have the right to.

If anybody, whether you're nominated or not, you have to agree to serve.

So, do we agree to open the nomination for additional names?

MR. BOOP: Whatever the Board wishes.

PRESIDENT RILEY: Board members, yes/no?

One of the Commissioners said we make a motion to reopen the nominations so we'll get a consensus there for people agree to do that or we're not going to.

I open the Board for further nominations. The slate's open for nominations. If that needs approval, I'm not sure, but if everybody approves, then at least we have that, in case somebody wants to do it or just wants to have found somebody else. If not, we will go through the voting process again.

You just have to understand that we can use up for practicability the whole table. We have to come to a consensus. We have to vote for president, so it's as simple as that or not as simple as that.

So with that--

MR. SCHLEIDEN: Commissioner, maybe counsel can advise us, if we're not able to reach a conclusion, would the presiding president stay in the office as president until such time, as in your case, imparts? Is that a viable

-- is that legal, Counsel?

MR. POUSS: Well, if you look at Section 221 of the Game and Wildlife Code, it is specific and mandatory. It says that "The meeting held in January of each year the Commission shall elect one of its members a president, one as vice president and one as secretary. These officers shall hold office for a period of one year." So there's not a whole lot of -- there's a lot of "shall" there, so to speak.

PRESIDENT RILEY: So here we are. We just need to think about that and let's try our secret ballot again, see if we turn up with anything.

MR. POUSS: I guess I might emphasize, Robert's Rules does say that although closing nominations other candidates can be endorsed publicly. It doesn't stop members from voting for others in the election. So you could put any name you want down on that ballot, on the Commission, of course.

PRESIDENT RILEY: Let's try the voting process one more time here.

(Deputy Executive Director Schmit and Mike Dubaich leave room to count the votes.)

DEPUTY EXECUTIVE DIRECTOR SCHMIT: No changes, Mr. President, four/four.

PRESIDENT RILEY: We got to stay the course. We'll be here a long time. Nobody moves.

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Any new thoughts? Any new ideas?

(No response.)

(Pause.)

PRESIDENT RILEY: Well, we're going to call this Board out for another recess, see if we can get some experts, see if they can give us any direction as to how to resolve this.

(Recess 1:25 P.M.)

(Reconvened 2:00 P.M.)

PRESIDENT RILEY: We're still waiting for more legal opinions. That hasn't happened yet.

Any new thoughts, Commissioners, candidates? I would suggest that we try our voting process again, see if we've made any headway at all in this thing.

Mike.

(Deputy Executive Director Schmit and Mike Dubaich leave room to count the votes.)

DEPUTY EXECUTIVE DIRECTOR SCHMIT: No movement, sir, four/four.

PRESIDENT RILEY: Well, we're here.

MR. SCHLEIDEN: Are we waiting for advice?

PRESIDENT RILEY: Yeah, we're waiting for advice. We have to do this in January. There's no sense in recessing. If we have to come back here on Monday or Tuesday with the whole eight Commissioners, that's where

we're at.

MR. SCHLEIDEN: If we suspend the January meeting until, just a thought, we suspend the January meeting, is that still considered our January meeting?

PRESIDENT RILEY: It says in January.

Nothing's going to change as long as we stay the course. We'll just continue for 15 minutes or 20 minutes, have a secret ballot. See if anything changes. You all have your secret ballots. If nobody's willing to change, then nobody's willing to change.

The Board, as I said, needs to determine that what we're trying to affect here, one side against the other is not going to happen. So I think the candidates need to think seriously about that. I think the other six Commissioners need to think seriously about that. I think we've had four votes.

I think we know where the candidates are at. They don't want to give up the good life. Our reporters don't want to give up either. It's apparent that game plan is not going to work.

I believe if we had a third candidate that would free up. I think we'll continue to sit here and listen to me. Nothing's going to change our thinking. Nothing's going to change on the ballot. Nothing changes on the ballot, nothing changes our thinking.

Any other suggestions?

MR. SCHLEIDEN: Another thought, Mr. President. The elections have to be by the end of January; is that correct?

PRESIDENT RILEY: Yes.

MR. SCHLEIDEN: Is there any possibility of adjourning the meeting and advertising a special meeting?

PRESIDENT RILEY: I think that what we would do probably, Russ, we'd have to talk with Bill about that, would be a recess on this.

MR. SCHLEIDEN: But we could recess if we have until Monday, but we can't recess beyond that?

PRESIDENT RILEY: Yeah, that's my understanding. The thing is, getting these Commissioners back out would be a very difficult task.

MR. MOHR: Bill, what was supposed to be happening? Couldn't these guys be here?

MR. POUSS: He's supposed to come, as soon as he gets out.

PRESIDENT RILEY: So we have no news from the specialist. I don't know what we would do if we didn't have a specialist, who to contact without the specialist.

MR. SCHLEIDEN: Do you want to recess?

PRESIDENT RILEY: Let's recess.

(Recess 2:07 P.M.)

(Reconvened)

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PRESIDENT RILEY: We're going to suspend the voting on the president at this point and go to the secretary, if we can get that accomplished. The vice president will work her way up the thing.

The report of the nominating committee--

MR. SCHLEIDEN: Excuse me, Mr. President. I think that Mrs. Palone wanted to--

PRESIDENT RILEY: That's right. She wants to make a statement.

MRS. PALONE: Mr. President, I'm not sure if this is the proper way, but I wanted to make a motion. In looking at some other documents and some other things of elections, I wanted to make a motion to ask the Board that we resolve this presidency by the coin toss you had mentioned earlier and the winner would be the president and the loser would be the vice president.

I was going to ask Director Schmit if he would toss the coin and offer that Mr. Boop could call it. That's my motion. I'm making that as a motion.

MR. SCHLEIDEN: I believe, Mr. President, that doesn't need to be a motion to be a challenge to the--

PRESIDENT RILEY: Yeah, I think that's just a statement. I don't think that's a motion for us to--

MRS. PALONE: Well, I'm asking it, for it to be a motion.

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PRESIDENT RILEY: I don't think, Roxanne, properly that it should be a motion.

MRS. PALONE: Oh, okay.

PRESIDENT RILEY: I think Tom can accept the challenge and it's recorded. He can either accept or deny and we'll go from there.

MR. BOOP: May I respond, Mr. President?

PRESIDENT RILEY: Yes, sir.

MR. BOOP: I just feel that we have gone this far with the agency involved. It's just not fair to go with the vagaries of a coin flip. I had an experience with this with an election for a president judge and no one was happy with the result that I just can't accept that resolution.

PRESIDENT RILEY: Okay.

MR. SCHLEIDEN: Mr. President, I'd like to request, in concurrence with the Board, that we suspend the election for president at this time and begin the voting process on secretary and then vice president.

PRESIDENT RILEY: Okay, so we know that Greg Isabella is the nominating committee's candidate. Are there any other nominations from this Board for secretary?

(No response.)

PRESIDENT RILEY: Are there any other nominations from this Board for secretary?

(No response.)

PRESIDENT RILEY: If not, I declare those nominations closed.

Let's do a roll call, Tom.

MR. BOOP: For the office of secretary, Greg Isabella, how do you vote?

Riley.

PRESIDENT RILEY: Yes.

MR. BOOP: Palone.

MRS. PALONE: Yes.

MR. BOOP: Boop.

Yes.

Schleiden.

MR. SCHLEIDEN: Yes.

MR. BOOP: Mohr.

MR. MOHR: Yes.

MR. BOOP: Isabella.

MR. ISABELLA: Yes.

MR. BOOP: Schreffler.

MR. SCHREFFLER: Yes.

MR. BOOP: Hill.

MR. HILL: Yes.

MR. BOOP: Unanimous.

PRESIDENT RILEY: Thank you, sir.

We have a secretary. See the progress you can make. It's not even dinnertime yet.

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MR. ISABELLA: Mr. President, I've been dying to say "unanimous, Mr. Secretary."

MR. BOOP: Soon, Greg, soon.

PRESIDENT RILEY: Not yet, Greg. You can save that for the next president, if you will.

I'm sure you're going to have some other things to say to me other than "it's unanimous."

Anyhow, we know that the nominating committee report for the office of vice president was Roxanne Palone.

Are there any other nominations from this Board for the office of vice president?

(No response.)

PRESIDENT RILEY: Are there any other nominations from this Board for vice president of this organization?

(No response.)

PRESIDENT RILEY: Hearing none, I declare the nominations closed.

Mr. Boop, if we can do roll call again.

MR. BOOP: For the election of office of vice president for Roxanne Palone, how do you vote?

Riley.

PRESIDENT RILEY: Yes.

MR. BOOP: Palone.

MRS. PALONE: Yes.

MR. BOOP: Boop.

Yes.

Schleiden.

MR. SCHLEIDEN: Yes.

MR. BOOP: Mohr.

MR. MOHR: Yes.

MR. BOOP: Isabella.

MR. ISABELLA: Yes.

MR. BOOP: Schreffler.

MR. SCHREFFLER: Yes.

MR. BOOP: Hill.

MR. HILL: Yes.

PRESIDENT RILEY: Mrs. Palone, will you serve in this office?

MRS. PALONE: Yes, Mr. President, and if I could, could I make a statement, please?

PRESIDENT RILEY: Go right ahead.

MRS. PALONE: When I addressed you all down here at the podium I made the point that I took an oath to uphold the Constitution of the Commonwealth, and that the natural resources of the Commonwealth belong to all the people, whether they buy a hunting license or not.

Also, all the natural resources include other things besides birds and mammals. They also include plants and wildflowers and things like that. So in the spirit of cooperation and what I feel is for the good of the

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Pennsylvania Game Commission and all of our stakeholders, and as an act of good faith and true leadership, I withdraw my name as nominee for president.

I am not polarizing. I am a true conservationist and take my oath of office seriously. I will do my best to fulfill the trust that you have bestowed upon me as vice president.

(Applause.)

(Commissioner Palone withdrew name as president at 2:58 P.M.)

PRESIDENT RILEY: Thank you very much, Roxanne.

I now give you the new president of the Board of Commissioners for the Pennsylvania Game Commission.

MR. BOOP: Mr. Riley, may I say something?

PRESIDENT RILEY: You certainly may.

MR. BOOP: This has been very difficult for all of us and I think it's a question of style. I also took the same oath two-and-a-half years ago and believe in the same things, but if I am to serve in this office I need to know that you will vote for me, so I would ask you that we have a vote.

PRESIDENT RILEY: You will ask what?

MR. BOOP: I would ask that we have a vote to act as president.

PRESIDENT RILEY: Well, lawyers are tough to deal

with.

MR. BOOP: I would prefer to let Mr. Isabella call the roll.

PRESIDENT RILEY: Are you ready, the new Mr. Secretary?

MR. ISABELLA: I'm ready.

PRESIDENT RILEY: Will somebody on this Board please make a motion?

MR. SCHLEIDEN: He's already nominated and he's already accepted. You can just ask for a confirmation vote, sir.

PRESIDENT RILEY: Confirmation vote. Let's do a roll call.

(Roll call vote for Commissioner Boop at 2:59 P.M.)

MR. ISABELLA: Mrs. Palone.

MRS. PALONE: Yes.

MR. ISABELLA: Mr. Boop.

MR. BOOP: Yes.

MR. ISABELLA: Mr. Schreffler.

MR. SCHREFFLER: Yes.

MR. ISABELLA: Mr. Riley.

PRESIDENT RILEY: Yes.

MR. ISABELLA: Mr. Schleiden.

MR. SCHLEIDEN: Yes.

MR. ISABELLA: Mr. Hill.

MR. HILL: Yes.

MR. ISABELLA: Mr. Isabella.

Yes.

Mr. Mohr.

MR. MOHR: Yes.

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT RILEY: Thank you very much.

(Applause.)

PRESIDENT RILEY: I want to thank everybody for their indulgence, for sticking in there, hanging in there. It's a tough process and we have strong people with strong beliefs. They're good quality people. They just have different ideas of where we're going and how we're going to get there.

So thank God we were successful today and, hopefully, we can go forward from here with a new state of officers. There's a very large task before this Board in the future and we have to have a strong group of Commissioners here to deal with that. I think we have that Board. Under Tom's leadership, I'm sure we will do well.

We're counting on Roxanne and Greg Isabella to pick up their end of things.

I want to thank you for all the help that you've given me and some of the help you haven't given me. It's a

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tough business. It takes a lot of time, but we've accomplished a lot of things and we're on the road to better things. We have better understandings of some of the things that Tom brought up and certainly some of the things that Roxanne has brought up about our host and all the wild creatures and the diversity of the forest and those things.

Of course, deer hunters, bear hunters, turkey hunters are our mainstay. We hear from them most readily, but we can't forget our obligations to others.

So, again, thank you for everything you've done to help make my job a little bit easier. It's been a great time and now I'll disappear into the woodwork.

Thank you very much.

We are adjourned. Thank you again.

(Meeting adjourned 3:00 P.M.)

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

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

Marlene DePanfilis, Reporter Notary Public