

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
JANUARY 23, 2007

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

January 23, 2007
8:30 A.M.

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BEFORE:

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

ALSO PRESENT:

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

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1 PRESIDENT BOOP: Good morning ladies and
2 gentlemen. I welcome you to the Tuesday meeting.
3 This is the business section of our January
4 Commission meeting. I'd like to call the meeting
5 to order and ask you to join us in the Pledge of
6 Allegiance to the flag.

7 (Pledge of Allegiance said.)

8 PRESIDENT BOOP: Just a few preliminary
9 remarks. I'd like to welcome former Executive
10 Director, Vern Ross, who's in the audience today.
11 Welcome, Vern. Thank you for joining us.

12 We are going to be following, as many of
13 you who have been here in the past, the preprinted
14 agenda, which is up front. If any of you do not
15 have the agenda, there are additional copies up
16 here, if you want to come up and get them. We are
17 going to be following the agenda.

18 It's a smaller group today, of course,
19 than it was on Sunday or yesterday, but we just
20 simply ask you if you have cell phones to turn
21 them off. It's very distracting when they go off
22 during the course of the meeting. Pretty much
23 we've concluded the preliminary remarks.

24 I would call on our Secretary,
25 Commissioner Isabella, to read the roll.

1 COMMISSIONER ISABELLA: Okay, Mr.
2 President.

3 Commissioner Boop.

4 PRESIDENT BOOP: Present.

5 MR. ISABELLA: Commissioner Palone.

6 MRS. PALONE: Present.

7 MR. ISABELLA: Commissioner Isabella.

8 Present.

9 Commissioner Schleiden.

10 MR. SCHLEIDEN: Present.

11 MR. ISABELLA: Commissioner Schreffler.

12 MR. SCHREFFLER: Present.

13 MR. ISABELLA: Commissioner Hill.

14 MR. HILL: Here.

15 MR. ISABELLA: Mr. President, all present
16 and accounted for.

17 PRESIDENT BOOP: Thank you, Commissioner
18 Isabella.

19 PRESIDENT BOOP: We have our minutes from
20 the October meeting, which was held on October 3,
21 2006.

22 Is there a motion that those minutes be
23 approved?

24 COMMISSIONER ISABELLA: So moved.

25 PRESIDENT BOOP: Commissioner Isabella.

1 Is there a second?

2 COMMISSIONER SCHLEIDEN: Second.

3 PRESIDENT BOOP: Commissioner Schleiden.

4 Any discussion?

5 (No response.)

6 PRESIDENT BOOP: If not, all in favor
7 indicate by saying aye.

8 (Signified aye.)

9 PRESIDENT BOOP: Opposed same sign.

10 (No response.)

11 COMMISSIONER ISABELLA: Unanimous, Mr.
12 President.

13 PRESIDENT BOOP: Thank you, Mr.
14 Secretary.

15 For 2007 and including our January 2008
16 meetings, we have the proposed dates. These are
17 printed in the formal agenda for April, June,
18 October of '07 and, also, January of '08. The
19 Commissioners have had these for some time.

20 Is there a motion that the meeting
21 schedule as presented be approved?

22 COMMISSIONER ISABELLA: Mr. President,
23 wasn't there an issue with the April 16, 17?

24 PRESIDENT BOOP: There was discussion
25 about that and I think if we have a motion and a

1 second we can talk about that under discussion.

2 Is there a motion first?

3 COMMISSIONER SCHREFFLER: So moved.

4 PRESIDENT BOOP: Commissioner Schreffler.

5 Is there a second?

6 COMMISSIONER SCHLEIDEN: Second.

7 PRESIDENT BOOP: Now, is there

8 discussion?

9 COMMISSIONER ISABELLA: I think there was
10 an issue on the April dates.

11 PRESIDENT BOOP: I believe the discussion
12 that had come up was that fishing season starts on
13 the Saturday, the fourteenth, and this is Monday
14 and Tuesday the sixteenth and seventeenth. I
15 think that was the concern.

16 But there was also concern about changing
17 the dates with respect to the required publication
18 schedules that we need to adhere to.

19 EXECUTIVE DIRECTOR ROE: Mr. President,
20 you asked me yesterday evening to look into the
21 dates. In the southeast and halfway through our
22 southcentral region, trout season starts March 31,
23 as a change to the regulations of the Fish and
24 Boat Commission. So there is a split starting
25 season this year for the opening of trout. So it

1 depends upon where are in the State as to when, in
2 fact, that opening date occurs.

3 COMMISSIONER SCHLEIDEN: Mr. President.

4 PRESIDENT BOOP: Yes, Commissioner
5 Schleiden.

6 COMMISSIONER SCHLEIDEN: For a number of
7 years now we didn't have that meeting date. I
8 understand we have a problem getting it into the
9 bulletin. So I would suggest, since the Fish and
10 Boat are having their meeting right now, we send a
11 runner over and have them change the starting date
12 of the fishing for us.

13 PRESIDENT BOOP: After the meeting we'll
14 designate you to do that, Commissioner Schleiden.

15 COMMISSIONER SCHLEIDEN: I'll be more
16 than happy to do that. Would you like me to go
17 before the end of the meeting now? That's your
18 choice.

19 PRESIDENT BOOP: I think we have a quorum
20 problem if you do that.

21 COMMISSIONER PALONE: Mr. President.

22 PRESIDENT BOOP: Yes, Commissioner
23 Palone.

24 COMMISSIONER PALONE: We had talked about
25 starting the meeting a little later in the week,

1 maybe having it the seventeenth and eighteenth.

2 PRESIDENT BOOP: We did discuss that. I
3 think the appropriate thing would be to offer an
4 amendment, if you want to offer an amendment to do
5 that?

6 COMMISSIONER PALONE: Okay.

7 PRESIDENT BOOP: So your amendment would
8 be what?

9 COMMISSIONER PALONE: For the meeting to
10 be April 17 and 18.

11 PRESIDENT BOOP: So it would be Tuesday
12 and Wednesday, rather than Monday and Tuesday?

13 COMMISSIONER PALONE: Yes.

14 PRESIDENT BOOP: Is there a second to the
15 amendment to the motion by Commissioner Palone?

16 COMMISSIONER ISABELLA: Second.

17 PRESIDENT BOOP: Commissioner Isabella.
18 Is there discussion on the amendment?

19 COMMISSIONER SCHLEIDEN: Mr. President,
20 asking Carl Roe, our Executive Director, do you
21 see a problem with that?

22 EXECUTIVE DIRECTOR ROE: One more day
23 either way in that week is not going to make that
24 much of a difference for us, so . . .

25 PRESIDENT BOOP: So you've heard the

1 discussion on the amended motion, which would be
2 to change the April meeting date for Monday and
3 Tuesday, the sixteenth and seventeenth, to Tuesday
4 and Wednesday, the seventeenth and eighteenth.

5 Is there any additional discussion on the
6 amendment motion, the motion as amended?

7 (No response.)

8 PRESIDENT BOOP: If not, all those in
9 favor of the amendment motion indicate by saying
10 aye.

11 (Signified aye.)

12 PRESIDENT BOOP: Opposed same sign.

13 (No response.)

14 COMMISSIONER ISABELLA: Unanimous, Mr.
15 President.

16 PRESIDENT BOOP: So the motion as now
17 amended would be to have the meeting on the
18 seventeenth and eighteenth. All in favor of the
19 original motion as amended.

20 (Signified aye.)

21 PRESIDENT BOOP: Opposed same sign.

22 (No response.)

23 PRESIDENT BOOP: So that date will now be
24 the seventeenth and eighteenth.

25 Is there any discussion with respect to

1 any of the other dates?

2 (No response.)

3 PRESIDENT BOOP: I guess that maybe was a
4 little bit convoluted, but we just did the April
5 separately, but let's do all of the dates now.
6 We'll approve all of the dates with the April date
7 as amended.

8 All in favor indicate by saying aye.

9 (Signified aye.)

10 PRESIDENT BOOP: Opposed same sign.

11 (No response.)

12 COMMISSIONER ISABELLA: Unanimous, Mr.
13 President.

14 PRESIDENT BOOP: Thank you, Commissioner
15 Isabella.

16 If we could move now to page 2 of the
17 printed material, call on counsel, Mr. Pouss, to
18 give us the reading.

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

20 The first item on the agenda relates to
21 the State Wildlife Grant Program.

22 Congress appropriated funds under the
23 State Wildlife Grant Program (SWG) directly and
24 exclusively to state wildlife agencies for
25 "wildlife species of the greatest conservation

1 concern."

2 Pennsylvania is eligible to receive these
3 funds for fish and wildlife projects under the SWG
4 program. We are recommending approval of the two
5 projects listed in Exhibit A.

6 Projects listed in Exhibit A will not
7 require any net reduction in the Game Fund, since
8 both are cooperator projects. The Game Commission
9 will simply function as a conduit for these
10 federal funds. If approved, the Game Commission
11 will contact with the organizations and
12 investigators of these projects and pay SWG-
13 eligible costs from the Game Fund.

14 The Game Fund will be reimbursed by the
15 U.S. Fish and Wildlife Service, Federal Aid
16 program using SWG funds. The Game Commission will
17 receive up to 3 percent of all SWG funds to
18 administer the program.

19 You can see that the two items relating
20 to the SWG program are on page 3 of your agenda in
21 Exhibit A.

22 The Executive Director and staff
23 recommend approval of the State Wildlife Grant
24 projects listed in Exhibit A.

25 PRESIDENT BOOP: Exhibit A is before you.

1 Bureau Director Cal DuBrock, from the Bureau of
2 Wildlife Management, is present at the podium and
3 available to answer any questions concerning
4 Exhibit A.

5 Is there a motion to approve?

6 COMMISSIONER ISABELLA: So moved.

7 PRESIDENT BOOP: Commissioner Isabella.

8 Is there a second?

9 COMMISSIONER SCHREFFLER: Second.

10 PRESIDENT BOOP: Commissioner Schreffler.

11 Is there discussion on the motion?

12 (No response.)

13 PRESIDENT BOOP: Seeing none, all those
14 in favor indicate by saying aye.

15 (Signified aye.)

16 PRESIDENT BOOP: Opposed same sign.

17 (No response.)

18 COMMISSIONER ISABELLA: Unanimous, Mr.
19 President.

20 PRESIDENT BOOP: Thank you.

21 Moving to page 4, we're now moving to the
22 Bureau of Wildlife Protection. The Chair would
23 recognize Director Palmer and go back to counsel
24 for the reading with respect to page 4.

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

1 The first item relates to adopted rule
2 making, more specifically, relating to proposed
3 amendments to Chapters 141, 143 and 147 of Title
4 58 of the Pa. Code.

5 To effectively manage the wildlife
6 resources of this Commonwealth, the Game
7 Commission, at its October 3, 2006 meeting,
8 proposed the following changes:

9 Amend Chapter 143, Subchapter A,
10 (relating to general); B (relating to appointment
11 of agents); C (relating to antlerless deer
12 licenses); D (relating to bear licenses); E
13 (relating to flintlock - muzzleloader deer
14 licenses); J (relating to migratory game bird
15 license); and K (relating to elk licenses); and
16 Chapter 147, Subchapter R (relating to deer
17 control); and S (relating to bobcat hunting-
18 trapping permit) to accommodate the implementation
19 of the Commission's new POS licensing system
20 within this Commonwealth.

21 Also, amend §141.48 (relating to elk
22 management units), §143.206 (relating to validity
23 of license) and §143.207 (relating to unlawful
24 acts) to redesignate "elk management areas/units"
25 as "elk hunt zones."

1 It is important to identify that staff
2 has consolidated the above mentioned rule making
3 packages into one item on this agenda even though
4 these packages were originally presented as
5 separate proposal at the Commission's October 3,
6 2006 meeting. The purpose of this consolidation
7 was to ensure accuracy and clarity in the
8 regulatory language being considered for final
9 adoption in light of the fact that these
10 individual packages amend several of the same
11 provisions. This consolidation is administrative
12 in nature and does not in any way affect the
13 substance of either rule making package.

14 The Executive Director and staff
15 recommend final adoption of these amendments to 58
16 Pa. Code, as shown in Exhibit A, which is on pages
17 5 through 14 of your agenda.

18 PRESIDENT BOOP: Before asking for any
19 action on this item of the agenda which appears as
20 five through 14, I'd like to call on Executive
21 Director Roe for comment concerning the current
22 recommendation with respect to this item.

23 EXECUTIVE DIRECTOR ROE: Thank you, Mr.
24 President.

25 As many of you know, this proposed rule

1 making change is dealing with Point of Sale system
2 as it moved through and moved forward. Last Fall
3 when we proposed this, we thought Point of Sale
4 was in pretty good shape, although they were
5 pretty much behind schedule in a couple of areas.

6 Since that time we believe they've fallen
7 further behind and missed some significant
8 deadlines for us.

9 So we, as a staff, would ask that we
10 table this until April, and see where they are,
11 our contractor is on Point of Sale. If they are
12 where we think they can make their deadline of
13 June 15, we would ask the Board to reconsider at
14 that time, but at the present time table this
15 proposed change until April.

16 PRESIDENT BOOP: So we had had
17 preliminary approval in October, and the
18 recommendation was initially for final adoption,
19 but now the request is to table. So the request
20 of this Executive Director and staff is to table.

21 Do we have a motion?

22 COMMISSIONER ISABELLA: So moved.

23 PRESIDENT BOOP: Commissioner Isabella
24 has made a motion to table.

25 Is there a second to the motion?

1 COMMISSIONER SCHLEIDEN: Second.

2 PRESIDENT BOOP: Commissioner Schleiden.

3 Is there discussion or debate on the
4 motion?

5 COMMISSIONER PALONE: Mr. President.

6 PRESIDENT BOOP: Yes, Commissioner
7 Palone.

8 COMMISSIONER PALONE: I'd like to amend
9 that to--

10 PRESIDENT BOOP: Excuse me, Commissioner
11 Palone. I believe that what we were told
12 yesterday with respect to the first part has been
13 changed this morning. I think you're doing what
14 we thought we were going to do to retain 141.48
15 with respect to the elk zones?

16 COMMISSIONER PALONE: Yes.

17 PRESIDENT BOOP: Again, just if I could
18 just ask we defer that back to Executive Director
19 Roe.

20 EXECUTIVE DIRECTOR ROE: Yes, we had
21 further discussions this morning on that and felt
22 that rather than start piecemealing the package,
23 because there's another portion in there later on
24 that relates to that same part of the title, that
25 we said just table the whole issue and we'll deal

1 with that in April, as necessary.

2 PRESIDENT BOOP: I appreciate what you
3 were trying to do, because that's what we did
4 discuss yesterday, but five minutes ago we were
5 indicated it's better to table it all.

6 COMMISSIONER PALONE: Then I withdraw my
7 motion.

8 PRESIDENT BOOP: So we have a motion and
9 a second to table this agenda item.

10 Is there any additional discussion or
11 debate?

12 (No response.)

13 PRESIDENT BOOP: If not, all those in
14 favor of the motion to table indicate by saying
15 aye.

16 (Signified aye.)

17 PRESIDENT BOOP: Opposed same sign.

18 (No response.)

19 COMMISSIONER ISABELLA: Unanimous, Mr.
20 President.

21 PRESIDENT BOOP: We move now to page 15.

22 MR. POUSS: Yes, Mr. President, and that
23 relates to adoption of proposed amendment to
24 §147.746.

25 To effectively manage the wildlife

1 resources of the Commonwealth, the Game
2 Commission, as its October 3, 2006 meeting,
3 proposed the following change:

4 Amend §147.476 (relating to exceptions
5 for resident Canada geese) to remove the necessity
6 for a person to obtain a joint state/federal
7 depredation permit to control the number of
8 resident Canada geese on their property to certain
9 circumstances.

10 The Executive Director and staff
11 recommend final adoption of this amendment to 58
12 Pa. Code, as shown in Exhibit B, which is on pages
13 16 and 17 in your agenda.

14 PRESIDENT BOOP: Commissioners, you have
15 heard the reading. The action item appears on
16 pages 16 and 17.

17 Do we have a motion?

18 COMMISSIONER ISABELLA: Motion.

19 PRESIDENT BOOP: Commissioner Isabella
20 has made the motion.

21 Is there a second to the motion to adopt?

22 COMMISSIONER SCHLEIDEN: Second.

23 PRESIDENT BOOP: Commissioner Schleiden.

24 Is there discussion or debate on the
25 motion?

1 (No response.)

2 PRESIDENT BOOP: Hearing none, all those
3 in favor indicate by saying aye.

4 (Signified aye.)

5 PRESIDENT BOOP: Opposed same sign.

6 (No response.)

7 COMMISSIONER ISABELLA: Unanimous, Mr.
8 President.

9 PRESIDENT BOOP: Thank you, Mr.
10 Secretary.

11 Moving to page 18 of the agenda.

12 MR. POUSS: Yes, Mr. President, the next
13 item relates to adoption of proposed amendments to
14 §§141.41, 141.43 and 141.47.

15 To effectively manage the wildlife
16 resources of this Commonwealth, the Game
17 Commission, at its October 3, 2006 meeting,
18 proposed the following changes:

19 Amend §§141.41 (relating to general),
20 141.43 (relating to deer) and 141.47 (relating to
21 elk) to permit the lawful use of .50 caliber or
22 larger muzzleloading handguns while hunting deer,
23 bear and elk.

24 The Executive Director and staff
25 recommend that this rule making be tabled and that

1 the amendments to §§141.41, 141.43 and 141.47 be
2 further considered in the comprehensive rule
3 making package found in Item K of this agenda,
4 which I believe has already been tabled.

5 PRESIDENT BOOP: Now, with respect to the
6 recommendation, the Chair would call on Acting
7 Director Palmer.

8 Mr. Palmer, could you just give a brief
9 explanation as to staffs' recommendation?

10 MR. PALMER: Yes. This is similar to the
11 consolidation that we did in Item A, where this
12 particular set of regulations was up for final
13 adoption, but there's also regulations amending
14 the same section that are up for proposal.

15 So from an administrative process,
16 there's not a substantive change there. It's
17 simply making sure that we have all those sections
18 being amended at one time. So we're recommending
19 taking Section C that was up for final adoption
20 and it has been placed in Item K and included in
21 Item K as a proposal.

22 PRESIDENT BOOP: Thank you for that
23 explanation.

24 With that explanation, is there a motion
25 to table, as is recommended?

1 COMMISSIONER ISABELLA: Motion.

2 PRESIDENT BOOP: Commissioner Isabella.

3 Is there a second?

4 COMMISSIONER PALONE: Second.

5 PRESIDENT BOOP: Commissioner Palone.

6 Is there debate or discussion on the
7 motion?

8 (No response.)

9 PRESIDENT BOOP: Hearing none, all those
10 in favor of the motion to table indicate by saying
11 aye.

12 (Signified aye.)

13 PRESIDENT BOOP: Opposed same sign.

14 (No response.)

15 COMMISSIONER ISABELLA: Unanimous, Mr.
16 President.

17 PRESIDENT BOOP: Thank you, Mr.
18 Secretary.

19 We now move to page 21.

20 MR. POUSS: Which relates to the adoption
21 of proposed amendments to §§137.1 and 147.203.

22 To effectively manage the wildlife
23 resources of the Commonwealth, the Game
24 Commission, at its October 3, 2006 meeting,
25 proposed the following change:

1 Amend §§137.1 (relating to importation,
2 sale and release of certain wildlife) and 147.203
3 (relating to pens, shelters and enclosures) to
4 eliminate the remaining regulatory language
5 concerning those cervidae livestock activities no
6 longer regulated by the Commission.

7 The Executive Director and staff
8 recommend final adoption of these amendments to
9 Title 58 of the Pa. Code, as shown on Exhibit D.

10 PRESIDENT BOOP: Exhibit D appears as
11 pages 22 and 23 of the printed agenda.
12 Commissioners have it before you.

13 Is there a motion to adopt?

14 COMMISSIONER ISABELLA: Motion.

15 PRESIDENT BOOP: Commissioner Isabella.

16 Is there a second?

17 COMMISSIONER PALONE: Second.

18 PRESIDENT BOOP: Commissioner Palone.

19 Is there discussion or debate on the
20 motion?

21 (No response.)

22 PRESIDENT BOOP: Hearing none, all those
23 in favor indicate by saying aye.

24 (Signified aye.)

25 PRESIDENT BOOP: Opposed same sign.

1 (No response.)

2 COMMISSIONER ISABELLA: Unanimous, Mr.

3 President.

4 PRESIDENT BOOP: Thank you, Mr.

5 Secretary.

6 Moving to page 24.

7 MR. POUSS: Yes, Mr. President, the next
8 item relates to adoption of proposed amendments to
9 Chapter 147, Subchapter G and §147.146 of Title
10 58.

11 To effectively manage the wildlife
12 resources of this Commonwealth, the Game
13 Commission, at its October 3, 2006 meeting,
14 proposed the following changes:

15 Amend Chapter 147, by eliminating
16 Subchapter G (relating to taxidermy) to eliminate
17 the remaining regulatory language concerning those
18 taxidermy activities no longer regulated by the
19 Commission.

20 Also, amend §147.146 (relating to sale of
21 inedible wildlife parts) to relocate and maintain
22 allowances for taxidermists to sell unclaimed
23 specimens under certain conditions.

24 The Executive Director and staff
25 recommend final adoption of these amendments of 58

1 Pa. Code as shown in Exhibit E.

2 PRESIDENT BOOP: You've heard the reading
3 by Mr. Pouss. You have the recommendation by
4 staff and the Executive Director. The action item
5 is on page 25.

6 Is there a motion to adopt?

7 COMMISSIONER ISABELLA: Motion.

8 PRESIDENT BOOP: Commissioner Isabella.

9 Is there a second?

10 COMMISSIONER PALONE: Second.

11 PRESIDENT BOOP: Commissioner Palone.

12 Is there discussion or debate on the
13 motion?

14 (No response.)

15 PRESIDENT BOOP: Hearing none, all those
16 in favor indicate by saying aye.

17 (Signified aye.)

18 PRESIDENT BOOP: Opposed same sign.

19 (No response.)

20 COMMISSIONER ISABELLA: Unanimous, Mr.
21 President.

22 PRESIDENT BOOP: Thank you, Mr.
23 Secretary.

24 Turning to page 26.

25 MR. POUSS: Mr. President, the next item

1 relates to adoption of proposed amendments to
2 Chapter 135, Subchapter L, §§135.221 through
3 135.225 of Title 58.

4 To effectively manage the wildlife
5 resources of this Commonwealth, the Game
6 Commission, at its October 3, 2006 meeting,
7 proposed the following changes:

8 Amend Chapter 135, by adding Subchapter L
9 (relating to license for rights-of-way to
10 establish regulations governing the granting of
11 rights-of-way licenses on Commission owned lands
12 and water.

13 The Executive Director and staff
14 recommend final adoption of these amendments to
15 Title 58 as shown on Exhibit F.

16 PRESIDENT BOOP: You heard the reading.
17 This item appears as pages 27, 28 and 29.

18 Is there a motion to approve?

19 COMMISSIONER SCHLEIDEN: So moved.

20 PRESIDENT BOOP: Commissioner Schleiden.

21 Is there a second?

22 COMMISSIONER ISABELLA: Second.

23 PRESIDENT BOOP: Commissioner Isabella.

24 Is there discussion or debate?

25 COMMISSIONER PALONE: Mr. President.

1 PRESIDENT BOOP: Yes, Commissioner
2 Palone.

3 COMMISSIONER PALONE: Just to let folks
4 know that we wanted to make a change on page 28.

5 PRESIDENT BOOP: We do have a preprinted
6 page. It appears.

7 Are you offering that as an amendment,
8 Commissioner Palone?

9 COMMISSIONER PALONE: I'm not sure if
10 it's an amendment or just a replacement page.

11 PRESIDENT BOOP: I believe the white
12 pages are amendments and the blue are
13 replacements; is that correct, Mr. Palmer?

14 MR. PALMER: Yes, Mr. President.

15 PRESIDENT BOOP: Well, I'd like to move
16 to amend §135.223 on page 28 relating to the
17 application process and application and processing
18 fee.

19 PRESIDENT BOOP: Thank you, Commissioner
20 Palone.

21 Is there a second to the amendment?

22 COMMISSIONER ISABELLA: Second.

23 PRESIDENT BOOP: Commissioner Isabella.

24 Mr. Palmer, would you just very briefly
25 explain the purpose of the amendment?

1 MR. PALMER: The amendment in here was
2 the result of some feedback, basically, just to
3 clean up the language and clarify it a little bit
4 more than as originally published. No substantial
5 changes to it.

6 PRESIDENT BOOP: It's a housekeeping
7 item?

8 MR. PALMER: Yes.

9 PRESIDENT BOOP: Is there any further
10 discussion or debate on the amendment?

11 (No response.)

12 PRESIDENT BOOP: So we're voting on the
13 amendment.

14 All those in favor of Commissioner
15 Palone's amendment indicate by saying aye.

16 (Signified aye.)

17 PRESIDENT BOOP: Opposed same sign.

18 (No response.)

19 COMMISSIONER ISABELLA: Unanimous, Mr.
20 President.

21 PRESIDENT BOOP: And then the main motion
22 is now amended. All those in favor of the
23 original motion, as amended, indicate by saying
24 aye.

25 (Signified aye.)

1 PRESIDENT BOOP: Opposed same sign.

2 (No response.)

3 COMMISSIONER ISABELLA: Unanimous, Mr.
4 President.

5 PRESIDENT BOOP: The motion as amended
6 has been adopted.

7 Moving to page 30.

8 MR. POUSS: Mr. President, the item on
9 page 30 relates to adoption of proposed amendments
10 to §§135.41 and 135.181 of Title 58.

11 To effectively manage the wildlife
12 resources of this Commonwealth, the Game
13 Commission, at its October 3, 2006 meeting,
14 proposed the following changes:

15 Amend §§135.41 (relating to state game
16 lands) and 135.181 (relating to rifle and handgun
17 ranges) to specifically authorize clay bird
18 shooting activities on Commission owned lands, but
19 only in those areas designated by the Director.

20 The Executive Director and staff
21 recommend final adoption of these amendments to 58
22 Pa. Code, as shown on Exhibit G, which is on page
23 31, of your agenda.

24 PRESIDENT BOOP: You've heard the reading
25 of the action item which appears on page 31. You

1 see the recommendation of Executive Director and
2 staff.

3 Is there a motion to adopt?

4 COMMISSIONER ISABELLA: Motion.

5 PRESIDENT BOOP: Commission Isabella.

6 Is there a second?

7 COMMISSIONER SCHLEIDEN: Second.

8 PRESIDENT BOOP: Commissioner Schleiden.

9 Is there any discussion on the motion?

10 (No response.)

11 PRESIDENT BOOP: Hearing none, all those
12 in favor indicate by saying aye.

13 (Signified aye.)

14 PRESIDENT BOOP: Opposed same sign.

15 (No response.)

16 COMMISSIONER ISABELLA: Unanimous, Mr.
17 President.

18 PRESIDENT BOOP: Commissioner Hill and
19 Schreffler, you're with us out there?

20 COMMISSIONER SCHREFFLER: I said aye.

21 COMMISSIONER HILL: Good morning, Mr.
22 President.

23 PRESIDENT BOOP: Just hadn't heard from
24 that side. We used to hear from that side all the
25 time.

1 COMMISSIONER HILL: You don't want us to
2 start.

3 PRESIDENT BOOP: A little levity never
4 hurts.

5 We're now moving to page 32 of the
6 agenda. We're going from adopted rule making now
7 to proposed rule making. We're starting on page
8 32 of the agenda.

9 Mr. Pouss, we'll go back to you.

10 MR. POUSS: That item relates to amending
11 §131.6 of Title 58 of the Pennsylvania Code.

12 An issue that has proven perpetually
13 problematic for the Commission has been the
14 exercise of police powers by wildlife conservation
15 officers. Section 901(a)(17) of the act (relating
16 to powers and duties of enforcement officers)
17 provides clear and broad police power authority to
18 wildlife conservation officers acting within the
19 scope of their employment.

20 Despite this broad authorization,
21 however, it is the general policy of the
22 Commission that the primary responsibility of the
23 wildlife conservation officers is the enforcement
24 of the Game and Wildlife Code and that all general
25 law enforcement duties shall remain the

1 responsibility of the appropriate law enforcement
2 agencies empowered to conduct these activities.

3 In an effort to reduce legal challenges,
4 reduce potential civil liability and also provide
5 recognition to the importance of the relevant
6 competing interests on this issue, the Commission
7 is proposing to amend 58 Pa. Code §131.6 to
8 redirect the extent and manner in which it
9 authorizes wildlife conservation officers to
10 engage in the administration of police powers.

11 The proposed amendments and they are on
12 pages 32, 33, 34, and 35, the Executive Director
13 and staff recommend that the Commission approve
14 these changes.

15 PRESIDENT BOOP: We have the action item
16 before us. We've heard the reading. We have the
17 recommendation.

18 Is there a motion to adopt?

19 COMMISSIONER ISABELLA: Motion.

20 PRESIDENT BOOP: Commissioner Isabella.

21 Is there a second?

22 COMMISSIONER SCHREFFLER: Second.

23 PRESIDENT BOOP: Commissioner Schreffler.

24 Thank you.

25 Is there debate or discussion on the

1 motion?

2 (No response.)

3 PRESIDENT BOOP: Hearing none, all those
4 in favor indicate by saying aye.

5 (Signified aye.)

6 PRESIDENT BOOP: Opposed same sign.

7 (No response.)

8 COMMISSIONER ISABELLA: Unanimous, Mr.
9 President.

10 PRESIDENT BOOP: Thank you, Mr.
11 Secretary.

12 Moving to page 36.

13 MR. POUSS: The item on pages 36 and 37
14 relates to amending §§141.63 and 141.66 of Title
15 58 of the Pennsylvania Code.

16 Regulations concerning the use of cable
17 restraint devices were first proposed at the
18 Commission's October 5, 2004 meeting and were
19 finally adopted at its January 25, 2005 meeting.
20 These regulations essentially define the nature of
21 the device, the manner of its use, as well as the
22 time period for its use. Upon final completion of
23 the 2005-2006 furtaking season, staff conducted a
24 survey of all certified cable restraint users to
25 assess use, efficiency, selectivity and capture

1 related injuries or mortalities.

2 Based upon the results of these post
3 season surveys, staff recommends the following
4 amendments to 58 Pa. Code, §141.63: one, permit
5 the use of one by 19 cable which recent trap
6 testing data now supports; two, extend the cable
7 length by one foot to allow for cable restraints
8 to be set legally in a variety of winter snow
9 conditions; three, more clearly define relaxing-
10 type lock to reduce confusion for trappers
11 purchasing commercially available devices; and
12 four, increase the weight rating of the breakaway
13 device to improve efficiency and effectiveness of
14 these devices when large coyotes are captured.

15 It has come to the attention of the
16 Commission that 58 Pa. Code §141.66 overly
17 restricts the classes of persons that are eligible
18 to be certified through the Commission's cable
19 restraint training course in apparent
20 contravention of certain statutory exemptions
21 found in sections 2706 (relating to resident
22 license and fee exemptions) and 2363 (relating to
23 trapping exception for certain persons) of the
24 act.

25 In an effort to permit those individuals

1 who are permitted to trap without license to more
2 fully enjoy their privilege by being eligible to
3 participate in the Commission's cable restraint
4 training course, the Commission is proposing the
5 amendment to 58 Pa. Code §141.66.

6 The proposed amendments are on pages 36 and
7 37.

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

10 PRESIDENT BOOP: With respect to this
11 action item, we do have the replacement page,
12 which I realize not everyone in the audience may
13 have, but I think all the Commissioners have it.
14 Dr. Lovallo is present in the audience and he made
15 a presentation on this yesterday for those of you
16 who were here and all the Commissioners did hear
17 that presentation.

18 So with respect to those action items
19 concerning cable restraints is there a motion?

20 COMMISSIONER SCHREFFLER: So moved.

21 PRESIDENT BOOP: Commissioner Schreffler.
22 Is there a second?

23 COMMISSIONER ISABELLA: Second.

24 PRESIDENT BOOP: Commissioner Isabella.
25 Is there discussion or debate on the

1 motion?

2 (No response.)

3 PRESIDENT BOOP: Hearing none, all those
4 in favor indicate by saying aye.

5 (Signified aye.)

6 PRESIDENT BOOP: Opposed same sign.

7 (No response.)

8 COMMISSIONER ISABELLA: Unanimous, Mr.
9 President.

10 PRESIDENT BOOP: Thank you, Mr.
11 Secretary.

12 We're now moving to the item on page 38
13 of the agenda.

14 MR. POUSS: Which relates to amending
15 §141.4 of Title 58 of the Pennsylvania Code.

16 In recent years, there has been interest
17 among hunters to expand legal hunting hours to
18 include the one-half hour period after sunset
19 (evening civil twilight). While the Commission is
20 always looking for appropriate ways to increase
21 hunting opportunity for sporting men and women,
22 the Commission recognizes its responsibility to do
23 so with caution.

24 It is without controversy that the safety
25 of persons engaged in the activity of hunting, as

1 well a those persons who may be in the vicinity of
2 persons engaged in the activity of hunting, is a
3 paramount concern of the Commission. Due to the
4 rapidly decreasing levels of light during the
5 half-hour period after sunset, staff has
6 determined that permissive hunting occurring
7 during this period has the substantial likelihood
8 of increasing safety hazards associated with
9 hunting activities.

10 Another important factor considered by
11 staff is the likelihood that an expansion of legal
12 hunting hours to include the half-hour period
13 after sunset will create inconsistency in hunting
14 hours for migratory and non-migratory game species
15 due to the Commission's inability to set legal
16 hunting hours for migratory game species outside
17 of the thresholds set by federal regulation.

18 This inconsistency would have the
19 greatest impact on hunters that pursue migratory
20 game species and non-migratory game species at the
21 same time due to the different closing times, but
22 could also cause confusion for other hunters as
23 well.

24 Another factor to this issue is a recent
25 change in federal regulations expanding the

1 thresholds of legal hunting hours to include the
2 half-hour period after sunset for resident Canada
3 goose hunting. Staff has determined that such an
4 expansion during the September resident goose
5 season would be beneficial because it would
6 promote additional harvest of resident Canada
7 geese and assist the Commission in attaining its
8 population goals for resident Canada geese.

9 As a result of the aforementioned
10 concerns, staff is opposed to a general extension
11 of legal hunting hours to include the half-hour
12 period after sunset, but is supportive of such an
13 extension that is limited to the September
14 resident Canada goose season. If the Commission
15 determines that either extension is appropriate,
16 staff recommends that the table of hunting hours
17 found within 58 Pa. Code §141.4 be replaced with a
18 sunrise/sunset table that will have cross
19 application to the differing legal hunting hour
20 periods of the various game species.

21 The proposed amendments are on pages 39,
22 40, 41.

23 And the Executive Director and staff
24 recommend the Commission only approve the
25 extension of legal hunting hours to include the

1 half-hour period after sunset, as it pertains to
2 the September resident Canada goose season.

3 PRESIDENT BOOP: With respect to this
4 action item, the Commissioners do have a
5 replacement 39 in the booklet.

6 You've heard the reading. The action
7 item is before us and you've heard the
8 recommendation of the Executive Director and
9 staff.

10 Is there a motion to approve the item?

11 COMMISSIONER ISABELLA: Motion.

12 PRESIDENT BOOP: Commissioner Isabella.

13 Is there a second?

14 COMMISSIONER PALONE: Second.

15 PRESIDENT BOOP: Commissioner Palone.

16 Is there discussion or debate on the
17 item?

18 COMMISSIONER SCHREFFLER: Yes, sir.

19 PRESIDENT BOOP: Commissioner Schreffler.

20 COMMISSIONER SCHREFFLER: I have to
21 comment on this, because as a hunter I really want
22 this half-hour. It would be nice to have another
23 half-hour. But as I sit here as a Commissioner,
24 in a position of responsibility, I have to look at
25 the wisdom of my years, I guess, and so on, and

1 after a lot of consideration and research, I
2 really feel that a more responsible position is
3 necessary.

4 I think that safety has to be our
5 paramount concern here. As I look at our
6 population of hunters, we have an aging hunting
7 population, and then I look at some of the
8 research that says things like a hunter who is 60
9 years' old, his eye collects 67 percent less light
10 than a hunter 20 years of age.

11 I look at the animals and I know from my
12 biological background that animals are made to be
13 camouflaged and reflect little light. This is a
14 period of day when there's little shadow and
15 things start to blend in. I see, as I talk to my
16 wife and friends and so on, who are getting up
17 there in years, they're in their sixties now or
18 fifties, that in low light conditions, and
19 research bears this out, that we concentrate more
20 on the object and see less in the areas
21 surrounding that and in the background.

22 Even with a telescopic sight the rifle is
23 on, I still think that that peripheral vision is
24 very important in the condition of what's in the
25 back behind what you're shooting. I'm really

1 concerned about this. I think that as much as we
2 all want this, we have to look at it in a
3 responsible way.

4 I think it can be more easily handled
5 through a standard more operating procedure for
6 our conservation officers when they're out in the
7 field, being a little more flexible sometimes in
8 this matter. As it pertains to the resident goose
9 season being a half-hour later, I consider that to
10 be under different conditions and purpose for
11 different biological purposes.

12 So, therefore, I encourage my fellow
13 Commissioners to vote against this extension.

14 Thank you.

15 PRESIDENT BOOP: Thank you, Commissioner
16 Schreffler for those comments.

17 Are there other Commissioners who wish to
18 discuss or debate the issue?

19 (No response.)

20 PRESIDENT BOOP: I also would like to
21 comment. I think my general philosophy is to
22 trust our sporting men and women who are out in
23 the field and to allow them to use their own good
24 judgment.

25 There's a couple things about this that

1 bother me. The first is that staff and the
2 Executive Director are not recommending it.

3 The second thing that bothers me a little
4 bit about it is I view this a little bit in the
5 same way you can look at speeding laws. If the
6 speed limit is 55, the police officer will usually
7 give you 64 before he's going to cite you. I'm
8 just afraid if we extend this a half-hour, if the
9 closing is 4:30, instead of having people shooting
10 at a quarter of five, we're going to have them
11 shooting at a quarter after five. So that bothers
12 me.

13 The final point is that the driving force
14 I believe behind this is the interference that the
15 Fall muzzleloader and rifle season for deer has
16 had with our archery hunters, who have been the
17 most vocal in asking for this change. I think if
18 we eliminate it that unnecessary, in my opinion,
19 Fall muzzleloader and rifle season this issue
20 would go away.

21 Are there any other discussion?

22 COMMISSIONER SCHREFFLER: If there's no
23 other discussion, I'd like to make an amendment.

24 PRESIDENT BOOP: Okay.

25 COMMISSIONER SCHREFFLER: I'd like to

1 offer the amendment that this only includes the
2 extension of legal hunting hours one half-hour
3 after sunset and pertains to the September
4 resident goose season and not in a general ruling.

5 PRESIDENT BOOP: Is there a second to
6 Commissioner Schreffler's amendment?

7 (No response.)

8 PRESIDENT BOOP: Hearing none, the
9 amendment fails.

10 Is there any other motion to amend?

11 (No response.)

12 PRESIDENT BOOP: We're back to the main
13 motion. The main motion is to extend for a half-
14 an-hour as stated.

15 All those in favor indicate by saying
16 aye.

17 (Signified aye.)

18 PRESIDENT BOOP: Opposed same sign.

19 (Commissioners Schreffler and Boop
20 signified nay.)

21 COMMISSIONER ISABELLA: Can we have a
22 show of hands?

23 PRESIDENT BOOP: All in favor indicate by
24 saying aye. Please raise your hands.

25 (Commissioners Hill, Schleiden, Palone

1 and Isabella raise hands.)

2 PRESIDENT BOOP: Opposed?

3 (Commissioners Schreffler and Boop
4 opposed.)

5 COMMISSIONER ISABELLA: Ayes are four.
6 The nays are two, Mr. President.

7 PRESIDENT BOOP: The motion carries.

8 Moving to the next agenda item, which is
9 on page 42. Mr. Pouss.

10 MR. POUSS: Yes, Mr. President.

11 The next item relates to amending
12 §§141.41, 141.43 and 141.47 of Title 58.

13 The Commission has received a number of
14 requests from hunters to permit the lawful use of
15 muzzleloading handguns to hunt various big game
16 animals. Currently, all muzzleloading handguns
17 are prohibited for use while hunting any big game
18 animals. The Commission has determined that use
19 of muzzleloading handguns would be reasonable so
20 long as their use is limited to deer, bear and elk
21 and to .50 caliber or larger firearms only.

22 The Commission has received a number of
23 request from hunters to permit the lawful use and
24 possession of both a bow and arrow or crossbow and
25 a muzzleloading firearm during the overlaps of the

1 early archery and muzzleloader seasons and the
2 late archery and flintlock muzzleloading seasons.

3 Currently, 58 Pa. Code §141.43 (relating
4 to deer) prohibits the possession of any firearm
5 while hunting during the early and late archery
6 seasons with a bow and arrow or crossbow. The
7 Commission has determined that the dual use and
8 possession of both a bow and arrow or crossbow and
9 a muzzleloading firearm during the overlaps during
10 the early archery and muzzleloader seasons and the
11 late archery and flintlock muzzleloading seasons
12 would be permissible only to the extent that the
13 person is in possession of both a valid archery
14 license and valid muzzleloader license and meets
15 the greater protective material requirements for
16 the muzzleloader season, if applicable.

17 The Commission has also received requests
18 from certain hunters to permit the lawful use of
19 aperture or peep sights during the flintlock
20 muzzleloading season. Currently, 58 Pa. Code
21 §141.43 (relating to deer) prohibits the use of
22 aperture or peep sights during the flintlock
23 muzzleloading season.

24 The Commission has determined that the
25 use of aperture or peep sights during the

1 flintlock muzzleloading season would be
2 permissible since their use is consistent with
3 18th century technology and therefore would not
4 undermine the traditional nature of the flintlock
5 muzzleloading season.

6 You can see the proposed amendment on
7 pages 42 through 44 of your agenda.

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

10 PRESIDENT BOOP: You've heard the reading
11 of the action item, which is before us.

12 Is there a motion to approve?

13 COMMISSIONER ISABELLA: Motion.

14 PRESIDENT BOOP: Commissioner Isabella.

15 Is there a second?

16 COMMISSIONER PALONE: Second.

17 PRESIDENT BOOP: Commissioner Palone.

18 Is there debate or discussion on the
19 item?

20 Commissioner Schreffler.

21 COMMISSIONER SCHREFFLER: Yes. As I had
22 previously done, I would like to offer an
23 amendment to exclude muzzleloader handguns from
24 this proposal. My feeling that these handguns
25 have more from effectiveness as I look at the

1 information that's been supplied to me by our
2 staff.

3 PRESIDENT BOOP: We have heard the
4 proposed amendment. Is there a second to the
5 proposed amendment?

6 (No response.)

7 PRESIDENT BOOP: Hearing none the
8 amendment fails.

9 Is there further discussion or additional
10 motions to amend?

11 (No response.)

12 PRESIDENT BOOP: Hearing none, we're
13 voting on the main motion. All those in favor
14 indicate by saying aye.

15 (Signified aye.)

16 PRESIDENT BOOP: Opposed same sign.

17 (Commissioner Schreffler opposes.)

18 COMMISSIONER ISABELLA: Ayes five, nays
19 one.

20 PRESIDENT BOOP: The matter passes and we
21 move to the next agenda item, which is on page 45.

22 MR. POUSS: It relates to the amending of
23 §141.20 of 58 Pa. Code.

24 The Commission has received a number of
25 calls from hunters regarding protective material

1 requirements for hunters hunting from artificial
2 or manufactured blinds during the deer, elk or
3 bear seasons. These hunters have pointed out that
4 there is a conceptual conflict in requiring
5 hunters to wear protective material inside a blind
6 where its visual effectiveness is severely
7 diminished.

8 These hunters have requested the ability
9 to post protective material outside the blind,
10 where it is more readily observable, in lieu of
11 wearing the required amount of protective material
12 on their person in the blind.

13 Since the posting of protective material
14 outside of an artificial or manmade blind that
15 conceals movement from within is undeniably more
16 consistent with the safety interests involved, the
17 staff has determined that permitting hunters to
18 post a minimum of 100 square inches of protective
19 material within 15 feet from the blind in such a
20 manner that it is visible in a 360-degree arc is
21 acceptable.

22 The changes reflecting that can be seen
23 on page 45 of the agenda.

24 The Executive Director and staff
25 recommend the Commission approve this change.

1 PRESIDENT BOOP: You've heard the
2 reading. The agenda item is before the Board.

3 Is there a motion?

4 COMMISSIONER SCHREFFLER: So moved.

5 PRESIDENT BOOP: Commissioner Schreffler.

6 Is there a second?

7 COMMISSIONER ISABELLA: Second.

8 PRESIDENT BOOP: Commissioner Isabella.

9 PRESIDENT BOOP: Debate or discussion on
10 the motion?

11 COMMISSIONER ISABELLA: Mr. President.

12 PRESIDENT BOOP: Yes. We recognize
13 Commissioner Isabella.

14 COMMISSIONER ISABELLA: Thank you.

15 Rich, just want to get it on the record,
16 because I know there's going to be just a little
17 bit of confusion. A lot of these blinds have
18 orange built in where you can unzip it and pull
19 out like an orange streamer. I think they are
20 over the 100 square inches; is that permissible?

21 MR. PALMER: As long as it would be
22 visible with the 360-degree arc, yes.

23 COMMISSIONER SCHREFFLER: Because a lot
24 of these blinds you get them on four sides, orange
25 protrudes out.

1 PRESIDENT BOOP: Any other discussion or
2 debate on the motion which is on the floor?

3 (No response.)

4 PRESIDENT BOOP: If not, all those in
5 favor indicate by saying aye.

6 (Signified aye.)

7 PRESIDENT BOOP: Opposed same sign.

8 (No response.)

9 COMMISSIONER ISABELLA: Unanimous, Mr.
10 President.

11 PRESIDENT BOOP: Thank you, Mr.
12 Secretary.

13 Moving now to page 46 of the agenda.

14 MR. POUSS: Relates to amending §147.674
15 of 58 Pa. Code.

16 Since the implementation of the DMAP
17 program in 2003, harvest permit fees for residents
18 and nonresidents have remained unchanged.
19 However, operating costs throughout the agency
20 have increased significantly, especially since the
21 last license fee increase that occurred in 1999.
22 Given the added recreational opportunities that
23 DMAP harvest permits offer and the nominal cost
24 currently associated with them, an increase in
25 permit fees is being proposed to better represent

1 the value of the privilege and improve funding for
2 the management of wildlife resources.

3 The Executive Director and staff
4 recommend the Commission approve this change.

5 PRESIDENT BOOP: You heard the reading.
6 The item is before you on page 46. We have the
7 recommendation of the Director and staff.

8 Is there a motion?

9 COMMISSIONER SCHLEIDEN: So moved.

10 PRESIDENT BOOP: Commissioner Schleiden.

11 Is there a second?

12 COMMISSIONER ISABELLA: Second.

13 PRESIDENT BOOP: Commissioner Isabella.

14 Is there debate or discussion on the
15 motion?

16 (No response.)

17 PRESIDENT BOOP: Hearing none, all those
18 in favor indicate by saying aye.

19 (Signified aye.)

20 PRESIDENT BOOP: Opposed same sign.

21 (No response.)

22 PRESIDENT BOOP: So that's unanimous, Mr.
23 Secretary.

24 COMMISSIONER ISABELLA: Unanimous, Mr.
25 President.

1 PRESIDENT BOOP: Moving to page 47.

2 MR. POUSS: Mr. President, the item on
3 page 47 relates to amending §143.243 of 58 Pa.
4 Code.

5 There are many administrative realities
6 that must be addressed in implementing the deer
7 hunting provisions of the Mentored Youth Hunting
8 Program regulation adopted last year. After
9 considerable staff discussion about implementing
10 procedures and the issues of accurate harvest
11 assessment, the potential population impacts of
12 additional legal and illegal harvest of antlered
13 deer not subject to antler restrictions, and the
14 potential implications to our hunting heritage
15 traditions, we feel we must ask this Board to
16 withdraw its plan to allow the taking of antlered
17 deer by mentored youths in the 2007-2008 hunting
18 license year.

19 We simply need more time to consider
20 alternatives and the potential benefits and costs
21 to the agency, the resource and the citizens of
22 the Commonwealth. This action would be
23 accomplished by amending 58 Pa. Code §143.243 as
24 shown below.

25 You can see that on page 47 of your

1 agenda.

2 The Executive Director and staff
3 recommend the Commission approve this change.

4 PRESIDENT BOOP: You have heard the
5 reading. You see the recommendation.

6 Is there a motion for this amendment?

7 (No response.)

8 PRESIDENT BOOP: Hearing none, the motion
9 to amend fails.

10 I just would like to make a brief comment
11 and I don't necessarily speak for all the
12 Commissioners and any Commissioner who is here can
13 add to what I'm about to say.

14 I think this Board feels that we've made
15 a commitment to the youth of Pennsylvania last
16 year. We realize the difficulty that this may
17 cause for staff, but we simply feel this is
18 something that we need to do. We are simply
19 asking staff to work with us to accomplish this.

20 Do any Commissioner want to add to those
21 comments?

22 (No response.)

23 PRESIDENT BOOP: We move to the next
24 item, page 48.

25 MR. POUSS: Mr. President, that item

1 relates to amending §137.2 of Title 58 of
2 Pennsylvania Code.

3 Wild boar, Russian boar or feral hog all
4 refer to a breed of pigs that are believed to have
5 been brought into this state by hunting preserves.
6 Many of these feral hogs have either escaped or
7 been intentionally released into the wild where
8 evidence suggest that they are successfully
9 reproducing. The Commission's participation in
10 Pennsylvania's Invasive Species Council has
11 resulted in a collaborative determination that
12 feral hogs are an invasive species that must be
13 eliminated and kept out of the wild.

14 Feral hogs are known to pose a number of
15 threats to the health, safety and welfare of
16 wildlife, wildlife habitat, private property,
17 humans and Pennsylvania's agricultural industry.
18 The Commission is currently taking a number of
19 steps to help combat this growing problem, but it
20 recognizes that eliminating feral hogs from the
21 wild cannot be successful if their continued
22 release into the wild is not restricted.
23 Therefore, the Commission is proposing to amend 58
24 Pa. Code §137.2 to prohibit the release of any
25 feral hogs into the wild.

1 You can see the proposed amendment on
2 page 48 of the agenda.

3 The Executive Director and staff
4 recommend the Commission approve this change.

5 PRESIDENT BOOP: You've heard the reading
6 of the action item which is before you.

7 Is there a motion?

8 COMMISSIONER ISABELLA: Motion.

9 PRESIDENT BOOP: Commissioner Isabella.
10 Is there a second?

11 COMMISSIONER SCHREFFLER: Second.

12 PRESIDENT BOOP: Is there discussion or
13 debate on the motion?

14 COMMISSIONER SCHLEIDEN: Mr. President?

15 PRESIDENT BOOP: Yes, Commissioner
16 Schleiden.

17 COMMISSIONER SCHLEIDEN: Yes, while I
18 obviously support the concept of what we're trying
19 to accomplish here, I'm a little concerned about
20 it on Item (b) where we're referencing domestic.
21 I just think that maybe we might have a problem
22 there and I'm not certain it might be even a
23 conflict with PDA on this and, therefore, I'll be
24 abstaining from this vote.

25 PRESIDENT BOOP: Are there other

1 Commissioners who wish to debate or comment on the
2 motion?

3 This is proposed rule making. The motion
4 is before us. If it's adopted, we will have an
5 opportunity for comment and together a consensus
6 before final adoption. As someone with a farm
7 background, I do share some of Commissioner
8 Schleiden's concerns, but I think that we'll adopt
9 it and we'll continue to review the matter until
10 April, if the vote is in favor.

11 PRESIDENT BOOP: All those in favor
12 indicate by saying aye.

13 (Signified aye.)

14 PRESIDENT BOOP: Opposed same sign.

15 (Commissioner Isabella voted nay.)

16 (Commissioner Schleiden abstains.)

17 COMMISSIONER ISABELLA: Can we just have
18 a show of hands?

19 PRESIDENT BOOP: All those in favor
20 indicate by raising their right hand.

21 (Commissioners Boop, Palone, Schreffler,
22 and Hill raise hands.)

23 COMMISSIONER ISABELLA: Nay.

24 (Commissioner Isabella raises hand.)

25 COMMISSIONER ISABELLA: Four ayes, one

1 nay and one abstention.

2 PRESIDENT BOOP: Thank you, Mr.

3 Secretary.

4 I appreciate your comment on that matter,
5 Mr. Schleiden, and we recognize your expertise in
6 this area.

7 Moving now to Item No. 49, which is
8 before us on both page 49 and 50.

9 I believe everyone has this before them,
10 Mr. Pouss. I know this is a lot of reading for
11 you. If you want to paraphrase a little bit I'm
12 sure we'll all bear with you.

13 MR. POUSS: To effectively manage the
14 wildlife resources of this Commonwealth and
15 provide hunting and trapping opportunities in the
16 Commonwealth during the upcoming license year, the
17 Commission is proposing to amend 58 Pa. Code
18 §139.4 to provide updated seasons and bag limits
19 for the 2007-2008 license year.

20 Although 2007-2008 seasons and daily
21 season and possession limits are similar to those
22 in 2006-2007, the 2007-2008 seasons and bag limits
23 have been amended to conform to current available
24 scientific data, population and harvest records,
25 field surveys and professional staff observations,

1 as well as recommendations received from the
2 staff, organized sporting groups, members of the
3 agricultural community and others interested in
4 the wildlife resources of the Commonwealth.

5 For small game seasons, staff recommends
6 expanding either sex pheasant hunting to include
7 WMUs 5C and 5D given the proportion of land in
8 non-pheasant habitat, the rate of land conversion
9 and little change for reversing the trend in any
10 significant way in these two WMUs.

11 Also, given the diminished status of wild
12 quail populations, we do not recommend changes in
13 bobwhite season length or hunt areas until we have
14 a bobwhite quail management plan completed. At
15 that time proposals to expand quail hunting or
16 close it statewide will be considered.

17 Fall, either sex turkey harvest can
18 substantially influence turkey population trends,
19 which we control by hunting season length. The
20 wild turkey management plan outlines decision
21 criteria for setting fall turkey season lengths.
22 Based on these criteria and turkey population and
23 harvest index trends, it is proposed that the fall
24 season in three WMUs (2A, 2F and 2G) be reduced on
25 week and the existing fall turkey seasons

1 maintained for the 2007 fall seasons.

2 Staff also proposes extending the 2008
3 spring gobbler season an additional day to allow
4 hunters to take advantage of the entire Memorial
5 Day holiday weekend.

6 This proposal also includes expanded deer
7 hunting seasons in WMU's 2B, 5C and 5D, our most
8 developed areas in the state. The Commission's
9 "Plan to reduce deer-human conflicts in developed
10 areas" calls for expanding archery seasons in WMUs
11 2B, 5C and 5D to reduce deer populations and deer-
12 human conflicts. A mid-September archery season
13 opener is proposed for these WMUs along with the
14 additional taking opportunities in December
15 through the end of January 2008.

16 The elk hunting season's proposal
17 recommends expanding the September hunt from one
18 to four weeks. Given the small area (only Hunt
19 Zone 1), the amount of private property and
20 limited hunter access to property, and the
21 continuing elk-human conflicts this more flexible
22 season will allow hunters greater opportunity to
23 take elk impacting farmers, provide bull hunting
24 opportunity coinciding with the rut, allow hunters
25 a greater opportunity to choose a cow if the

1 opportunity presents itself, and keeps hunters in
2 a defined area away from easily accessible public
3 lands.

4 Finally, for furbearers, proposals
5 recommend closing several seasons on Sundays (e.g.
6 mink) that were previously closing on Saturdays to
7 expand recreational opportunities, and add WMU 2A
8 to the bobcat hunt/trap area. As the next license
9 year is approaching, the Commission is proposing
10 to amend §139.4 to provide updated seasons and bag
11 limits for the 2007-2008 seasons.

12 The Executive Director and staff
13 recommend the Commission approve the proposed
14 2007-2008 hunting seasons and bag limits amendment
15 as shown on pages 51 through 58 of your agenda.

16 PRESIDENT BOOP: You've heard the reading
17 of the item. With the consent and approval of the
18 rest of the Board, what I would propose doing is
19 what we've done in the past is we do these on a
20 page by page basis. I think it would make it
21 easier and we can proceed in a more logical
22 fashion.

23 So unless there's an objection to that
24 procedure, we'll turn to page 51.

25 COMMISSIONER SCHLEIDEN: Mr. President,

1 may I suggest that we make a motion and a second
2 and then under discussion go page by page so we
3 can just do those as an amendment?

4 PRESIDENT BOOP: That's an acceptable
5 alternative, yes.

6 So let's do that then. We'll have an
7 overall motion for seasons and bag limits.

8 Is there a motion to adopt?

9 COMMISSIONER PALONE: So moved.

10 COMMISSIONER ISABELLA: So moved.

11 PRESIDENT BOOP: Commissioner Palone, and
12 Commissioner Isabella a second; is that acceptable
13 to the two of you?

14 (Indicates yes.)

15 PRESIDENT BOOP: Okay, so now we'll go to
16 discussion and we'll go page by page as was
17 suggested by Commissioner Schleiden.

18 Page 51. This is generally looking at
19 what's considered to be small game. Is there
20 discussion or debate on page 51?

21 COMMISSIONER SCHLEIDEN: Mr. President.

22 PRESIDENT BOOP: Yes, the Chair would
23 recognize Commissioner Schleiden.

24 COMMISSIONER SCHLEIDEN: Yes, sir. Under
25 squirrels (combined species) the last date, which

1 is now stated December 26 to February 2, I would
2 like to offer the amendment on that to read
3 February 9.

4 And then under rabbits, Cottontail below,
5 same dates December 26 to February 2, changed
6 February 2 to February 9.

7 That's my amendment.

8 PRESIDENT BOOP: You've heard
9 Commissioner Schleiden's amendment which would
10 generally extend the late small game season for
11 squirrel and rabbit for one week, is there a
12 second to that amendment?

13 COMMISSIONER ISABELLA: Second.

14 PRESIDENT BOOP: Commissioner Isabella.

15 You've heard the amendment and the second
16 to the amendment.

17 Is there discussion or debate on the
18 amendment?

19 (No response.)

20 PRESIDENT BOOP: Hearing none, all those
21 in favor of the amendment on page 51 as stated
22 please indicate by saying aye.

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed same sign.

25 (No response.)

1 COMMISSIONER ISABELLA: Unanimous, Mr.
2 President.

3 PRESIDENT BOOP: Thank you, Mr.
4 Secretary.

5 Moving to page 52. This is primarily for
6 pheasants, quail, hares and woodchucks. It is
7 before you.

8 Is there any discussion or debate with
9 respect to page 52?

10 COMMISSIONER SCHLEIDEN: Mr. President.

11 PRESIDENT BOOP: The Chair would
12 recognize Commissioner Schleiden.

13 COMMISSIONER SCHLEIDEN: Under the title
14 species Ringneck pheasant at the bottom we have
15 the same dates, December 26, February 2. My
16 amendment is to change February 2 to February 9,
17 to be consistent with small game.

18 PRESIDENT BOOP: You've heard the
19 amendment.

20 Is there a second to the amendment?

21 COMMISSIONER ISABELLA: Second.

22 PRESIDENT BOOP: Commissioner Isabella.
23 Is there discussion on the amendment?

24 (No response.)

25 PRESIDENT BOOP: The Chair would just

1 comment with respect to Commissioner Schleiden's
2 amendment. None of the Management Units that
3 would be so affected with respect to the February
4 extension for pheasants are either of the
5 Management Units where we have the restoration
6 effort ongoing in Commissioner Palone and my
7 areas.

8 You've heard the motion to amend and the
9 second.

10 All those in favor of the amendment
11 indicate by saying aye.

12 (Signified aye.)

13 PRESIDENT BOOP: Opposed same sign.

14 (No response.)

15 COMMISSIONER ISABELLA: Unanimous, Mr.
16 President.

17 PRESIDENT BOOP: Thank you, Mr.
18 Secretary.

19 We move now to page 53, which is
20 generally the provisions with respect to turkeys
21 and migratory birds.

22 Is there discussion or debate with
23 respect to page 53.

24 COMMISSIONER SCHLEIDEN: Mr. President.

25 PRESIDENT BOOP: The Chair would

1 recognize Commissioner Schleiden.

2 COMMISSIONER SCHLEIDEN: I have an
3 amendment to offer the third line down Wildlife
4 Management Units 2C, 2E, 4A and 4B that would stay
5 the same. What I've done is removed 2G and 4D and
6 moved them down to the next line Wildlife
7 Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D
8 and 4E.

9 So I've added 2G and 4D to October 27 to
10 November 17.

11 PRESIDENT BOOP: You've heard the
12 amendment, which if I understand it would in 2G
13 and 4D extend the fall turkey season by one week.

14 Is there a second to the amendment?

15 COMMISSIONER ISABELLA: Second.

16 PRESIDENT BOOP: Commissioner Isabella.

17 Is there discussion or debate on the
18 amendment?

19 (No response.)

20 PRESIDENT BOOP: I would like to comment,
21 2G and 4D are also in the regions of the state
22 that I represent as a Commissioner. As I've said
23 earlier today and on previous occasions, I don't
24 like to go against staff recommendation, but these
25 are in the areas where we are having so much

1 difficulty with camps being closed and hunters not
2 having opportunity for other big game species, so
3 I am inclined to support Commissioner Schleiden's
4 amendment for that reason.

5 COMMISSIONER SCHLEIDEN: Mr. President,
6 my reasoning for the 2G, 4D was that I noticed in
7 our report yesterday that we started in 1995 and
8 drew a straight line across the 2006, you'll find
9 that the three-week season had apparently no
10 effect on the increase of the flock or the
11 decrease of the flock.

12 That's my reasoning for that, although I
13 respect your reasoning as well.

14 In 4D, I noticed also that the spring
15 harvest had increased, even though it appeared
16 that the population by the summer count was
17 somewhat below the peak of several years ago. But
18 I'm also aware that we're short of a lot of people
19 out in the field to do the count and that's how we
20 do the summer count.

21 That's the reasoning for my amendment.

22 PRESIDENT BOOP: You've heard the
23 amendment and the second. You've heard the
24 discussion.

25 Is there any additional discussion or

1 comment by any of the other Commissioners before
2 we vote?

3 (No response.)

4 PRESIDENT BOOP: Voting on the amendment.

5 All those in favor of the amendment
6 indicate by saying aye.

7 (Signified aye.)

8 PRESIDENT BOOP: Opposed same sign.

9 (No response.)

10 COMMISSIONER ISABELLA: Unanimous, Mr.
11 President.

12 PRESIDENT BOOP: Thank you.

13 We turn page 54 of the agenda, a variety
14 of species listed there.

15 Is there any discussion or debate with
16 respect to any of the proposed seasons and bag
17 limits as set forth on page 54?

18 (No response.)

19 PRESIDENT BOOP: Hearing none, is there a
20 motion to approve?

21 COMMISSIONER ISABELLA: So moved.

22 PRESIDENT BOOP: Commissioner Isabella.

23 PRESIDENT BOOP: Is there a second?

24 COMMISSIONER PALONE: Second.

25 PRESIDENT BOOP: Properly and moved and

1 seconded.

2 Any discussion?

3 COMMISSIONER SCHLEIDEN: Yes, sir. I
4 don't believe it's necessary unless there's an
5 amendment on a page to approve the page.

6 PRESIDENT BOOP: Okay, it's part of the
7 general motion. Point well taken. Point of order
8 appreciated by the Chair.

9 PRESIDENT BOOP: Moving to page 55.

10 You see what's set forth on page 55. Any
11 discussion or debate with respect to page 55?

12 (No response.)

13 PRESIDENT BOOP: With respect to page 55,
14 I would like to offer an amendment. It will be
15 the first of two amendments that I'll make with
16 respect to this page.

17 The October muzzleloader and rifle
18 season, as I can determine from the research I
19 have done was a temporary measure designed to
20 address a situation and it was never intended,
21 from the literature, to become a permanent season.

22 This early muzzleloader rifle season, as
23 the testimony and the letters and the e-mails that
24 I have received, interfered with our regular
25 archery season and with deer numbers in many areas

1 of the state at a historic low, I see no
2 scientific or biological justification for this
3 season continuing.

4 I would move the amendment to strike this
5 season from the seasons and bag limit proposal for
6 '07/08. That would be my amendment.

7 That amendment appearing to fail, my
8 second amendment has to do with the two-week
9 concurrent rifle season that starts on the twenty-
10 sixth and runs till December 8. I don't need to
11 give you the background. I think everyone in this
12 room is aware.

13 Hunter dissatisfaction. Hunters are a
14 major stakeholder group that this agency is
15 supposed to represent is at an all-time high, as
16 high as 90 percent in many areas of the state.
17 Deer numbers appear to be at least at a 50-year
18 low in most areas of the state.

19 Any adjustments that we need to make with
20 respect to the size of the deer herd can certainly
21 be made by the allocation process that we will do
22 in April. I can see, based on where I sit, no
23 scientific or biological justification for a two-
24 week statewide season.

25 So I am moving that the concurrent season

1 be limited to the second week of the season in all
2 Management Units except for 2B, 5C and 5D, which
3 result in a statewide one-week buck season and a
4 second week of buck and a concurrent doe season
5 for six days.

6 We have our license increase stalled in
7 the legislature for two years with no hope of it
8 moving forward unless we make changes. I think
9 it's irresponsible not to make changes in light of
10 current circumstances.

11 So that is my amendment.

12 COMMISSIONER SCHLEIDEN: All that's your
13 amendment, sir, or is that your comment?

14 PRESIDENT BOOP: My comment and my
15 amendment.

16 COMMISSIONER SCHLEIDEN: Mr. President.

17 PRESIDENT BOOP: Are you seconding my
18 motion?

19 COMMISSIONER SCHLEIDEN: No, sir. I
20 wanted to ask.

21 PRESIDENT BOOP: Yes, sir, let's see if
22 there's a second first, then you can comment.

23 COMMISSIONER SCHLEIDEN: Well, I think
24 you made your comment with the amendment, sir.
25 May I make a comment without giving you a second?

1 of the Commission and its trained personnel to
2 formulate and carry out sound management practices
3 has created an undesirable relationship between
4 the hunter and the Game Commission.

5 "Even more important, this act of
6 opposition has endangered the future of this sport
7 in Pennsylvania."

8 I've read this and many other articles
9 and it's probably why I've been steadfast in
10 supporting our staff and this particular issue,
11 and I do know that they have made adjustments
12 through the allocations. They explained that they
13 were going to do that.

14 Therefore, I don't consider my support of
15 that being irresponsible. I recognize that the
16 legislature has been involved in this and I
17 respect the individuals down there when they have
18 to react to the constituents, but I think that
19 this is an issue that really needs to be decided
20 by the Board, the staff, along with the input of
21 our sportsmen.

22 Thank you, sir. That's my comment.

23 PRESIDENT BOOP: Well, I don't think this
24 is the appropriate forum maybe to get into an
25 ongoing debate this morning. We respect each

1 other's views. We respectfully disagree. I'm a
2 business person. Everything in life is a
3 pendulum. This pendulum had swung too far at one
4 point. It's obviously, in my opinion, swung too
5 far the other way.

6 All we're asking is that we make some
7 adjustments to accommodate what's going on, on the
8 ground. Come hunt with me on public land, any one
9 of you. I did for five days this past season.
10 Conditions are deplorable.

11 Is there a second to my amendment?

12 (No response.)

13 PRESIDENT BOOP: If not, we don't need to
14 vote on 55. We're moving to 56.

15 This is generally bear, elk and beaver.
16 I believe with respect to bear we were to have a
17 replacement page.

18 Acting Director Palmer, that's being
19 passed out. Acting Director Palmer, would you
20 just please explain the replacement page and how
21 it relates to bear?

22 MR. PALMER: The replacement page
23 reflects what was presented yesterday by Mark
24 Fernak (ph) what his concerns over Unit 3D and
25 changing the seasons allocation there.

1 There is one mistake here though. The
2 line above it still needs 3D removed from it.

3 PRESIDENT BOOP: Okay, so just we'll
4 strike that. So in effect then we're going to, in
5 3D the extended bear season will be Wednesday
6 through Saturday; is that correct, Director Roe?

7 EXECUTIVE DIRECTOR ROE: That's correct.
8 November 28 to December 1.

9 PRESIDENT BOOP: We have the replacement
10 page. With the replacement is there discussion or
11 debate on page 56?

12 (No response.)

13 PRESIDENT BOOP: If not, I don't think we
14 need to take any action on 56. It will be part of
15 the general motion.

16 Then we go to page 57. With respect to
17 page 57, is there discussion or debate with
18 respect to page 57?

19 (No response.)

20 PRESIDENT BOOP: Hearing none, we'll go
21 to page 58.

22 Acting Director Palmer, with respect to
23 the floor amendment, I believe in light of the
24 earlier action that that will not be necessary?

25 MR. PALMER: It will be.

1 PRESIDENT BOOP: It will be necessary,
2 okay.

3 MR. PALMER: On footnote items three and
4 seven.

5 PRESIDENT BOOP: Could you just briefly
6 explain that to us?

7 MR. PALMER: As a result of the proposal
8 for the hunting hours that passed, we would
9 recommend that also footnotes No. 3 and seven, on
10 page 58, be changed to reflect the proposal that
11 is moving forward for final adoption so that they
12 can proceed together.

13 PRESIDENT BOOP: Very good, thank you.

14 In light of that explanation, do I hear a
15 motion for the floor amendment as presented on the
16 white handout we have?

17 COMMISSIONER SCHLEIDEN: So moved.

18 PRESIDENT BOOP: Mr. Schleiden.

19 Is there a second?

20 COMMISSIONER ISABELLA: Second.

21 PRESIDENT BOOP: Commissioner Isabella.

22 Is there any discussion or debate on the
23 amendment?

24 (No response.)

25 PRESIDENT BOOP: Hearing none, all those

1 in favor indicate by saying aye.

2 (Signified aye.)

3 PRESIDENT BOOP: Opposed same sign.

4 COMMISSIONER ISABELLA: Unanimous, Mr.
5 President.

6 PRESIDENT BOOP: That completes, I
7 believe, the individual review of the pages for
8 seasons and bag limits.

9 I think that takes us back to the overall
10 motion which was made and seconded, various pages
11 have been duly amended. So what we would be doing
12 at this point would be voting on the overall
13 seasons and bag limits as the individual pages may
14 or may not have been amended in the course of our
15 business here this morning.

16 So is there any additional discussion or
17 debate on the overall season and bag limit action
18 item? This is proposed rule making. It will be
19 finally adopted in April.

20 (No response.)

21 PRESIDENT BOOP: All those in favor
22 indicate by saying aye.

23 (Signified aye.)

24 PRESIDENT BOOP: Opposed same sign.

25 (Commissioner Boop opposed.)

1 COMMISSIONER ISABELLA: Ayes five, nays
2 one.

3 PRESIDENT BOOP: I think the next, while
4 Acting Director Palmer is at the podium, the next
5 agenda item for members of the Commission. We do
6 have some revocation matters, which we have a
7 handout and, also, on page 59, I think we'll take
8 this item and then we'll take our morning break.

9 So, Mr. Pouss, if we could go to page 59,
10 please?

11 MR. POUSS: Okay. That item relates to
12 hunting license revocation/convictions. Proposed
13 recommendations to revoke the hunting and
14 furtaking privileges of the individual convicted
15 of violating the Game and Wildlife Code.

16 The Commission, under the authority of
17 the Game and Wildlife Code, may revoke any hunting
18 license and furtaker's license and deny any person
19 the right to secure a license or to hunt and
20 furtake anywhere in the Commonwealth, with or
21 without a license, if said licensee or person has
22 been convicted or signed an acknowledgment of
23 violating the Game and Wildlife Code. The
24 Commission may revoke such licenses for a period
25 not to exceed three years for the first offense,

1 for a second or subsequent offense, for such
2 period of time the Commission shall determine.

3 Persons denied the right to hunt or
4 furtake in the Commonwealth, through this action,
5 are notified by Certified Mail that the revocation
6 will commend July 1, 2007. The symbol "RA" means
7 the revocation was added to an existing
8 revocation.

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

17 Unless deemed in the best interest of the
18 Commission by the Director or a designee, hearings
19 will be conducted at the central office. Hearings
20 are conducted in accordance with the General Rules
21 of Administrative Practice and Procedure and also
22 with Chapter 35 of the rules and Chapter 145 of
23 the Pennsylvania Code.

24 Recommendation: The Executive Director
25 and Wildlife Protection Director recommend the

1 Commission revoke the hunting and furtaking
2 license privileges of the persons named by the
3 Bureau of Wildlife Protection. Such revocation
4 shall become effective July 1, 2007, and shall
5 continue for such period of time and under the
6 conditions set forth following each person's name.

7 PRESIDENT BOOP: You've heard the reading
8 of the action item. I believe all Commissioners
9 in advance of the meeting received a list of the
10 individuals who are affected by this item. I
11 think there was a typographical matter involving
12 one name that Acting Director Palmer corrected, so
13 I believe we have the information before the
14 Board.

15 Is there a motion to adopt?

16 COMMISSIONER ISABELLA: So moved.

17 PRESIDENT BOOP: Commissioner Isabella.

18 Is there a second?

19 COMMISSIONER SCHREFFLER: Second.

20 PRESIDENT BOOP: Commissioner Schreffler.

21 Any debate or discussion on the motion?

22 (No response.)

23 PRESIDENT BOOP: Hearing none, all in
24 favor indicate by saying aye.

25 (Indicates aye.)

1 PRESIDENT BOOP: Opposed same sign.

2 (No response.)

3 COMMISSIONER ISABELLA: Unanimous, Mr.
4 President.

5 PRESIDENT BOOP: Motion carried.

6 We're going to take our break for the
7 morning. We will come back at 10:20. I ask you
8 to be in your seats. I'd like to get started.
9 Hopefully, we'll be finished by noon.

10 I will proceed with the Bureau of
11 Habitat Management when we come back.

12 We're adjourned.

13 (Recess 9:55 A.M.)

14 (Reconvened 10:20 A.M.)

15 PRESIDENT BOOP: We're reconvening the
16 meeting.

17 I've mentioned a couple times about
18 replacement pages that were referred to. Those of
19 you who didn't already receive them, they're up
20 front here. Feel free to come up and get them
21 either now or during the course of the rest of the
22 morning.

23 We're moving to the Bureau of Wildlife
24 Habitat Management. The Chair is pleased to
25 recognize our Director William Capouillez, who is

1 here. Bill, if it's not Zimmerman or Martin, I
2 struggle a little bit with the names, so bear with
3 me.

4 Let's go to page 60 and if you'll read
5 the action item there for us?

6 MR. CAPOUILLEZ: The first item is an
7 option for 101 plus or minus acres of land in
8 Plunketts Creek Township, Lycoming County. It
9 adjoins State Game Lands No. 134. There are no
10 new reservations on the property. There's an
11 option price of \$100,000 lump sum. The amount to
12 be paid from the Game Fund would be limited to
13 \$40,000.

14 The Executive Director and staff
15 recommend the option listed above be accepted and
16 the Commission authorize the Bureau of Wildlife
17 Habitat Management to proceed with the acquisition
18 of this tract.

19 PRESIDENT BOOP: There's a map on page 61
20 that depicts what we're talking about. You've
21 heard the reading of the item.

22 Is there a motion?

23 COMMISSIONER SCHLEIDEN: So moved.

24 PRESIDENT BOOP: Commissioner Schleiden.

25 Commissioner Isabella, will you second?

1 COMMISSIONER ISABELLA: Second.

2 PRESIDENT BOOP: It's properly moved and
3 seconded.

4 Is there any discussion on this action
5 item?

6 (No response.)

7 PRESIDENT BOOP: Hearing none all those
8 in favor indicate by saying aye.

9 (Indicates aye.)

10 PRESIDENT BOOP: Opposed same sign.

11 (No response.)

12 COMMISSIONER ISABELLA: Unanimous, Mr.
13 President.

14 PRESIDENT BOOP: Thank you.

15 We move to page 62. Again, Bill, if you
16 could do the reading for us?

17 MR. CAPOUILLEZ: The next two agenda
18 items were donations, the first being 1.10 plus or
19 minus acres of land in Jay Township, Elk County.
20 This is an indenture to State Game Lands No. 311
21 from James and Shirley Burke being offered to the
22 Commission as a donation. The donor accepts and
23 reserves the same as what was accepted and
24 observed in prior deeds of record. This
25 particular tract provides additional access to

1 that Game Lands.

2 PRESIDENT BOOP: Unless there's an
3 objection by the Board, I think we'll do them
4 together.

5 MR. CAPOUILLEZ: The second donation is
6 59 plus or minus acres of land in Pine Grove
7 Township in Schuylkill County. This is an
8 indenture to State Game Lands No. 21. It's from
9 Jean Jones. It's being offered to the Commission
10 as a donation. The donor has placed a restriction
11 on the tract that it may not be sold or
12 transferred for a period of 25 years from the date
13 of the deed.

14 Both items the Executive Director and
15 staff recommend the donations listed above be
16 accepted and the Commission authorize the Bureau
17 of Wildlife Habitat Management to proceed with the
18 acquisition of these tracts.

19 PRESIDENT BOOP: Again, we have maps on
20 pages 63 and 64 that depict the two options that
21 we're considering for donation. Again, as I
22 indicated, unless there's an objection, we'll vote
23 on them collectively and as part of the same
24 motion.

25 Is there a motion to accept?

1 COMMISSIONER SCHLEIDEN: So moved.

2 PRESIDENT BOOP: Commissioner Schleiden.

3 Again, Commissioner Isabella, will you

4 second?

5 COMMISSIONER ISABELLA: Second.

6 PRESIDENT BOOP: Properly moved and

7 seconded.

8 Is there discussion on the motion?

9 COMMISSIONER SCHREFFLER: Mr. President.

10 PRESIDENT BOOP: Yes, Commissioner

11 Schreffler.

12 COMMISSIONER SCHREFFLER: I'd just like

13 to have it included in the record our thanks to

14 James and Shirley Burke and Jean Jones for these

15 donations. They're much appreciated.

16 PRESIDENT BOOP: Comment is well taken

17 and you express, I'm sure, the sentiments of the

18 entire Board and of the agency.

19 Anyone else have a comment or discussion

20 item?

21 (No response.)

22 PRESIDENT BOOP: If not, all those in

23 favor of accepting these two donations indicate by

24 saying aye.

25 (Indicates aye.)

1 PRESIDENT BOOP: Opposed same sign.

2 (No response.)

3 COMMISSIONER ISABELLA: Unanimous, Mr.
4 President.

5 PRESIDENT BOOP: Moving to page 65.

6 Bill, we're concerned that we're wearing
7 out your voice here with so much reading this
8 morning so we decided to give you a little bit of
9 a break. Do you want to resume on page 65?

10 MR. POUSS: Thank you for the break and I
11 apologize for being late.

12 PRESIDENT BOOP: We understand. Not a
13 problem and, please, don't feel you were late.

14 Let's go to page 65.

15 MR. POUSS: That relates to underground
16 mining support lease/land exchange on State Game
17 Lands No. 179 in Greene County and State Game
18 Lands No. 245 in Washington County.

19 Consol Energy, Inc., of Pittsburgh,
20 Pennsylvania, has requested a land lease exchange
21 to install two single ventilation air shafts, one
22 on a 25-acre portion of State Game Lands No. 179
23 in Jackson Township, Greene County and the second
24 on an approximately 15-acre portion of State Games
25 Lands No. 245 in Washington County, as shown on

1 Exhibits OGM-1 and OGM-2, which are on pages 67
2 and 68 of your agenda.

3 The Commission is not the owner of the
4 coal rights on these tracts of land and has
5 limited surface support rights.

6 Consol is currently conducting
7 underground coal mining operations under State
8 Game Lands No. 179 in Jackson Township, Greene
9 County, and State Game Lands No. 245 in East
10 Finley Township, Washington County, under the
11 Blacksville No. 2 and the Enlow Fork mines
12 respectively.

13 In order to efficiently recover coal
14 reserves and provide safe underground mine working
15 conditions, Consol Energy is required by
16 regulation to install ventilation air shafts.
17 Consol Energy has identified a 25-acre portion of
18 State Game Lands No. 179, and a 15-acre portion of
19 State Games Lands No. 245 as suitable locations
20 for the purpose of installing the ventilation air
21 shafts and associated infrastructure.

22 The total proposed lease area is
23 comprised of 40 acres; however, the actual surface
24 area to be affected by construction of the air
25 shafts will be no greater than 25 acres which

1 includes access roads, power lines and erosion and
2 sediment controls. The larger lease area is
3 requested to provide flexibility to design, permit
4 and construct the ventilation shafts with regards
5 to underground mine conditions, as well as
6 engineering, permitting and environmental concerns
7 that may arise.

8 Consol Energy will also pay the
9 Commission for any timber impacted as a result of
10 the project at double stumpage rate as determined
11 by the Commission's Southwest Region Forestry
12 staff. The Commission may elect to credit the
13 value of the second stumpage for future wildlife
14 habitat enhancement projects to be identified by
15 the region staff; however, under no circumstances
16 will the Commission receive less than single
17 stumpage value for any timber impacted as a result
18 of this project.

19 The anticipated life of the ventilation
20 air shafts is ten years. Upon completion of the
21 underground mining operations, the air shafts will
22 be removed and the sites restored to original
23 conditions through a reclamation plan as approved
24 by the Commission.

25 In exchange for the right to occupy and

1 affect 25 acres to construct the two ventilation
2 air shafts, Consol will convey to the Commission
3 three tracts of land totaling 235 acres located
4 adjacent to State Game Lands No. 245 in Morris
5 Township, Washington County, shown on OGM-3, which
6 is on page 69 of the agenda.

7 The land is characterized as hilly,
8 consisting of either existing or previous
9 pastureland, approximately 60 acres of woodland,
10 and approximately 29 acres of riparian/wetland
11 area. The adjacent game land is heavily hunted
12 and very productive for wildlife with rabbit,
13 pheasant and squirrel hunting, as well as good
14 turkey or deer hunting. The addition of these
15 parcels valued at approximately \$1,000 per acre,
16 will improve upon the already excellent
17 characteristics.

18 The project will be regulated by the
19 Commonwealth's Underground and Surface Coal Mining
20 regulations and the Commission's standard lease
21 agreement. The ten-year lease will include the
22 standard \$10,000 performance bond for each
23 ventilation shaft and environmental protection
24 measures. In addition, the lease will include a
25 wildlife habitat reclamation and revegetation plan

1 developed by the local Land Management Group
2 Supervisor.

3 The staff has reviewed this proposal and
4 has determined the total value of the land
5 exchange is equal to or greater than the
6 accumulated value of the lease.

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

12 PRESIDENT BOOP: Thank you, Mr. Pouss.

13 We have maps on pages 67, 68 and 69 of
14 the agenda to illustrate the item.

15 Is there an motion to adopt?

16 COMMISSIONER ISABELLA: So moved.

17 PRESIDENT BOOP: Commissioner Isabella.

18 Is there second?

19 COMMISSIONER PALONE: Second.

20 PRESIDENT BOOP: Commissioner Palone.

21 Is there any discussion or debate on the
22 motion on the floor?

23 COMMISSIONER SCHLEIDEN: Mr. President.

24 PRESIDENT BOOP: The Chair would
25 recognize Commissioner Schleiden.

1 COMMISSIONER SCHLEIDEN: Thank you, sir.

2 Bill, this looks like a very complicated
3 deal. Are you, obviously, very pleased with it?
4 Is this one of the projects that a former
5 Commissioner worked on with you? Is this one of
6 the ones?

7 MR. CAPOUILLEZ: Yes, sir, former
8 Commissioner Fredericks is part of the Consol
9 Company. This entails nearly six to one ratio for
10 the use of our surface, for which, in fact, Consol
11 has legitimate rights to utilize to some degree
12 anyway with regard to previous reservations. So
13 this has been an extremely complex issue to
14 southwest region, particularly, Barry Zaffuto was
15 instrumental in getting this done, as well as some
16 of our partnerships with Consol.

17 COMMISSIONER SCHLEIDEN: I'd just like
18 the record to show thank you from the Chairman of
19 the Habitat Committee to you and to Barry and to
20 the people down in that area, southwest, and also
21 to the former Commissioner who has knowledge of
22 what we're all about.

23 I think worked very positive with you; is
24 that correct, Dennis Fredericks?

25 MR. CAPOUILLEZ: Yes.

1 PRESIDENT BOOP: Thank you, Commissioner
2 Schleiden, for your appropriate comments
3 concerning the matter.

4 Are there any other comments or is there
5 any additional debate on the action item?

6 (No response.)

7 PRESIDENT BOOP: If not, all those in
8 favor indicate by saying aye.

9 (Indicates aye.)

10 PRESIDENT BOOP: Opposed same sign.

11 (No response.)

12 COMMISSIONER ISABELLA: Unanimous, Mr.
13 President.

14 PRESIDENT BOOP: We move then to page 70.

15 MR. POUSS: And I believe it's the final
16 published item in the agenda.

17 It's land exchange relating to State Game
18 Lands No. 223, in Greene County.

19 AMD Reclamation, Inc., of Needham,
20 Massachusetts, has requested a land exchange
21 involving a 3.8 acre portion of State Game Lands
22 223 and a temporary construction easement on an
23 additional 6.8 acres located in Dunkard Township,
24 Greene County, as shown on OGM-4, which is on page
25 71 of your agenda.

1 In exchange, AMDRI has offered a tract of
2 land containing 40 acres adjacent to State Game
3 Lands No. 223, also situate in Dunkard Township,
4 Greene County. That's shown on OGM Exhibit 5,
5 which is page 72 of your agenda. The proposed
6 land transfer will include all surface mineable
7 coals and associated mining rights.

8 AMDRI is a Pennsylvania nonprofit
9 corporation established to prevent the discharge
10 of acid mine drainage from abandoned mine pools
11 into surface waters. AMDRI is requesting this
12 land exchange to facilitate the expansion of its
13 existing acid mine drainage pumping and treatment
14 facility located at the Shannopin Mine Steele
15 Shaft site.

16 AMDRI plans to install a reverse osmosis
17 treatment process and add a third clarifier to
18 provide capability to treat additional acid mine
19 drainage from existing abandoned mines and area
20 mine pools. The expanded pumping and treatment
21 capability will also potentially eliminate or
22 diminish several existing acid mine drainage
23 discharges into Dunkard Creek. The treated water
24 may potentially provide a portion of the water
25 required for the proposed Longview Power Plant.

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

4 The Executive Director and staff
5 recommend this proposed land exchange be approved
6 and the Commission authorize the Bureau of
7 Wildlife Habitat Management to proceed with the
8 arrangement as listed above.

9 PRESIDENT BOOP: You've heard the reading
10 with respect to the final printed agenda item for
11 this morning.

12 Is there a motion?

13 COMMISSIONER ISABELLA: So moved.

14 PRESIDENT BOOP: Commissioner Isabella.

15 Is there a second?

16 COMMISSIONER PALONE: Second.

17 PRESIDENT BOOP: Commissioner Palone.

18 Commissioner Palone, I would note this is
19 from your home county. Would you want to comment
20 at all on the item?

21 COMMISSIONER PALONE: I don't think so.
22 I just want thank Matt, who's here today, Barry.

23 PRESIDENT BOOP: Thank you.

24 Any additional comment, debate or
25 discussion on the item?

1 (No response.)

2 PRESIDENT BOOP: If not, all those in
3 favor indicate by saying aye.

4 (Indicates aye.)

5 PRESIDENT BOOP: Opposed same sign.

6 (No response.)

7 COMMISSIONER ISABELLA: Unanimous, Mr.
8 President.

9 PRESIDENT BOOP: Thank you, Mr.
10 Secretary.

11 We now turn to page 73 of the printed
12 agenda. We are at the place for other new
13 business.

14 Does any Commissioner have any other new
15 business?

16 COMMISSIONER ISABELLA: Mr. President.

17 PRESIDENT BOOP: Yes, Commissioner
18 Isabella.

19 COMMISSIONER ISABELLA: I have new
20 business in front of me.

21 I would like to request the Bureau of
22 Wildlife Protection along with the Bureau of
23 Information and Education to research fluorescent
24 orange regulation during the spring gobbler season
25 an option presented by the Pennsylvania Chapter of

1 the NWTf spring season hunter related shooter
2 incidents, turkey hunter safety education
3 material, turkey hunter compliance and report back
4 to the Commissioners at the April meeting.

5 PRESIDENT BOOP: Any other Commissioner
6 have any item of new business that he or she
7 wishes to bring up at this time?

8 COMMISSIONER SCHLEIDEN: Mr. President,
9 may I suggest that Commissioner Isabella that they
10 report to the committee, Wildlife Committee and
11 then report to the Commissioners?

12 PRESIDENT BOOP: I believe that would be
13 helpful. Are you agreeable to that, Commissioner
14 Isabella?

15 COMMISSIONER ISABELLA: Yes, that would
16 be fine.

17 PRESIDENT BOOP: Again, with time
18 constraints with the April meeting, I'm not sure
19 that that will be back by April, but we understand
20 your request.

21 Is there any other item of new business?

22 (No response.)

23 PRESIDENT BOOP: Hearing none, at this
24 point the next agenda item is the election of
25 Board officers for the ensuing year, which would

1 be January of '07 to January of '08.

2 I would call on Commissioner Hill, who is
3 the Chair of the nominating committee.

4 Commissioner Hill, do you have a report
5 to give us this morning?

6 COMMISSIONER HILL: Yes, I do, Mr.
7 President.

8 Try as we might, and I think we made
9 considerable effort, we weren't able to agree upon
10 slate.

11 PRESIDENT BOOP: So you're reporting that
12 the nominating committee has not been able to
13 agree upon a slate of officers?

14 COMMISSIONER HILL: That's right.

15 PRESIDENT BOOP: Mr. Pouss, our counsel,
16 and I believe under the appropriate Robert's Rules
17 of Order, if we don't have a slate we would simply
18 open the floor to nominations. There are three
19 Board officers to be elected. That would be
20 president, vice president and secretary.

21 I would propose that we proceed with the
22 election of the president first. Are there
23 nominations for the office of Board president for
24 2007-2008?

25 COMMISSIONER SCHLEIDEN: Mr. President.

1 PRESIDENT BOOP: The Chair would
2 recognize Commissioner Schleiden.

3 COMMISSIONER SCHLEIDEN: I'll refer to
4 you during elections as Mr. Chairman.

5 PRESIDENT BOOP: Thank you, sir.

6 COMMISSIONER SCHLEIDEN: Mr. Chairman, I
7 nominate Roxanne Palone president.

8 COMMISSIONER SCHLEIDEN: Is there a
9 second to the nomination?

10 COMMISSIONER ISABELLA: Second, Mr.
11 President.

12 PRESIDENT BOOP: Commissioner Isabella.
13 Are there other nominations for the
14 office of president?

15 (No response.)

16 PRESIDENT BOOP: If not, is there a
17 motion that the nominations be closed?

18 COMMISSIONER ISABELLA: So moved.

19 PRESIDENT BOOP: Commissioner Isabella
20 moved that the nominations be closed.

21 Is there a second to that motion?

22 COMMISSIONER SCHLEIDEN: It's not
23 required, sir.

24 PRESIDENT BOOP: I realize it isn't, but
25 I'm asking, is there a second?

1 COMMISSIONER SCHLEIDEN: I'll second
2 that.

3 PRESIDENT BOOP: Commissioner Schleiden
4 is seconding it.

5 So, Commissioner Palone has been properly
6 moved and seconded for the office of president.
7 There are no other nominations. The nominations
8 have been closed.

9 All those Commissioners in favor of
10 Commissioner Palone for president please indicate
11 by raising your right hand.

12 (Commissioners Isabella, Palone and
13 Schleiden raise their hands.)

14 PRESIDENT BOOP: All those opposed please
15 raise your right hand.

16 (Commissioners Schreffler, Boop and Hill
17 raise their hands.)

18 COMMISSIONER ISABELLA: Please raise your
19 hands again.

20 COMMISSIONER ISABELLA: We have three
21 ayes and three nays.

22 PRESIDENT BOOP: I believe the rules
23 would provide it takes four votes to be elected.

24 Does any Commissioner want to move to
25 reopen the nominations?

1 (No response.)

2 PRESIDENT BOOP: I think the proper
3 procedural rule would be to move to reopen. Does
4 any Commissioner want to make that motion?

5 COMMISSIONER SCHLEIDEN: I move that we
6 reopen the nominations after we recess. I request
7 a recess, sir.

8 PRESIDENT BOOP: Commissioner Schleiden
9 has requested that we recess. I'm having a little
10 trouble with the clock in the back, so the
11 official timekeeper here is our Executive
12 Director. I really would prefer to do this
13 election in public. I don't like backroom
14 negotiations, but there is a request that we have
15 a recess.

16 I don't think that we need to vote on
17 that. I guess it's the discretion of the Chair,
18 but it has been requested. We're going to recess
19 for 15 minutes and then we'll come back in 15
20 minutes.

21 (Recess 10:41 A.M.)

22 (Reconvened 11:08 A.M.)

23 PRESIDENT BOOP: I've reconvened the
24 meeting.

25 The Commissioners did take a recess that

1 obviously lasted a little longer than the
2 announced time. I would indicate for all those
3 present, particularly members of the press, there
4 were no decisions made, no votes taken. The
5 Commissioners simply needed a little time to
6 collect their thoughts in light of what occurred
7 this morning. So there were no issues with
8 respect to any decisions not being made in a
9 public meeting.

10 When we adjourned, Commissioner Schleiden
11 had made a motion to reopen the nominations for
12 president, but had asked that we be able to take a
13 brief recess to collect our thoughts before moving
14 forward.

15 So, Commissioner Schleiden, is it your
16 motion to reopen the nominations?

17 COMMISSIONER SCHLEIDEN: It is, sir.

18 PRESIDENT BOOP: Okay.

19 Is there a second to Commissioner
20 Schleiden's motion?

21 COMMISSIONER ISABELLA: Second.

22 PRESIDENT BOOP: Second by Commissioner
23 Isabella.

24 So we are back on the floor properly
25 opened motion and the Chair will entertain a

1 motion for president.

2 Is there any nomination for president?

3 (No response.)

4 PRESIDENT BOOP: Hearing none, we'll move
5 to the office of vice president.

6 Is there any nomination for the office of
7 vice president?

8 (No response.)

9 PRESIDENT BOOP: Hearing none, we'll move
10 to the office of secretary.

11 Is there any nomination for the office
12 for secretary?

13 (No response.)

14 PRESIDENT BOOP: Hearing none, the Chair
15 has consulted with legal counsel. We've reviewed
16 the appropriate rules that we feel govern a
17 situation like this developing. I don't know that
18 any of us are particularly overjoyed by the
19 outcome, particularly not the Chair, but the
20 result will be that the officers from last year,
21 president, vice president and secretary will
22 continue in office for another year.

23 That is the determination by the Board.

24 Is there any other old business or new
25 business to come before the Board today?

1 COMMISSIONER PALONE: Mr. President.

2 PRESIDENT BOOP: Yes.

3 COMMISSIONER PALONE: I would like to
4 make a statement, with your permission?

5 PRESIDENT BOOP: Sure.

6 COMMISSIONER PALONE: Usually we have a
7 press conference after the Game Commission meeting
8 and I know that there will be different people
9 asking about the election. I just wanted to make
10 a statement to be proactive before the press
11 conference and for the record.

12 When I was first asked to serve on the
13 Board, I made a list of four or five goals that I
14 wanted to achieve. Since that time, I believe the
15 Commission and the agency have made much progress
16 toward achieving those goals. To me, the most
17 important of those goals was reducing the deer
18 herd throughout the State, and I've always been
19 very up-front about that.

20 I want the Deer Team and the whole
21 Commission to know that I am very pleased with the
22 deer program and all the progress that has been
23 made in deer management. I have worked diligently
24 to be a trustee of our natural resources and I
25 will continue in that role for as long as I have

1 the privilege and honor to serve all the people of
2 the Commonwealth.

3 As I see it, not being elected for
4 president of the Commission pales in comparison to
5 being a trustee and a steward of our natural
6 resources. To put it in prospective, it's really
7 not the same as getting a terminal illness or
8 losing a family member. To me, it's really not a
9 life altering experience.

10 My whole life I have taken the road less
11 traveled and to me, it leads to the future and to
12 the 21st Century. When I stand before our
13 creator, I want him to say, "Well done, my good
14 and faithful servant."

15 PRESIDENT BOOP: Thank you, Commissioner
16 Palone.

17 Do any other Commissioners want to make
18 any comment?

19 (No response.)

20 PRESIDENT BOOP: We are going to go over
21 to the training center after we adjourn. We will
22 have our normal press conference. Again, we did
23 not make any decisions when we were on the recess.

24 All six of us, I believe, take very
25 seriously our fiduciary responsibility. We want

1 you to know we all like each other. We value our
2 friendships. We work together and we will
3 continue to do that in the upcoming year.

4 Different people have strong feelings and
5 strong opinions and every member of this Board
6 contributes. I don't think that you should view
7 or necessarily draw an adverse conclusion from
8 what occurred here this morning. We will all do
9 our best to continue to work for the resource of
10 this Commonwealth, as we feel it's our fiduciary
11 responsibility and we all appreciate the
12 contributions of all the Commissioners.

13 Commissioner Palone, your comments are
14 well taken. I don't think that anyone is going to
15 find any of us making negative personal comments
16 about any of our fellow Commissioners.

17 I want to entertain a motion to adjourn.

18 COMMISSIONER SCHLEIDEN: So moved.

19 (Hearing adjourned 11:14 A.M.)

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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.

Notary Public