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

(Pledge of Allegiance said.)

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

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

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

I would call on our Secretary, Commissioner Isabella, to read the roll.
COMMISSIONER ISABELLA: Okay, Mr. President.

Commissioner Boop.

PRESIDENT BOOP: Present.

MR. ISABELLA: Commissioner Palone.

MRS. PALONE: Present.

MR. ISABELLA: Commissioner Isabella.

Present.

Commissioner Schleiden.

MR. SCHLEIDEN: Present.

MR. ISABELLA: Commissioner Schreffler.

MR. SCHREFFLER: Present.

MR. ISABELLA: Commissioner Hill.

MR. HILL: Here.

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

PRESIDENT BOOP: Thank you, Commissioner Isabella.

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

Is there a motion that those minutes be approved?

COMMISSIONER ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.
Is there a second?

COMMISSIONER SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Any discussion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

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

PRESIDENT BOOP: There was discussion about that and I think if we have a motion and a
second we can talk about that under discussion.

Is there a motion first?

COMMISSIONER SCHREFFLER: So moved.

PRESIDENT BOOP: Commissioner Schreffler.

Is there a second?

COMMISSIONER SCHLEIDEN: Second.

PRESIDENT BOOP: Now, is there discussion?

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

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

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

EXECUTIVE DIRECTOR ROE: Mr. President, you asked me yesterday evening to look into the dates. In the southeast and halfway through our southcentral region, trout season starts March 31, as a change to the regulations of the Fish and Boat Commission. So there is a split starting season this year for the opening of trout. So it
depends upon where are in the State as to when, in fact, that opening date occurs.

COMMISSIONER SCHLEIDEN: Mr. President.

PRESIDENT BOOP: Yes, Commissioner Schleiden.

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

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

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

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

COMMISSIONER PALONE: Mr. President.

PRESIDENT BOOP: Yes, Commissioner Palone.

COMMISSIONER PALONE: We had talked about starting the meeting a little later in the week,
maybe having it the seventeenth and eighteenth.

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

COMMISSIONER PALONE: Okay.

PRESIDENT BOOP: So your amendment would be what?

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

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

COMMISSIONER PALONE: Yes.

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

COMMISSIONER ISABELLA: Second.

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

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

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

PRESIDENT BOOP: So you’ve heard the
discussion on the amended motion, which would be to change the April meeting date for Monday and Tuesday, the sixteenth and seventeenth, to Tuesday and Wednesday, the seventeenth and eighteenth. Is there any additional discussion on the amendment motion, the motion as amended? (No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

PRESIDENT BOOP: So that date will now be the seventeenth and eighteenth. Is there any discussion with respect to
any of the other dates?

(No response.)

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

All in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Commissioner Isabella.

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

MR. POUSS: Thank you, Mr. President.

The first item on the agenda relates to the State Wildlife Grant Program. Congress appropriated funds under the State Wildlife Grant Program (SWG) directly and exclusively to state wildlife agencies for “wildlife specifies of the greatest conservation
Pennsylvania is eligible to receive these funds for fish and wildlife projects under the SWG program. We are recommending approval of the two projects listed in Exhibit A.

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

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

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

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

PRESIDENT BOOP: Exhibit A is before you.
Bureau Director Cal DuBrock, from the Bureau of Wildlife Management, is present at the podium and available to answer any questions concerning Exhibit A.

Is there a motion to approve?

COMMISSIONER ISABELLA:  So moved.

PRESIDENT BOOP:  Commissioner Isabella.

Is there a second?

COMMISSIONER SCHREFFLER:  Second.

PRESIDENT BOOP:  Commissioner Schreffler.

Is there discussion on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP:  Opposed same sign.

(No response.)

COMMISSIONER ISABELLA:  Unanimous, Mr. President.

PRESIDENT BOOP:  Thank you.

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

MR. POUSS:  Thank you, Mr. President.
The first item relates to adopted rule making, more specifically, relating to proposed amendments to Chapters 141, 143 and 147 of Title 58 of the Pa. Code.

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

Amend Chapter 143, Subchapter A, (relating to general); B (relating to appointment of agents); C (relating to antlerless deer licenses); D (relating to bear licenses); E (relating to flintlock - muzzleloader deer licenses); J (relating to migratory game bird license); and K (relating to elk licenses); and Chapter 147, Subchapter R (relating to deer control); and S (relating to bobcat hunting-trapping permit) to accommodate the implementation of the Commission’s new POS licensing system within this Commonwealth.

Also, amend §141.48 (relating to elk management units), §143.206 (relating to validity of license) and §143.207 (relating to unlawful acts) to redesignate “elk management areas/units” as “elk hunt zones.”
It is important to identify that staff has consolidated the above mentioned rule making packages into one item on this agenda even though these packages were originally presented as separate proposal at the Commission’s October 3, 2006 meeting. The purpose of this consolidation was to ensure accuracy and clarity in the regulatory language being considered for final adoption in light of the fact that these individual packages amend several of the same provisions. This consolidation is administrative in nature and does not in any way affect the substance of either rule making package.

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

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

EXECUTIVE DIRECTOR ROE: Thank you, Mr. President.

As many of you know, this proposed rule
making change is dealing with Point of Sale system as it moved through and moved forward. Last Fall when we proposed this, we thought Point of Sale was in pretty good shape, although they were pretty much behind schedule in a couple of areas.

Since that time we believe they’ve fallen further behind and missed some significant deadlines for us.

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

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

Do we have a motion?

COMMISSIONER ISABELLA: So moved.

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

Is there a second to the motion?
COMMISSIONER SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden. Is there discussion or debate on the motion?

COMMISSIONER PALONE: Mr. President.

PRESIDENT BOOP: Yes, Commissioner Palone.

COMMISSIONER PALONE: I’d like to amend that to--

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

COMMISSIONER PALONE: Yes.

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

EXECUTIVE DIRECTOR ROE: Yes, we had further discussions this morning on that and felt that rather than start piecemealing the package, because there’s another portion in there later on that relates to that same part of the title, that we said just table the whole issue and we’ll deal
with that in April, as necessary.

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

COMMISSIONER PALONE: Then I withdraw my motion.

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

Is there any additional discussion or debate?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: We move now to page 15.

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

To effectively manage the wildlife
resources of the Commonwealth, the Game Commission, as its October 3, 2006 meeting, proposed the following change:

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

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

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

Do we have a motion?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella has made the motion.

Is there a second to the motion to adopt?

COMMISSIONER SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there discussion or debate on the motion?
(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to page 18 of the agenda.

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

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

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

The Executive Director and staff recommend that this rule making be tabled and that
the amendments to §§141.41, 141.43 and 141.47 be
further considered in the comprehensive rule
making package found in Item K of this agenda,
which I believe has already been tabled.

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

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

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

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

PRESIDENT BOOP: Thank you for that
explanation.

With that explanation, is there a motion
to table, as is recommended?
COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there debate or discussion on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

We now move to page 21.

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

To effectively manage the wildlife resources of the Commonwealth, the Game Commission, at its October 3, 2006 meeting, proposed the following change:
Amend §§137.1 (relating to importation, sale and release of certain wildlife) and 147.203 (relating to pens, shelters and enclosures) to eliminate the remaining regulatory language concerning those cervidae livestock activities no longer regulated by the Commission.

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

PRESIDENT BOOP: Exhibit D appears as pages 22 and 23 of the printed agenda.

Commissioners have it before you.

Is there a motion to adopt?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion or debate on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.
COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving to page 24.

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

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

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

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

The Executive Director and staff recommend final adoption of these amendments of 58
Pa. Code as shown in Exhibit E.

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

Is there a motion to adopt?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion or debate on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Turning to page 26.

MR. POUSS: Mr. President, the next item
relates to adoption of proposed amendments to Chapter 135, Subchapter L, §§135.221 through 135.225 of Title 58.

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

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

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

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

Is there a motion to approve?

COMMISSIONER SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion or debate?

COMMISSIONER PALONE: Mr. President.
PRESIDENT BOOP: Yes, Commissioner Palone.

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

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

Are you offering that as an amendment, Commissioner Palone?

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

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

MR. PALMER: Yes, Mr. President.

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

PRESIDENT BOOP: Thank you, Commissioner Palone.

Is there a second to the amendment?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Mr. Palmer, would you just very briefly explain the purpose of the amendment?
MR. PALMER: The amendment in here was the result of some feedback, basically, just to clean up the language and clarify it a little bit more than as originally published. No substantial changes to it.

PRESIDENT BOOP: It’s a housekeeping item?

MR. PALMER: Yes.

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

(No response.)

PRESIDENT BOOP: So we’re voting on the amendment.

All those in favor of Commissioner Palone’s amendment indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

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

(Signified aye.)
PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: The motion as amended has been adopted.

Moving to page 30.

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

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

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

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

PRESIDENT BOOP: You’ve heard the reading of the action item which appears on page 31. You
see the recommendation of Executive Director and staff.

Is there a motion to adopt?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commission Isabella.

Is there a second?

COMMISSIONER SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there any discussion on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Commissioner Hill and Schreffler, you’re with us out there?

COMMISSIONER SCHREFFLER: I said aye.

COMMISSIONER HILL: Good morning, Mr. President.

PRESIDENT BOOP: Just hadn’t heard from that side. We used to hear from that side all the time.
COMMISSIONER HILL: You don’t want us to start.

PRESIDENT BOOP: A little levity never hurts.

We’re now moving to page 32 of the agenda. We’re going from adopted rule making now to proposed rule making. We’re starting on page 32 of the agenda.

Mr. Pouss, we’ll go back to you.

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

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

Despite this broad authorization, however, it is the general policy of the Commission that the primary responsibility of the wildlife conservation officers is the enforcement of the Game and Wildlife Code and that all general law enforcement duties shall remain the
responsibility of the appropriate law enforcement agencies empowered to conduct these activities.

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

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

PRESIDENT BOOP: We have the action item before us. We’ve heard the reading. We have the recommendation.

Is there a motion to adopt?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Thank you.

Is there debate or discussion on the
motion?
(No response.)
PRESIDENT BOOP: Hearing none, all those in favor indicate by saying aye.
(Signified aye.)
PRESIDENT BOOP: Opposed same sign.
(No response.)
COMMISSIONER ISABELLA: Unanimous, Mr. President.
PRESIDENT BOOP: Thank you, Mr. Secretary.

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

Regulations concerning the use of cable restraint devices were first proposed at the Commission’s October 5, 2004 meeting and were finally adopted at its January 25, 2005 meeting. These regulations essentially define the nature of the device, the manner of its use, as well as the time period for its use. Upon final completion of the 2005-2006 furtaking season, staff conducted a survey of all certified cable restraint users to assess use, efficiency, selectivity and capture
related injuries or mortalities.

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

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

In an effort to permit those individuals
who are permitted to trap without license to more
fully enjoy their privilege by being eligible to
participate in the Commission’s cable restraint
training course, the Commission is proposing the
amendment to 58 Pa. Code §141.66.

The proposed amendments are on pages 36 and
37.

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

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

So with respect to those action items
centering on cable restraints is there a motion?

COMMISSIONER SCHREFFLER: So moved.

PRESIDENT BOOP: Commissioner Schreffler.

Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there discussion or debate on the
PRESIDENT BOOP: Hearing none, all those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

We’re now moving to the item on page 38 of the agenda.

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

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

It is without controversy that the safety of persons engaged in the activity of hunting, as
well a those persons who may be in the vicinity of persons engaged in the activity of hunting, is a paramount concern of the Commission. Due to the rapidly decreasing levels of light during the half-hour period after sunset, staff has determined that permissive hunting occurring during this period has the substantial likelihood of increasing safety hazards associated with hunting activities.

Another important factor considered by staff is the likelihood that an expansion of legal hunting hours to include the half-hour period after sunset will create inconsistency in hunting hours for migratory and non-migratory game species due to the Commission’s inability to set legal hunting hours for migratory game species outside of the thresholds set by federal regulation. This inconsistency would have the greatest impact on hunters that pursue migratory game species and non-migratory game species at the same time due to the different closing times, but could also cause confusion for other hunters as well.

Another factor to this issue is a recent change in federal regulations expanding the
thresholds of legal hunting hours to include the half-hour period after sunset for resident Canada goose hunting. Staff has determined that such an expansion during the September resident goose season would be beneficial because it would promote additional harvest of resident Canada geese and assist the Commission in attaining its population goals for resident Canada geese.

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

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

And the Executive Director and staff recommend the Commission only approve the extension of legal hunting hours to include the
half-hour period after sunset, as it pertains to
the September resident Canada goose season.

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

You’ve heard the reading. The action
item is before us and you’ve heard the
recommendation of the Executive Director and
staff.

Is there a motion to approve the item?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there discussion or debate on the
item?

COMMISSIONER SCHREFFLER: Yes, sir.

PRESIDENT BOOP: Commissioner Schreffler.

COMMISSIONER SCHREFFLER: I have to
comment on this, because as a hunter I really want
this half-hour. It would be nice to have another
half-hour. But as I sit here as a Commissioner,
in a position of responsibility, I have to look at
the wisdom of my years, I guess, and so on, and
after a lot of consideration and research, I really feel that a more responsible position is necessary.

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

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

Even with a telescopic sight the rifle is on, I still think that that peripheral vision is very important in the condition of what’s in the back behind what you’re shooting. I’m really
concerned about this. I think that as much as we all want this, we have to look at it in a responsible way.

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

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

Thank you.

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

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

(No response.)

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

There’s a couple things about this that
bother me. The first is that staff and the Executive Director are not recommending it.

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

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

Are there any other discussion?

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

PRESIDENT BOOP: Okay.

COMMISSIONER SCHREFFLER: I’d like to
offer the amendment that this only includes the
extension of legal hunting hours one half-hour
after sunset and pertains to the September
resident goose season and not in a general ruling.

PRESIDENT BOOP: Is there a second to
Commissioner Schreffler’s amendment?
(No response.)

PRESIDENT BOOP: Hearing none, the
amendment fails.

Is there any other motion to amend?
(No response.)

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

All those in favor indicate by saying
aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.
(Commissioners Schreffler and Boop
signified nay.)

COMMISSIONER ISABELLA: Can we have a
show of hands?

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

(Commissioners Hill, Schleiden, Palone
PRESIDENT BOOP: Opposed?

(Commissioners Schreffler and Boop opposed.)

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

PRESIDENT BOOP: The motion carries.

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

MR. POUSS: Yes, Mr. President.

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

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

The Commission has received a number of request from hunters to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the
early archery and muzzleloader seasons and the
late archery and flintlock muzzleloading seasons.

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

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

The Commission has determined that the
use of aperture or peep sights during the
flintlock muzzleloading season would be permissible since their use is consistent with 18th century technology and therefore would not undermine the traditional nature of the flintlock muzzleloading season.

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

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

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

Is there a motion to approve?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

Is there debate or discussion on the item?

Commissioner Schreffler.

COMMISSIONER SCHREFFLER: Yes. As I had previously done, I would like to offer an amendment to exclude muzzleloader handguns from this proposal. My feeling that these handguns have more from effectiveness as I look at the
information that’s been supplied to me by our
staff.

PRESIDENT BOOP: We have heard the
proposed amendment. Is there a second to the
proposed amendment?
(No response.)
PRESIDENT BOOP: Hearing none the
amendment fails.
Is there further discussion or additional
motions to amend?
(No response.)
PRESIDENT BOOP: Hearing none, we’re
voting on the main motion. All those in favor
indicate by saying aye.
(Signified aye.)
PRESIDENT BOOP: Opposed same sign.
(Commissioner Schreffler opposes.)
COMMISSIONER ISABELLA: Ayes five, nays
one.
PRESIDENT BOOP: The matter passes and we
move to the next agenda item, which is on page 45.
MR. POUSS: It relates to the amending of
§141.20 of 58 Pa. Code.
The Commission has received a number of
calls from hunters regarding protective material
requirements for hunters hunting from artificial
or manufactured blinds during the deer, elk or
bear seasons. These hunters have pointed out that
there is a conceptual conflict in requiring
hunters to wear protective material inside a blind
where its visual effectiveness is severely
diminished.

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

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

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

The Executive Director and staff
recommend the Commission approve this change.
PRESIDENT BOOP: You’ve heard the reading. The agenda item is before the Board.

Is there a motion?

COMMISSIONER SCHREFFLER: So moved.

PRESIDENT BOOP: Commissioner Schreffler.

Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

PRESIDENT BOOP: Debate or discussion on the motion?

COMMISSIONER ISABELLA: Mr. President.

PRESIDENT BOOP: Yes. We recognize Commissioner Isabella.

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

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

COMMISSIONER SCHREFFLER: Because a lot of these blinds you get them on four sides, orange protrudes out.
PRESIDENT BOOP: Any other discussion or debate on the motion which is on the floor?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Moving now to page 46 of the agenda.


Since the implementation of the DMAP program in 2003, harvest permit fees for residents and nonresidents have remained unchanged. However, operating costs throughout the agency have increased significantly, especially since the last license fee increase that occurred in 1999.

Given the added recreational opportunities that DMAP harvest permits offer and the nominal cost currently associated with them, an increase in permit fees is being proposed to better represent
the value of the privilege and improve funding for the management of wildlife resources.

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

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

Is there a motion?

COMMISSIONER SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

Is there debate or discussion on the motion?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

PRESIDENT BOOP: So that’s unanimous, Mr. Secretary.

COMMISSIONER ISABELLA: Unanimous, Mr. President.
MR. POUSS: Mr. President, the item on page 47 relates to amending §143.243 of 58 Pa. Code.

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

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

You can see that on page 47 of your
agenda.

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

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

Is there a motion for this amendment?

(No response.)

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

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

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

Do any Commissioner want to add to those comments?

(No response.)

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

MR. POUSS: Mr. President, that item
relates to amending §137.2 of Title 58 of Pennsylvania Code.

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

Feral hogs are known to pose a number of threats to the health, safety and welfare of wildlife, wildlife habitat, private property, humans and Pennsylvania’s agricultural industry. The Commission is currently taking a number of steps to help combat this growing problem, but it recognizes that eliminating feral hogs from the wild cannot be successful if their continued release into the wild is not restricted. Therefore, the Commission is proposing to amend 58 Pa. Code §137.2 to prohibit the release of any feral hogs into the wild.
You can see the proposed amendment on page 48 of the agenda.

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

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

Is there a motion?

COMMISSIONER ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER SCHREFFLER: Second.

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

COMMISSIONER SCHLEIDEN: Mr. President?

PRESIDENT BOOP: Yes, Commissioner Schleiden.

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

PRESIDENT BOOP: Are there other
Commissioners who wish to debate or comment on the motion?

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

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(Commissioner Isabella voted nay.)

(Commissioner Schleiden abstains.)

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

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

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

COMMISSIONER ISABELLA: Nay.

(Commissioner Isabella raises hand.)

COMMISSIONER ISABELLA: Four ayes, one
nay and one abstention.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

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

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

Although 2007-2008 seasons and daily season and possession limits are similar to those in 2006-2007, the 2007-2008 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations,
as well as recommendations received from the staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of the Commonwealth.

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

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

Fall, either sex turkey harvest can substantially influence turkey population trends, which we control by hunting season length. The wild turkey management plan outlines decision criteria for setting fall turkey season lengths. Based on these criteria and turkey population and harvest index trends, it is proposed that the fall season in three WMUs (2A, 2F and 2G) be reduced on week and the existing fall turkey seasons
Staff also proposes extending the 2008 spring gobbler season an additional day to allow hunters to take advantage of the entire Memorial Day holiday weekend.

This proposal also includes expanded deer hunting seasons in WMU’s 2B, 5C and 5D, our most developed areas in the state. The Commission’s “Plan to reduce deer-human conflicts in developed areas” calls for expanding archery seasons in WMUs 2B, 5C and 5D to reduce deer populations and deer-human conflicts. A mid-September archery season opener is proposed for these WMUs along with the additional taking opportunities in December through the end of January 2008.

The elk hunting season’s proposal recommends expanding the September hunt from one to four weeks. Given the small area (only Hunt Zone 1), the amount of private property and limited hunter access to property, and the continuing elk-human conflicts this more flexible season will allow hunters greater opportunity to take elk impacting farmers, provide bull hunting opportunity coinciding with the rut, allow hunters a greater opportunity to choose a cow if the
opportunity presents itself, and keeps hunters in a defined area away from easily accessible public lands.

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

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

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

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

COMMISSIONER SCHLEIDEN: Mr. President,
may I suggest that we make a motion and a second and then under discussion go page by page so we can just do those as an amendment?

PRESIDENT BOOP: That’s an acceptable alternative, yes.

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

Is there a motion to adopt?

COMMISSIONER PALONE: So moved.

COMMISSIONER ISABELLA: So moved.

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

(Indicates yes.)

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

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

COMMISSIONER SCHLEIDEN: Mr. President.

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

COMMISSIONER SCHLEIDEN: Yes, sir. Under squirrels (combined species) the last date, which
is now stated December 26 to February 2, I would like to offer the amendment on that to read February 9.

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

That’s my amendment.

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

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella.

You’ve heard the amendment and the second to the amendment.

Is there discussion or debate on the amendment?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)
COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

COMMISSIONER SCHLEIDEN: Mr. President.

PRESIDENT BOOP: The Chair would recognize Commissioner Schleiden.

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

PRESIDENT BOOP: You’ve heard the amendment.

Is there a second to the amendment?

COMMISSIONER ISABELLA: Second.

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

(No response.)

PRESIDENT BOOP: The Chair would just
comment with respect to Commissioner Schleiden’s amendment. None of the Management Units that would be so affected with respect to the February extension for pheasants are either of the Management Units where we have the restoration effort ongoing in Commissioner Palone and my areas.

You’ve heard the motion to amend and the second.

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

Is there discussion or debate with respect to page 53.

COMMISSIONER SCHLEIDEN: Mr. President.

PRESIDENT BOOP: The Chair would
recognize Commissioner Schleiden.

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

So I’ve added 2G and 4D to October 27 to November 17.

PRESIDENT BOOP: You’ve heard the amendment, which if I understand it would in 2G and 4D extend the fall turkey season by one week. Is there a second to the amendment?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella. Is there discussion or debate on the amendment?

(No response.)

PRESIDENT BOOP: I would like to comment, 2G and 4D are also in the regions of the state that I represent as a Commissioner. As I’ve said earlier today and on previous occasions, I don’t like to go against staff recommendation, but these are in the areas where we are having so much
difficulty with camps being closed and hunters not having opportunity for other big game species, so I am inclined to support Commissioner Schleiden’s amendment for that reason.

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

That’s my reasoning for that, although I respect your reasoning as well.

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

That’s the reasoning for my amendment.

PRESIDENT BOOP: You’ve heard the amendment and the second. You’ve heard the discussion.

Is there any additional discussion or
comment by any of the other Commissioners before we vote?

(No response.)

PRESIDENT BOOP: Voting on the amendment. All those in favor of the amendment indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign. (No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you.

We turn page 54 of the agenda, a variety of species listed there. Is there any discussion or debate with respect to any of the proposed seasons and bag limits as set forth on page 54?

(No response.)

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

COMMISSIONER ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

PRESIDENT BOOP: Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Properly and moved and
seconded.

Any discussion?

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

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

PRESIDENT BOOP: Moving to page 55.

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

(No response.)

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

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

This early muzzleloader rifle season, as the testimony and the letters and the e-mails that I have received, interfered with our regular archery season and with deer numbers in many areas
of the state at a historic low, I see no
scientific or biological justification for this
season continuing.

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

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

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

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

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

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

So that is my amendment.

COMMISSIONER SCHLEIDEN: All that’s your amendment, sir, or is that your comment?

PRESIDENT BOOP: My comment and my amendment.

COMMISSIONER SCHLEIDEN: Mr. President.

PRESIDENT BOOP: Are you seconding my motion?

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

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

COMMISSIONER SCHLEIDEN: Well, I think you made your comment with the amendment, sir. May I make a comment without giving you a second?
PRESIDENT BOOP: Sure.

COMMISSIONER SCHLEIDEN: Thank you, sir.

COMMISSIONER SCHLEIDEN: I have before me an issue of a book called “Game News”.

PRESIDENT BOOP: I’ve seen it.

COMMISSIONER SCHLEIDEN: This one is September of 1950. It’s special issue Number 1.

My comment on this would be, I’d like to read to you, and remember, this was 1950, and it was a book, a special edition written by a guy by the name of Roger Latham.

I’m not going to read the entire introduction, but I think it speaks to your comments and concerns of our sportsmen, who I have a great deal of respect for.

I read as follows: “Probably the most formidable problem which has confronted the Game Commission during the past 30 years,” now, remember, this was written in 1950, “the past 30 years and one which has serious hampered scientific management (seriously hampered scientific management) has been the opposition of well-meaning (and I repeat well-meaning) but uninformed deer hunters.

“This lack of confidence in the ability
of the Commission and its trained personnel to formulate and carry out sound management practices has created an undesirable relationship between the hunter and the Game Commission.

“Even more important, this act of opposition has endangered the future of this sport in Pennsylvania.”

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

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

Thank you, sir. That’s my comment.

PRESIDENT BOOP: Well, I don’t think this is the appropriate forum maybe to get into an ongoing debate this morning. We respect each
other’s views. We respectfully disagree. I’m a business person. Everything in life is a pendulum. This pendulum had swung too far at one point. It’s obviously, in my opinion, swung too far the other way.

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

Is there a second to my amendment?

(No response.)

PRESIDENT BOOP: If not, we don’t need to vote on 55. We’re moving to 56. This is generally bear, elk and beaver. I believe with respect to bear we were to have a replacement page.

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

MR. PALMER: The replacement page reflects what was presented yesterday by Mark Fernak (ph) what his concerns over Unit 3D and changing the seasons allocation there.
There is one mistake here though. The line above it still needs 3D removed from it.

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

EXECUTIVE DIRECTOR ROE: That’s correct. November 28 to December 1.

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

(No response.)

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

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

(No response.)

PRESIDENT BOOP: Hearing none, we’ll go to page 58.

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

MR. PALMER: It will be.
PRESIDENT BOOP: It will be necessary, okay.

MR. PALMER: On footnote items three and seven.

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

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

PRESIDENT BOOP: Very good, thank you. In light of that explanation, do I hear a motion for the floor amendment as presented on the white handout we have?

COMMISSIONER SCHLEIDEN: So moved.

PRESIDENT BOOP: Mr. Schleiden. Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Commissioner Isabella. Is there any discussion or debate on the amendment?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

COMMISSIONER ISABELLA: Unanimous, Mr. President.

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

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

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

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(Commissioner Boop opposed.)
COMMISSIONER ISABELLA: Ayes five, nays one.

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

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

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

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

Persons denied the right to hunt or fur take in the Commonwealth, through this action, are notified by Certified Mail that the revocation will commence July 1, 2007. The symbol “RA” means the revocation was added to an existing revocation.

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

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

Recommendation: The Executive Director and Wildlife Protection Director recommend the
Commission revoke the hunting and furtaking license privileges of the persons named by the Bureau of Wildlife Protection. Such revocation shall become effective July 1, 2007, and shall continue for such period of time and under the conditions set forth following each person’s name.

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

Is there a motion to adopt?

COMMISSIONER ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Any debate or discussion on the motion?

(No response.)

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

(Indicates aye.)
PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Motion carried.

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

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

We’re adjourned.

(Recess 9:55 A.M.)

(Reconvened 10:20 A.M.)

PRESIDENT BOOP: We’re reconvening the meeting.

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

We’re moving to the Bureau of Wildlife Habitat Management. The Chair is pleased to recognize our Director William Capouillez, who is
here. Bill, if it’s not Zimmerman or Martin, I struggle a little bit with the names, so bear with me.

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

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

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

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

Is there a motion?

COMMISSIONER SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Commissioner Isabella, will you second?
COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: It’s properly moved and seconded.

Is there any discussion on this action item?

(No response.)

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

(Indicates aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you.

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

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

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

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

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

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

Is there a motion to accept?
COMMISSIONER SCHLEIDEN: So moved.
PRESIDENT BOOP: Commissioner Schleiden.
Again, Commissioner Isabella, will you second?
COMMISSIONER ISABELLA: Second.
PRESIDENT BOOP: Properly moved and seconded.
Is there discussion on the motion?
COMMISSIONER SCHREFFLER: Mr. President.
PRESIDENT BOOP: Yes, Commissioner Schreffler.
COMMISSIONER SCHREFFLER: I’d just like to have it included in the record our thanks to James and Shirley Burke and Jean Jones for these donations. They’re much appreciated.
PRESIDENT BOOP: Comment is well taken and you express, I’m sure, the sentiments of the entire Board and of the agency.
Anyone else have a comment or discussion item?
(No response.)
PRESIDENT BOOP: If not, all those in favor of accepting these two donations indicate by saying aye.
(Indicates aye.)
PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Moving to page 65.

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

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

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

Let’s go to page 65.

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

Consol Energy, Inc., of Pittsburgh, Pennsylvania, has requested a land lease exchange to install two single ventilation air shafts, one on a 25-acre portion of State Game Lanes No. 179 in Jackson Township, Greene County and the second on an approximately 15-acre portion of State Games Lands No. 245 in Washington County, as shown on
Exhibits OGM-1 and OGM-2, which are on pages 67 and 68 of your agenda.

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

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

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

The total proposed lease area is comprised of 40 acres; however, the actual surface area to be affected by construction of the air shafts will be no greater than 25 acres which
includes access roads, power lines and erosion and sediment controls. The larger lease area is requested to provide flexibility to design, permit and construct the ventilation shafts with regards to underground mine conditions, as well as engineering, permitting and environmental concerns that may arise.

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

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

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

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

The project will be regulated by the
Commonwealth’s Underground and Surface Coal Mining
regulations and the Commission’s standard lease
agreement. The ten-year lease will include the
standard $10,000 performance bond for each
ventilation shaft and environmental protection
measures. In addition, the lease will include a
wildlife habitat reclamation and revegetation plan
developed by the local Land Management Group Supervisor.

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

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

PRESIDENT BOOP: Thank you, Mr. Pouss. We have maps on pages 67, 68 and 69 of the agenda to illustrate the item.

Is there an motion to adopt?

COMMISSIONER ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella. Is there second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone. Is there any discussion or debate on the motion on the floor?

COMMISSIONER SCHLEIDEN: Mr. President.

PRESIDENT BOOP: The Chair would recognize Commissioner Schleiden.
COMMISSIONER SCHLEIDEN: Thank you, sir.

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

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

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

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

MR. CAPOUILLEZ: Yes.
PRESIDENT BOOP: Thank you, Commissioner Schleiden, for your appropriate comments concerning the matter.

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

(No response.)

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

(Indicates aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: We move then to page 70.

MR. POUSS: And I believe it’s the final published item in the agenda.

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

AMD Reclamation, Inc., of Needham, Massachusetts, has requested a land exchange involving a 3.8 acre portion of State Game Lands 223 and a temporary construction easement on an additional 6.8 acres located in Dunkard Township, Greene County, as shown on OGM-4, which is on page 71 of your agenda.
In exchange, AMDRI has offered a tract of land containing 40 acres adjacent to State Game Lands No. 223, also situate in Dunkard Township, Greene County. That’s shown on OGM Exhibit 5, which is page 72 of your agenda. The proposed land transfer will include all surface mineable coals and associated mining rights.

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

AMDRI plans to install a reverse osmosis treatment process and add a third clarifier to provide capability to treat additional acid mine drainage from existing abandoned mines and area mine pools. The expanded pumping and treatment capability will also potentially eliminate or diminish several existing acid mine drainage discharges into Dunkard Creek. The treated water may potentially provide a portion of the water required for the proposed Longview Power Plant.
The staff has reviewed this proposal and determined it to be of equal or greater value for the benefit of wildlife.

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

PRESIDENT BOOP: You’ve heard the reading with respect to the final printed agenda item for this morning.

Is there a motion?

COMMISSIONER ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

COMMISSIONER PALONE: Second.

PRESIDENT BOOP: Commissioner Palone.

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

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

PRESIDENT BOOP: Thank you.

Any additional comment, debate or discussion on the item?
PRESIDENT BOOP: If not, all those in favor indicate by saying aye.

(Indicates aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

COMMISSIONER ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

Does any Commissioner have any other new business?

COMMISSIONER ISABELLA: Mr. President.

PRESIDENT BOOP: Yes, Commissioner Isabella.

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

I would like to request the Bureau of Wildlife Protection along with the Bureau of Information and Education to research fluorescent orange regulation during the spring gobbler season an option presented by the Pennsylvania Chapter of
the NWTF spring season hunter related shooter
incidents, turkey hunter safety education
material, turkey hunter compliance and report back
to the Commissioners at the April meeting.

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

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

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

COMMISSIONER ISABELLA: Yes, that would
be fine.

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

Is there any other item of new business?

(No response.)

PRESIDENT BOOP: Hearing none, at this
point the next agenda item is the election of
Board officers for the ensuing year, which would
be January of ‘07 to January of ‘08.

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

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

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

Try as we might, and I think we made
considerable effort, we weren’t able to agree upon
slate.

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

COMMISSIONER HILL: That’s right.

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

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

COMMISSIONER SCHLEIDEN: Mr. President.
PRESIDENT BOOP: The Chair would recognize Commissioner Schleiden.

COMMISSIONER SCHLEIDEN: I’ll refer to you during elections as Mr. Chairman.

PRESIDENT BOOP: Thank you, sir.

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

COMMISSIONER SCHLEIDEN: Is there a second to the nomination?

COMMISSIONER ISABELLA: Second, Mr. President.

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

(No response.)

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

COMMISSIONER ISABELLA: So moved.

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

Is there a second to that motion?

COMMISSIONER SCHLEIDEN: It’s not required, sir.

PRESIDENT BOOP: I realize it isn’t, but I’m asking, is there a second?
COMMISSIONER SCHLEIDEN: I’ll second that.

PRESIDENT BOOP: Commissioner Schleiden is seconding it.

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

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

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

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

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

COMMISSIONER ISABELLA: Please raise your hands again.

COMMISSIONER ISABELLA: We have three ayes and three nays.

PRESIDENT BOOP: I believe the rules would provide it takes four votes to be elected. Does any Commissioner want to move to reopen the nominations?
PRESIDENT BOOP: I think the proper procedural rule would be to move to reopen. Does any Commissioner want to make that motion?

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

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

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

(Recess 10:41 A.M.)

(Reconvened 11:08 A.M.)

PRESIDENT BOOP: I’ve reconvened the meeting.

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

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

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

COMMISSIONER SCHLEIDEN: It is, sir.

PRESIDENT BOOP: Okay.

Is there a second to Commissioner Schleiden’s motion?

COMMISSIONER ISABELLA: Second.

PRESIDENT BOOP: Second by Commissioner Isabella.

So we are back on the floor properly opened motion and the Chair will entertain a
motion for president.

Is there any nomination for president?

(No response.)

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

Is there any nomination for the office of vice president?

(No response.)

PRESIDENT BOOP: Hearing none, we’ll move to the office of secretary.

Is there any nomination for the office for secretary?

(No response.)

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

That is the determination by the Board.

Is there any other old business or new business to come before the Board today?
COMMISSIONER PALONE: Mr. President.

PRESIDENT BOOP: Yes.

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

PRESIDENT BOOP: Sure.

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

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

I want the Deer Team and the whole Commission to know that I am very pleased with the deer program and all the progress that has been made in deer management. I have worked diligently to be a trustee of our natural resources and I will continue in that role for as long as I have
the privilege and honor to serve all the people of
the Commonwealth.

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

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

PRESIDENT BOOP: Thank you, Commissioner
Palone.

Do any other Commissioners want to make
any comment?

(No response.)

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

All six of us, I believe, take very
seriously our fiduciary responsibility. We want
you to know we all like each other. We value our friendships. We work together and we will continue to do that in the upcoming year.

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

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

I want to entertain a motion to adjourn.

COMMISSIONER SCHLEIDEN: So moved.

(Hearing adjourned 11:14 A.M.)
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