COMMONWEALTH OF PENNSYLVANIA

 PENNSYLVANIA GAME COMMISSION
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 IN RE: Game Commission Board Meeting

 PUBLIC MEETING
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BEFORE: Gregory J. Isabella, President

 James J. Delaney, Jr., Vice President

 Ronald A. Weaner, Secretary

 Thomas E. Boop, Member

 David W. Schreffler, Member

 David J. Putnam, Member

 Robert W. Schlemmer, Member

HEARING: Thursday, July 9, 2009

 8:28 a.m.

LOCATION: Pennsylvania Game Commission

 2001 Elmerton Avenue

 Harrisburg, PA 17110

WITNESSES: NONE

 Reporter: R. Bradley Peiffer

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APPEARANCES

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MR. ISABELLA:
Welcome to the quarterly meeting of the Pennsylvania Game Commission. And at this time, if you have cell phones, please turn them off or put them on vibrate. And at this time, I’d like to stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

MR. ISABELLA:
Mr. Secretary, roll call of Commissioners.

MR. WEANER:
Mr. President, all Commissioners are here and accounted for.

MR. ISABELLA:
Thank you, Mr. Secretary. Now, can I have a motion for the approval of the minutes of the meeting held April 21st, 2009?

VOTE TAKEN

SHORT BREAK TAKEN

MR. ISABELLA:
I have a motion by Commissioner Boop.
Second?

MR. SCHREFFLER:
Second.

MR. ISABELLA:
Seconded by Commissioner Schreffler. All in favor of the minutes, please reply by saying aye.

AYES TAKEN

MR. ISABELLA:
Opposed?

MR. WEANER:
The vote is seven to nothing, all in favor.

MR. ISABELLA:
Thank you, Mr. Secretary. At this time, I’d like to bring in Agency Counsel, Brad Bechtel, to read the commentary.

ATTORNEY BECHTEL:
Thank you. The first five items relate to document regulations proposed at the April 21st, 2009 meeting. The adoptions proposed amendments to Section 135.41 relating to state game land, specifically prohibit the use or possession of drug paraphernalia on State game lands. The Executive Director and staff recommend final adoption of this amendment to 58 PA Code as shown on Exhibit A on page
three of your Agenda.

MR. ISABELLA:

You’ve heard the reading of the commentary, any motion?

MR. SCHREFFLER:

I’ll move.

MR. ISABELLA:

Commissioner Schreffler. Second?

MR. SCHLEMMER:

Second.

MR. ISABELLA:

Commissioner Schlemmer. Any discussion?

No more discussion. All in favor signify by saying Aye.

AYES TAKEN

MR. ISABELLA:

Opposed?

MR. WEANER:

Mr. President, the vote unanimously is a yes.

MR. ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item concerns the adoption of proposed amendments to section 135.48 relating to
State game lands roads open to the vehicular traffic for disabled persons, to remove the one-way travel limitation affecting the limited travel permitted on designated State game lands roads and replace it with an open-travel allowance that is subject to further limitation based upon existing weather or road conditions as indicated by conspicuous signage or postings. The Executive Director and Staff recommend the final adoption of this amendment to 58 PA Code as shown on Exhibit B of page five of your Agenda.

MR. ISABELLA:
You’ve heard the reading of the commentary; is there a motion?

MR. DELANEY:
So moved.

MR. ISABELLA:
Commissioner Delaney. Second?

MR. SCHREFFLER:
Second.

MR. ISABELLA:
Commissioner Schreffler. Any discussion?

No discussion. All in favor signify by saying Aye.

AYES TAKEN

MR. ISABELLA:
Opposed?
MR. WEANER:
Mr. President, the vote is unanimously yes.

MR. ISABELLA:
Thank you, Mr. Secretary. Next?

ATTORNEY BECHTEL:
The next item is the adoption of proposed amendments to section 135.103 relating to registration for controlled goose hunting areas to permit persons who have previously hunted a controlled goose hunting area to make application for unclaimed blinds on the morning of the designated shooting day, but only where there exists an absence of applications for the unclaimed blinds from persons who have not previously hunted a controlled goose hunting area. The Executive Director and Staff recommend final adoption of this amendment to 58 PA Code as shown on Exhibit C on page seven of your Agenda.

MR. ISABELLA:
Thank you, Brad. You heard the reading of the commentary; is there a motion?

MR. SCHLEMMER:
So moved.

MR. ISABELLA:
Commissioner Schlemmer. Second?
MR. SCHREFFLER:
Second.

MR. ISABELLA:
Commissioner Schreffler. Any discussion?

With no discussion, all in favor signify by saying Aye.

AYES TAKEN

MR. ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously, yes.

MR. ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item also concerns the adoption of proposed amendments amending sections 141.47 and 147.701, relating to elk and general, removing section 141.49 relating to elk guide permits and adding Chapter 147 subchapter Y relating to guiding permit to relocate, consolidate and more clearly define the permitting process for persons interesting in guiding other hunters or trappers for certain designated species. The Executive Director and Staff recommend final adoption of these amendments to 58 PA Code as
shown on Exhibit D on page 11 of your Agenda.

MR. ISABELLA:

Thank you, Brad. Commissioners, you have heard the reading of the commentary; is there a motion?

MR. DELANEY:

So moved.

MR. ISABELLA:

Motion by Commissioner Delaney. Second?

MR. WEANER:

Second.

MR. ISABELLA:

Second by Commissioner Weaner. Any discussion? I have just something to say, Rich, the way I understand, it’s just house cleaning?

MR. PALMER:

Yes, Mr. President. Primarily, what this does is part of our overall effort to streamline the regulations. This takes separate categories of guide permits that were in separate locations to go and consolidates them into one section as part of our overall streamlining process. In addition to that, it more clearly defines what activities actually constitute guiding.

MR. ISABELLA:
Thank you, Rich. Any other discussion?

All in favor signify by saying Aye.

AYES TAKEN

MR. ISABELLA:

Opposed?

MR. WEANER:

Mr. President, the vote’s unanimously, yes.

MR. ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item concerns adoption of proposed amendments section 147.142 relating to possession of wildlife accidentally killed by a motor vehicle to expand the section’s coverage to apply to wildlife disposition generally pursuant to a consumption permit. The Executive Director and Staff recommend final adoption of this amendment to 58 PA Code as shown on Exhibit E on pages 13 and 14 of your Agenda.

MR. ISABELLA:

Thank you, Brad. Commissioners, you’ve heard the reading of the commentary; is there a motion?

MR. WEANER:
So moved.

MR. ISABELLA:
Mr. Weaner motion. Second?

MR. SCHLEMMER:
Second.

MR. ISABELLA:
Mr. Schlemmer, second. Any discussion?

MR. SCHLEMMER:
Yes.

MR. ISABELLA:
Commissioner Schreffler.

MR. SCHREFFLER:
My understanding is that this is basically adds turkeys to the accidental road kills to be picked up as well as deer; is that right?

MR. PALMER:
Yes, Commissioner Schreffler. What this includes is an expansion of the allowance for Pennsylvania residences to pick up turkeys that are killed on the highway without first contacting the Commission and they would have the same period of time to contact the Commission to receive a permit or a permit number to take possession of that for consumption.

MR. SCHREFFLER:
And they can call in to get that number; is that correct?

MR. PALMER:
That’s correct.

MR. SCHLEFFLER:
And what about the animals, the other animals that might be killed on the road, like for instance, foxes and things of that sort?

MR. PALMER:
There is a another allowance under 2-B that authorizes licensed Pennsylvania furtakers license to take immediate possession and utilize the edible/inedible portions of any furbearer, except, river otters, bobcats and fishers that are obviously killed by motor vehicles.

MR. SCHREFFLER:
In this consumption permit portion here, a farmer who would kill deer for crop kill on his farm, and he stocked at consumption for the last few months if he wants to give back to, let’s say, a needy family or something like that?

MR. PALMER:
Well, a farmer can not give back directly. Those deer have to be turned into the Commission. And once they are turned into the
commission though, this would provide the administrative vehicle or the paperwork for consumption from it, would be given by the officer to the people taking possession of that animal.

MR. SCHREFFLER:
Good. Thank you for the clarification.

MR. ISABELLA:
Any further discussion?

MR. DELANEY:
Yes, President Isabella.

MR. ISABELLA:
Commissioner Delaney.

MR. DELANEY:
Rich, I take it this is new policy that we have here, I certainly support it. I think it’s worth the reviews of another resource that would probably be just totally discarded in what we’re doing, but I’d also think if we amend this policy at this meeting today, that’s certain we need to do a real good job to allow our sportsmen to know what changes there are out there. So again, this resource will be used in a proper fashion. Thank you.

MR. ISABELLA:
Any further discussion? All in favor signify by saying Aye.
AYES TAKEN

MR. ISABELLA:

Opposed?

MR. WEANER:

Mr. President, the vote is unanimously, yes.

MR. ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item related to proposal amendments. Amendment 58 PA Code Sections 139.4, 141.43 and 141.44. The use of crossbows in the archery seasons has been a difficult issue for the Board of Commissioners to address. The crossbow was included in all archery seasons by the Board of Commissioners in January of 2009. Since that time, the composition of the Board has changed and some Commissioners believe the vote in January does not reflect the views of the current Board.

As a result, the Agenda item below has been introduced to change the season in which the crossbow can be used. This will result in less time available for the use of crossbows in the archery season. The changes are listed in the text on pages 15 through 18 of your Agenda. This is the Commission
directed agenda item.

MR. ISABELLA:
Thank you, Brad. You’ve heard the commentary. Do I have a motion?

MR. WEANER:
So moved.

MR. ISABELLA:
Commissioner Weaner. Second?

MR. DELANEY:
So moved.

MR. ISABELLA:
Commissioner Delaney. Any discussion?

MR. WEANER:
Mr. President?

MR. ISABELLA:
Mr. Secretary?

MR. WEANER:
I discovered since the book was printed here that it didn’t quite match the proposal that I had attended. And so therefore, I’m offering an amendment, which would change the language on page 15. I would move to strike out the last day of the season as being October 17th and insert the date October 16th.

MR. ISABELLA:
Is there a second to the amendment?

MR. SCHREFFLER:
I’ll second it.

MR. ISABELLA:
Commissioner Schreffler. All in favor of amendment signify by saying Aye.

AYES TAKEN

MR. ISABELLA:
Opposed? All in favor of the amendment signify by reading your name. Opposed?

MR. WEANER:
Mr. President, the vote was four to three, four in favor, Boop, Delaney, Weaner and Schreffler. Then three opposed; Putnam, Isabella, Schlemmer.

MR. ISABELLA:
Now, we have an amended motion. I’d like to have discussion on the amended motion.

Commissioner Schreffler?

MR. SCHREFFLER:
Yes. I think that everyone on this Board’s first concern is the wellbeing of our wildlife, in fact, I’m sure of it. And I think that everyone on the Board wants to increase opportunities to hunters, especially on getting our youth involved.
And I’m pretty sure of that. And Pennsylvania, I find to be unique among states, it has a unique wildlife agency, it has a unique number of hunters, it has a unique hunting tradition zone, we make hunting per area. And in fact, even the conditions of Pennsylvania are rather unique compared to many other states.

This issue is about not necessarily more hunters, but more hunters hunting at a different time with a possibly very effective weapon. This includes the sensitive period of the deer and also the last year of the archery bear study. There’s a belief, and that’s a belief, that there may, may be little or no effect on deer by increased hunting with possibly a more effective weapon. But my concern, it seems to be the missing and incomplete Pennsylvania data needed to make a sound, long-term decision.

In addition, the archery bear study may have to start over if we change the parameters that are involved. I have recommended cautious moves and there have been rebut in the past, and this raises my concern about the future decisions at the end of the sunset provision. Looking at current actions of those who have not yet even realized any of the benefits they complain about losing, I fear any changes at the
end of the sunset period will be met with more opposition and controversy than now.

The voices that say, we’ve invested in expensive purchases, i.e., the crossbow are few now according to the testimony we heard yesterday. They seem to discount that many rifle owners also invest as much for a two-week season while crossbow use is available in most all seasons but for a few weeks, a tremendous opportunity if you are truly a crossbow devotee.

Looking at our deer numbers, at our current deer management goal and the resilience of the species, the original intent of the early archery season as a primitive low-impact season with limited effect on the resource provide variable opportunities to hunters, I believe this can probably be tweaked as the proposal allows. In fact, I encourage the Board of Commissioners to take a measured approach to move cautiously, to vote for the proposal and have the Staff gather complete, accurate data to make a more reliable and informed decision for the long term.

Thank you.

MR. ISABELLA:

Thank you, Commissioner. Is there more discussion? Commissioner Weaner?
MR. WEANER:

Thank you. And I realize that this matter has gotten a lot of attention in the last number of weeks or months here. It’s my opinion that the vote of January could very easily have gone the other way, except for the vote on the scopes; that was quickly tossed out. The proponents of crossbows had no problem at all with quickly reversing a decision made by the Board at that time, but they seem to have an extreme problem with us now reversing the decision the Board made back there. I have a problem with that.

In April, I think the votes were here on the Commission Board that we could have passed it in April, we could have voted on it today or we can finally adopt it. Everyone would know about it today, and even know it was printed and digested in plenty of time to get the word out, but we were in mind at that time that that wasn’t the proper way to go about this, that we should wait until the summer meeting, we should introduce it and allow plenty of time for public comment and that is the proper way to do it. So you know, we basically agreed, okay, this is the way we’re going to go about it.

Well, now we’re being hammered because
--- well, let's push the deadline to make a decision up to a very late time and, you know, it's going to be right up to the season before we know what's --- it's really not my fault, I just did what I was asked and went through the proper procedure. We could have been done today.

I've gotten a lot of support from people around the State for the proposal that I have put forth. Some people have said, well, we need to go to the legislature and get them to reverse what possibly the Commission might do. We heard testimony yesterday from our good representative, saying, it's not their job and I personally agree with him. I think we need to have a fair amount of discussion of the merits of any of our decisions out there and let the politics out of it. This is not a political decision being made. It's a decision, from my part, based on the resource.

Our proposal, if you read it correctly, is not disenfranchising people who have bought trusts with us. If you purchase a crossbow and decide to hunt, given every opportunity you have, under my proposal, Statewide, you'll have seven weeks of archery hunting, versus the 10 weeks that people with other archery equipment, longbows, cross --- compound,
et cetera. So we’re cutting back three weeks. We’re going from ten weeks back to seven. Yes, it has to be done. Is that adverse gathering? Is that disenfranchising crossbow people? No, I don’t think so. We still have adequate window of opportunity.

We’ve been criticized for not following scientific management. Well, in the history of the Game Commission, as I’ve been able to determine in looking back, we’ve always gone at things slowly and with measured cost and certainly, I think that’s the way it should be because we’re not sure always of the outcome of our decisions. And we want to err on the side of caution, but yet, when the vote was taken back in January, that was completely thrown out the window and we simply said no, we don’t have much information, but we’re just going to throw it over Statewide. And yet, I’m being criticized for not following science. There seems to be a disconnect there.

The argument we’ve heard is, too, that the deer numbers are managed by antlerless licenses. It doesn’t matter the weapons we use, how long the seasons are; we can manage with antlerless licenses. Well, that’s true to a point, but if the result is that we have to severely cut back on antlerless allocations because we have so many more people than
we ever anticipated out hunting and killing deer, well, that’s limiting opportunities every time you can't buy an antlerless license, your opportunities are limited. So what's the difference if we limit here or limit it there?

You know, I personally don’t want to see us get into an opportunity where we have to cut back allocations because of the seasons. I would rather go cautiously with the season. We’ve been told that, well, it’s printed in digest, and I will acknowledge that yes, it’s printed in the digest and that does create a concern, but for me, that’s the biggest single factor or negative about this. But in inquiring with the Staff of the Commission, we said had something like this ever happened before and the response was, well, lately, we’ve been doing pretty well with it, but years ago, there were just tons of things that were printed in the digest that weren’t right when the season came, but we got one of those. And so is it real clean? No, it’s not real clean, but it can be dealt with.

The proponents on crossbow use statewide knew that we had changed the ruling in January. They knew it the same day or the next day, and the word was out. It didn’t have to be published anywhere before
people found out about it. So I think probably, by
the end of today, if our motion prevails, most people
that have bought crossbows will know about it. It’s
not an issue that no one’s going to know, there’s
going to be people out there hunting that are just
completely clueless. That’s not going to be a
significant problem. People will know.

We’ve been told to wait for the Sunset
Provision to kick in because then we can analyze
everything, and we’ll follow the original motion that
was made back in January and that’s a much better
approach, but the same people that are telling us that
are saying now, well, you can’t change this because
you just gave us this opportunity and now you’re
taking it away. Well, what makes it any easier three
years from now than it is right now? I mean, you
can’t have it both ways. If it can’t happen in three
years, and it doesn’t meet the --- if it’s easy to do
it in three years, don’t make the argument that it
can’t be done now.

Personally, I think it’s easier to
backtrack now before something actually gets started.
I personally am not opposed to crossbow use. I think
that it’s a legitimate weapon to be used to hunt deer
or bear or other animals in Pennsylvania. I just like
to think that we need to go cautiously with the whole thing.

The last thing is, yesterday we heard testimony that, well, really, the sales of crossbows are up insignificantly compared to other years and it’s not going to be a real factor. But yet, the same crossbow proponents everywhere has been throwing out figures ever since April saying that they’re probably going to be between 60,000 and a hundred thousand new crossbows sold before the season. Well, which is it? I mean, if it’s the safety we’re counting one time, well, it’s not a factor because we haven’t sold any, and, well, it’s going to be a huge factor because we sold a lot. You know, it can be both. You get kind of worn out after a while listening to conflicting information from the same people.

And finally, I’d just like to say, let’s have a debate of the merits of this issue, forget about personal attacks on the motives of the people that bring this stuff up. I mean, we’re all here for the same reason. We’re all here to provide the best management for the resources that we have. We vote, the outcome of the vote is recorded and we move forward. And so therefore, I urge all of you to support this motion.
MR. ISABELLA:

Thank you, Commissioner. Any further discussion? With that, all in favor of the amended motion please raise your right hand. Opposed?

MR. WEANER:

Mr. President, the vote’s four to three. The four voting in favor are Boop, Delaney, Weaner and Schreffler. The three voting opposed; Putnam, Isabella, Schlemmer.

MR. ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item is the amendment of 58 PA Code Chapter 143 by adding section 143.203A. On October 9th, 2008 House Bill 747, Act 101 of ’08, was signed into law. This legislation effectively amended section 2706.2 of the act relating to elk hunting licenses to authorize the Commission to auction off one elk license per license year through an eligible wildlife conservation organization.

To this end, the commission is proposing to add section 143.203A to establish the special elk conservation license auction and license issuance process. The text of this is shown on page 19 of your Agenda. The Executive Director and staff recommend
the commission approves this addition to 58 PA Code Chapter 143.

MR. ISABELLA:
You’ve heard the reading of the minutes; is there a motion?

MR. WEANER:
So moved.

MR. ISABELLA:
Commissioner Weaner. Is there a second?

MR. BOOP:
Second.

MR. ISABELLA:
Commissioner Boop. Any discussion? All in favor, signify by saying Aye.

AYES TAKEN

MR. ISABELLA:
Opposed?

MR. WEANER:
Mr. President, the vote is unanimously, yes.

MR. ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item concerns the amendment of 58 PA Code Chapter 141 Section 141.20 and Chapter 147
Sections 147.101 through 147.114. A dual State and Federal permitting system has been in place since the initial implementation of Federal regulations governing falconry. Notwithstanding the separation and independence of these dual permitting structures, the states have always been required to operate their falconry programs within the bounds of the Federal regulations. On October 8, 2008, the United States Fish and Wildlife Service published new changes to the Federal falconry regulations. The new language eliminated the requirement for a Federal permit to practice falconry. The new language also established a deadline of January 1st, 2014, at which time the Federal permit program will be discontinued.

In order for Pennsylvania’s falconry program to continue beyond this deadline, it must adopt and implement regulation that meets the standards in the new Federal regulations. Once the standards are met, falconers will only be required to possess a state permit. The Commission is proposing to amend Sections 141.20 and 147.101 through 147.114 to meet new Federal regulations, as well as to simplify, reorganize and enhance current State regulations. The text of these changes are found on page 24 of your agenda. The Executive Director and
Staff recommend the Commission approve these changes.

MR. ISABELLA:

Thank you, Brad. You’ve heard the reading of the commentary; is there a motion?

MR. SCHREFFLER:

So moved.

MR. ISABELLA:

MR. Schreffler. Is there a second?

MR. SCHLLEMMER:

Second.

MR. ISABELLA:

Mr. Schlemmer. Any discussion? All in favor, signify by saying Aye. Opposed?

MR. WEANER:

Mr. President, the vote is unanimously, yes.

MR. ISABELLA:

Thank you, Mr. Secretary.

ATTORNEY BECHTEL:

The next item concerns the amendment of 58 PA Code Sections 147.559 and 147.560. The Agriculture Deer Control Permit, commonly referred to as the Red Tag, is a very useful program that assists landowners in achieving their land use goals by managing deer densities on their respective properties.
through the use of licensed hunters. Traditionally, this program has required landowners to individually manage the application, reporting and deer-control activities themselves.

In an effort to enhance public access to this program, the Commission is proposing to amend Sections 147.559 and 147.560 to authorize political subdivisions to make application for an agricultural deer control permit for the limited purpose of managing the agricultural deer-control activities occurring on a conglomeration separate, but otherwise individually-eligible properties located within the jurisdictional boundaries of the political subdivision.

This structure will not only reduce the demands on each respective landowner, but it will enhance the effectiveness of a larger deer-control plan promoted by the community by consolidating the management of deer-control activities into one central location. These changes are shown on pages 41 through 42 of your Agenda. The Executive Director and Staff recommend the Commission approve these changes.

MR. ISABELLA:

Thank you, Brad. You’ve heard the reading of the commentary; is there a motion?
MR. SCHREFFLER:
So moved.

MR. ISABELLA:
Commissioner Schreffler. Second?

MR. WEANER:
Second.

MR. ISABELLA:
Commissioner Weaner. Any discussion?

MR. SCHREFFLER:
Yes.

Commissioner Schreffler?

MR. SCHREFFLER:
I just want to commend the Staff in coming up with this idea. I think it will be very effective and beneficial. And I think it’s a good idea. And that’s what I have to say at this time.

MR. ISABELLA:
Thank you, Commissioner. Any further discussion?

MR. DELANEY:
Yes, President Isabella; I’d like to ask a question.

MR. ISABELLA:
Mr. Delaney.

MR. DELANEY:
I’d like to repeat for the record, if I may. Rich, yesterday we had some discussions about this and the concerns about the individual landowners, should a municipality want to get involved in this. Could you better explain how this will not limit some of the specials talked about yesterday, the individual sportsman?

MR. PALMER:

Yes, I can. I believe what you’re referring to was some of the public comment yesterday from Jeff Grove of the Pennsylvania Farm Bureau who expressed some concerns that this program did not provide a political subdivision, the opportunity to deny someone who is otherwise eligible to participate in the red tag program. And what I would clarify when the question was asked to me yesterday is that the eligibility itself, of participating has not changed. Really what changes here is now that, to provide more of a visual, when we said political subdivision, we’re envisioning primary use of probably, a township. Where a township now could serve as the prime entity to hold these red tag permits, process it, handle it to the individual landowners within that township. They would knock out the ability to deny someone to participate in that program.
MR. DELANEY:
Thank you, Rich.

MR. ISABELLA:
Any further discussion? All in favor, signify by saying Aye. Opposed?

MR. WEANER:
The vote is unanimously yes.

MR. ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next two items are supplements here.

They concern administrative hearings. The first one is administrative hearing concerning a revocation of hunting and furtaking privileges. Administrative Hearings are held to review the Hunting and Furtaking Revocations for those persons who file a petition requesting a review, in accordance with Administrative Agency Law, 2 PA Consolidated Statutes Section 501 et seq.

The Commission was furnished a copy of the Findings of Fact, the Conclusions of Law, and the Recommendations of the Hearing Officer concerning the Administrative Hearing held at the request of each individuals listed on your supplement. The Findings of Fact set forth the circumstances surrounding this
matter. The Executive Director recommends that the Commission approve Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer, Andrew Lehman, allowing revocation period to remain as originally ordered for the individuals listed on the first page of your supplement.

**MR. ISABELLA:**
You heard the reading of the commentary; is there a motion?

**MR. BOOP:**
I’ll move.

**MR. ISABELLA:**
Commissioner Boop. Second?

**MR. WEANER:**
Second.

**MR. ISABELLA:**
Commissioner Weaner. Any discussion?

All in favor, signify by saying Aye. Opposed?

**MR. WEANER:**
Mr. President, the vote is unanimously, yes.

**MR. ISABELLA:**
Thank you, Mr. Secretary.

**ATTORNEY BECHTEL:**
And the second item is administrative
hearings concerning rescinding the hunting and furtaking revocation. Administrative Hearings are held to review the Hunting and Furtaking Revocations for those persons who file a petition requesting a review, in accordance with Administrative Agency Law. The Commission must furnish a copy of the Findings of Fact, the Conclusions of Law and the Recommendations of the Hearing Officer concerning the Administrative Hearing held at the request of the individuals listed on page two of your supplement. The Findings of Fact set forth the circumstances surrounding the matter. The Executive Director recommends that the Commission approve the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer, Andrew Lehman, allowing the revocation period to be rescinded, resulting in no revocation for the individuals listed on page two of your supplement.

MR. ISABELLA:
Thank you, Brad. You’ve heard the reading of the commentary; is there a motion?

MR. WEANER:
I’ll move.

MR. ISABELLA:
Commissioner Weaner. Is there a second?

MR. SCHLEMMER:
Second that.

MR. ISABELLA:

Mr. Schlemmer. Any discussion?

Commissioner Schreffler.

MR. SCHREFFLER:

Yeah. I do not normally do this, but I have some questions about the side receiving. That just totals the course of the investigating officer or the witness were not at the hearings.

MR. BOOP:

I’m not aware of the specific details on this one.

MR. SCHREFFLER:

Could we consider the two different cases separately?

MR. BOOP:

Are you saying you don’t agree with the decision the Administrative Hearing Officer made of my recommendations?

MR. SCHREFFLER:

Yes.

MR. BOOP:

Based on what?

MR. SCHREFFLER:

Well, it seemed to me that the individual
was actually using ---.

MR. BOOP:

Excuse me, Commissioner Schreffler, speak louder. The motion considers two together.

MR. SCHREFFLER:

Okay.

MR. BOOP:

Final order. I don’t think we ought to be discussing the specifics. If Commissioner Schreffler wants to make a motion to separate, to vote individually because he might vote no or might abstain, I think he can make that motion. I don’t think it’s appropriate to discuss or continue the discussion at this point.

MR. SCHREFFLER:

I would like to make a motion to amend then, both of them separate.

MR. WEANER:

Point of order, Mr. President?

MR. ISABELLA:

Yes. Commissioner?

MR. DELANEY:

As Mr. Boop pointed out, I think it would be more appropriate for him to make a motion, but slip it into two motions rather than make an amendment.
MR. ISABELLA:

Is that what you want to do? The amendment is to make it into two motions. I’m not amending this; is that what you’re saying?

MR. BOOP:

We’re making a motion to address each into individual separate dates.

MR. ISABELLA:

Right. The motion is made. I need one to second.

MR. WEANER:

I’ll second.

MR. ISABELLA:

We have a motion and we have a second. All in favor of Commissioner Schreffler’s amendment please raise your right hand. Against?

MR. WEANER:

Mr. President, the motion has five to two. Those voting yes are Putnam, Boop, Weaner, Schreffler, Schlemmer. Those opposed are voting no were Delaney and Isabella.

MR. ISABELLA:

Thank you, Mr. Secretary.

MR. WEANER:

And to follow-up, I think now we have two
separate motions and you just need to handle both motions.

MR. ISABELLA:
We'll now vote on the first individual, William Manges. All in favor, signify by saying Aye. Opposed?

MR. WEANER:
Mr. President, the vote was unanimously yes.

MR. ISABELLA:
And now we will vote on the second individual, Mr. Shay Shive. All in favor, signify by saying Aye. Opposed?

MR. WEANER:
Mr. President, the vote is six to one. All voting yes, except for Mr. Schreffler voting no.

MR. ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next item coming before the Commission concerns acquisitions. The first is contract number 3531, State Game Land Number 93 in Somerset County. The Conservation Fund is offering three tracts of land totaling 217 more or less acres in Shade Township, Somerset County adjacent to State
Game Land Number 93 as shown on Exhibit Red-1 on page 45 of your Agenda. The option price is $130,000 lump sum to be paid by third-party commitments for the compensation of habitat and recreational losses from previously approved Commission actions.

The sale is subject to a reservation of all coal, oil, coal-bed methane and gas underlying the property. However, there shall be no above-ground operations on the property to remove the same.

Acquiring this property will join two previously acquired detached parcels of existing State Game Land Number 93, which were acquired and named in honor of the Flight 93 Crew and Passengers. This property adjoins the Flight 93 Memorial Boundary established by the National Park Service and authorized by the Flight 93 Memorial Act. Approximately 115 acres of the tract is vegetated in grassland from a previously reclaimed surface mine operation, while the remaining portion is forested with mixed northern hardwoods. The grassland is beneficial to wildlife species requiring large continuous blocks of undisturbed habitat such as Henslow Sparrow and Upland Sandpiper. Access is provided off Johnson Bottom Road.

The second tract is contract number 3552 State Game Land Number 331 in Clearfield County.
Western Pennsylvania Conservancy is offering two tracts of land totaling 1,095 more or less acres in Huston Township, Clearfield County, adjoining State Game Land Number 331 as shown on Exhibit Red-2 on page 46 of your agenda. The option price is $438,000 lump sum to be paid in part with funds from the Estate of Blanche Pollum and the remainder by third-party commitments for compensation of habitat and recreational losses from previously approved Commission actions.

The option is pending upon final approval from Western Pennsylvania Conservancy’s Board of Directors and accepts and reserves all timber for 20 years from the date of settlement. The timber will be managed in close coordination with the Commission and follow established best management practices. The first tract referred to as the Bark Camp Run tract is 736 acres more or less and adjoins the north east boundary of State Game land Number 331.

Bark Camp Run, designated as cold water fishery runs through the mostly forested tract comprised of mixed northern hardwoods and multiple wetlands associated with the stream corridor. The second tract referred to as the Bennett Branch tract is 359 acres more or less and is an indenture into the
northwest boundary of State Game Land Number 331. This tract is predominately forested with mixed northern hardwoods. This tract has frontage on the upper reaches of the Bennett Branch of the Sinnemahoning Creek with emergent wetlands along the lower-lying areas. The Executive Director and Staff recommend that the options listed above be accepted and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the acquisition of these tracts.

MR. ISABELLA:
Thank you, Brad. Commissioners, you’ve heard the reading of the commentary; is there a motion?

MR. BOOP:
So moved.

MR. ISABELLA:
Commissioner Boop.

MR. SCHLEMMER:
Second.

MR. ISABELLA:
Commissioner Schlemmer. Any discussion?

MR. DELANEY:
Yes.

MR. ISABELLA:
Yes, Commissioner Delaney.

MR. DELANEY:

Bill, thank you again for adding another 115-additional acres of small game and grassland habitat in Pennsylvania. Since I’ve been a commissioner for two years, you’ve done a remarkable job to add the small game habitat to our game land system. But as we keep adding more and more acres, my concerns are that we’re able to maintain this habitat as grassland, small game hunting habitat. So I’m thrilled to continue to purchase this type of property in Pennsylvania, but my concerns are that we can keep it grassland and small game habitat. Thank you.

MR. ISABELLA:

Any further discussion?

MR. BOOP:

Calling for question.

MR. ISABELLA:

Commissioner Boop. All in favor, signify by saying Aye. Opposed?

MR. WEANER:

Mr. President, the vote was unanimously yes.

ATTORNEY BECHTEL:

The next item before the Commission is
the land issue contract number 3553 involving State
Game Lands Number 152 in Erie County, State Game Land
Numbers 86, 243 and 306 in Warren County. Clear Lake
Timber, Inc. was previously the high bidder on three
of the Commission’s timber sales, all of which are in
varied stages of herbicide treatment and
infrastructure development. The timber sales are 063-
06-1, 64-06-01 and 184-06-01 with an accumulated bid
value of $1,148,112.

In lieu of initial block cut payments due
to the Commission, Clear Lake Lumber is offering six
tracts of land totaling 452.04 acres more or less.
The six tracts are as follows, 134.75 acres more or
less in Elk Creek Township, Erie County adjoining
State Game Land Number 152 shown on Exhibit Red Three
on page 48 of your agenda, 16 acres more or less in
Deerfield Township, Warren County adjoining State Game
Land Number 86 shown on Exhibit Red Four on page 49 of
your exhibit.

Three tracts adjoining State Game land
143 in Pittsfield Township, Warren County totaling
239.69 acres more or less shown on Exhibit Red Five on
page 50 of your agenda. And 61.6 acres more or less
in Freehold Township Warren County adjoining State
Game Land Number 306 shown on Exhibit Red-6 on page 51
of your exhibit. The Commission is interested in acquiring all of these tracts after reviewing their attributes and appraised values. The Commission and Clear Lake Timber have agreed to a total value of $484,000 for all six parcels, allowing for a reservation on all timber 13 inches diameter breast height and above, excluding conifers for one year from the date of settlement on four of the six tracts. The value of $484,000 is to be credited against the timber sales until the value has been exhausted.

   All residual monies owed to the Commission from timber sales will be deposited directly into the Game Fund. This exchange will provide additional hunting acreage contiguous to State Game Land Numbers 86, 143, 152 and 306. All the tracts are forested with a good diversity of both hard and soft mast-producing tree and shrub species.

   Acquiring the tracts adjoining State Game Land Number 143 will increase protection of the biologically diverse Brokenstraw Creek. Acquiring the tract adjoining State Game Land Number 306 will provide additional protection to the biological of Benson Swamp by securing numerous spring seeps and unnamed tributaries that flow into this diverse wetland. All tracts provide additional access to
State Game Lands.

The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife. The Executive Director and Staff recommend that the land exchange listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with this exchange.

MR. ISABELLA:

Thank you, Brad. You’ve heard the reading of the commentary, is there a motion?

MR. WEANER:

So moved.

PREIDENT:

Commissioner Weaner. Is there a second?

MR. BOOP:

Second.

MR. ISABELLA:

Commissioner Boop. Any discussion?

Commissioner Schlemmer.

MR. SCHLEMMER:

Bill, I’d like to thank you and your staff for that work and the work being flexible and the time that they took up for everybody and sitting down and discussing the situation through a straight
line, and I’m glad to see that we’re working positively with our partners. I thank you.

   MR. ISABELLA:
   Thank you, Commissioner. Any further discussion? Commissioner Boop?

   MR. BOOP:
   I would add to what Commissioner Schlemmer has indicated. I think we’re all aware that the timber prices are down, further complicating the situation for the agency and many of our private land owners. We as commissioners, get to benefit, you know, off the full briefing and I think that our agency and Bill’s department’s done very well with the Bureau with respect to dealing with these situations and working with this company, and we’re getting some land. But I think that it’s going to be very valuable to us in the future.

   So I know we had a talk on this pretty often and but I think in this particular transaction, once again, points out the flexibility that we need, and we as commissioners appreciate your efforts.

   MR. ISABELLA:
   Thank you, Commissioner. Any further discussion? All in favor signify by saying Aye.

   Opposed?
MR. WEANER:

Mr. President, the vote is unanimously, yes.

ATTORNEY BECHTEL:

The next item turns to interagency transfer. On May 15th, 2008, the Game Commission entered into a Cooperative Interagency Agreement for Interdepartmental Land Transfer and Establishment of State Game Land Banks with the Department of Transportation and the Federal Highway Administration. The State Game Land Banking Agreement will streamline transportation development projects by allowing PennDOT Districts to establish State Game Land Banks in advance of highway projects impacting less than five acres of State Game Land.

This agreement will expedite the mitigation process where impacts can be debited from existing land banks instead of being addressed on a case-by-case basis. The following two tracts have been identified as being acceptable sites for use as a State Game Land Bank Site in accordance with the agreement. Contract Number 3554, State Game Land Number 313 in Tioga County, PennDOT has agreed to transfer exclusive jurisdiction and control of 104.6 acres more or less tract of land located in Chatham...
Township Tioga County to the Game Commission and retain a right to enter the wetland mitigation portion of the site to conduct monitoring and maintenance. The property called the Hoffman Wetlands Bank Site is a detached parcel located approximately, eight miles southeast of State Game Land Number 313. The property consists of 50 acres to be reserved in the Wetland Banking Program and 54.6 acres will be placed in the State Game Lands Banking Program as shown on Exhibit Red-7 on page 54 of your Agenda.

The following habitat communities are located on the property; 18 acres of constructed wetlands, 10 acres of natural wetlands, 12 acres of constructed upland-wetland buffers, 10 acres of natural riparian-wetland buffers, 13 acres of mature deciduous forest, 6.6 acres of pole-sapling deciduous forest, 12 acres of mature hemlock forest, 11 acres of bottomland forest-scrubland and 12 acres in herbaceous old fields.

The next contract is contract number 3555 State Game Land Number 325 in Northumberland County. PennDOT has agreed to transfer exclusive jurisdiction and control of the 45.3 acre more or less tract of land located in Lewis Township Northumberland County to the Game Commission, also retaining the right to
enter wetland mitigation portions of the site to
conduct monitoring and maintenance. This property is
called the Vargo Wetlands Bank Site, a detached parcel
located approximately four miles north of State Game
Land Number 325. The property consists of 37.3 acres
to be reserved in the PennDOT Wetland Banking Program
with eight acres to be placed in the State Game Lands
Banking Program as shown on Exhibit Red-8 on page 55
of your Agenda.

The following habitat communities are
located on the property: 16 acres of constructed
wetlands, one acre of natural wetlands, 17 acres of
constructed upland-wetland buffers, 3.3 acres of
natural riparian-wetland buffers, 5 acres of mature
riparian deciduous forest and 3 acres of herbaceous
old fields. The Executive Director and Staff
recommend the options listed above be accepted and the
Commission authorize the Bureau of Wildlife Habitat
Management to proceed with the acquisition of these
tracts.

MR. ISABELLA:
Thank you, Brad. You heard the reading
of the commentary of those two contracts. Is there a
motion?

MR. SCHLEMMER:
Move.

MR. ISABELLA:
Commissioner Schlemmer. Second?

MR. WEANER:
Second.

MR. ISABELLA:
Commissioner Weaner. Discussion? No discussion. All in favor signify by saying Aye. Opposed?

MR. WEANER:
Mr. President, the vote is unanimously, yes.

MR. ISABELLA:
Thank you, Mr. Secretary.

ATTORNEY BECHTEL:
The next action to come before the Commission is the Surface Mining Coal Lease on State Game Land Number 174, Indiana County. P&N Coal Company of Punxsutawney, Pennsylvania has requested a lease to surface mine and remove approximately 15,000 tons of coal from a ten-acre portion of State Game Land Number 174 as shown on Exhibit OGM-1 on page 58 of your Agenda.

The Commission does not own the coal, but is the owner of the surface support rights on this
tract of land. P&N is currently surface mining on private lands adjacent to State Game Land Number 174 and desires to extend its mining operations onto the State game land. The proposed re-mining operation will have a total surface impact of approximately, seven acres for the actual coal removal and approximately three additional acres for erosion, and sedimentation control and operational support.

The proposed surface mine area has been previously deep and surface mined resulting in a scarred landscape containing many dangerous subsidence holes, abandoned mine spoil piles and high walls, which will be removed and reclaimed. The project will also include a permanent relocation of a township road approximately, 100 to 150-feet to the south of its current location. The road relocation will allow for existing coal reserves to be removed from under the road and will eliminate a sharp curve.

All timber to be impacted as a result of the proposed project will be assessed by the Game Commission forestry staff at double-stumpage rate. In exchange for the lease from the Commission, P&N Coal Company will pay the Commission on a monthly basis a royalty rate, six percent of the then current FOB pit price, whichever the greater, for each marketable ton.
of coal removed from the lease area. A royalty value of approximately, $41,000 is estimated for this project and all royalty will be directly deposited into the Game Fund.

Mining will be regulated by the Commonwealth Surface Mining Regulations and the Commission’s standard surface mine lease agreement. The five-year surface mining lease will include the standard performance bond and environmental protection measures. In addition, the lease will include a wildlife habitat reclamation and re-vegetation plan developed by the local Land Management Group Supervisor.

The staff has reviewed this proposal and has determined that the total value of the coal royalty, timber, as well as the proposed reclamation is equal to or greater than the accumulated value for the lease. The Executive Director and staff recommend the proposed lease be approved, and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing arrangement as listed above.

**MR. ISABELLA:**

Thank you, Brad. Commissioners, you’ve heard the commentary; is there a motion?
MR. DELANEY:
So moved.

MR. ISABELLA:
Commissioner Delaney. Second?

MR. WEANER:
Second.

MR. ISABELLA:
Commissioner Weaner. Any discussion? No discussion. All in favor, signify by saying Aye.

MR. WEANER:
Mr. President, the vote is unanimously, yes.

MR. ISABELLA:
Thank you, Mr. Secretary. Commissioners, do we have any new business you want to discuss?

MR. DELANEY:
Yes, President Isabella.

MR. ISABELLA:
Commissioner Delaney.

MR. DELANEY:
Under new business I have a consideration I would ask to be considered with the cottontail rabbit, for a special season for our junior youth hunters. And I’d like to direct staff to pursue the
ground work with consideration for adding the cottontail rabbit to our youth junior hunting season. The season should be the same time frame and dates as the youth pheasant and squirrel season. This special season will be for eligible junior hunters, 12 to 16 years old without a license that have successfully completed a hunter/trapper education course and for junior license holders.

I believe a continued expansion of small game hunting affords an excellent foundation for today’s junior hunters along with recruitment opportunities. This consideration would be for the 2010 to 2011 hunting season.

MR. ISABELLA:
Thank you, Commissioner. Do you have that in writing?

MR. DELANEY:
Yes.

MR. ISABELLA:
Would you please forward a copy to the Executive Director? Any more new business? Commissioner Boop?

MR. BOOP:
Yes. We’re finishing up fairly early this morning and I just thought I’d take a moment
since we have people here, obviously. A lot of people talk to you about what's going on with some of the issues.

I’m getting a lot of questions as a Commissioner, and I assume that based on the discussion I had with some fellow commissioners there seems to be some confusion out there this year with the hunters and their license, and how they need to display the licenses this year.

Obviously, when the digest went to print, we weren’t sure what was going to happen with the bill that was pending, and of course, it’s my understanding of the bill, that it was not an act against the law. I think on page 84 of the digest in the middle is a section that says you do need to display your hunting license. But I know I was at a several picnics over the 4th of July with a lot of outdoor people, and there does seem to be a lot of confusion. People are saying that they’re going put in their backpack, just like they did last year, they’re not to use their fishing license holder and put it on their hat or they’re going to keep it in their wallet.

And it’s my understanding and it’s our position that until the law has changed, that you do need to display your general license. It doesn’t need
to be on your back, but it does need to be displayed somewhere on your person. I’m sure we’re going to have some leeway this year with our officers in the field in terms of warning and alerting people, but those of you who are in a position to influence and talk to others, understandably, there’s some confusion out there and we really did not know how to put it in the digest when the digest was printed.

So I think we’re all hoping that the legislature from the past that you can carry it in your wallet and not have to display it on your person, because I understand that’s not the case; that’s not going to be the case for this fall season. So I just thought there’s many of you here and I just want to pass that along with because there it does seem to be confusion.

I’m really pleased and surprised, I mean, everyone that I’m talking to seems to understand the new schedule for applying for antlerless licenses and putting in the mail this Friday, that news seems to be out there, but it doesn’t seem to be much confusion. But this display issue does seem to have people worked up. Thank you.

MR. ISABELLA:

Thank you.
MR. PALMER:

I can expand on that a little bit. I can tell you that a lot of these clerks at the issuing agents, they’re really great on the new regulations. I happened to walk, when I was going to my camp in Schuylkill County, I went into two Wal-Mart’s looking to buy corn, and I was at the counter, I saw several licenses being transacted, I heard a lot of good comments about what the game commission is doing. And the clerks there were giving all the new information to the hunters. In my facility where we sell licenses, there was question about license being displayed, and hopefully, the legislature will move and they will make the decision where we don’t have to display the license anymore. So the word is getting out and I’m sure we’ll be flexible as we get into the season.

MR. ISABELLA:

Any additional business? Okay. With that, our next meeting will be October 5th and 6th in Philadelphia, the great City of Philadelphia. It will be at the Holiday Inn Philadelphia Stadium, 900 Packer Avenue, their phone number is 215-755-9500. I am told by banquet managers that there were locker rooms available with a special discount rate. So I suggest
you call ASAP at reserve that. And with that, you
want to have a motion to be adjourn?

MR. WEANER:
Second.

MR. ISABELLA:
Commission approves, seconded by
Commissioner Weaner. This meeting is adjourned.

* * * * * * *

MEETING CONCLUDED AT 9:32 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, Game Commission Board Meeting was
reported by me on 07/09/2009 and that I R. Bradley
Peiffer read this transcript and that I attest that
this transcript is a true and accurate record of the
proceeding.

[Signature]
Court Reporter