

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION  
BOARD MEETING  
JUNE 26, 2007

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

June 26, 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  
JAY DELANEY, JR., COMMISSIONER

ALSO PRESENT:

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

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1                   PRESIDENT BOOP: I'd like to call our  
2 June business meeting to order and ask you to join  
3 with us in the Pledge of Allegiance to the flag.

4                   (Pledge of Allegiance said.)

5                   PRESIDENT BOOP: Mr. Secretary, will you  
6 read the roll?

7                   MR. ISABELLA: All right, Mr. President.  
8                   Commissioner Boop.

9                   PRESIDENT BOOP: Here.

10                  MR. ISABELLA: Commissioner Palone.

11                  MRS. PALONE: Here.

12                  MR. ISABELLA: Commissioner Isabella.

13 Present.

14                  Commissioner Schleiden.

15                  MR. SCHLEIDEN: Present.

16                  MR. ISABELLA: Commissioner Hill.

17                  MR. HILL: Present.

18                  MR. ISABELLA: Commissioner Schreffler.

19                  MR. SCHREFFLER: Present.

20                  MR. ISABELLA: Commissioner Delaney.

21                  MR. DELANEY: Present.

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

24                  PRESIDENT BOOP: Thank you, Mr.  
25 Secretary.

1                   The next item on our agenda is the  
2 approval of our minutes from the April 18 business  
3 meeting. I believe all of our Commissioners have  
4 seen them and have had access to the minutes.

5                   Is there a motion that they be approved?

6                   MR. ISABELLA: So moved.

7                   PRESIDENT BOOP: Thank you, Commissioner  
8 Isabella.

9                   Is there a second?

10                  MR. SCHREFFLER: Second.

11                  PRESIDENT BOOP: Commissioner Schreffler.

12                  All in favor indicate by saying aye.

13                  (Signified aye.)

14                  MR. ISABELLA: Unanimous, Mr. President.

15                  PRESIDENT BOOP: Thank you. The minutes  
16 are approved.

17                  At this point I'd, and again for those in  
18 the audience, we do have, most of you have been  
19 here before, we have the green preprinted agenda.  
20 If you don't have one, if you'd like it come down  
21 and get one. They're available. We will be  
22 following the agenda, but I would like to just  
23 depart here for a couple of items that aren't  
24 listed.

25                  At this point I'd like to call on

1 Executive Director Roe.

2 EXECUTIVE DIRECTOR ROE: I take the  
3 opportunity in the formal meeting to recognize a  
4 few people in the past and would do it again this  
5 morning.

6 We're losing two members of our senior  
7 management team this Friday. The first I'd  
8 address is Carl Graybill, who's the Bureau of  
9 Information and Education. He's been with us a  
10 little over 25 years, had ten years of teaching  
11 before, a total of about 36 or 37 years in state  
12 government.

13 Carl has done a fantastic job in I&E,  
14 probably the lesser known, but one of the most  
15 important programs that we have in our Information  
16 and Education program and that's Project Wild.  
17 That's our school program that integrates wildlife  
18 education, conservation education into the  
19 curriculum of schools throughout the state.

20 Carl brought that program to Pennsylvania  
21 several, I won't say how many years, it was  
22 several years ago. We're going to miss Carl and  
23 his efforts from Information Education. I want to  
24 make sure that that's part of the official record  
25 that will be forever archived.

1                   Carl, thank you very much for your  
2 service to the Pennsylvania Game Commission and to  
3 the Commonwealth.

4                   (APPLAUSE.)

5                   EXECUTIVE DIRECTOR ROE: Unfortunately,  
6 he's not here today, but Don Parr, who's the  
7 Regional Director of the Southcentral Region, is  
8 also retiring this Friday. Don has given many  
9 years of service as a conservation officer,  
10 federal aide supervisor and most recently as a  
11 regional director. Don, I want your name in the  
12 official records, also. We're going to miss your  
13 service. Thank you for everything you've done for  
14 wildlife and for hunters in Pennsylvania.

15                  Mr. President, that's all I have.

16                  PRESIDENT BOOP: Thank you for those  
17 remarks. I'm sure we all second those in our  
18 appreciation for these two outstanding  
19 individuals.

20                  The other thing I would like to note  
21 before we begin is that as you can see we do have  
22 a seventh Commissioner this morning. On behalf of  
23 the Board, I'd like to officially at our business  
24 meeting recognize Commissioner Jay Delaney, who is  
25 here. Some of us were up and attended Jay's very

1 nice swearing in ceremony up in the northwest.  
2 Jay is replacing John Riley. If anyone can  
3 replace John Riley, we think that Jay's going to  
4 take a strong effort to do that.

5 Jay, if you only knew what those of us  
6 know now, but we're not going to tell you all  
7 that, but you get to experience all those things  
8 for the next eight years. It is a time-consuming,  
9 exasperating, yet very rewarding experience. We  
10 hope that you will enjoy it as much as all of us  
11 do.

12 We're looking forward to your input and  
13 your help on board. We just wish you all the  
14 best.

15 If any other Commissioner wants any  
16 additional comments concerning Jay's arrival, I'm  
17 sure we all want to welcome him.

18 Do you want to say anything, Jay? You'll  
19 have 60 seconds. MR. DELANEY: Actually, I  
20 think it's just quite an honor to serve with this  
21 Board of Commissioners. One hundred and twelve  
22 years ago this organization was stated. On the  
23 first Board there was also a sportsman from  
24 Wilkes-Barre. His name was Irving A. Sterns. So  
25 112 years later I get to kind of carry on some of

1 his work.

2 I've seen firsthand, since I've been  
3 coming to the meetings, the great difficulties to  
4 making decisions, keeping our wild resources first  
5 and recognizing how important our sportsmen and  
6 sportswomen and trappers are in Pennsylvania.

7 I'm ready for the challenge. I think  
8 that we have a great Board of Commissioners here  
9 to lead us through those challenges and I'm ready  
10 to serve.

11 PRESIDENT BOOP: Thank you, Jay.

12 Before we start on our action items, the  
13 Chair recognizes Representative Levdansky, who has  
14 just joined us. Representative Levdansky, good  
15 morning.

16 Would you like to make a comment?

17 REPRESENTATIVE LEVDANSKY: Yes.

18 PRESIDENT BOOP: We'll give you that  
19 opportunity. You're familiar with the procedure.

20 REPRESENTATIVE LEVDANSKY: Good morning.

21 I appreciate the opportunity to just talk a little  
22 bit about a piece of legislation I'm going to be  
23 introducing later on this week. I've already  
24 circulated a co-sponsorship memo and we expect to  
25 have the budget done at some point here on or

1 about July 1, maybe second, maybe third, so that  
2 the floor will stay open to have legislation  
3 introduced.

4 I have a bill that I'm going to introduce  
5 that does one thing for both the Game and the Fish  
6 Commissions. I take a very small portion of the  
7 sales tax that the Commonwealth collects and I  
8 allocate it both, a share to the Game Commission  
9 and a share to the Fish Commission.

10 For all intent and purposes, this would  
11 represent approximately \$10 million of allocation.  
12 It's a very small percentage of the state sales  
13 tax, but you're locked in at that percentage and  
14 it will grow over time. It will be a dedicated  
15 permanent source of alternative financing to help  
16 you meet your fiscal needs.

17 I do this out of an interest in securing  
18 long-term financial stability for the agency.  
19 I've been around for 23 years now. It's never  
20 easy to get a license fee increase through the  
21 General Assembly. It's never easy to get any kind  
22 of a fee through the General Assembly.

23 We stood on the floor yesterday for about  
24 six hours last night, trying to come up with  
25 additional alternative public financing for mass

1 transit, roads, highways and bridges in the  
2 Commonwealth. We put together a package that  
3 roughly is going to dedicate about \$600 million of  
4 additional revenue to do that.

5 Those challenges are always difficult in  
6 the General Assembly, but I've watched over the  
7 years your efforts to secure additional license  
8 fee revenue and the struggles and the challenges  
9 and the hoops that you have to jump through.  
10 Frankly, a lot of them are unnecessary and not  
11 relevant to the issue of getting the agency the  
12 financial resources that it needs to do its job.

13 But I'm also even more driven by the fact  
14 that I recognize that it is, as a public agency,  
15 you do more than just manage the birds and mammals  
16 that we harvest during hunting season. You are  
17 charged by law to manage the Commonwealth's  
18 wildlife resources in the interest of all  
19 Pennsylvanians, not just those of us that happen  
20 to buy a hunting license and chase deer and  
21 grouse, and turkey and squirrel, and pheasants and  
22 other things.

23 You have that larger public mission. As  
24 an agency you do a lot to manage all the wildlife  
25 in the interest of all Pennsylvanians. There's a

1 cost to do that. Essentially, the cost to manage  
2 all the wildlife resources in the interest of all  
3 Pennsylvanians is essentially born by the license  
4 buyers in the state.

5 So Pennsylvania's hunters and anglers  
6 really have been the foremost conservationist and  
7 environmentalist in the Commonwealth's history. I  
8 think we need to recognize that those of us that  
9 hunt and fish and buy hunting and fishing  
10 licenses, we need help now. We need help from the  
11 public to help our two wildlife agencies manage  
12 all of our wildlife resources in the interest of  
13 everybody in this Commonwealth.

14 So I think, and another issue that I've  
15 longed recognized, our society has changed  
16 immensely in the last 20 or 30 years. Every time  
17 we raise license fees, be they hunting or fishing,  
18 there's a percentage of people, of license buyers  
19 that drop off the following year, because for  
20 whatever reason, financial and otherwise they've  
21 made the decision.

22 Either they can't afford the additional  
23 fees, believe it or not there are people out there  
24 like that and I represent a lot of them, but  
25 there's a lot of other people that look at it and

1 say, I only hunt one or two days a year or fish  
2 first day of trout and maybe one other weekend and  
3 you know what, it's just not worth it anymore. I  
4 got too many other things going on in my life.

5 Kids today have too many other things  
6 going on in their life it seems like. So every  
7 time we raise license fees, hunting or fishing, we  
8 lose, for whatever reason, a portion of the  
9 license buyer. So we have a dwindling base.

10 That's not the fault of our two agencies. That's  
11 the demographic societal changes that we are going  
12 through in Pennsylvania and in our country as  
13 well.

14 So we compete with all sorts of other  
15 things for the attention of people relative to  
16 recreation. So you can't keep depending on  
17 raising license fees or doing more oil and gas  
18 drilling, or cutting more timber.

19 I want you to manage the resources in the  
20 interest of wildlife, not because you have a  
21 pressure to fill a budget gap and you need some  
22 additional revenue and the legislature is  
23 reluctant to deal with the issue of license fee  
24 increases.

25 So given all of these factors, I think

1 it's time, time that we make the concerted  
2 legislative effort to secure long-term permanent  
3 funding for our two wildlife management agencies.

4 Again, at the level that I'm proposing it  
5 would start at about \$10 million a year for the  
6 Game Commission and about \$5 million a year for  
7 the Fish and Boat Commission.

8 I'll answer one question that hasn't been  
9 asked, "What's the chance of this happening?" I  
10 don't know to be honest with you. This is a  
11 really tight budget year. We're not going to be  
12 able to get it done in the context of the next  
13 week, but we got to start somewhere. We got to  
14 start this discussion at some point, articulate it  
15 and build a coalition of people across this  
16 Commonwealth, people that hunt and fish, people  
17 that manage the wildlife resources, people from  
18 the sportsmen community, from the environmental  
19 community.

20 We need to rally around and recognize  
21 that your mission is broader. Yours and the Fish  
22 Commission's mission are something broader than  
23 just hunting and fishing. It's about managing all  
24 of the wildlife resources of the Commonwealth for  
25 everybody.

1 So I'm going to introduce this  
2 legislation this week. Let's start the  
3 discussion. I look forward to building support  
4 amongst the ranks of hunters and fishermen and  
5 their organizations across the state, interested  
6 conservationists and environmentalists. We need  
7 to put together a good broad spectrum, a real  
8 coalition to do what's right for Pennsylvania's  
9 wildlife.

10 PRESIDENT BOOP: Anyone have any  
11 questions?

12 MR. ISABELLA: Yes.

13 PRESIDENT BOOP: We recognize  
14 Commissioner Isabella.

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

16 Representative Levdansky, I commend you  
17 for your actions. I also commend you for  
18 acknowledging that this agency has to jump through  
19 too many unnecessary groups to get a license  
20 increase. Thank you for your actions.

21 PRESIDENT BOOP: Other Commissioners?  
22 (No response.)

23 PRESIDENT BOOP: Again, we thank you,  
24 Representative Levdansky.

25 REPRESENTATIVE LEVDANSKY: One additional

1      thing I forgot to mention. I'm the Majority  
2      Chairman of the House Finance Committee. This  
3      will be a tax code amendment, so I expect this to  
4      be assigned to my committee where I could oversee  
5      its public hearings, build some support for it.

6                But I'm also, I have again been  
7      reappointed member of the House Game and Fisheries  
8      Committee. There are a lot of issues that you  
9      deal with on a day-to-day and a week-to-week basis  
10     in the legislature, so I look forward to working  
11     with you on addressing a lot of these challenges  
12     as well.

13               Thank you.

14               (Applause.)

15               PRESIDENT BOOP: At this point we'll go  
16     back to our regular agenda and we'll go to the  
17     Bureau of Wildlife Protection. The Chair would  
18     recognize Acting Bureau Director Palmer at the  
19     podium.

20               We have three items on the agenda for  
21     adoptive rule making and one for proposed rule  
22     making. We go with the three for adoptive rule  
23     making beginning on page 2.

24               Mr. Pouss, if you would read the item for  
25     us?

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

2                   It relates to the adoption of proposed  
3 amendment to §147.553, Title 58 of the  
4 Pennsylvania Code.

5                   To effectively manage the wildlife  
6 resources of this Commonwealth, the Game  
7 Commission, at its April 18, 2007 meeting,  
8 proposed the following change:

9                   Amend §147.553 (relating to permit) to  
10 standardize the agricultural deer control permit  
11 closure period to May 16 through June 30, for both  
12 vegetable and general crop farmers.

13                  The Executive Director and staff  
14 recommend final adoption of this amendment to 58  
15 Pa. Code, as shown on Exhibit A, which is page 3  
16 of your agenda.

17                  PRESIDENT BOOP: You've heard the reading  
18 of the item. Is there a motion?

19                  MR. ISABELLA: So moved.

20                  PRESIDENT BOOP: Commissioner Isabella.

21                  Is there a second?

22                  MR. SCHLEIDEN: Second.

23                  PRESIDENT BOOP: Commissioner Schleiden.

24                  Is there discussion on the item?

25                  MR. DELANEY: Yes.

1                   PRESIDENT BOOP: Commissioner Delaney.

2                   MR. DELANEY: Rich, as a new

3   Commissioner, I just need to totally understand

4   the rationale for the proposal of this amendment.

5   Just could you explain that to me somewhat?

6                   MR. PALMER: The primary reason behind

7   this, as well as within our strategic plan, one of

8   our goals is to streamline and simplify the Game

9   and Wildlife Code wherever we can. One of the

10   things that was identified and brought forward for

11   consideration was that there were different time

12   frames for general crop farming versus vegetable

13   farming.

14                  The suggestion was made to streamline the

15   process, eliminate the confusion between the two

16   by essentially, have one restricted period of May

17   16 to June 30, instead of two different restricted

18   periods depending on what the actual crop was.

19                  So the primary intent here is basically

20   to simplify the code, make the restricted period

21   the same, whether it's general crop farming or

22   vegetable farming.

23                  MR. DELANEY: Was this start of the

24   discussions by the agency itself or was there

25   certain groups that asked to form this amendment?

1                   MR. PALMER: There was discussion  
2 internally in the agency, but I believe that the  
3 impetus for those discussions were from a variety  
4 of members from the farming community.

5                   MR. DELANEY: Thank you.

6                   PRESIDENT BOOP: Other Commissioners,  
7 comments?

8                   I'm not going to repeat my comments from  
9 the April meeting. I think I voiced my opinion at  
10 that time. I'm always reluctant to vote against  
11 the recommendations of the Executive Director and  
12 staff. I'm very sensitive as someone who operates  
13 a farm operation to the crop damage.

14                  I just would like to see this restricted  
15 to those areas of the state where it's acutely a  
16 problem. I would like to see it limited to  
17 certain Management Units. We did hear yesterday  
18 again the problems down in the southeastern part  
19 of the state, but as presently worded, I just  
20 can't support it from statewide application.

21                  Anyone else?

22                  (No response.)

23                  PRESIDENT BOOP: Prepare to vote. All  
24 those in favor indicate by saying aye.

25                  (Signified aye.)

1 PRESIDENT BOOP: Opposed same sign?

2 (Signified nay.)

3 MR. ISABELLA: Mr. President, can we have  
4 a show of hands, please?

5 PRESIDENT BOOP: All in favor indicate by  
6 saying aye.

7 (Commissioners Palone, Isabella,  
8 Schleiden, Hill and Schreffler indicate aye.)

9 PRESIDENT BOOP: Opposed same sign.

10 (Commissioners Boop and Delaney oppose.)

11 MR. ISABELLA: Ayes, five; nays, two.

12 PRESIDENT BOOP: Thank you, Mr.

13 Secretary.

14 Moving to the next item, which begins on  
15 page 4, Mr. Pouss.

16 MR. POUSS: Mr. President, that item  
17 relates to adoption of proposed amendment to  
18 §141.15 of the Pennsylvania Code.

19 To effectively manage the wildlife  
20 resources of the Commonwealth, the Game  
21 Commission, at its April 18, 2007 meeting,  
22 proposed the following change:

23 Amend §141.15 (relating to loaded  
24 firearm) to extend the application of section 2503  
25 of the Game and Wildlife Code to prohibit loaded

1 crossbows or muzzleloaders in, on or against any  
2 conveyance propelled by mechanical power.

3                 The Executive Director and staff  
4 recommend final adoption of this amendment to 58  
5 Pa. Code, as shown on Exhibit B, which is page 5  
6 of the agenda.

7                 PRESIDENT BOOP: You've heard the reading  
8 of the action item, Commissioners.

9                 Is there a motion?

10                MR. ISABELLA: So moved.

11                PRESIDENT BOOP: Commissioner Isabella.

12                Is there a second?

13                MR. HILL: Second.

14                PRESIDENT BOOP: Commissioner Hill.

15                Is there discussion on the item?

16                (No response.)

17                PRESIDENT BOOP: I have no discussion  
18 indicated.

19                All in favor indicate by saying aye.

20                (Signified aye.)

21                PRESIDENT BOOP: Opposed same sign.

22                (No response.)

23                MR. ISABELLA: Unanimous, Mr. President.

24                PRESIDENT BOOP: Thank you, Mr.

25 Secretary.

1                   Moving to the third item for adoptive  
2 rule making that appears on page 6. Mr. Pouss,  
3 would you give us the item?

4                   MR. POUSS: Yes, Mr. President.

5                   It involves a proposed amendment to  
6 §141.18 of Title 58 of the Pennsylvania Code.

7                   To effectively manage the wildlife  
8 resources of the Commonwealth, the Game  
9 Commission, at its April 18, 2007 meeting,  
10 proposed the following change:

11                  Amend §141.18 (relating to permitted  
12 devices) to permit the lawful use of muzzleloading  
13 firearms using an electronic impulse to trigger  
14 discharge and illuminated nocks for arrows and  
15 bolts.

16                  The Executive Director and staff  
17 recommend final adoption of this amendment to 58  
18 Pa. Code, as shown on Exhibit C, which is on page  
19 7 of your agenda.

20                  PRESIDENT BOOP: Commissioners, you've  
21 heard the reading of the item. It is before us.

22                  Is there a motion?

23                  MR. ISABELLA: So moved.

24                  PRESIDENT BOOP: Commissioner Isabella.

25                  Is there a second?

1                   MR. HILL: Second.

2                   PRESIDENT BOOP: I heard Commissioner  
3 Hill first, if that's okay. Commissioner Hill.

4                   So it's been properly moved and seconded.

5                   Is there discussion on the item?

6                   (No response.)

7                   PRESIDENT BOOP: None being indicated, I  
8 assume you're prepared to vote on this particular  
9 item on the agenda.

10                  All those in favor indicate by saying  
11 aye.

12                  (Signified aye.)

13                  PRESIDENT BOOP: Opposed same sign.

14                  (No response.)

15                  MR. ISABELLA: Unanimous, Mr. President.

16                  PRESIDENT BOOP: Thank you, Mr.

17 Secretary.

18                  We now would move to proposed rule  
19 making. The Chair would also recognize -- I'd  
20 like to move to this proposed rule making and we  
21 would recognize Bureau Director Cal DuBrock.

22                  Mr. Palmer, if you would stand by, we  
23 have another matter involving your bureau in just  
24 a moment.

25                  Good morning, Mr. DuBrock.

1                   MR. DUBROCK: Good morning, Mr.  
2 President.

3                   PRESIDENT BOOP: We're on page 8 of the  
4 agenda.

5                   Mr. Pouss, if you would provide us with  
6 the reading?

7                   MR. POUSS: Yes, Mr. President.

8                   The proposal is to amend 58 Pa. Code,  
9 §133.41.

10                  In accordance with recommendations of the  
11 Pennsylvania Biological Survey's Mammal Technical  
12 Committee, it is proposed that 58 Pa. Code,  
13 §133.41 (relating to classification of mammals) be  
14 amended to add the northern flying squirrel to the  
15 list of endangered mammals.

16                  The northern flying squirrel is not a  
17 game species, and it is the larger and rarest of  
18 the two flying squirrel species in Pennsylvania.  
19 Surveys by both Game Commission personnel and  
20 independent researchers demonstrate population  
21 declines. Historical records indicate this  
22 species once was distributed across northern  
23 Pennsylvania; however, recent surveys suggest it  
24 is found only in small island populations in the  
25 northeast Pocono region of Pennsylvania and one

1 site in Warren County. Title 58, §133.4 criteria  
2 (i) and (ii) have been met. The major reason for  
3 the decline of this species is the loss and  
4 fragmentation of older-growth coniferous forest in  
5 Pennsylvania.

6 The text of the proposed amendment is  
7 also shown on page 8 of your agenda.

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

10 PRESIDENT BOOP: The item is before the  
11 Board. You've heard the reading. Mr. DuBrock is  
12 available at the podium.

13 Is there a motion?

14 MR. ISABELLA: Motion.

15 PRESIDENT BOOP: Commissioner Isabella.

16 MR. SCHREFFLER: Second.

17 PRESIDENT BOOP: Commissioner Schreffler  
18 has seconded.

19 Is there discussion on the action item?  
20 (No response.)

21 PRESIDENT BOOP: If not we will vote on  
22 this item of proposed rule making. All those in  
23 favor indicate by saying aye.

24 (Signified aye.)

25 PRESIDENT BOOP: Opposed same sign.

1 (No response.)

2 MR. ISABELLA: Unanimous, Mr. President.

3 PRESIDENT BOOP: Thank you, Mr.

## 4 Secretary.

5 Thank you, Mr. DuBrock.

6 PRESIDENT BOOP: We can now go back to  
7 the Bureau of Wildlife Protection and the Chair  
8 would again recognize Mr. Palmer.

9                   Mr. Palmer, I believe there are some  
10 revocation matters from your Bureau before the  
11 Board at this time?

12 MR. PALMER: Yes, Mr. President.

13                   We have three recommendations that are a  
14 result of Administrative Hearings on license  
15 revocations. I believe Mr. Pouss will do the  
16 reading.

17                           MR. POUSS: The first item relates to  
18 Administrative Hearing.

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.

24                           The Commission was furnished a copy of  
25 the Findings of Fact, the Conclusions of Law, and

1 the Recommendations of the Hearing Officer  
2 concerning the Administrative Hearing held at the  
3 request of each individual listed below. The  
4 Findings of Fact set forth the circumstances  
5 surrounding this matter.

6                   The Executive Director recommends that  
7 the Commission approve the Findings of Fact,  
8 Conclusions of Law, and Recommendation of the  
9 Hearing Officer, Andrew Lehman, allowing the  
10 revocation period to remain as originally ordered  
11 for each individual listed.

12                  And the individuals are listed in the  
13 handout.

14                  PRESIDENT BOOP: We have the supplement  
15 before us. This would involve two individuals  
16 with the recommendation that the revocation period  
17 remain as originally ordered. The Commissioners  
18 all have the handout.

19                  Is there a motion?

20                  MR. ISABELLA: Motion.

21                  PRESIDENT BOOP: Commissioner Isabella.

22                  Is there a second?

23                  MR. HILL: Second.

24                  PRESIDENT BOOP: Commissioner Hill.

25                  Any discussion?

1 (No response.)

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

4 (Signified aye.)

5 PRESIDENT BOOP: Opposed same sign.

6 (No response.)

7 MR. ISABELLA: Unanimous, Mr. President.

8 PRESIDENT BOOP: Thank you.

I believe we have one additional. It involves a reduction.

11                   Again, Mr. Pouss, if you could provide us  
12 with that information?

13                           MR. POUSS: The commentary for this item  
14 is essentially the same as previously, so I won't  
15 go through that.

16                                  The Executive Director recommends that  
17 the Commission approve the Findings of Fact,  
18 Conclusions of Law, and Recommendation of the  
19 Hearing Officer, Andrew Lehman, allowing the  
20 revocation period to be reduced for the individual  
21 listed. And the individual is named in the  
22 handout.

23 PRESIDENT BOOP: Again, we have this item  
24 before us, a reduction on the three-year period to  
25 a one year period.

1           Is there a motion?

2           MR. ISABELLA: Motion.

3           PRESIDENT BOOP: Commissioner Isabella.

4           Is there a second?

5           MR. HILL: Second.

6           PRESIDENT BOOP: Commissioner Hill.

7           Any discussion on this particular item

8    that's before us at this particular point?

9           (No response.)

10          PRESIDENT BOOP: If not, all in favor of  
11        a reduction for this individual from three years  
12        to one year please indicate by saying aye.

13          (Signified aye.)

14          PRESIDENT BOOP: Opposed same sign.

15          (No response.)

16          MR. ISABELLA: Unanimous, Mr. President.

17          PRESIDENT BOOP: Thank you, Mr.

18       Secretary.

19          Thank you, Mr. Palmer.

20          On our agenda we would now move to the  
21       Bureau of Wildlife Habitat Management.

22          The Chair would recognize Director Mr.  
23       Capouillez, who is at the podium.

24          The items before us begin on page 9 of  
25       the agenda.

1                   Again, Mr. Pouss, if you would provide  
2 the reading?

3                   Under (A) let's do the three options  
4 collectively, because they're all recommended  
5 together and appear in that fashion, so there are  
6 three options under acquisition.

7                   MR. POUSS: Okay, Mr. President.

8                   The first two items are land acquisitions  
9 and they relate, first one, Option No. 50011  
10 involves 195 acres more or less of land in Cool  
11 Spring Township, Mercer County, adjoining State  
12 Game Lands No. 294 (and is shown on Exhibit Red  
13 1). The option is subject to the reservation of  
14 oil, gas and mineral rights (excluding heat).

15                  The option price is \$43,000 lump sum.

16 This money is to be paid from the Game Fund. The  
17 property is mostly wetlands, which the Commission  
18 considers critical and unique habitat.

19 Approximately 130 acres of the 195 acres are  
20 emergent, scrub-shrub and forested wetlands.

21                  The upland portion of the property is 60  
22 acres of woodland comprised of oak, maple, cherry  
23 and ash, of which 40 acres are saw timber, ten  
24 acres are coal timber, and ten acres are saplings.  
25 The remaining five acres is reverting farmland.

1               This fairly flat property has Otter Creek  
2 flowing through it, as well as one unnamed  
3 tributary to Otter Creek. A railroad right-of-way  
4 just east of Route 19 is adjacent to the property.  
5 This property contains excellent waterfowl and  
6 other wildlife habitat associated with wetland  
7 ecosystem.

8               The property will fill in gaps between  
9 three separate tract of State Game Land No. 294.  
10 The acquisition of this property is being made  
11 possible through a partnership with the Western  
12 Pennsylvania Conservancy.

13               The next option No. 50019 involves 16  
14 acres more or less of land in Burrell Township,  
15 Indiana County, an interior to State Game Land No.  
16 153 (as shown on Exhibit Red 2). Excepted and  
17 reserved to all coal on, in and under the  
18 premises, together with all reasonable rights and  
19 easements necessary for the exploration for and  
20 removal of the same.

21               Lumbering and coal removal operations are  
22 currently being conducted on the premises as part  
23 of a post-mining reclamation and revegetation  
24 plan. All royalties, rents and related payments  
25 resulting from the same will remain with the

1 seller.

2 All oil and gas on, in and under the  
3 property, together with all reasonable rights and  
4 easements necessary for the exploration for,  
5 removal of and storage of the same are reserved  
6 for a period of ten years from the date of the  
7 deed. The reclamation project is removing an  
8 abandoned high wall and mine spoils and will  
9 replant the area as forest land and wildlife  
10 habitat.

11 The option price is \$43,772.60 lump sum.

12 This money is to be paid from the Game.  
13 Acquisition will allow the Commission to close out  
14 an interior, resulting in less boundary line  
15 maintenance and preventing anyone from developing  
16 the parcel and impacting the existing game lands  
17 with safety zone.

18 The third option involves 100 acres more  
19 or less of land in Plainfield and Bushkill  
20 Townships, Northampton County, adjoining State  
21 Game Land No. 168 (shown on Exhibit Red 3). The  
22 property is mostly forested with tree species  
23 typically associated with mixed hardwoods growing  
24 along the south slope of Blue Mountain, such as  
25 oaks, birch, maples and black gum.

1                   An abandoned railroad grade passes  
2 through the property, running east and west.  
3 Acquiring this property will provide legal access  
4 to a large portion of State Game Land No. 168 and  
5 straighten our boundary lines.

6                   The option excepts and reserves a strip  
7 of land 30 feet in width crossing the property for  
8 a trail to link Jacobsburg Environmental Education  
9 Center with the Appalachian Trail. The Commission  
10 will retain the right to use the reserves strip of  
11 land for administrative access and access for  
12 hunters, trappers and fisherman, provided any  
13 damage done, including damage by logging  
14 equipment, will be repaired by the Commission.

15                  This option price is \$15,000 lump sum to  
16 be paid from the Game Fund. This acquisition is  
17 made possible through partnerships with Wildlands  
18 Conservancy and Northampton County, including  
19 grants from the Department of Conservation and  
20 Natural Resources. A requirement of both funding  
21 sources is that any change of use from State Game  
22 Land or transfers to any parts of the property  
23 shall require their consent.

24                  The Executive Director recommend the  
25 options listed above be accepted and the

1 Commission authorize the Bureau of Wildlife  
2 Habitat Management to proceed with the acquisition  
3 of these tracts.

4 PRESIDENT BOOP: Thank you, Mr. Pouss,  
5 for the rather lengthy reading.

6 We have under acquisition the three  
7 options that we'll be voting on collectively as  
8 presented.

9 Is there a motion?

10 MR. SCHLEIDEN: So moved.

11 PRESIDENT BOOP: Commissioner Schleiden.

12 Is there a second?

13 MR. HILL: Second.

14 PRESIDENT BOOP: Commissioner Hill.

15 Is there discussion on this action item?

16 (No response.)

17 PRESIDENT BOOP: Hearing none, all in  
18 favor of this agenda item indicate by saying aye.

19 (Signified aye.)

20 PRESIDENT BOOP: Opposed same sign.

21 (No response.)

22 MR. ISABELLA: Unanimous, Mr. President.

23 PRESIDENT BOOP: Thank you, Mr.

24 Secretary.

25 We'll now move under real estate to

1 subparagraph B, which is a donation. This appears  
2 beginning on page 14 of the agenda.

3 Mr. Pouss.

4 MR. POUSS: Mr. President, Option No.

5 50022 involves 20 acres more or less of land in  
6 Upper Tulpehocken Township, Berks County,  
7 adjoining State Game Land No. 110 (as shown on  
8 Exhibit Red 4) from Boyd L. Sponaugle, Jr. The  
9 tract is mostly rock talus slope with five acres  
10 of mixed oaks species in pole stage timber. This  
11 donation is made possible through the Wildlife for  
12 Everyone Endowment Foundation.

13 Option No. 50023 involves 1.33 acres more  
14 or less of land in Fairfield Township,  
15 Westmoreland County, adjoining the Southwest  
16 Regional Office (as shown on Exhibit Red 5) from  
17 the estate of Don Little, a former regional  
18 forester with the Commission.

19 This conveyance is under and subject to  
20 rights to a 20-foot wide private roadway crossing  
21 the 1.33 acres, as well as restriction for its use  
22 as a wildlife sanctuary or natural habitat. The  
23 property is further subject to the provision that  
24 no buildings shall be erected on the tract. These  
25 provisions run with the land until December 31,

1   2099, or until 21 years after the death of the  
2   last to die of any of Don Little's issue  
3   (descendants) living at his death.

4                 The Executive Director and staff  
5   recommend the donations listed above be accepted  
6   and the Commission authorize the Bureau of  
7   Wildlife Habitat Management to proceed with the  
8   accusation of these tracts.

9                 PRESIDENT BOOP: Commissioners, you've  
10   heard the reading. What we will be voting on is  
11   the donation involving the two options as set  
12   forth, the one in Berks County and the one in  
13   Westmoreland County.

14                 Is there a motion?

15                 MR. SCHLEIDEN: Motion.

16                 PRESIDENT BOOP: Commissioner Schleiden.

17                 Is there a second?

18                 MR. SCHREFFLER: Second.

19                 PRESIDENT BOOP: Commissioner Schreffler.

20                 Any discussion on this action item?

21                 MR. DELANEY: Mr. President, just one  
22   comment.

23                 To me, as a new Commissioner, it never  
24   ceases to amaze me the partners we have to get  
25   these acquisitions, particularly that Wildlife for

1 Everyone Endowment Foundation. I don't think any  
2 of these things would be possible without them. I  
3 just wanted to recognize that.

4 PRESIDENT BOOP: The Chair would like to  
5 make a comment about that, too, after we vote.  
6 Yes, your comments are well taken, Commissioner  
7 Delaney.

8 I think we're ready to vote. All in  
9 favor indicate by saying aye.

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed same sign.

12 (No response.)

13 MR. ISABELLA: Unanimous, Mr. President.

14 PRESIDENT BOOP: Yes, on behalf of the  
15 Board and the Commission, I just would like to  
16 thank the Wildlife for Everyone Endowment  
17 Foundation. A number of people are involved with  
18 that, particularly Commissioner Schleiden's  
19 efforts in that regard. We're starting to see  
20 some real tangible benefits from that ongoing  
21 effort.

22 Those of you looking at your Digest when  
23 you purchase the license in the next couple of  
24 weeks, hopefully, please take a look at the ad in  
25 there for the Foundation. It doesn't really

1 matter what side of the aisle or what your  
2 prospective is on, any issue is that we want to  
3 help wildlife and help the agency. I can't think  
4 a better way out there to do it.

5 Again, thank you Russ, and thank everyone  
6 else who has been involved in that ongoing effort.

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

8 PRESIDENT BOOP: Let's now move to (C).

9 Were looking at an item now. This involves a land  
10 exchange. A number of these other items, these  
11 are bundled. There are two options here under the  
12 land exchange.

13 I realize it makes a long reading for  
14 you, Bill, but, please, if you'll give us the  
15 item?

16 MR. POUSS: Yes, Mr. President.

17 Option No. 50009 involves Laurel Landfill  
18 Corporation, formerly Chambers Laurel Landfill  
19 Corporation, which has agreed to a land exchange  
20 involving 12.5 acres, being part of State Game  
21 Land No. 79 situate in Jackson Township, Cambria  
22 County (Exhibit Red 6).

23 Laurel Landfill currently is under a  
24 requirement to clear wind-blown debris from the  
25 12.5-acre portion of the game land, as the debris

1 becomes lodged in the tree line. Expansion of its  
2 facility would make the tree line part of the  
3 faculty and ease the requirement for removal of  
4 such debris.

5                   In exchange, Laurel Landfill Corporation  
6 will transfer 37.5 acres of mixed hardwood  
7 forested habitat in Jackson Township, Cambria  
8 County (shown on Exhibit Red 6). The exchange  
9 will provide additional hunting acreage contiguous  
10 to the game lands.

11                  The 12.5 acres shall be open to hunting,  
12 subject to resolution of liability, safety and  
13 permitting requirements, and will be subject to a  
14 right of first refusal in the Commission if it is  
15 ever sold to a third party.

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

19                  Option No. 50024, also involves the  
20 Laurel Landfill Corporation, which has also agreed  
21 to a land exchange involving a 3.75 acre easement,  
22 being across a part of State Game Land No. 79  
23 situate in Jackson Township, Cambria County  
24 (Exhibit Red 7).

25                  Laurel Landfill reserved an easement when

1 conveying the underlying land to the Commission  
2 pursuant to a land exchange authorized by the  
3 Commission in 1996. The land exchange called for  
4 a 4.75 acre access and utilities easement, but the  
5 deed to Chambers inadvertently did not mention the  
6 utilities.

7 When Chambers sought to place utilities,  
8 the Commission indicated it would be preferable to  
9 place the utilities along an existing roadway, as  
10 it would involve less land clearance and less  
11 habitat disturbance. It was discovered at this  
12 time that the deed had failed to mention the  
13 utility easement.

14 In an effort to compromise, Laurel  
15 Landfill Corporation will exchange their current  
16 access and utility easement of 4.75 acres in  
17 Jackson Township, Cambria County (Exhibit Red 7)  
18 for the new 3.75 acre utility easement. The  
19 exchange will fulfill the original intent of the  
20 exchange for underground utilities and will entail  
21 less ground disturbance and less habitat impacts  
22 than insisting upon placement in the location  
23 actually reserved.

24 The staff has reviewed this proposal and  
25 has determined it to be of equal or greater value

1 for the benefit of wildlife.

2                   The Executive Director and staff  
3 recommend the land exchange listed above be  
4 approved and the Commission authorize the Bureau  
5 of Wildlife Habitat Management to proceed with  
6 these exchanges.

7                   PRESIDENT BOOP: Thank you, Mr. Pouss.

8                   Before us two land exchanges, both in  
9 Cambria County, as set forth in the options as  
10 noted.

11                  Is there a motion to proceed?

12                  MR. ISABELLA: Motion.

13                  PRESIDENT BOOP: Commissioner Isabella.

14                  Is there a second?

15                  MR. SCHREFFLER: Second.

16                  PRESIDENT BOOP: Commissioner Schreffler.

17                  Again, I'm just trying to do the one I  
18 hear first. I appreciate the station of the  
19 Board, meaning the second in no particular. We  
20 have a second.

21                  Is there any discussion on this action  
22 item?

23                  (No response.)

24                  PRESIDENT BOOP: Hearing none, all in  
25 favor of the matter before us indicate by saying

1 aye.

2 (Signified aye.)

3 PRESIDENT BOOP: Opposed same sign.

4 (No response.)

5 MR. ISABELLA: Unanimous, Mr. President.

6 PRESIDENT BOOP: Thank you, Mr.

7 Secretary.

8 Now moving to paragraph D, which begins  
9 on page 21. This involves a settlement of  
10 dispute.

11 Mr. Pouss will give us the item.

12 MR. POUSS: Mr. President, the dispute  
13 involves State Game Land No. 108, Cambria County.

14 By Resolution dated October 22, 1974, the  
15 Commission authorized condemnation of a tract of  
16 land comprised of 909.97 acres in Reade and Dean  
17 Townships, Cambria County. A Declaration of  
18 Taking was filed in the Court of Common Pleas of  
19 Cambria County to No. 1974-4511, with respect to  
20 the 909.97 acre tract.

21 A Notice of Condemnation was filed in the  
22 Offices for the Recording of Deeds in and for  
23 Cambria County December 4, 1974, in Deed Book  
24 Volume 980, at page 318. The stated purpose of  
25 the condemnation of the 909.97 acres was to

1 condemn the property in fee simple.

2 Lying wholly within this 909.97 acre  
3 tract was a 10.407 acre farm known as the  
4 Dougherty Farm, (which is shown on Exhibit Red 8).  
5 The farm remained in the Dougherty family until  
6 1994, when Aaron Dougherty sold his interest to a  
7 family friend, David Wills. David Wills claims  
8 the condemnation was ineffective and that he is  
9 the rightful owner of the 10.407 acre Dougherty  
10 Farm.

11 In an effort to compromise this dispute,  
12 the Commission and Wills have negotiated a  
13 proposed course of action. The Commission would  
14 convey a 13.25 acre property, (shown on Exhibit  
15 Red 9) to Wills. The Commission will retain an  
16 administrative access for its employees and  
17 habitat management (but not timber sales or the  
18 public) and will rough in a road for access.  
19 Wills will quitclaim any interest in the 10.407  
20 acres, as well as any claim to damages that he may  
21 have with regard to the taking of the 10.407  
22 acres.

23 The two properties are similar, except  
24 that the timber on the 10.407 acres has already  
25 been removed. The 10.407 acre interior currently

1 has reverting field and an old orchard, whereas  
2 the land to be conveyed to Wills is mostly  
3 forested.

4                 This settlement will result in better  
5 management and administration of the game land  
6 because there will not be any interior. In  
7 addition, there will be no right-of-way crossing  
8 the game land. The new parcel will still be  
9 available for access, albeit administrative, and  
10 will have less boundary maintenance associated  
11 with it.

12                 The Executive Director and staff  
13 recommend the settlement listed above be approved  
14 and that the Commission authorize the Bureau of  
15 Wildlife Habitat Management to proceed with the  
16 settlement agreement as outlined.

17                 PRESIDENT BOOP: Board members, you've  
18 heard the reading concerning subparagraph D, the  
19 settlement in dispute, and the commentary and  
20 recommendation.

21                 Is there a motion to approve?

22                 MR. SCHREFFLER: So moved.

23                 PRESIDENT BOOP: Commissioner Schreffler.

24                 Is there a second?

25                 MR. SCHLEIDEN: Second.

1 PRESIDENT BOOP: Commissioner Schleiden.  
2 Is there any discussion on this action  
3 item?

4 MR. SCHLEIDEN: Mr. President.

5 PRESIDENT BOOP: Yes, Commissioner  
6 Schleiden.

7 MR. SCHLEIDEN: Bill, I think you did a  
8 good deal there. I want to thank you and the  
9 people in the Southwest for their efforts on that.  
10 We're always looking to clean up these in  
11 holdings. In this case, when we looked at the  
12 contour of the trade, looks like, even though we  
13 got 13 acres, we bettered the shape.

14 I commend you for that. It looks like  
15 there might be even some good small game in the  
16 middle there.

17 MR. CAPOUILLEZ: Thank you, sir.

18 The interior had we left it the way it  
19 was could have been a lot more of an impact to the  
20 game lands with regard to additional development  
21 just from the safety zone requirements. So it was  
22 certainly something that was a priority for the  
23 Southwest, as well as the Real Estate Division.

24 MR. SCHLEIDEN: That's my comments.

25 PRESIDENT BOOP: Thank you, Commissioner

1 Schleiden.

2 Any other Commissioners? Certainly, we  
3 would echo Commissioner Schleiden's comments.

4 Let's prepare to vote. All in favor  
5 indicate by saying aye.

6 (Signified aye.)

7 PRESIDENT BOOP: Opposed same sign.

8 (No response.)

9 MR. ISABELLA: Unanimous, Mr. President.

10 PRESIDENT BOOP: Thank you, Mr.

11 Secretary.

12 We'll now move to the second area under  
13 the same Bureau. This is the area involving oil,  
14 gas and minerals. We were previously in the real  
15 estate portion. Under oil, gas and minerals we  
16 have agenda Item E, which begins on page 24.

17 Again, this is a fairly lengthy item, Mr.  
18 Pouss, and I think the Commissioners did have a  
19 chance to review this in advance of the meeting,  
20 so if you want to paraphrase, abbreviate a little  
21 bit. We don't want to wear you out in the  
22 reading. I'm sure we'll understand.

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

24 The next item involves an oil and gas  
25 lease on State Game Lands No. 247, Armstrong

1 County.

2                   Kriebel Resources of Clarion,  
3 Pennsylvania requests the Commission to offer its  
4 shallow oil and gas ownership under State Game  
5 Land No. 247 for lease. The proposed lease tract  
6 247A-07 containing 452.3 acres is located in North  
7 Buffalo Township, Armstrong County, (Exhibit  
8 OGM1).

9                   Kriebel Resources currently controls a  
10 strong oil and gas lease position on private lands  
11 adjacent to State Game Land No. 247 and has  
12 obtained permits to drill several wells which when  
13 drilled will effectively withdraw a portion of the  
14 Commission's oil/gas reserve.

15                  The staff has expeditiously negotiated  
16 with Kriebel Resources in an effort to safeguard  
17 the prudent development of the Commission oil and  
18 gas reserve and simultaneously protect the  
19 wildlife resources and recreational use of State  
20 Game Land No. 247.

21                  In exchange for the oil and gas lease,  
22 Kriebel Resources will pay the Commission a bonus  
23 of \$20 per acre (for a total of \$9,046) within 60  
24 days of executing the lease agreement. Such  
25 payment to be deposited into the Game Fund.

1                   Kriebel Resources has also agreed to  
2 unitize six proposed wells located with 500 feet  
3 of the Commission's boundary. Kriebel Resources  
4 will pay a 15.625 percent royalty of the wellhead  
5 price per MCF of gas produced and sold from each  
6 unitized well.

7                   The Commission's royalty will be prorated  
8 based on the fractional portion of the drainage  
9 area of each well within the Commission's reserve.  
10 Kriebel Resources will also pay the Commission a  
11 15.625 percent royalty rate for all other wells  
12 drilled within the lease area.

13                  Further, Kriebel has agreed to a well  
14 location/surface damage fee of \$2,5000 per well to  
15 be deposited into an interest bearing escrow  
16 account for the future purchase of lands  
17 acceptable to the Commission or directly deposited  
18 into the Game Fund.

19                  Kriebel Resources has also agreed to  
20 provide 350,000 cubic feet of free gas annually  
21 and will provide the regulator, meter and gas  
22 supply line to the building to heat the  
23 Commission's food and cover corps headquarters  
24 buildings on State Game Land No. 247 for the  
25 Commission's use of the free gas.

1                   Further, Kriebel Resources will adhere to  
2 the reclamation and revegetation requirements as  
3 specified by the Commission's Land Management  
4 Group Supervisor.

5                   Oil and gas development will be regulated  
6 by Commonwealth's oil and gas regulations and the  
7 Commission's standard oil/gas lease agreement and  
8 \$25,000 performance bond. This lease will include  
9 the Commission's standard wildlife and protection  
10 measures and further limits well development to a  
11 total of ten wells on the lease area.

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

17                  PRESIDENT BOOP: Members of the Board,  
18 you've heard the reading of the item involving the  
19 oil and gas lease in Armstrong County.

20                  Is there a motion to approve?

21                  MR. SCHLEIDEN: So moved.

22                  PRESIDENT BOOP: Commissioner Schleiden.

23                  Is there a second?

24                  MR. DELANEY: Second.

25                  PRESIDENT BOOP: Commissioner Delaney.

1           Is there any discussion on the item  
2 before the Board?

3           MR. SCHLEIDEN: I'm glad to see you let  
4 them have their shirt, but excellent job.

5           PRESIDENT BOOP: Thank you for those  
6 comments, Commissioner Schleiden.

7           Anyone else?

8           (No response.)

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

11           (Signified aye.)

12           PRESIDENT BOOP: Opposed same sign.

13           (No response.)

14           MR. ISABELLA: Unanimous, Mr. President.

15           PRESIDENT BOOP: Thank you, Mr.  
16 Secretary.

17           We now move to agenda item F, which  
18 begins on page 27.

19           Mr. Pouss.

20           MR. POUSS: Mr. President, this item  
21 involves an anthracite coal deep mining lease  
22 amendment involving State Game Lands No. 264, in  
23 Dauphin and Schuylkill Counties.

24           Ladnar, Inc., of Hummelstown, PA seeks to  
25 amend its existing anthracite coal deep mining

1 lease agreement (Tract 264A-97) by adding a total  
2 of 15.5 additional acres and by relinquishing its  
3 right to surface mine on 120.2 acres of State Game  
4 Land No. 264 as previously approved by the  
5 Commission under a lease amendment dated September  
6 30, 2005.

7                 The amended area includes an additional  
8 8.5 acres surrounding the Williamstown Mine No. 1  
9 deep mine portal and an additional seven acres to  
10 be utilized for haul road and site access.

11                 Currently, Ladnar has leased a total of  
12 167.7 acres of State Game Land No. 264 from the  
13 Commission with approval to conduct both surface  
14 and underground mining operations. This proposed  
15 amendment, if approved, will consolidate and  
16 reduce the approved leased acreage from 167.7 to  
17 37.7 acres, resulting in an overall net reduction  
18 of 130 leased acres.

19                 This amendment also consolidated all  
20 phases of the Williamstown Mine No. 1 deep mine  
21 operations under one lease amendment and  
22 eliminates the potential for large scale surface  
23 mining on State Game Land No. 264 and further  
24 clarifies the royalty rate for all underground  
25 mining associated with the Williamstown No. 1 deep

1 mine.

2                   Royalties will be paid at a royalty rate  
3 of 5.5 percent F.O.B. pit price or \$2.00 per ton,  
4 whichever the greater. All other remaining lease  
5 terms and provisions shall remain as specified in  
6 the original 1997 lease and approved amendments  
7 (and that's shown on Exhibit OGM 2).

8                   Mining will be regulated by the  
9 Commonwealth Surface and Underground Mining  
10 Regulations and the Commission's standard mining  
11 lease agreement. All other terms and conditions  
12 of the existing lease and amendments will remain  
13 unchanged.

14                  The Executive Director and staff  
15 recommend this anthracite deep mine lease  
16 amendment be approved and the Commission authorize  
17 the Bureau of Wildlife Habitat management to  
18 proceed with the leasing arrangement as listed  
19 above.

20                  PRESIDENT BOOP: Thank you, Mr. Pouss.

21                  The item before us involves a mining  
22 lease amendment in Dauphin and Schuylkill Counties  
23 as read.

24                  Is there a motion to approve?

25                  MR. ISABELLA: Motion.

1 PRESIDENT BOOP: Commissioner Isabella.

2 Is there a second?

3 MR. SCHLEIDEN: Second.

4 PRESIDENT BOOP: Commissioner Schleiden.

5 Is there any discussion on the action  
6 item?

7 (No response.)

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

10 (Signified aye.)

11 PRESIDENT BOOP: Opposed same sign.

12 (No response.)

13 MR. ISABELLA: Unanimous, Mr. President.

14 PRESIDENT BOOP: Thank you, Mr.

15 Secretary.

16 Bill, thank you for the input from your  
17 Bureau.

18 We now move to the portion of the agenda  
19 under other new business. Is there any other new  
20 business to come before the Board this morning?

21 (No response.)

22 PRESIDENT BOOP: None being indicated.

23 The time and place for our next meeting  
24 has been set to be held here at Headquarters, on  
25 Elmerton Avenue, on Monday and Tuesday, October 1

1 and October 2, beginning at 8:30 A.M. We  
2 encourage all of you to join us in October.

3 I don't believe there's any indication  
4 that an executive session is necessary.

5 If there's nothing else to come before  
6 the Board this morning, I'll entertain a motion to  
7 adjourn.

8 MR. ISABELLA: Motion, Mr. President.

9 PRESIDENT BOOP: Commissioner Isabella.

10 All in favor indicate by saying aye.

11 (Signified aye.)

12 PRESIDENT BOOP: Meeting is adjourned.

13 (Meeting adjourned 9:28 P.M.)

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

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

Frances Peck  
Notary Public