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

(Pledge of Allegiance said.)

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

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

PRESIDENT BOOP: Here.

MR. ISABELLA: Commissioner Palone.

MRS. PALONE: Here.

MR. ISABELLA: Commissioner Isabella. Present.

Commissioner Schleiden.

MR. SCHLEIDEN: Present.

MR. ISABELLA: Commissioner Hill.

MR. HILL: Present.

MR. ISABELLA: Commissioner Schreffler.

MR. SCHREFFLER: Present.

MR. ISABELLA: Commissioner Delaney.

MR. DELANEY: Present.

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

PRESIDENT BOOP: Thank you, Mr. Secretary.
The next item on our agenda is the approval of our minutes from the April 18 business meeting. I believe all of our Commissioners have seen them and have had access to the minutes.

Is there a motion that they be approved?

MR. ISABELLA: So moved.

PRESIDENT BOOP: Thank you, Commissioner Isabella.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

All in favor indicate by saying aye.

(Signified aye.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you. The minutes are approved.

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

At this point I’d like to call on
Executive Director Roe.

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

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

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

Carl brought that program to Pennsylvania several, I won’t say how many years, it was several years ago. We’re going to miss Carl and his efforts from Information Education. I want to make sure that that’s part of the official record that will be forever archived.
Carl, thank you very much for your service to the Pennsylvania Game Commission and to the Commonwealth.

(Applause.)

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

Mr. President, that’s all I have.

PRESIDENT BOOP: Thank you for those remarks. I’m sure we all second those in our appreciation for these two outstanding individuals.

The other thing I would like to note before we begin is that as you can see we do have a seventh Commissioner this morning. On behalf of the Board, I’d like to officially at our business meeting recognize Commissioner Jay Delaney, who is here. Some of us were up and attended Jay’s very
nice swearing in ceremony up in the northwest.
Jay is replacing John Riley. If anyone can replace John Riley, we think that Jay’s going to take a strong effort to do that.

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

    We’re looking forward to your input and your help on board. We just wish you all the best.

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

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

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

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

PRESIDENT BOOP: Thank you, Jay.

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

Would you like to make a comment?

REPRESENTATIVE LEVDANSKY: Yes.

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

REPRESENTATIVE LEVDANSKY: Good morning.

I appreciate the opportunity to just talk a little bit about a piece of legislation I’m going to be introducing later on this week. I’ve already circulated a co-sponsorship memo and we expect to have the budget done at some point here on or
about July 1, maybe second, maybe third, so that
the floor will stay open to have legislation
introduced.

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

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

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

We stood on the floor yesterday for about
six hours last night, trying to come up with
additional alternative public financing for mass
transit, roads, highways and bridges in the Commonwealth. We put together a package that roughly is going to dedicate about $600 million of additional revenue to do that.

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

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

You have that larger public mission. As an agency you do a lot to manage all the wildlife in the interest of all Pennsylvanians. There’s a
cost to do that. Essentially, the cost to manage all the wildlife resources in the interest of all Pennsylvanians is essentially born by the license buyers in the state.

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

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

Either they can’t afford the additional fees, believe it or not there are people out there like that and I represent a lot of them, but there’s a lot of other people that look at it and
say, I only hunt one or two days a year or fish first day of trout and maybe one other weekend and you know what, it’s just not worth it anymore. I got too many other things going on in my life. Kids today have too many other things going on in their life it seems like. So every time we raise license fees, hunting or fishing, we lose, for whatever reason, a portion of the license buyer. So we have a dwindling base. That’s not the fault of our two agencies. That’s the demographic societal changes that we are going through in Pennsylvania and in our country as well.

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

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

So given all of these factors, I think
it’s time, time that we make the concerted legislative effort to secure long-term permanent funding for our two wildlife management agencies.

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

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

We need to rally around and recognize that your mission is broader. Yours and the Fish Commission’s mission are something broader than just hunting and fishing. It’s about managing all of the wildlife resources of the Commonwealth for everybody.
So I’m going to introduce this legislation this week. Let’s start the discussion. I look forward to building support amongst the ranks of hunters and fishermen and their organizations across the state, interested conservationists and environmentalists. We need to put together a good broad spectrum, a real coalition to do what’s right for Pennsylvania’s wildlife.

PRESIDENT BOOP: Anyone have any questions?

MR. ISABELLA: Yes.

PRESIDENT BOOP: We recognize Commissioner Isabella.

MR. ISABELLA: Thank you, Mr. President. Representative Levdansky, I commend you for your actions. I also commend you for acknowledging that this agency has to jump through too many unnecessary groups to get a license increase. Thank you for your actions.

PRESIDENT BOOP: Other Commissioners?

(No response.)

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

REPRESENTATIVE LEVDANSKY: One additional
thing I forgot to mention. I’m the Majority Chairman of the House Finance Committee. This will be a tax code amendment, so I expect this to be assigned to my committee where I could oversee its public hearings, build some support for it.

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

Thank you.

(Applause.)

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

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

Mr. Pouss, if you would read the item for us?
MR. POUSS: Thank you, Mr. President.

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

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

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

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

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

MR. ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there discussion on the item?

MR. DELANEY: Yes.
PRESIDENT BOOP: Commissioner Delaney.

MR. DELANEY: Rich, as a new Commissioner, I just need to totally understand the rationale for the proposal of this amendment. Just could you explain that to me somewhat?

MR. PALMER: The primary reason behind this, as well as within our strategic plan, one of our goals is to streamline and simplify the Game and Wildlife Code wherever we can. One of the things that was identified and brought forward for consideration was that there were different time frames for general crop farming versus vegetable farming.

The suggestion was made to streamline the process, eliminate the confusion between the two by essentially, have one restricted period of May 16 to June 30, instead of two different restricted periods depending on what the actual crop was.

So the primary intent here is basically to simplify the code, make the restricted period the same, whether it’s general crop farming or vegetable farming.

MR. DELANEY: Was this start of the discussions by the agency itself or was there certain groups that asked to form this amendment?
MR. PALMER: There was discussion internally in the agency, but I believe that the impetus for those discussions were from a variety of members from the farming community.

MR. DELANEY: Thank you.

PRESIDENT BOOP: Other Commissioners, comments?

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

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

Anyone else?

(No response.)

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

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

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

PRESIDENT BOOP: All in favor indicate by saying aye.

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

PRESIDENT BOOP: Opposed same sign.
(Commissioners Boop and Delaney oppose.)

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

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

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

Amend §141.15 (relating to loaded firearm) to extend the application of section 2503 of the Game and Wildlife Code to prohibit loaded
crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

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

PRESIDENT BOOP: You’ve heard the reading of the action item, Commissioners.

Is there a motion?

MR. ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. HILL: Second.

PRESIDENT BOOP: Commissioner Hill.

Is there discussion on the item?

(No response.)

PRESIDENT BOOP: I have no discussion indicated.

All in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.
Moving to the third item for adoptive rule making that appears on page 6. Mr. Pouss, would you give us the item?

MR. POUSS: Yes, Mr. President.

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

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

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

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

PRESIDENT BOOP: Commissioners, you’ve heard the reading of the item. It is before us. Is there a motion?

MR. ISABELLA: So moved.

PRESIDENT BOOP: Commissioner Isabella. Is there a second?
MR. HILL: Second.

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

So it's been properly moved and seconded.

Is there discussion on the item?

(No response.)

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

All those in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

Good morning, Mr. DuBrook.
MR. DUBROCK: Good morning, Mr. President.

PRESIDENT BOOP: We’re on page 8 of the agenda.

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

MR. POUSS: Yes, Mr. President.

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

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

The northern flying squirrel is not a game species, and it is the larger and rarest of the two flying squirrel species in Pennsylvania. Surveys by both Game Commission personnel and independent researchers demonstrate population declines. Historical records indicate this species once was distributed across northern Pennsylvania; however, recent surveys suggest it is found only in small island populations in the northeast Pocono region of Pennsylvania and one
site in Warren County. Title 58, §133.4 criteria (i) and (ii) have been met. The major reason for the decline of this species is the loss and fragmentation of older-growth coniferous forest in Pennsylvania.

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

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

PRESIDENT BOOP: The item is before the Board. You’ve heard the reading. Mr. DuBrock is available at the podium.

Is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler has seconded.

Is there discussion on the action item?

(No response.)

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

(Signified aye.)

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

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Thank you, Mr. DuBrock.

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

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

MR. PALMER: Yes, Mr. President.

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

MR. POUSS: The first item relates to 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.

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 individual listed below. The
Findings of Fact set forth the circumstances
surrounding this 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 remain as originally ordered
for each individual listed.

And the individuals are listed in the
handout.

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

Is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. HILL: Second.

PRESIDENT BOOP: Commissioner Hill.

Any discussion?
(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you.

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

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

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

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 reduced for the individual listed. And the individual is named in the handout.

PRESIDENT BOOP: Again, we have this item before us, a reduction on the three-year period to a one year period.
Is there a motion?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. HILL: Second.

PRESIDENT BOOP: Commissioner Hill.

Any discussion on this particular item that's before us at this particular point?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Thank you, Mr. Palmer.

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

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

The items before us begin on page 9 of the agenda.
Again, Mr. Pouss, if you would provide
the reading?

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

MR. POUSS: Okay, Mr. President.

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

The option price is $43,000 lump sum.

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

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

The upland portion of the property is 60
acres of woodland comprised of oak, maple, cherry
and ash, of which 40 acres are saw timber, ten
acres are coal timber, and ten acres are saplings.
The remaining five acres is reverting farmland.
This fairly flat property has Otter Creek flowing through it, as well as one unnamed tributary to Otter Creek. A railroad right-of-way just east of Route 19 is adjacent to the property. This property contains excellent waterfowl and other wildlife habitat associated with wetland ecosystem.

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

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

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

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

The option price is $43,772.60 lump sum.

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

The third option involves 100 acres more or less of land in Plainfield and Bushkill Townships, Northampton County, adjoining State Game Land No. 168 (shown on Exhibit Red 3). The property is mostly forested with tree species typically associated with mixed hardwoods growing along the south slope of Blue Mountain, such as oaks, birch, maples and black gum.
An abandoned railroad grade passes through the property, running east and west. Acquiring this property will provide legal access to a large portion of State Game Land No. 168 and straighten our boundary lines.

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

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

The Executive Director 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.

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

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

Is there a motion?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. HILL: Second.

PRESIDENT BOOP: Commissioner Hill.

Is there discussion on this action item?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

We'll now move under real estate to
subparagraph B, which is a donation. This appears beginning on page 14 of the agenda.

Mr. Pouss.

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

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

This conveyance is under and subject to rights to a 20-foot wide private roadway crossing the 1.33 acres, as well as restriction for its use as a wildlife sanctuary or natural habitat. The property is further subject to the provision that no buildings shall be erected on the tract. These provisions run with the land until December 31,
2099, or until 21 years after the death of the last to die of any of Don Little’s issue (descendants) living at his death.

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

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

Is there a motion?

MR. SCHLEIDEN: Motion.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

Any discussion on this action item?

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

To me, as a new Commissioner, it never ceases to amaze me the partners we have to get these acquisitions, particularly that Wildlife for
Everyone Endowment Foundation. I don’t think any of these things would be possible without them. I just wanted to recognize that.

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

I think we’re ready to vote. All in favor indicate by saying aye.

(Signified aye.)

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

MR. ISABELLA: Unanimous, Mr. President.

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

Those of you looking at your Digest when you purchase the license in the next couple of weeks, hopefully, please take a look at the ad in there for the Foundation. It doesn’t really
matter what side of the aisle or what your prospective is on, any issue is that we want to help wildlife and help the agency. I can’t think a better way out there to do it.

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

MR. SCHLEIDEN: Thank you, Mr. President.

PRESIDENT BOOP: Let’s now move to (C). Were looking at an item now. This involves a land exchange. A number of these other items, these are bundled. There are two options here under the land exchange.

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

MR. POUSS: Yes, Mr. President.

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

Laurel Landfill currently is under a requirement to clear wind-blown debris from the 12.5-acre portion of the game land, as the debris
becomes lodged in the tree line. Expansion of its facility would make the tree line part of the faculty and ease the requirement for removal of such debris.

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

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

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

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

Laurel Landfill reserved an easement when
conveying the underlying land to the Commission
pursuant to a land exchange authorized by the
Commission in 1996. The land exchange called for
a 4.75 acre access and utilities easement, but the
deed to Chambers inadvertently did not mention the
utilities.

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

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

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 the land exchange listed above be approved and the Commission authorize the Bureau of Wildlife Habitat Management to proceed with these exchanges.

PRESIDENT BOOP: Thank you, Mr. Pouss.

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

Is there a motion to proceed?

MR. ISABELLA: Motion.

PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHREFFLER: Second.

PRESIDENT BOOP: Commissioner Schreffler.

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

Is there any discussion on this action item?

(No response.)

PRESIDENT BOOP: Hearing none, all in favor of the matter before us indicate by saying
aye.
(Signified aye.)
PRESIDENT BOOP: Opposed same sign.
(No response.)
MR. ISABELLA: Unanimous, Mr. President.
PRESIDENT BOOP: Thank you, Mr.
Secretary.
Now moving to paragraph D, which begins on page 21. This involves a settlement of dispute.
Mr. Pouss will give us the item.
MR. POUSS: Mr. President, the dispute involves State Game Land No. 108, Cambria County.
By Resolution dated October 22, 1974, the Commission authorized condemnation of a tract of land comprised of 909.97 acres in Reade and Dean Townships, Cambria County. A Declaration of Taking was filed in the Court of Common Pleas of Cambria County to No. 1974-4511, with respect to the 909.97 acre tract.
A Notice of Condemnation was filed in the Offices for the Recording of Deeds in and for Cambria County December 4, 1974, in Deed Book Volume 980, at page 318. The stated purpose of the condemnation of the 909.97 acres was to
condemn the property in fee simple.

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

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

The two properties are similar, except that the timber on the 10.407 acres has already been removed. The 10.407 acre interior currently
has reverting field and an old orchard, whereas
the land to be conveyed to Wills is mostly
forested.

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

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

PRESIDENT BOOP: Board members, you’ve
heard the reading concerning subparagraph D, the
settlement in dispute, and the commentary and
recommendation.

Is there a motion to approve?

MR. SCHREFFLER: So moved.

PRESIDENT BOOP: Commissioner Schreffler.

Is there a second?

MR. SCHLEIDEN: Second.
PRESIDENT BOOP: Commissioner Schleiden.
Is there any discussion on this action item?

MR. SCHLEIDEN: Mr. President.

PRESIDENT BOOP: Yes, Commissioner Schleiden.

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

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

MR. CAPOUILLEZ: Thank you, sir.

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

MR. SCHLEIDEN: That’s my comments.

PRESIDENT BOOP: Thank you, Commissioner
Schleiden.

Any other Commissioners? Certainly, we would echo Commissioner Schleiden’s comments.

Let’s prepare to vote. All in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

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

MR. POUSS: Thank you, Mr. President.

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

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

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

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

In exchange for the oil and gas lease, Kriebel Resources will pay the Commission a bonus of $20 per acre (for a total of $9,046) within 60 days of executing the lease agreement. Such payment to be deposited into the Game Fund.
Kriebel Resources has also agreed to unitize six proposed wells located with 500 feet of the Commission’s boundary. Kriebel Resources will pay a 15.625 percent royalty of the wellhead price per MCF of gas produced and sold from each unitized well.

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

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

Kriebel Resources has also agreed to provide 350,000 cubic feet of free gas annually and will provide the regulator, meter and gas supply line to the building to heat the Commission’s food and cover corps headquarters buildings on State Game Land No. 247 for the Commission’s use of the free gas.
Further, Kriebel Resources will adhere to the reclamation and revegetation requirements as specified by the Commission’s Land Management Group Supervisor.

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

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

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

Is there a motion to approve?

MR. SCHLEIDEN: So moved.

PRESIDENT BOOP: Commissioner Schleiden.

Is there a second?

MR. DELANEY: Second.

PRESIDENT BOOP: Commissioner Delaney.
Is there any discussion on the item before the Board?

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

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

Anyone else?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

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

Mr. Pouss.

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

Ladnar, Inc., of Hummelstown, PA seeks to amend its existing anthracite coal deep mining
lease agreement (Tract 264A-97) by adding a total of 15.5 additional acres and by relinquishing its right to surface mine on 120.2 acres of State Game Land No. 264 as previously approved by the Commission under a lease amendment dated September 30, 2005.

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

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

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

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

Mining will be regulated by the Commonwealth Surface and Underground Mining Regulations and the Commission’s standard mining lease agreement. All other terms and conditions of the existing lease and amendments will remain unchanged.

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

PRESIDENT BOOP: Thank you, Mr. Pouss.

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

Is there a motion to approve?

MR. ISABELLA: Motion.
PRESIDENT BOOP: Commissioner Isabella.

Is there a second?

MR. SCHLEIDEN: Second.

PRESIDENT BOOP: Commissioner Schleiden.

Is there any discussion on the action item?

(No response.)

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

(Signified aye.)

PRESIDENT BOOP: Opposed same sign.

(No response.)

MR. ISABELLA: Unanimous, Mr. President.

PRESIDENT BOOP: Thank you, Mr. Secretary.

Bill, thank you for the input from your Bureau.

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

(No response.)

PRESIDENT BOOP: None being indicated.

The time and place for our next meeting has been set to be held here at Headquarters, on Elmerton Avenue, on Monday and Tuesday, October 1
and October 2, beginning at 8:30 A.M. We encourage all of you to join us in October.

I don’t believe there’s any indication that an executive session is necessary.

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

MR. ISABELLA: Motion, Mr. President.

PRESIDENT BOOP: Commissioner Isabella. All in favor indicate by saying aye.

(Signified aye.)

PRESIDENT BOOP: Meeting is adjourned.

(Meeting adjourned 9:28 P.M.)

CERTIFICATION

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.

[Signature]
Notary Public