COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION
BOARD MEETING
JUNE 24, 2008

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING

BEFORE: ROXANE S. PALONE, PRESIDENT
GREGORY J. ISABELLA, VICE PRESIDENT
JAMES J. DELANEY, JR., SECRETARY
RUSSELL E. SCHLEIDEN, COMMISSIONER
DAVID W. SCHREFFLER, COMMISSIONER
H. DANIEL HILL, III, COMMISSIONER
THOMAS E. BOOP, COMMISSIONER
RONALD WEANER, COMMISSIONER

ALSO PRESENT:

CARL G. ROE, EXECUTIVE DIRECTOR
M.W. SCHMIT, DEPUTY EXECUTIVE DIRECTOR
BRADLEY C. BECHTEL, ESQUIRE, ASSISTANT COUNSEL

DATE: JUNE 24, 2008, 8:35 A.M.

PLACE: 2001 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA

MELISSA FLINN
NOTARY PUBLIC
PRESIDENT PALONE: Good morning everyone and welcome to the June 2008 Game Commission meeting. I would like to welcome you all.

We would like to have the Pledge of Allegiance and I would ask you to remain standing after the Pledge of Allegiance and then we'll have invocation by our Bureau Director from Wildlife Management, Cal DuBrock.

(Pledge of Allegiance recited.)

(Invocation delivered.)

PRESIDENT PALONE: Thank you, Cal.

I'll now ask Secretary Delaney to do the roll call.

COMMISSIONER DELANEY: I'll commence with the roll call of officers. President Roxane Palone.

PRESIDENT PALONE: Here.

COMMISSIONER DELANEY: Vice President Greg Isabella.

COMMISSIONER ISABELLA: Here.

COMMISSIONER DELANEY: Secretary Delaney. Here. Commissioner Schleiden.

COMMISSIONER SCHLEIDEN: Here.

COMMISSIONER DELANEY: Commissioner
Commissioner Boop: Present.
Commissioner Delaney: Commissioner Hill.
Commissioner Delaney: Commissioner Schreffler.
Commissioner Schreffler: Present.
Commissioner Delaney: Commissioner Weaner.
Commissioner Weaner: Here.
President Palone, all commissioners present and accounted for.
President Palone: Thank you, Secretary Delaney. I now would ask for a motion to approve the minutes of our meeting held on April 22, 2008.
Commissioner Isabella: Motion.
President Palone: Commissioner Isabella. Is there a second?
Commissioner Schleiden: Second.
President Palone: Second, Commissioner Schleiden.
All those in favor of the motion signify by saying aye. All those opposed, say no.
(Vote taken.)

COMMISSIONER DELANEY: President Palone, the vote cast is unanimous to approve the minutes of the previous meeting.

PRESIDENT PALONE: Thank you, Commissioner.

We now will have a few public speakers that could not attend yesterday. We have three here.

(Public comment given.)

PRESIDENT PALONE: That concludes our public comments for this morning. We'll now get into our business meeting.

Page 2 on our agenda, I'd like to recognize Director Cal DuBrock, who is the director of Wildlife Management and I'd like to recognize Brad Bechtel, our counsel. Mr. Bechtel.

MR. BECHTEL: Thank you, President Palone. The first item concerns the Bureau of Wildlife Management. It is adoptive rule making. It is adoption of proposed amendments to Sections 139.2, 141.1 and 141.41. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 22, 2008 meeting, proposed the changes that appear in your agenda on page 2.
They relate to 141.1 (special regulation areas,) 139.2 (definitions,) and 141.41 (general.)
The Executive Director and staff recommend final adoption of these amendments to 58 Pa. Code as shown on page 3 of your agenda.

PRESIDENT PALONE: Thank you, Brad.

Do I hear a motion to accept this adopted rule making on page 3 concerning seasons and bag limits, and hunting and trapping?

COMMISSIONER ISABELLA: Motion.

PRESIDENT PALONE: Commissioner Isabella. Is there a second?

COMMISSIONER SCHREFFLER: Second.

PRESIDENT PALONE: Second, Commissioner Schreffler. Is there any discussion about the proposal? No discussion. All those in favor of the proposal, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the vote is unanimous to support the adopted rule making 139.2, 141.1 and 141.41.

PRESIDENT PALONE: Thank you,


MR. BECHTEL: The next item also
concerns the adoption of proposed amendments, this
time to Section 147.675. To effectively manage the
wildlife resources of this Commonwealth, the Game
Commission, at its April 22, 2008 meeting, proposed
the following change: Amend Section 147.675,
relating to validity of permit, to expand the
eligibility period for the validity of DMAP permits
to include open seasons for antlered deer during
the regular firearms season while also providing
clarification that the DMAP harvest permits are
valid only to harvest antlerless deer.

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

PRESIDENT PALONE: Thank you, Brad.
Do I hear a motion to accept this
proposal for the deer management assistance
program?

COMMISSIONER SCHLEIDEN: So moved.
COMMISSIONER SCHREFFLER: Motion.
PRESIDENT PALONE: Commissioner
Schleiden and seconded by Commissioner Schreffler.
Is there any discussion or questions on the
proposal? Commissioner Boop.
COMMISSIONER BOOP: Yes, Madame President. When the Board of Commissioners acted earlier this year to set the different seasons in 2B, 2G, 2C and 4B, we indicated that we were going to study the effect of hunting in a different manner in these management units where we're going to have antlered only for five days and then combined for seven.

The DMAP eligibility period has not even expired yet -- it doesn't until July 1 -- and we don't know at this point how many DMAP coupons there are going to be for these four management units. I think this just introduces another variable into our study. We have seven days when people can use those DMAP coupons and I just think it's unwise to extend these four management units when we are going to be doing these studies.

PRESIDENT PALONE: Thank you. Any other discussion or question? Cal, do you know how many DMAP coupons we had last year that deer were harvested?

MR. DuBROCK: I can get that information to you, I don't have that in front of me. I do have -- I pulled out this morning information on DMAP enrollment to date this year,
and I can provide those numbers, if you would, like
at this time.

PRESIDENT PALONE: Okay.

MR. DuBROCK: To give you an example,
statewide, at this point we have 218 units enrolled
in DMAP for 2008. That compares with 805 that
enrolled in 2007.

PRESIDENT PALONE: 805.

MR. DuBROCK: 8-0-5. As Commissioner
Boop pointed out, there's still roughly a week
remaining for folks to apply. Last year in the 805
units, about 1.5 million acres were enrolled. With
the 218 units that have been approved thus far this
year, it includes 112,375 acres, so you can see
it's a fairly small fraction of what was enrolled
last year.

In the units, specifically in 2D, this
year we have 21 units enrolled at this point for a
total of 202 coupons. Last year, there were 34
units enrolled and 358 coupons. Now, that
contrasts with an allocation of 56,000 licenses for
the entire year, too.

In 2G, this year, thus far we've
enrolled 17 landowners with an allocation of 336
coupons. That contrasts with a 2007 enrollment of
120 landowners and 9,384 coupons, roughly 35 percent of -- sorry, the coupons in 2G last year supplemented the allocation by about 35 percent. This year is a smaller fraction to date.

In 3C, 13 units are enrolled this year with 97 coupons allocated. That contrasts with 2007, enrollment of 75 units, 881 coupons.

And, lastly, in 4B, this year we've enrolled 6 landowners, 29 coupons; contrasted last year with five units enrolled and 56 coupons.

PRESIDENT PALONE: You don't think the study would be confounded by continuing the DMAP program because actually we're only changing one variable, the season length, but DMAP will continue as it always has. Do you think that would confound the study?

MR. DuBROCK: I think we'll be able to determine, based upon the DMAP harvest reporting and the regular harvesting reporting of the allocations, to determine where that harvest occurs and I don't believe that will compromise the study.

PRESIDENT PALONE: Thank you.

Commissioner Boop.

COMMISSIONER BOOP: Cal, do the numbers enrolled so far include DCNR?
MR. DuBROCK: I wasn't able to look at specifically who, this is just simply a tally, but I would guess, based upon the statistics, for example, 2G, it doesn't include many DCNR properties at this point.

COMMISSIONER BOOP: Thank you.

COMMISSIONER DELANEY: Madame President, I have one question.

PRESIDENT PALONE: Commissioner Delaney.

COMMISSIONER DELANEY: Cal, why the disparity in 3C from 97 to 881?

MR. DuBROCK: It comes back down to landowner and the size of their properties and number of coupons requested.

Again, it could be that some of the public landowners at this point simply have not enrolled and there is no assurance that they will enroll, either, at this point. There is one week remaining and it's difficult to say exactly who is going to enroll at this point.

EXECUTIVE DIRECTOR ROE: We're still in the process. There could be 20 or 30 applications sitting on the regional biologist's desk right now that aren't in the system. We
really don't have a way, we're comparing an end-of-the-year number with a mid-year number and we've got a lot of public lands, towards the end, towards the 1st of July, so it's kind of premature to make a direct comparison between the two counts.

MR. DuBROCK: Keep in mind that in most cases, the DMAP properties, and the exception, quite frankly, is 2G, but in virtually every case, we're talking about a couple thousand acres enrolled in DMAP and a couple hundred coupons as contrasted with, in most cases, a million-acre management unit and tens of thousands of antlerless licenses.

So the DMAP participation is geared toward a specific property, typically with higher density, higher deer impact, that make up a really small fraction of what's happening in the wildlife management unit.

PRESIDENT PALONE: Any other discussion? Hearing none, all those in favor of the proposal, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the proposed amendment passes by a vote
of seven to one, with Commissioner Boop being the dissenting vote.


MR. BECHTEL: Moving on now to proposed rule making, the first item is to amend 58 Pa. Code, Sections 147.322, 147.324, and 147.325. In developed landscapes, lower deer populations result in fewer deer/human conflicts. Although the Game Commission is directed by law to use hunting in managing white-tailed deer, hunting is not always feasible in an urbanized setting. Therefore, alternative herd reduction tools are necessary in order for communities to address growing deer populations. Strategy 2.3.1 of the Urban Deer Management Strategy calls for the review and revision of the regulations regarding deer control permits.

Currently, only political subdivisions may apply for a deer control permit. Recognizing that urban deer issue doesn't always affect an entire township or borough, the list of authorized applicants has been expanded. This does not change the requirements or the review process of an application; it merely makes this tool available to
more groups experiencing unacceptable levels of
deer/human conflicts in a developed area.
The text of the changes appear on
pages 6 and 7 of your agenda. The Executive
Director and staff recommend the Commission approve
these changes.
PRESIDENT PALONE: Thank you, Brad.
Do I hear a motion to accept the
proposal for the deer control permits?
COMMISSIONER ISABELLA: Motion.
PRESIDENT PALONE: Commissioner
Isabella. Is there a second.
COMMISSIONER WEANER: Second.
PRESIDENT PALONE: Second,
Commissioner Weaner. Is there any discussion and
questions? Hearing none, all those in favor of the
proposal, signify by saying aye. All those
opposed, say no.
(Vote taken.)
COMMISSIONER DELANEY: Madame
President, the proposed rule making passes by
unanimous vote.
PRESIDENT PALONE: Thank you,
Commissioner Delaney. As far as I know, that
concludes our portion for Wildlife Management.
Thank you, Cal.

We'll now be moving on to the Bureau of Wildlife Protection and I would like to recognize Director Rich Palmer. Page 8.

MR. BECHTEL: Thank you. The first item with regard to the Bureau of Wildlife Protection involves adopted rule making. It is the adoption of proposed amendments to Section 141.4. To effectively manage the wildlife resources of this Commonwealth, the Game Commission, at its April 22, 2008 meeting, proposed the following change: To amend Section 141.4 (related to hunting hours) to replace the sunrise/sunset table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting in the 2008-2009 hunting year. The Executive Director and staff recommend final adoption of this amendment to 58 Pa. Code as shown on Exhibit A, pages 9, 10, and 11 of your agenda.

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept the hunting hours?

COMMISSIONER ISABELLA: Motion.

PRESIDENT PALONE: Commissioner Isabella. Is there a second?
COMMISSIONER SCHLEIDEN: Second.

PRESIDENT PALONE: Second,

Commissioner Schleiden. Is there any discussion? Hearing none, all those in favor of the proposal, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the adoption of the proposed amendment passes by unanimous vote.

PRESIDENT PALONE: Thank you,

Commissioner Delaney.

MR. BECHTEL: The next item concerns proposed rule making. The first is to amend 58 Pa. Code, Section 143.243. Since the successful implementation of the Mentored Youth Hunting Program in the fall of 2006, the Commission has been seeking input from sportsmen and sporting organizations on ways to improve this innovative new program.

Towards this end, two organizations, the Governor's Advisory Council for Hunting, Fishing and Conservation and the Pennsylvania Fox and Coyote Hunting Association have organized to recommend that the program can be improved with the addition of coyotes to the list of species that can
be lawfully pursued by mentored youth.

In its continuing interest to find new opportunities to expose the youth to this state's wildlife resources and enduring hunting heritage, the Commission is proposing to amend Section 123.243 by expanding the list of species that mentored youth are eligible to pursue to include coyotes. The text of this change appears on page 12. The Executive Director and staff recommend the Commission approve this change.

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept this change to the mentored youth hunt?

COMMISSIONER DELANEY: Madame President, I'll make that motion to include coyotes.

COMMISSIONER BOOP: Second.

PRESIDENT PALONE: Commissioner Delaney, seconded by Commissioner Boop. Is there any discussions or questions?

COMMISSIONER SCHREFFLER: Yes.

PRESIDENT PALONE: Commissioner Schreffler.

COMMISSIONER SCHREFFLER: I would just like to emphasize that this is to be considered
stationary activity following the guidelines set forth in the mentored youth provisions that we have and it's not a chase. It's the youth and the adult are stationary, and the youth with supervision of the firearm. Make sure that's clear for purposes of this. That's all. Thank you.

PRESIDENT PALONE: Any other discussion?

COMMISSIONER DELANEY: Yes, Madame President.

PRESIDENT PALONE: Commissioner Delaney.

COMMISSIONER DELANEY: I would like to offer that this past Sunday I attended the Pennsylvania Fox and Coyote Hunters Association Family Day and I was able to witness firsthand how this organization handles their kids and their youth. I feel very comfortable in what they will do to partner with us to help keep this a safe program.

PRESIDENT PALONE: Anyone else? Okay. All those in favor of this proposal, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame
President, the proposed rule making passes by unanimous vote.


MR. BECHTEL: The next item concerns 58 Pa. Code, Sections 147.301 through 147.307 and 147.309.

The Commission has been working in consultation with the Wildlife Rehabilitation Council to update and amend the wildlife rehabilitation regulations in an effort to redress the Commission and Council share respecting the inadequacy of current permitting standards.

Some notable recommendations generated include the creation of new rehabilitation facility caging and sanitation requirements for all wildlife, new requirements for the rehabilitation rabies vector species and new application, qualification and testing standards for permit applicants.

Therefore, the Commission is proposing to amend 58 Pa. Code, Sections 147.301 through 147.307 and 147.309 to update and expand wildlife rehabilitation standards. The text of these changes appear on pages 13 through 18 of your
agenda. The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept these proposals for wildlife rehabilitation?

COMMISSIONER SCHREFFLER: So moved.

PRESIDENT PALONE: Commissioner Schreffler. Second?

COMMISSIONER ISABELLA: Second.

PRESIDENT PALONE: Second, Commissioner Isabella. Any discussion or questions? Hearing none, all those in favor of the proposal, signify by saying aye. All those opposed, say no.

COMMISSIONER DELANEY: Madame President, the motion passes unanimously.

PRESIDENT PALONE: Thank you, Commissioner Delaney. Page 19.

MR. BECHTEL: The next item concerns amendment to 58 Pa. Code, Sections 147.721 through 147.728, 147.726, and 147.729. Chapter 147, Subchapter T, provides the regulatory structure for the Commission to authorize persons to engage in nuisance wildlife control activities.

The Commission has identified that
these regulations have, over time, become inadequate to address the needs of the Commission and the public concerning the persistent problem of nuisance wildlife and therefore needs to be amended.

Some notable recommendations generated by the Commission include the renaming of permit holders as "nuisance wildlife control operators" rather than "wildlife pest control agents." The expansion of the permittee eligibility standards accept applications from nonresidents, new requirements for the control of rabies vector species and new testing standards for applicants working in deer control.

Therefore, the Commission is proposing to amend 58 Pa. Code, Sections 147.721 through 147.726, 147.728 and 147.729 to update and expand nuisance wildlife control operator standards. This text appears on pages 19 to the top of page 22 in your agenda. The Executive Director and staff recommend the Commission approve these changes.

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept this proposal for nuisance wildlife control operators?

COMMISSIONER WEANER: So moved.
PRESIDENT PALONE: Commissioner Weaner. Is there a second?

COMMISSIONER BOOP: Second.

PRESIDENT PALONE: Second, Commissioner Boop. Is there any discussion or questions? Hearing none, all those in favor of the proposal, signify by saying aye. All those opposed, say no.

COMMISSIONER DELANEY: Madame President, the motion passes unanimously.

PRESIDENT PALONE: Thank you, Secretary Delaney. We now will take up the item of administrative hearings for hunting license revocations and the commissioners have these in front of them. Mr. Bechtel.

MR. BECHTEL: This is a supplement to your agenda concerning an administrative hearing with regard to the revocation of hunting and furtaking privileges. An administrative hearing was held to review the hunting and furtaking revocations for those persons who file a petition requesting a review, in accordance with the Administrative Agency Law, 2 Pa. C.S.A. Section 501 et seq.

The Commission was furnished a copy of
the Findings of Fact, the Conclusions of Law and
the Recommendation of the Hearing Officer
concerning the administrative hearing held at the
request of the individual listed on your
supplement.

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 the individual listed on
your supplement.

PRESIDENT PALONE: Also, could you
read the second recommendation?

MR. BECHTEL: Administrative hearings
were held also for the persons listed on the second
page of your supplement. Those hearings concerned
reducing the hunting and furtaking revocation. 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
those individuals. The Findings of Fact set forth
the circumstances surrounding these matters.
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 individuals
listed on the second page of your supplement.

PRESIDENT PALONE: Thank you, Brad. I
would like to have a motion to vote on these
administrative hearings all together if no one
objects to that.

COMMISSIONER BOOP: So moved with
respect to all individuals before the Board.

PRESIDENT PALONE: Thank you,
Commissioner Boop. Is there a second?

COMMISSIONER ISABELLA: Second.

PRESIDENT PALONE: Second,
Commissioner Isabella. Is there any discussion or
questions? All those in favor of the
recommendation, signify by saying aye. All those
opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame
President, the motion passes unanimously.

PRESIDENT PALONE: That should
conclude our portion of the agenda having to do
with Wildlife protection. Thank you, Director Palmer.

We'll now turn to the Bureau of Wildlife Habitat Management. I would like to recognize Director Bill Capouillez. We are on page 23 of our agenda. Mr. Bechtel.

MR. BECHTEL: Yes, the first item with regard to the Bureau of Wildlife Habitat Management concerns real estate acquisition Option No. 50013, 4,968 plus-or-minus acres of land in Horton Township, Elk County, adjoining State Game Land No. 44.

This property was approved in January of 2008 with the purchase price to be paid from the funds escrowed by Penn State University in conjunction with the State Game Land 176 exchange. Settlement was to be no later than June 30, 2008. It has become increasingly clear that approval by the United States Fish and Wildlife Service of this acquisition may be delayed past June 30th.

In order to meet the Commission's obligations, the Bureau of Wildlife Habitat Management is requesting the Commission to authorize the use of alternate funds to acquire this tract should approval by the United States
Fish and Wildlife Service not be granted by June 30, 2008.

Option No. 50045 is 1,555.6 plus-or-minus acres of land in Horton Township, Elk County near State Game Land 44. This property was also approved in January 2008 and it was to be paid from funds escrowed by Penn State University in conjunction with the State Game Land No. 176 exchange.

This property also was to be settled no later than June 30, 2008, and it has become increasingly clear that approval by the United States Fish and Wildlife Service of this acquisition may also be delayed past June 30th.

In order to meet the Commission's obligations, the Bureau of Wildlife Habitat Management is requesting the Commission to authorize the use of alternate funds to acquire this tract should approval by the United States Fish and Wildlife Service not be granted by June 30, 2008.

The Executive Director and staff recommends the Commission authorize the Bureau of Wildlife Habitat Management to utilize an alternate funding source to acquire these tracts should the
United States Fish and Wildlife Service fail to grant approval in a timely manner.

Do I hear a motion to accept these acquisitions?

So moved.

Commissioner Schleiden. Is there a second?

Second.

Second, Commissioner Boop. Is there any discussion or questions for Mr. Capouillez?

Madame President.

Commissioner Schleiden.

Denny, it looks like we're going to get it done. I want to compliment our people in Northcentral, starting with the regional director and his staff up there. This is a fine piece of property. It seems like the Penn State deals always seem to be an albatross around our neck. And then I come back to our bureau director and once again compliment him and his staff on imaginative methods of finding the
financing while we still try to work in a positive manner with U.S. Fish and Wildlife; and lastly, your direction, Bill, for keeping that team together.

I would hope that our Board does approve this. I suspect that they will. Thank you.

PRESIDENT PALONE: Any other discussion? Mr. Boop.

COMMISSIONER BOOP: Yes, I would like to echo what Commissioner Schleiden has said about the Northcentral, about Bill and his staff, and the work and what this is going to mean for the Commission. And I would like to echo what has already been stated.

PRESIDENT PALONE: Anyone else?

Hearing no more discussion, all those in favor of the acquisitions, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the motion passes eight to zero, unanimous.

appear two donations: Option No. 50063, Eugene and Nancy Dunlap have offered 20.7 plus-or-minus acres of land in Derry Township, Westmoreland County, near State Game Land 328, as shown on Exhibit RED 1 on page 25 of your agenda. The property is forested with sugar maple-basswood and provides 2,000 feet of shoreline along the Conemaugh River.

Option No. 50075 is a right of way in Penn Forest Township, Carbon County, adjoining State Game Land No. 141, as shown on Exhibit RED 2 on page 26 your agenda. John and Mary Enck of Penn Forest Township, Pennsylvania own property adjoining State Game Land No. 141 that extends from the common boundary line between the Commission and the Encks to S.R. 1002. The Encks are willing to donate a right of way approximately 400 feet long and 22 feet wide, allowing access from S.R. 1002 to the state game lands.

This new right of way will allow the Commission to continue habitat work on a portion of State Game Land No. 141 that became inaccessible when the Commission lost access through another adjoining landowner. This right of way will allow
public access to a parking area that is planned to be built on State Game Land No. 141 in the future.

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

PRESIDENT PALONE: Thank you. Do I hear a motion to accept these donations?

COMMISSIONER ISABELLA: Motion.

PRESIDENT PALONE: Commissioner Isabella. Is there a second?

COMMISSIONER SCHREFFLER: Second.

PRESIDENT PALONE: Second, Commissioner Schreffler. Is there any discussion or questions? Hearing none, all those in favor of the donation, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Unanimous, Madame President, the motion passes.

PRESIDENT PALONE: Thank you. Page 27.

MR. BECHTEL: Page 27 of the agenda we moved to land exchanges. Option No. 50060, State
Game Land No. 82, Somerset County. Ann Higdon has agreed to a land exchange involving a 16-foot wide easement allowing for access to electric, telephone or cable only and not subdivision, situate in Northampton Township, Somerset County, said easement to be across State Game Land No. 82.

In exchange for the forest, Higdon has agreed to transfer 11 plus-or-minus acres, also located in Northampton Township, Somerset County, State Game Land No. 82 as shown on Exhibit RED 3 on page 28.

The 11 plus-or-minus acres is comprised of mature mixed hardwoods with some hemlock present and will straighten out the Commission's current irregular-shaped boundary line. In addition, Higdon has agreed that a restriction shall be placed on her remaining property such that no occupied structure shall be built closer than 150 yards from the State Game Land. Should the Higdon property be transferred in the future, it shall contain the restriction that the easement may not be used for subdivision and that any new lots in any subdivision shall need to obtain a separate right of way.
recommend that the land exchange listed above be approved and the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with this exchange.

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept this land exchange?

COMMISSIONER SCHLEIDEN: Motion.

PRESIDENT PALONE: Commissioner Schleiden. Is there a second?

COMMISSIONER HILL: Second.

PRESIDENT PALONE: Second, Commissioner Hill. Any discussion or questions? Hearing none, all those in favor of the land exchange, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the vote was unanimous for the land exchanges.

PRESIDENT PALONE: Thank you, Commissioner Delaney. Page 29.

MR. BECHTEL: Yes. Appearing on page 29 is a report of a notational vote. The following item was a notational vote and was unanimously approved. Option No. 50072, State Game Land No.
107, Juniata County. The Mabel Goshorn Estate was offering at auction on May 2, 2008, a farm consisting of 170 acres with a house and outbuildings, 37 acres of woodland and 476 acres of mountain and hunting ground in Fermanagh Township in Juniata County, adjoining State Game Land No. 107 as shown on Exhibit RED 1 or RED 4 on page 30 of your agenda.

The farmland is comprised of shale and gravel silt loam soils, which would promote the development of small-game habitat. The woodland is comprised of mixed hardwoods that have been timbered over and provides early successional habitat interspersed with big-game habitat. In addition, the mountain ground provides legal access to the rest of the game lands.

The Bureau of Wildlife Habitat Management was authorized to attend the auction and bid for the purchase on behalf of the Commission using funds from the State Game Land No. 176 land exchange with Penn State. The auction was canceled and did not take place as planned.

PRESIDENT PALONE: Thank you, Brad. This item was on the agenda just in the spirit of getting it into the public record and so that you
would all know we had a notational vote. Page 31.

MR. BECHTEL: Yes, on page 31, we're moving into the oil and gas and mineral section.
The first item is an oil and gas lease offering, a report of a notational vote. The following item
was a notational vote and was unanimously approved: State Game Land No. 75, Lycoming County.
The Commission offered its oil and gas ownership under a portion of State Game Land No. 75 for
lease. Tract 75B-08, containing approximately 2,615 acres, was exposed for competitive royalty
bid in May 2008 with a one-time bonus/rental payment of $2,000 per acre as full consideration
for the five year primary term and a 15 percent minimum royalty.

Within the last six months, the Commission has approved several large tracts of land for acquisition. This bonus/rental will be used and applied to assure the Commission meets its outstanding obligations on these tracts.

Additionally, the lease offer provides the Commission well site location fees of $20,000 for each deep well sites drilled; $15,000 for each horizontal well sites; and a $5,000 fee for each shallow vertical well drilled within the lease.
premises. The lease area exposed for competitive royalty bid is as shown on the attached Exhibit OGM map shown on page 32 on your agenda.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's standard oil/gas lease agreement and $25,000 performance bond. The lease will include the Commission's standard wildlife and environmental protection measures and further limits the subsequent well development to a total of ten wells, unless additional written approval is obtained from the Commission. The lease will also include a free gas provision for the Commission to use free of charge up to 350,000 cubic feet of gas annually.

Bids for this tract were opened on May 5, 2008, with Chesapeake Appalachia, L.L.C. of Charleston, West Virginia, submitting the highest royalty rate bid of 26 and one-tenths percent. The results of the royalty gas bid expressed in a percentage rate of the market value of each mcf of gas are listed on page 31 of your agenda.

COMMISSIONER SCHLEIDEN: Madame President, I know we don't need to vote on this, but I did have a question for Bureau Director
Capouillez. Bill, I meant to ask you when we talked, a couple of us were talking over coffee, when we provide the free gas, is that going to a specific facility in that area and who pays to get it to them?

MR. CAPOUILLEZ: With regard to the use of the free gas, the well would have to be drilled on the leased premises to allocate the use of the free gas and it has to be a building that's on those premises. So in areas where we have outbuildings or a need for that, we can allocate that 350,000 cubic feet of free gas. If we extend beyond that, we just have it taken off our royalty.

COMMISSIONER SCHLEIDEN: I see. Do we actually do the transmission line to our building or does the company do it?

MR. CAPOUILLEZ: It's varied with some of our clients with regard to who will do it; some of them will go ahead and run the tap and hookup to at least bring it up to the building. They're not legally allowed to bring it in the building for liability sake, so it depends on where the pipeline is and where the well is located. That's something we talk about when we need it.

COMMISSIONER SCHLEIDEN: Thank you.
PRESIDENT PALONE: Thank you,
Commissioner Schleiden. Are there any other
questions? We'll move on, then, to page 33.

MR. BECHTEL: On page 33 of your agenda appears the surface mining coal lease
amendment, also with regard to State Game Land 75 in Lycoming County. Fisher Mining Company, Inc. of Montourville, Pennsylvania seeks to amend its existing 159-acre lease, that's Tract 75A-04, by allowing for coal removal on an additional 32.3 acres of the existing lease area, shown on Exhibit OGM 2 on page 35 of your agenda.

The proposed amendment will allow Fisher Mining Company to remove an additional estimated total of 311,490 tons of coal from the leased premises. This amendment, if approved, will permit Fisher Mining Company to remove coal from a portion of Lease Tract 75A-04, currently designated as a mining support area. No additional acreage will be required for or added to the lease under this proposal.

All proposed mining areas have already been reviewed and approved in accordance with the Pennsylvania Department of Environmental Protection's surface mining regulations.
As part of the mine reclamation plan, Fisher Mining will reclaim 600 feet of abandoned highwall on the Flatiron surface mine located approximately 1,500 feet west of the leased premises. Reclamation of the highwall will eliminate an existing safety hazard on the game lands and result in the creation of a five-acre herbaceous food plot.

The coal royalty value of the proposed additional mining has been estimated to be $1,383,015. Upon the final execution of the lease agreement, 1,000,000 will be paid as an advanced royalty to the Commission and deposited into an interest-bearing escrow account to be used for future purchase of lands acceptable to the Commission. The remaining royalties will be deposited into the Game Fund.

All merchantable timber, which is cut and/or impacted by this mining operation, will be assessed by the Commission's Northcentral Regional forestry staff and the payments owed to the Commission will be made in strict accordance with the existing terms and conditions of the original lease. All other terms of the current lease will remain unchanged.
Mining will be regulated by the Commonwealth's Surface Mining Regulations and the Commission's existing surface mining lease agreement. The staff has reviewed this proposal and has determined that the highwall reclamation, in conjunction with the advanced coal royalty schedule and timber value, are equal to or greater than the total accumulated coal lease value.

The Executive Director and staff recommends that the coal mining lease amendment with Fisher Mining Coal Company, Inc. be approved and that the Commission authorizes the Bureau of Wildlife Habitat Management to proceed with the leasing agreement as listed above.

PRESIDENT PALONE: Thank you, Mr. Bechtel. Do I hear a motion to approve this lease?

COMMISSIONER WEANER: So moved.

PRESIDENT PALONE: Commissioner Weaner. Is there a second?

COMMISSIONER BOOP: Second.

PRESIDENT PALONE: Second, Commissioner Boop. Is there any discussion or questions? Hearing none, all those in favor of the lease, signify by saying aye. All those opposed,
say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the surface mining coal lease amendment passes unanimously.

PRESIDENT PALONE: Thank you. We have an addition, a supplement to our agenda from the Bureau of Wildlife Habitat Management under real estate and I didn't know if Director Capouillez wants to address this supplement or would you like us to read it first?

MR. CAPOUILLEZ: If Brad would read it, that's fine.

MR. BECHTEL: The supplement concerns two land exchanges. The first is with regard to Contract L-3519, State Game Land No. 158 in Cambria County. By action on August 21, 2007, the Commission agreed with Trout Unlimited to a land exchange regarding a 50 foot by 1000 foot tract of land being part of State Game Land 51, situate in Dunbar Township, Fayette County.

Trout Unlimited required this property to convey to a property owner who will allow Trout Unlimited to construct acid mine discharge treatment ponds on his property. The AMD ponds
were to be constructed with a Growing Greener grant received from DEP. This 50 foot by 1000 foot tract was conveyed to Trout Unlimited.

   In exchange, Trout Unlimited caused to be transferred from DEP 68 acres situate in Reade Township, Cambria County, part of an interior parcel to State Game Land No. 158. The deed to Trout Unlimited contained a restriction that if the project was not completed by June 20, 2008, the land would revert to the Commission.

   Trout Unlimited is a grass roots organization made-up of volunteers. They are working diligently on the project, but have not been able to complete construction by June 30, 2008 and have requested an extension until December 31, 2009.

   This project has a high benefit to the environment, specifically Morgan Run, and the Commission has already received the 68 acres in exchange. The benefits to the environment and to wildlife habitat far outweigh any risk to the Commission that the project will not be completed.

   The Executive Director and staff have reviewed this request for an extension and have determined it to be of equal or greater value for
the benefit of wildlife and authorize the Bureau of Wildlife Habitat Management to proceed with the extension.

PRESIDENT PALONE: Thank you, Brad. Is there a motion to accept this extension?

COMMISSIONER SCHLEIDEN: So moved.

PRESIDENT PALONE: Commissioner Schleiden. Is there a second?

COMMISSIONER HILL: Second.

PRESIDENT PALONE: Second, Commissioner Hill. Is there any discussion or questions? Director Capouillez, remind us about the original proposal we had passed.

MR. CAPOUILLEZ: Yes, ma'am. The original proposal was with regard to assisting for an acid drainage treatment system on private lands. We've been out there for some time and so DEP, having granted the funds to make the AMD treatment system possible, was allowing for this project to occur, also was in support of us getting the transfer of land, 68 acres.

So this was a partnership between us and DEP and Trout Unlimited as an improvement project for the watershed, even though it was on private land.
PRESIDENT PALONE: Thank you. Any other discussion? Hearing none, all those in favor of the extension, signify by saying aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the vote is unanimous to extend the motion for the State Game Land 157, Cambria County extension.

PRESIDENT PALONE: Thank you. Number 2.

MR. BECHTEL: The next item is an exchange, Option No. 50073, State Game Land No. 88 in Perry County. Steve Peterscheim has agreed to a land exchange involving a permanent easement over a portion of State Game Land No. 88, situate in Northeast Madison Township, Perry County, shown on Exhibit RED 5, which is attached to your supplement.

In exchange for the easement, Peterscheim has agreed to cause to be conveyed all acreage west of the right of way supposed to contain 8 plus-or-minus acres of land located in Northeast Madison Township, Perry County, State Game Land 88, also shown on Exhibit RED 5, attached
to your supplement.

The parcel is forested and comprised mainly with oak, maple and tulip poplar. The staff has reviewed this proposal and has determined it to be of equal or greater value for the benefit of wildlife.

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

PRESIDENT PALONE: Thank you, Brad. Do I hear a motion to accept the land exchange?

COMMISSIONER ISABELLA: Motion.

COMMISSIONER SCHLEIDEN: Motion.

PRESIDENT PALONE: Commissioner Isabella and seconded by Commissioner Schleiden. Is there any question or discussion? Hearing none, all those in favor of the land exchange, signify by saying aye. Those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Madame President, the vote is unanimous for the Perry County land exchange.

PRESIDENT PALONE: Thank you, Director
Capouillez. That concludes our part about the wildlife habitat management.

COMMISSIONER DELANEY: Madame President, can I ask one question before he sits down?

PRESIDENT PALONE: Yes.

COMMISSIONER DELANEY: Bill, can I just refer back, I failed to ask you this question earlier, but would the earlier tract of Horton Township, Elk County property, approximately 6,500 acres, after this Board's approval today, would it be a fair assumption that the sportsmen and sportswomen of Pennsylvania will have an additional 6,500 acres of state game lands by this fall to hunt?

MR. CAPOUILLEZ: Absolutely.

PRESIDENT PALONE: That's wonderful.

Anything else?

COMMISSIONER DELANEY: No.

PRESIDENT PALONE: Thank you, Bill.

Now, we're going to move into the new business part of your agenda. I'd like to, first of all, welcome our newest commissioner, Commissioner Ron Weaner, who is down at the end. He's a schoolteacher at Dover High School and lives in Biglerville in Adams
County. Ron, I don't know if you have any comments that you would like to say since you have gone through your first meeting, but we're very glad to have you and we know you'll be an asset to the Board and we'll try to help you as much as we can to get through all of the learning process.

COMMISSIONER WEANER: I would like to say that I'm really excited to be here and yesterday was a grand introduction. Everyone says there aren't normal meetings like this, so this was a good meeting. I'm looking forward to working with the good people in the Game Commission. A lot of folks in the sportsmen group and people have been coming up to me and introducing themselves. It's just been a great experience so far and I'm just looking forward to try to help to do my part to ensure that Pennsylvania stays in the forefront of wildlife management. I look forward to working with all of. Thank you very much for welcoming me.

PRESIDENT PALONE: It's not very often that we have a full board of eight commissioners, so this is an anomaly. Welcome again, Ron. I'm going to ask for new business for different committees and then from individual commissioners. First of all, budget.
COMMISSIONER BOOP: Yes, thank you,
Commissioner Palone. The Budget Work Session
Committee met the end of May with Executive
Director Roe and Jim Potteiger and my recollection
is Commissioner Schleiden, Commissioner Hill,
Commissioner Palone, and myself -- and I think
other commissioners can add to this, that attended
the meeting -- but I think we left the budget work
session in May feeling that Executive Director Roe
and his staff are doing the best job they can with
the limited resources that we have. And we feel
that we're in as good of shape as we can be under
the circumstances going into the next fiscal year.
Any other Commissioners certainly that
attended can add to that report.

PRESIDENT PALONE: Thank you,
Commissioner Boop. Information and Education.

COMMISSIONER SCHREFFLER: Yes. I'd
like to mention some activities that have taken
place in the Bureau of Information and Education.
To make the Game Commission's mission
of managing the 267 species of wildlife better
known among our youth and their families, the
Bureau of Information and Education produced this
really great poster to be placed in every school in
Pennsylvania to encourage youth to associate the Game Commission when they deal with wildlife in their daily activities. You will note that the Web site is on the bottom here where they can find additional information, where teachers and students can download additional pictures and things of that sort. This will be distributed to all schools in Pennsylvania and is available.

PRESIDENT PALONE: Thank you, Commissioner Schreffler. Wildlife Management.

COMMISSIONER ISABELLA: Madame President, is this for new business?

PRESIDENT PALONE: Yes.

COMMISSIONER ISABELLA: I have an item for new business. I would like the Wildlife Management Bureau, especially the urban deer team, to investigate and report to the wildlife management committee at their next informational meeting if antler restrictions were removed in special regulation areas, number 1, would this all have been in effort to reduce deer populations in those special regulation areas; number 2, help address goals in the urban suburban deer management plan; and number 3, entice more hunters to take deer in those special regulation areas. I know
there's a lot here, but I have a copy for you and I have a copy for Cal.

PRESIDENT PALONE: Thank you.

COMMISSIONER ISABELLA: That's my new business.

PRESIDENT PALONE: Thank you,

Commissioner Isabella. Wildlife Habitat Management.

COMMISSIONER DELANEY: Yes, Madame President, I have --

PRESIDENT PALONE: Commissioner Delaney.

COMMISSIONER DELANEY: -- some new business to address Director Capouillez about and it deals with our public access in Pennsylvania.

Director Capouillez and Director Roe have both been working to rebuild our public access in Pennsylvania. I think they've done a remarkable job to date with that. I think we are one of the premiere programs across the United States that Bill has been building here for Pennsylvania. And I would ask that at our October meeting, Bill can give a report to both the commissioners and the sportsmen across the state where our public access program was and where it is today and where we
intend to go with it in the future.

I would believe most Pennsylvanians aren't aware that we have far more private property open to public hunting in Pennsylvania than we do state game lands. I would ask if Director Capouillez could have something prepared for the October meeting.

PRESIDENT PALONE: Anything else?

Thank you, Commissioner Delaney. Wildlife Protection?

(Brief pause.)

PRESIDENT PALONE: Any other commissioners have new business for the Commission?

COMMISSIONER SCHLEIDEN: Yes, Madame President.

PRESIDENT PALONE: Commissioner Schleiden.

COMMISSIONER SCHLEIDEN: I would like to request that the staff of wildlife management and wildlife protection work with their committees and with our Executive Director to prepare an agenda item for the October meeting. That agenda item would be that crossbows may be used in all seasons for all species beginning in the 2009/2010
season.

PRESIDENT PALONE: Thank you,

Commissioner Schleiden. Do any of the other commissioners have any new business? Commissioner Boop.

COMMISSIONER BOOP: Commissioner Schleiden's mention of the crossbows, my concern is -- and certainly we can study it -- but I think we should note on the record that most things that we do are as a result of a perceived need or perceived desire by some stakeholder group. And I think as a commissioner, I've certainly not had requests for crossbows in all of the seasons.

Other commissioners can speak to this or at the appropriate time speak to this, but there appears to be much interest in this issue downtown and here, but I think it's fair to say that it seems this is being driven by the manufacturers and the lobbyists for crossbows rather than it is by our stakeholder groups.

I think when we study it, we also ought to carefully study where the request is coming from because I don't think it's coming from our stakeholder groups.

PRESIDENT PALONE: Thank you,
Commissioner Boop.

COMMISSIONER SCHLEIDEN: May I respond to that? That's a request, Mr. Boop, for the agenda item, and I think we can have that discussion later.

PRESIDENT PALONE: Yes, there will be plenty of time before the October meeting and also after for discussion. Thank you.

Our next meeting will be October 23 and 24, 2008, beginning at 8:30 a.m. at the Holiday Inn at Meadow Lands in Meadow Lands, Pennsylvania. Please note that this is a Thursday and Friday. Normally, we have our meetings on Monday and Tuesday, but this time it is Thursday and Friday.

We're going to have a short recess, ten minutes, and then we will have our press conference over in the training school. And just so the commissioners know, we do have lunch and it will be here at 11:30.

Do I hear a motion to adjourn the meeting?

COMMISSIONER BOOP: So moved.

PRESIDENT PALONE: Commissioner Boop.

Is there a second?

COMMISSIONER ISABELLA: Second.
PRESIDENT PALONE: Commissioner Isabella. All those in favor, say aye. All those opposed, say no.

(Vote taken.)

COMMISSIONER DELANEY: Motion passes.

PRESIDENT PALONE: The meeting is adjourned.

(The meeting was concluded at 9:51 a.m.)
I hereby certify that the proceedings and evidence in the above hearing are contained fully and accurately in the notes taken by me; and that this transcript is a correct copy of the same.

Melissa Flinn
Notary Public