

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

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IN RE: COMMISSIONERS' MEETING

GENERAL BUSINESS MEETING

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BEFORE: James J. Delaney, PRESIDENT DELANEY
Ronald A. Weaner, Vice-PRESIDENT DELANEY
David W. Schreffler, SECRETARY SCHREFFLER
Carl G. Roe, Executive Director
Matthew Hough, Dept. Executive Director
Bradley Bechtel, Counsel
Ralph A. Martone, Commissioner
Gregory J. Isabella, Commissioner
Robert W. Schlemmer, Commissioner
Thomas E. Boop, Commissioner
David J. Putnam, Commissioner

HEARING: Tuesday, June 29, 2010, 8:30 a.m.

LOCATION: Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

WITNESSES: Ray Bilger, Bill Capouillez

Reporter: Richard J. Lipuma

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DISCUSSION AMONG PARTIES

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PRESIDENT DELANEY:

We will now start the business meeting of the Board of Commissioners for our June meeting. And if you'd be kind enough to stand and join with me in the pledge of allegiance?

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT DELANEY:

A couple of things before we start, and these are just normal things we mention to all folks in attendance. We had a very good day yesterday hearing public testimony, hearing some very good staff reports, and everyone that was here was very cordial and understood each other's opinions. I ask in that regard that we do the same thing today and consider turning your cell phones off, or at least putting them on vibrate, so there are no interruptions. With that said, Mr. Secretary, if we could have the roll call of commissioners?

SECRETARY SCHREFFLER:

Yes, Mr. President. Will those individuals whose names are called please indicate their presence by saying present? Ralph Martone?

COMMISSIONER MARTONE:

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Present.

SECRETARY SCHREFFLER:

Robert Schlemmer?

COMMISSIONER SCHLEMMER:

Present.

SECRETARY SCHREFFLER:

David Putnam?

COMMISSIONER PUTNAM:

Present.

SECRETARY SCHREFFLER:

Thomas Boop?

COMMISSIONER BOOP:

Present.

SECRETARY SCHREFFLER:

Greg Isabella?

COMMISSIONER ISABELLA:

Present.

SECRETARY SCHREFFLER:

David Schreffler? Present. Ron Weaner?

COMMISSIONER WEANER:

Present.

SECRETARY SCHREFFLER:

James Delaney?

PRESIDENT DELANEY:

Present.

1 SECRETARY SCHREFFLER:

2 Mr. PRESIDENT DELANEY, all members are
3 present and accounted for.

4 PRESIDENT DELANEY:

5 Thank you, Mr. Secretary. Our first
6 order of business, I'd like an approval of the minutes
7 of the previous meeting held April the 20th, 2010.

8 COMMISSIONER PUTNAM:

9 So moved.

10 COMMISSIONER MARTONE:

11 Second.

12 PRESIDENT DELANEY:

13 Any discussion? All those in favor, vote
14 by saying aye.

15 ALL:

16 Aye.

17 PRESIDENT DELANEY:

18 No?

19 SECRETARY SCHREFFLER:

20 Mr. President, the motion passes
21 unanimously.

22 PRESIDENT DELANEY:

23 Thank you, Mr. Secretary. At this time,
24 I would like to call on our legal counsel, Brad
25 Bechtel to begin with the proposed rulemaking.

1 MR. BECHTEL:

2 Thank you, Mr. President. Actually, the
3 first thing that comes from the Executive Office
4 concerns adopted rule making is the adoption of the
5 proposed amendment to Chapter 131 by adding Section
6 131.9. To effectively manage the wildlife resources
7 of the Commonwealth, the Game Commission, at its April
8 20th, 2010 meeting, proposed to amend Chapter 131 by
9 adding Section 131.9 (relating to disclosure of
10 certain records) to establish and define the manner
11 that the Commission will respond to certain types of
12 record requests.

13 The Executive Director and staff
14 recommend final adoption of this amendment to 58 PA
15 Code as shown on Exhibit A on page three of your
16 agenda.

17 PRESIDENT DELANEY:

18 Thank you, Brad. Is there a motion on
19 the floor?

20 COMMISSIONER MARTONE:

21 Motion.

22 COMMISSIONER WEANER:

23 Second.

24 PRESIDENT DELANEY:

25 Commissioner Martone, seconded by

1 Commissioner Weaner. All those in favor, signify by
2 saying aye.

3 ALL:

4 Aye.

5 PRESIDENT DELANEY:

6 No?

7 SECRETARY SCHREFFLER:

8 Mr. President, the motion passes
9 unanimously.

10 PRESIDENT DELANEY:

11 Thank you, Mr. Secretary.

12 MR. BECHTEL:

13 The next item is adopted rule making from
14 the Bureau of Wildlife Management for the adoption of
15 proposed amendments to Section 141.28. To effectively
16 manage the wildlife resources of this Commonwealth,
17 the Game Commission, at its April 20th, 2010 meeting,
18 proposed to amend Section 141.28 (relating to the wild
19 pheasant recovery area) to create and define the
20 geographic location of the Hegins-Gratz Valley wild
21 pheasant recovery area and prohibit the hunting of
22 small game and dog training activities from the first
23 Sunday in February through July 31st within any area
24 designated as a wild pheasant recovery area.

25 The Executive Director and staff

1 recommend final adoption of this amendment to 58 PA
2 Code as shown on Exhibit A on page five of your
3 agenda.

4 PRESIDENT DELANEY:

5 Commissioners, you've heard the
6 commentary. Is there a motion from the floor?

7 COMMISSIONER ISABELLA:

8 Motion.

9 COMMISSIONER WEANER:

10 Second.

11 PRESIDENT DELANEY:

12 Commissioner Isabella on the motion,
13 Commissioner Weaner on the second. Is there any
14 discussion? All those in favor of the motion signify
15 by saying aye

16 ALL:

17 Aye.

18 PRESIDENT DELANEY:

19 No?

20 SECRETARY SCHREFFLER:

21 Mr. President, the motion passes
22 unanimously.

23 PRESIDENT DELANEY:

24 Thank you, Mr. Secretary.

25 MR. BECHTEL:

1 The next item also concerns adopted
2 rulemaking from the Bureau of Wildlife Protection. It
3 is the adoption of proposed amendments to Section
4 141.2. To effectively manage the wildlife resources
5 of this Commonwealth, the Game Commission, at its
6 April 20th, 2010 meeting, proposed to amend Section
7 141.20 (relating to protective material required) to
8 require that all hunters hunting during any firearms
9 season for deer, elk or bear post a minimum of 100
10 square inches of daylight fluorescent orange-colored
11 material within 15 feet of a blind meeting the
12 requirements of Section 2308(b)(3) of the code
13 (relating to unlawful devices and methods) in a manner
14 that is visible within a 360 degree arc in addition to
15 requirement of the wearing of protective material on
16 their persons.

17 The Executive Director and staff
18 recommend final adoption of this amendment to 58 PA
19 Code as shown on Exhibit A on page seven of your
20 agenda.

21 PRESIDENT DELANEY:

22 Commissioners, is there motion from the
23 floor?

24 COMMISSIONER SCHLEMMER:

25 Motion.

1 PRESIDENT DELANEY:

2 Commissioner Schlemmer.

3 COMMISSIONER MARTONE:

4 Second.

5 PRESIDENT DELANEY:

6 Second, Commissioner Martone. Any
7 discussion on the issue? All those in favor signify
8 by saying aye.

9 ALL:

10 Aye.

11 PRESIDENT DELANEY:

12 No?

13 SECRETARY SCHREFFLER:

14 Mr. President, the motion passes
15 unanimously.

16 PRESIDENT DELANEY:

17 Thank you, Commissioner.

18 MR. BECHTEL:

19 The next item concerns proposed
20 rulemaking. These are amendments to 58 PA Code,
21 Sections 147.101 and 147.103. On October 6th, 2009,
22 the Commission finally adopted comprehensive changes
23 to the various standards and conditions concerning
24 falconry permits within this Commonwealth. These
25 amendments were primarily intended to bring

1 Pennsylvania into compliance with new Federal
2 permitting standards concerning falconry that becomes
3 fully effective January 1st, 2014. Since the adoption
4 of these amendments, the Commission has come to the
5 recognition that the standards concerning whom is
6 eligible to sponsor new falconers are insufficient to
7 ensure that sponsors themselves have had enough
8 experience to properly guide new falconers. To this
9 end, the Commission is proposing to amend Section
10 147.101 to require that a sponsor for a new falconer
11 be a general or master class falconer having at least
12 two years experience as a general class falconer. The
13 Commission is also proposing to amend Section 147.103
14 to expand the list of eligible species of eagles that
15 a master class falconer may possess with additional
16 written authorization to include eagles not covered
17 under the Migratory Bird Treaty Act.

18 The text of the amendment appears on
19 pages eight through nine of your agenda.

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

22 PRESIDENT DELANEY:

23 Commissioners is there a motion from the
24 floor?

25 COMMISSIONER ISABELLA:

1 Motion.

2 PRESIDENT DELANEY:

3 Commissioner Isabella.

4 COMMISSIONER WEANER:

5 Second.

6 PRESIDENT DELANEY:

7 Commissioner Weaner on the second. Any
8 discussion on the matter? If not, all those in favor
9 signify by voting aye.

10 ALL:

11 Aye.

12 PRESIDENT DELANEY:

13 No?

14 SECRETARY SCHREFFLER:

15 Mr. President, the motion passes
16 unanimously.

17 PRESIDENT DELANEY:

18 Thank you, Commissioner Schreffler.

19 MR. BECHTEL:

20 The next item comes from the Bureau of
21 Wildlife Habitat Management. It concerns two
22 donations. The first is Contract Number 3570, State
23 Game Land Number 301 in McKean County. Jeffrey K.
24 Young has offered to donate a .53-acre, more or less,
25 tract of land in Eldred Township, McKean County,

1 adjoining State Game Land Number 301 (as shown on
2 Exhibit RED One on page 11 of your agenda). The tract
3 is forested with aspen, maple, silky dogwood and arrow
4 wood. The property lies north of Larabee and west of
5 Township Road T-386, known as Larabee Road. The owner
6 excepts and reserves all oil and gas rights, together
7 with the right to explore for, produce and remove said
8 oil and gas, providing that no surface use occurs by
9 way of the exploration, development, storage
10 production and/or removal of oil and gas.

11 The second donation is Contract Number
12 3571, State Game Land Number 158 in Blair County.
13 Sandy Ridge Wind, LLC has offered to donate a seven-
14 acre, more or less, tract of land in Snyder Township,
15 Blair County, adjoining State Game Land Number 158 (as
16 shown on Exhibit RED Two on page 12 of your agenda).
17 The property borders Route 453 and this acquisition
18 will secure access through an existing access road to
19 portions of State Game Land Number 158 and State Game
20 Land Number 60. The property is forested with
21 northern hardwood in pole to young saw timber. The
22 previous owners reserved the subsurface oil, mineral
23 and gas rights, without the right to ingress and
24 egress. Sandy Ridge Wind, LLC will retain a non-
25 exclusive access easement over the property with

1 rights for ingress, egress and regress on, over,
2 across and through the property to their adjacent wind
3 farm facility.

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

9 PRESIDENT DELANEY:

10 Commissioners, is there a motion from the
11 floor to accept the two land donations?

12 COMMISSIONER MARTONE:

13 So moved.

14 COMMISSIONER WEANER:

15 Second.

16 PRESIDENT DELANEY:

17 Commissioner Martone, second by
18 Commissioner Weaner. Is there any discussion on the
19 land donations? If not, all those in favor signify by
20 voting aye.

21 ALL:

22 Aye.

23 PRESIDENT DELANEY:

24 Any no's?

25 SECRETARY SCHREFFLER:

1 Mr. President, the motion passes
2 unanimously.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Schreffler.

5 MR. BECHTEL:

6 The next item concerns an acquisition,
7 Contract Number 3572, State Game Land Number 301 in
8 McKean County. Land Management Systems, Inc. is
9 offering a 37.5 acre, more or less, tract of land in
10 Eldred Township, McKean County adjoining State Game
11 Land Number 301 (as shown on Exhibit RED Three on page
12 14 of your agenda). The option price is \$400 per
13 acre. Approximately 15 acres of the property is
14 forested with silver maple and swamp white oak and has
15 willows, arrowwood, and alders in the understory.
16 There is an acre of reverting old fields and another
17 acre of grassland. The remainder of the property is
18 comprised of wetlands and riparian habitat associated
19 with the Allegheny River that borders the property on
20 the southwest corner. The property lies north of
21 Larabee and west of State Route 0446 and Township Road
22 T-386, known as Larabee Road. Land Management
23 Systems, Inc. excepts and reserves all oil and gas
24 rights, together with the right to explore for,
25 produce and remove said oil and gas, providing that no

1 surface use occurs by way of the exploration,
2 development, storage, production and/or removal of oil
3 and gas.

4 The Executive Director and staff
5 recommend the option listed above be accepted and the
6 Commission authorizes the Bureau of Wildlife Habitat
7 Management to proceed with the acquisition of this
8 tract.

9 PRESIDENT DELANEY:

10 Commissioners, is there a motion on this
11 land acquisition?

12 COMMISSIONER SCHLEMMER:

13 Motion.

14 PRESIDENT DELANEY:

15 Commissioner Schlemmer. Is there a
16 second?

17 COMMISSIONER WEANER:

18 Second.

19 PRESIDENT DELANEY:

20 Second, Commissioner Weaner. Is there
21 any discussion on the item? If not, all those in
22 favor signify by voting aye.

23 ALL:

24 Aye.

25 PRESIDENT DELANEY:

1 Is there any no's?

2 SECRETARY SCHREFFLER:

3 President Delaney, the motion passes
4 unanimately.

5 PRESIDENT DELANEY:

6 Thank you, Commissioner.

7 MR. BECHTEL:

8 The next item concerns a land exchange,
9 Contract Number 3573, State Game Land Number 153,
10 Indiana County. PennDOT is offering three tracts of
11 land totaling 53.8 acres, more or less, in exchange
12 for replacement lands for a highway easement. PennDOT
13 is requesting 39.65 acres from State Game Land Number
14 276 to realign, widen and correct a dangerous stretch
15 of SR 22, Section 491 in Burrell, West and East
16 Wheatfield Townships, Indiana County. The tracts that
17 are being conveyed from PennDOT are an indenture into
18 State Game Land Number 153 in West Wheatfield
19 Township, Indiana County (as shown on Exhibit RED Four
20 on page 16 of your agenda). The tracts are mostly
21 forested with mixed hardwoods and include one acre of
22 wetlands.

23 The Executive Director and staff
24 recommend the land exchange listed above be accepted
25 and the Commission authorizes the Bureau of Wildlife

1 Habitat Management to proceed with the exchange of
2 these tracts.

3 PRESIDENT DELANEY:

4 Commissioners, is there a motion on this
5 land exchange?

6 COMMISSIONER MARTONE:

7 I move.

8 PRESIDENT DELANEY:

9 Commissioner Martone. Is there a second?

10 COMMISSIONER ISABELLA:

11 Second.

12 PRESIDENT DELANEY:

13 Commissioner Isabella. Is there any
14 discussion on the item? If not, all those in favor
15 signify by saying aye.

16 ALL:

17 Aye.

18 PRESIDENT DELANEY:

19 No?

20 SECRETARY SCHREFFLER:

21 Mr. President, the motion passes
22 unanimously.

23 PRESIDENT DELANEY:

24 Thank you, Mr. Secretary.

25 MR. BECHTEL:

1 Mr. President, the next item is a Report
2 of Notational Vote on Non-Surface Use Oil and Gas
3 Agreement-Land Exchange. The following item was voted
4 on notationally and was unanimously approved: Contract
5 Number 3569, State Game Land Number 135, Lackawanna
6 County.

7 Chesapeake Appalachia, LLC of Oklahoma
8 City, Oklahoma requested the Commission offer its oil
9 and gas ownership under a portion of State Game Land
10 Number 142 and all of State Game Land Number 237 for
11 production. The proposed tract, containing a total of
12 439.53 acres, is located in Asylum and Terry
13 Townships, Bradford County, and is more clearly shown
14 on the attached Exhibits OGM-One and OGM-Two on pages
15 19 and 20 of your agenda.

16 The terms of the agreement are a paid up,
17 five year Non-Surface Use Oil and Gas Agreement, a
18 \$5,500 per acre bonus payment and a 21 percent
19 royalty. Chesapeake Appalachia, LLC has already
20 initiated a well drilling/development program on
21 privately owned grounds adjacent to State Game Lands
22 and has the ability to unitize all portions of the
23 PGC's gas ownership by directional drilling without
24 disturbing the Game Lands surface. The staff has
25 expeditiously negotiated with Chesapeake Appalachia,

1 LLC in an effort to safeguard the prudent development
2 of the Commissions oil/gas reserve and simultaneously
3 protect the wildlife resources and recreational use of
4 State Game Land Number 142 and 237. Further,
5 Chesapeake Appalachia, LLC currently has a privately
6 owned oil/gas lease on a 90.9 acre portion of State
7 Game Land Number 142. Although Chesapeake could
8 utilize the surface acreage of the Game Lands via the
9 privately owned oil/gas rights, they have also agreed
10 to restrict their surface use on this 90.9 acres of
11 Game Lands.

12 In exchange for the Agreement, Chesapeake
13 Appalachia, LLC shall cause to convey to the
14 Pennsylvania Game Commission an approximately 95, more
15 of less, acre tract of land known as the Abraham tract
16 as shown on Exhibit OGM-Three on page 21 of your
17 agenda and/or other tracts of land acceptable to the
18 Commission providing that this conveyance shall come
19 in the form of direct payment to the Grantors of these
20 tract(s) for the purchase of land as directed by the
21 Commission, and further providing that such total
22 accumulated purchase price of the land(s) does not
23 exceed \$450,000. The total value of the bonus payment
24 made by Chesapeake for the purchase of the Abraham
25 tract and/or other lands shall be subtracted from the

1 total bonus payment.

2 The total bonus payment/land value is
3 \$2,417,415, of which \$450,000 will be used for the
4 conveyance of lands acceptable to the Commission and
5 \$1,967,415 will be directly deposited into the Game
6 fund. Oil/gas development will be regulated by the
7 Commonwealth's oil and gas regulations and the
8 Commission's standard oil/gas agreement.

9 The Executive Director and staff
10 recommended the proposed Non-Surface Use Oil and Gas
11 Agreement be approved and for the Commission to
12 authorize the Bureau of Wildlife Habitat Management to
13 proceed with the agreement as listed above.

14 The Board voted unanimously to approve
15 this item by way of notational vote upon May 11th,
16 2010.

17 PRESIDENT DELANEY:

18 Thank you, Brad. With regard to this
19 item, I'm going to offer some discussion. The public,
20 in most instances, does not understand how and why the
21 Commission does notational votes. This was a very
22 time-sensitive issue for the Agency to work this issue
23 out, but it leaves little time for debate amongst the
24 Board of Commissioners on the issue, and I certainly
25 had some concern. With that, I'll offer my fellow

1 Commissioners any chance to comment prior to my
2 comment. Commissioner Putnam?

3 COMMISSIONER PUTNAM:

4 Bill, the Commission staff does a very
5 good job on all of these leases and I think it's
6 unmatched in either the private or public sector in
7 managing our oil and gas resources. Would you tell
8 us, in this case, what are the consequences of not
9 drilling this? There are people who oppose any
10 drilling on State lands. Tell us what would have
11 happened in this case, had we not gone forward.

12 MR. CAPOUILLEZ:

13 I'd be glad to. This particular item was
14 the best case scenario for us as far as how we could
15 react to what's going on out there from an industry
16 prospective and also protect the recreational uses of
17 the Game Lands. If you look at page 19, where the
18 actual larger tract of Game Lands was, the 277 acres,
19 Chesapeake Energy already owned, and had leased the
20 oil and gas rights under a portion of the State Game
21 Lands because we did not own them, and they had full
22 right to go in on that 90-some acres and drill, in
23 which case, they would have put in a pad, a multiple-
24 well pad, which could have been as many as six wells,
25 and affected 10 to 12 acres of surface, plus the

1 pipeline, on the Game Lands where we would not have
2 had any say with regard to that use of the property
3 because they already retained those rights.

4 What they effectively did then was in
5 negotiating with us, and certainly Mike DiMatteo
6 deserves a lot of the credit with regard to this item,
7 but they went and decided to drill in the private
8 lands underneath the Game Lands to avoid the actual
9 surface impact on the Game Lands.

10 Had they not done that, had they drilled
11 on the particular Game Lands, they could have
12 effectively oriented the laterals of those wells to be
13 on both sides of the Game Lands, crack underneath the
14 Game Lands, withdraw portions of the oil and gas that
15 the Game Commission owned, and not pay us for that
16 value under the rule of capture.

17 So by them allowing for this lease to go
18 forward and for the Commissioners approving that in
19 that timely frame that we were dealing with, they
20 avoided putting the well there, and were able then to
21 go ahead and propose putting wells on private land and
22 avoid the actual surface impact on the Game Lands.

23 And in light of that, I would tell you
24 without making anybody embarrassed by it, we got the
25 higher royalty, we got the higher value of anybody

1 else out there, which would include some of the other
2 parties that were negotiating for that, and we got a
3 tract of land back to the sportsmen which is extremely
4 valuable from a recreational standpoint and asset.
5 And this is the absolute best case scenario for us
6 where we protected everything as well as got our
7 reserves.

8 COMMISSIONER PUTNAM:

9 So we've already read what the royalty
10 was. But would you say it one more time?

11 MR. CAPOUILLEZ:

12 It was 21 percent. Twenty-one (21)
13 percent royalty where the State average is one-eighth,
14 or 12 and a half percent, is the minimum. Most of the
15 Marcellus shale that we're seeing on the outside is
16 anywhere from 15 to 18 percent on, you know, as far as
17 royalty demands. For us to get 21 percent on an area
18 that was a Non-Surface Use Lease --- and I stress that
19 fact, it was --- in this lease, they will not
20 physically come on the Game Lands and they've agreed
21 not to physically come on a portion of the Game Lands
22 where they have rights to. So it's extremely good.

23 COMMISSIONER PUTNAM:

24 Thank you.

25 PRESIDENT DELANEY:

1 Other commissioners? One of the things
2 that the public --- I'm sorry. Commissioner Isabella?

3 COMMISSIONER ISABELLA:

4 I have to --- Bill, I have to agree with
5 Commissioner Putnam. This was the right move and we
6 moved --- the decision we made was on our terms, so it
7 was a big win for us. Good work. Thank you.

8 PRESIDENT DELANEY:

9 Other commissioners? Okay. One of the
10 things that the public needs to know, if one
11 commissioner votes no at a notational vote, it becomes
12 --- we can't do it. And this was a very timely vote
13 to make this happen. So in that regard, my response
14 to our legal Counsel on May the 11th was I'm going to
15 vote yes with regards to notational vote, tract 142-
16 237 A-10 with some serious reservations. While I
17 respect the Agency's stand to protect some surface
18 rights to State Game Lands 132, there are areas of
19 concern.

20 First, the Board of Commissioners had
21 little time to react to the lease proposal, yet the
22 Agency had a much longer time to put the proposed
23 package together. Second, the area is a hotbed of
24 activity with infrastructure and road concerns, some
25 private water well systems have been contaminated, the

1 slurry of chemicals pumped back up from the hydro-
2 cracking, it is leaking in some spots, causing
3 contamination.

4 State Game Lands 237 are comprised of
5 three islands in the Susquehanna River. While the
6 Department of Environmental Protection says that under
7 a river path exploration poses no risk, residents of
8 northeast Pennsylvania have a long memory of what
9 happened with the Knox Mine Disaster, drilling so
10 close to the river.

11 With that said, DEP recently suspended a
12 gas drilling company for the next year due some
13 serious environmental concerns in nearby Susquehanna
14 County. I am in agreement that Chesapeake Appalachia,
15 LLC, of Oklahoma City, Oklahoma has been an excellent
16 partner to the Pennsylvania Game Commission to
17 restrict the surface use of privately owned oil/gas
18 rights on the 90.9 acres of State Game Lands 142.

19 Other commentary, Commissioners, before
20 we move on? Thank you, Mr. Capouillez. We'll now
21 move on to see if there is any other old business ---
22 I'm sorry, Commissioner Weaner?

23 COMMISSIONER WEANER:

24 A point of order, but I don't think we
25 voted on that.

1 PRESIDENT DELANEY:

2 We did, we did a notational vote.

3 COMMISSIONER WEANER:

4 Don't we need to vote again? Okay.

5 PRESIDENT DELANEY:

6 Okay. Getting back to other old
7 business. Commissioners, is there anything that we
8 need to discuss, other old business?

9 COMMISSIONER ISABELLA:

10 Mr. President?

11 PRESIDENT DELANEY:

12 Yes, Commissioner Isabella?

13 COMMISSIONER ISABELLA:

14 I have a motion I'd like to forward.
15 I've got some commentary first. The DMAP program was
16 designed to decentralize deer management and is not
17 tied to any antlerless allocations, but instead is an
18 addition to antlerless allocations. DMAP is a permit
19 system covered under Title 58 and doe licenses are
20 established by the General Assembly under Title 34 and
21 Title 58. The original DMAP passed during the April
22 2003 Commission staff meeting states that it is an
23 additional tool besides known licenses.

24 DMAP is a safeguard. It's a safeguard
25 for landowners who want less deer on their properties,

1 against the very thing that happened at the April
2 meeting, a drastic reduction and the doe license
3 allocations.

4 Under the program, deer hunters provide a
5 free service to landowners to better manage deer herds
6 on their land. Deer hunters benefit through accessing
7 hunting areas and potentially harvesting additional
8 deer on DMAP properties. DMAP has facilitated and
9 approved relationships between landowners and hunters
10 for the benefit of both parties.

11 According to the PGC DMAP program
12 description published in 2002, DMAP has three
13 benefits. One, it allows landowners and hunters the
14 ability to control excessive concentrations of deer.
15 Two, it minimizes the amount of damage deer cause to
16 the Pennsylvania's economy, environment and people.
17 Three, it approves the relationship between
18 landowners, hunters and the Pennsylvania Game
19 Commission.

20 Now, this Board is telling the landowners
21 that they might not have access to this valuable deer
22 management program because of quotas and other
23 restrictions. In the past, the Game Commission was
24 not able to meet its deer management objectives, so
25 this program was designed to empower landowners and

1 hunters to control deer management on specific
2 properties.

3 And here's my motion, Mr. President. I
4 make a formal motion that the Board restores DMAP to
5 its original purposes and benefits. Specifically, I
6 move that in accordance with Title 58, Sections
7 147.673 and 147.674 that, number one, the deadline for
8 participation in the 2011 DMAP season be revised after
9 July 1st. Two, DMAP harvest permits be made available
10 without regard to quota limitations. Specifically, I
11 move we lift the prohibition on the issuance of more
12 DMAP permits for the 2010-2011 seasons that were
13 issued for the 2009-2010 seasons for each WMU. Three,
14 we repeal the regulation made under seasons and bag
15 limits that states antlerless deer license allocations
16 approved by the Board will be reduced by a number of
17 DMAP antlerless deer permits issued in each WMU for
18 the 2009-2010 seasons. Four, we also repeal the
19 regulation that this reduced number of DMAP permits
20 will be set aside as a maximum number of DMAP permits
21 that will be made available for landowners through the
22 2010-2011 seasons. Five, we do not tie the DMAP with
23 the license allocations. Six, we repeal the
24 stipulation that permits will be processed by priority
25 tiers. In other words, any landowner who qualifies

1 and submits the proper forms will be eligible. That's
2 my motion, Mr. President.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Isabella. Is
5 there a second?

6 SECRETARY SCHREFFLER:

7 Second.

8 PRESIDENT DELANEY:

9 Second, Commissioner Schreffler. Is
10 there any discussion on the item?

11 SECRETARY SCHREFFLER:

12 Yes.

13 PRESIDENT DELANEY:

14 Commissioner Schreffler?

15 SECRETARY SCHREFFLER:

16 Commissioners, many landowners and
17 farmers have been voicing opposition to the changes
18 we've previously made on DMAP to me. They want the
19 ability to manage deer on their own lands. Complaints
20 of loss of income and property damage dominate. Also,
21 when it came to the allocations, some of the farmers
22 expected to be able to use DMAP on their individual
23 farms, and then found out that they couldn't get those
24 DMAP permits or not the number that they need.

25 To some, this wildlife damage on their

1 properties makes a difference in these tough financial
2 times. As a Commissioner, I've been encouraging
3 landowners with deer problems to increase hunter
4 access and to use DMAP. This gives the Pennsylvania
5 Game Commission greater flexibility in how it manages
6 deer across the State and increases hunter
7 opportunity. I therefore encourage my fellow
8 Commissioners to support this effective program.
9 Thank you.

10 PRESIDENT DELANEY:

11 Thank you, Commissioner Schreffler.
12 Commissioner Weaner?

13 COMMISSIONER WEANER:

14 Mr. President, I urge you to vote no on
15 the motion. I think that we need to look at the whole
16 DMAP program in some detail before the next season. I
17 agree with Commissioner Isabella on that regard, but
18 I'm not prepared to support making all of these
19 changes right now. If this motion does not prevail,
20 I'm prepared to offer a motion that will reinstate
21 some of these private landowner DMAP coupons that they
22 would not be eligible for under our current policies
23 and that would address Commissioner Schreffler's
24 point. I do think it's important that we give the
25 private landowners the DMAP coupon if they want it.

1 But for those reasons, I urge you to vote no on this
2 particular motion.

3 PRESIDENT DELANEY:

4 Thank you, Commissioner Weaner. Other
5 commissioners? Commissioner Putnam?

6 COMMISSIONER PUTNAM:

7 Thank you. I agree with Commissioner
8 Isabella on about 98 to 99 percent of what you said.
9 I still have some concerns that the Commission doesn't
10 have adequate criteria in place for reviewing every
11 DMAP permit. What I would like to see as we go
12 forward is --- believe me, the DMAP program is
13 essential to our deer management, it is a very good
14 program. I'd like to see us get to the point where
15 every proposal is reviewed, approved, and would meet
16 criteria that would stand the straight face test, and
17 primarily the complaints we've had have been regarding
18 these specific public lands, and that if there are any
19 bad DMAP plans out there, they're the responsibility
20 of the Game Commission, they will not be the
21 responsibility of DCNR or anyone else.

22 When we get to that point, and I don't
23 believe we're very far from it, then I would propose
24 that we go back to the way that it was before.

25 PRESIDENT DELANEY:

1 Other thoughts, commissioners? The only
2 commentary that I would add is that I think that the
3 good thing that came out of all of this is that there
4 is better discussions between the Pennsylvania Game
5 Commission and DCNR. With that said, if there is no
6 other discussion, all those in favor of Commissioner
7 Isabella's motion, signify by putting up your right
8 hand.

9 COMMISSIONERS ISABELLA AND SCHREFFLER RAISE HAND

10 PRESIDENT DELANEY:

11 Those voting no for Commissioner
12 Isabella's motion, signify by voting with your right
13 hand.

14 ALL OTHERS RAISE HAND

15 PRESIDENT DELANEY:

16 The vote, Commissioner?

17 SECRETARY SCHREFFLER:

18 Mr. President, the motion fails with
19 those in favor two, those opposed six.

20 PRESIDENT DELANEY:

21 Thank you, Mr. Secretary. Is there any
22 other additional old business? Commissioner Weaner?

23 COMMISSIONER WEANER:

24 Mr. President, in follow up to what I
25 just said before, we have the results from the DMAP

1 application and it appears that there --- that this
2 year's criteria was --- first priority was given to
3 people in our public access program for private
4 individuals. Second priority for public land, third
5 priority to private land that was not enrolled in our
6 program. And I'm not sure that that was really the
7 intent of our motion whenever we made it back in
8 April. But having said that, it appears that there
9 are 2,761 coupons that will not be eligible --- will
10 not be issued under our current policy to people who
11 are private landowners not enrolled in our public
12 access program.

13 I agree with Mr. Schreffler that it's
14 important that these landowners be given the DMAP
15 coupons. And so therefore, my motion is to reinstate
16 the 2,761 DMAP coupons to private landowners not
17 enrolled in our program because all those enrolled in
18 our program, they got all of theirs. But, all private
19 landowners will get all of the DMAP coupons they
20 requested for this year.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Weaner. Is there
23 a second?

24 SECRETARY SCHREFFLER:

25 Second.

1 PRESIDENT DELANEY:

2 Second, Commissioner Schreffler. Is
3 there any discussion? Commissioner Boop?

4 COMMISSIONER BOOP:

5 Yes. I was the one, of course that made
6 the motion in April. And it was never my intent by
7 that motion, and as I said in April, to preclude the
8 farmer/private landowner who wanted 8 to 15 coupons to
9 deal with a specific situation. We now have the
10 information that Commissioner Weaner alluded to. And
11 across all the WMUs, we had 629 applications from
12 private landowners who are not enrolled in our public
13 access program, asking for 6,855 coupons, which is a
14 little over ten per application.

15 And although I still have real concerns
16 with how our DMAP program, and I think as Commissioner
17 Putnam indicated, I think we're going to be addressing
18 those. I'm hoping that we will also move forward with
19 my request to take a serious look at having antlerless
20 applications issued on a public and private basis in
21 the future. But, I will support Commissioner Weaner's
22 motion for those private landowners who were not
23 eligible for those 2,761 coupons. I think that will
24 go a long way to solving the situation Mr. Groves
25 spoke about yesterday during the public comment, and

1 which Commissioner Scheffler alluded to today. So, I
2 will support the motion.

3 PRESIDENT DELANEY:

4 Commissioner Putnam?

5 COMMISSIONER PUTNAM:

6 One more thing I'd like to add as well.
7 This is referencing the private lands. We've talked
8 about the public lands and the public lands we're
9 really talking about are owned by Department of
10 Conservation and Natural Resources. And I would
11 encourage anyone who wants more information about this
12 issue to look at the DCNR website. They have done a
13 huge amount of work on this and it is very well
14 explained on their website.

15 You can look down to the individual DMAP
16 unit to see how many deer have been harvested up until
17 at least 2008. In many instances, we're talking about
18 five deer, six deer, seven deer, we're not talking
19 about very large numbers of deer. But, they have done
20 a lot of work on it. And I think they should be
21 recognized that they are making extremely good
22 progress towards using the DMAP program properly.

23 PRESIDENT DELANEY:

24 Thank you, Commissioner Putnam.

25 Commissioner Schreffler?

1 SECRETARY SCHREFFLER:

2 Thank you. I would like to just
3 reemphasize my statement in the previous motion and
4 encourage my fellow commissioners to support the
5 issuance of DMAP permits as proposed by this motion.

6 PRESIDENT DELANEY:

7 Thank you, commissioner. Commissioner
8 Weaner, I will give you the floor again and ask, too
9 that you re-clarify your long motion into something
10 that is understandable.

11 COMMISSIONER WEANER:

12 Thank you. My motion is to reinstate the
13 2,761 DMAP coupons to private landowners who would be
14 denied them under the current policy.

15 PRESIDENT DELANEY:

16 Thank you. Did you have additional
17 comments?

18 COMMISSIONER WEANER:

19 Yes, one other additional comment that I
20 wanted to make is that in going back and looking at
21 the transcript of our April meeting, the original
22 motion that got us to where we are right now indicated
23 that we would make these changes without further ---
24 but --- and this was the maintenance plan, unless
25 there was further action by the Board. This is the

1 further action by the Board that was alluded to. And
2 so, rather than, you know, I don't want to hear people
3 say, well you guys are rolling over or changing course
4 again. We anticipated that this might be the case,
5 that we might have to make some adjustments to this,
6 and Mr. Boop's motion alluded to that back in April,
7 and this is the result. So therefore, I still
8 encourage you to vote yes on this motion.

9 PRESIDENT DELANEY:

10 Thank you, Commissioner Weaner. We've
11 all had discussion on the item and I will ---
12 Commissioner Weaner has made the motion. Is there a
13 second?

14 SECRETARY SCHREFFLER:

15 I seconded it already.

16 PRESIDENT DELANEY:

17 Commissioner Schreffler had seconded it.
18 We had discussion. All those in favor of the motion
19 signify by voting with your right hand, if you're in
20 favor.

21 ALL RAISE HAND

22 PRESIDENT DELANEY:

23 Those against the motion?

24 SECRETARY SCHREFFLER:

25 Mr. President, the motion passes

1 unanimously.

2 PRESIDENT DELANEY:

3 Thank you, Secretary Schreffler. Is there
4 any additional old business to be discussed? Okay.

5 We're going to move on to new business.

6 Commissioners, any discussion items on new business?

7 Commissioner Martone?

8 COMMISSIONER MARTONE:

9 Thank you, Mr. President. Under new
10 business, I would like to ask the Bureau of Wildlife
11 Protection to develop regulatory language allowing the
12 use of electronic decoys for use during the snow goose
13 conservation order season and have it prepared for the
14 next commissioner's meeting in October of 2010. Thank
15 you.

16 PRESIDENT DELANEY:

17 Thank you, Commissioner Martone. Any
18 other additional new business? Commissioner Weaner?

19 COMMISSIONER WEANER:

20 Mr. PRESIDENT DELANEY, I'd like to offer
21 a resolution based on the testimony that we heard
22 yesterday. And I'll read this, it's relatively brief.

23 Whereas the Pennsylvania Game Commission
24 Board of Commissioners generally supports the idea of
25 allowing a leashed tracking dog to be used to track

1 white-tailed deer in an attempt to recover animals
2 which have been legally killed or wounded during the
3 open season, the white-tailed deer, and whereas this
4 procedure is legal in most surrounding states and
5 seems to be working satisfactorily, and whereas House
6 Bill 2526 has been introduced in the Pennsylvania
7 legislature and will allow such tracking dog activity,
8 and whereas many hunters and dog handlers have
9 requested that this Board support passage of House
10 Bill 2526 by the legislature, therefore be it resolved
11 that the Pennsylvania Game Commission Board of
12 Commissioners supports and encourages the passage of
13 House Bill 2526 by the Pennsylvania legislature and
14 directs Game Commission staff to work with legislators
15 toward that end.

16 And therefore, I move that we adopt this
17 resolution.

18 PRESIDENT DELANEY:

19 Thank you, Commissioner Weaner. What
20 we'll do from this point is ask if there's a second on
21 Commissioner Weaner's motion.

22 COMMISSIONER MARTONE:

23 Second.

24 PRESIDENT DELANEY:

25 Commissioner Martone. Is there any

1 discussion on the motion? Commissioner Weaner?

2 COMMISSIONER WEANER:

3 I guess my follow-up will be that we have
4 heard requests from hunters and dog handlers.
5 Apparently this has been an issue that's been brought
6 up repeatedly in the past. There were some details
7 that had precluded the former Board of Commissioners
8 from really supporting this. Apparently now the
9 issues have been resolved. Everyone seems to be in
10 agreement with what should be in the legal --- the
11 details here. I think it's a good idea. I think if
12 they're asking us simply to support this and ask the
13 legislature to support it. I think we ought to do
14 that.

15 PRESIDENT DELANEY:

16 Commissioners, other discussion? One
17 other thing I would like to add is that these last two
18 new business items are specifically gained from what
19 we've heard here in public comment yesterday, so those
20 sportsmen and sportswomen across the state that say,
21 well the Board just doesn't listen, when you attend a
22 meeting and you contact your commissioners, this is
23 what the outcome could be. With that, I would ask
24 that all those commissioners that are supportive of
25 the motion to signify by saying aye.

1 ALL:

2 Aye.

3 PRESIDENT DELANEY:

4 No?

5 SECRETARY SCHREFFLER:

6 Mr. President, the resolution is passed
7 unanimously.

8 PRESIDENT DELANEY:

9 Thank you, Mr. Secretary. Is there any
10 other additional new business? Commissioner Boop?

11 COMMISSIONER BOOP:

12 Yes. Thank you, President Delaney.
13 We've just, as all of you know, completed a spring
14 turkey season here in Pennsylvania that for many of us
15 was a great season. Unfortunately, the safety wasn't
16 what we had hoped it would be. In my district alone,
17 we had a fatality the first day, and we had a 50-some
18 year old hunter who was blinded as a result of being
19 shot in the face and neck during an HRSI. Those both
20 occurred on the first day. On the last day of the
21 season, we had a very serious injury where there was a
22 shot to the face and neck. Interestingly enough, in
23 all three of those cases, the victim was walking, he
24 was moving, he was not seated, and was not calling.
25 They all just happened to be men, that's why I'm

1 saying him.

2 I'm not really sure what could or should
3 be done, if anything. But we had several other
4 serious HRSIs across the state. And as a serious
5 turkey hunter, I know there were some differences this
6 year. We had an early green-up, which made a
7 visibility a bit of a problem right away. But I just
8 would like to, under new business, ask the Bureau of
9 Wildlife Protection and the Bureau of Wildlife
10 Management to take a look at the HRSIs that we had
11 this year from the spring season, just to see if
12 there's anything that either Bureau would recommend
13 that the Board might consider to make this wonderful
14 sport safer. And I most certainly believe that we
15 would want to talk to our partners at the Wild Turkey
16 Federation to see about any recommendations they might
17 have. I'm not really sure that anything can or should
18 be done, but just in light of these serious accidents
19 this spring, I think we at least ought to take a
20 serious look at it. Thank you.

21 PRESIDENT DELANEY:

22 Thank you, Commissioner Boop. Are there
23 any other additional new business items? I'll wrap up
24 with one under new business. Basically, it's directed
25 to the Bureau of Wildlife Management. And I will read

1 it so that we get it correct.

2 With the expansion of wild pheasants
3 getting close to the central Susquehanna wild pheasant
4 recovery area boundaries, I would ask the Bureau of
5 Wildlife Management to consider the following for the
6 next Board of Commissioners' work session,

7 Currently, wild pheasants are within a
8 few miles of Wildlife Management Unit 4D for either
9 sex pheasant hunting is legally permitted. One flight
10 across the Susquehanna River and the wild pheasants
11 have a chance to be legally harvested. Please
12 consider options to protect the wild hen pheasants
13 that enter into WMU 4D, where there is suitable
14 habitat. If there were consideration for change, it
15 would be for the 2011-2012 hunting season.

16 Commissioners, any other new business
17 items? If not, we'll announce the time and place for
18 our next Game Commission meeting. From the agenda, it
19 reads, the Commission previously established October 4
20 and 5, 2010, starting at 8:30 a.m. on Monday and
21 Tuesday to be held at the Quality Inn, 880 Kidder
22 Street, Wilkes-Barre, Pennsylvania. Meeting
23 adjourned.

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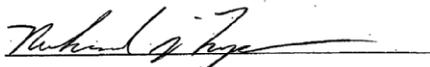
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MEETING CONCLUDED AT 9:26 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before President Delaney, was reported by me on 06/29/2010 and that I Richard J. Lipuma read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter