

Table of Contents

Call to Order	35
Roll Call	35
A. Establishing a Statewide Natural Gas Leasing Program	36
B. Establishing a Statewide Water Access Program	38
Other New Business	40
Adjournment	40

Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 95th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, March 7, 2011, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110. The public session began at or about 1:00 p.m.

Call to Order

The meeting was called to order by Commission President William R. Worobec.

Roll Call

Members Present

William R. Worobec, President
Robert A. Bachman, Vice-President
G. Warren Elliott
Norman R. Gavlick
Steven M. Ketterer
Leonard L. Lichvar
Edward P. Mascharka III
William J. Sabatose
Thomas C. Shetterly *
Glade E. Squires *

* Present via telephone

Commission President Worobec announced that because of concerns over a possible conflict of interest, he wished to abstain from discussion and voting. His reasons for abstaining are included in Exhibit A. The meeting was turned over to Commission Vice-President Bachman.

A. Establishing a Statewide Natural Gas Leasing Program.

Commentary:

The purpose of the Commission's Natural Gas Leasing Program is to ensure that properties purchased with angler and boater dollars are wisely managed for the recreational and economic benefit of the angler and boater and that Pennsylvania's anglers and boaters, today and in the future, are provided with the highest quality fishing and boating opportunities through the wise management and use of those properties.

With over 43,000 acres of property under its control, the Commission has the opportunity to generate alternative revenues through the sale or lease of oil, natural gas, minerals and renewable resources, such as timber, owned or controlled by the Commission. Under the Program, the Commission will consider opportunities to explore and manage natural gas rights on Commission-owned property. When considering these opportunities, the Commission will ensure that their pursuit is consistent with the Commission's mission to protect, conserve, and enhance aquatic resources and provide fishing and boating opportunities, while providing economic benefits to the Commission.

The Commission shall give priority to minimizing environmental and public use impacts while attempting to maximize economic benefits. Projects may be approved on lands or waters of the Commission when such is determined to be in the best interest of the Commission and when projects are designed and implemented to have little or no negative impact on the resource or property use. The Commission will not enter into or approve natural gas leasing projects that are developmental in nature and will not permit the installation or use of production wells or any other type of natural gas production equipment on Commission owned or controlled properties.

Revenues generated from these projects will be used to fund programs and projects that support the agency's mission in the form of capital improvements, habitat restoration and enhancements, public access and innovative environmental projects, with highest priority being given to the repair of the 16 Commonwealth-owned high hazard dams managed by the Commission. Other potential projects which may be considered after top priority infrastructure needs are met include habitat restoration and enhancement projects, public access, and innovative environmental research projects.

Under section 744 of the Code, 30 Pa. C.S. §744, Commission action is required to lease natural gas rights.

Briefer:

John A. Arway, Executive Director

Brian P. Barner, Deputy Director, Office of Administration, Boating and Engineering

Recommendation:

Staff recommend that the Commission approve the establishment of the Natural Gas Leasing Program and authorize the Executive Director to investigate non-developmental or non-surface disturbance natural gas lease opportunities on Commission-owned

properties. If after appropriate review staff determine that the Commission should lease its natural gas rights, staff will seek separate Commission approval as required by law.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ketterer to approve the establishment of the Natural Gas Leasing Program and authorize the Executive Director to investigate non-developmental or non-surface disturbance natural gas lease opportunities on Commission-owned properties. If after appropriate review staff determine that the Commission should lease its natural gas rights, staff will seek separate Commission approval as required by law.

Vice-President Bachman called for a roll call vote on the motion:

Commissioner Bachman	Yes
Commissioner Elliott	No
Commissioner Gavlick	Yes
Commissioner Ketterer	Yes
Commissioner Lichvar	Yes
Commissioner Mascharka	Yes
Commissioner Sabatose	Yes
Commissioner Shetterly	Yes
Commissioner Squires	Yes

There were eight (8) yes votes, one (1) no vote and one (1) absention. Motion carried.

B. Establishing a Statewide Water Access Program.

Commentary:

The purpose of the Commission's Water Access Program is to ensure that properties purchased with angler and boater dollars are wisely managed for the recreational and economic benefit of the angler and boater and that Pennsylvania's anglers and boaters, today and in the future, are provided with the highest quality fishing and boating opportunities through the wise management and use of those properties.

With over 43,000 acres of property under its control, the Commission has the opportunity to generate alternative revenues through the licensing of access to water resources owned or controlled by the Commission. Under the Program, the Commission will consider requests to use Commission property to access, acquire or transport water resources. When considering these opportunities, the Commission will ensure that their pursuit is consistent with the Commission's mission to protect, conserve, and enhance aquatic resources and provide fishing and boating opportunities, while providing economic benefits to the Commission.

The Commission shall give priority to minimizing environmental and public use impacts while attempting to maximize economic benefits. Projects may be approved on lands or waters of the Commission when such is determined to be in the best interest of the Commission and when projects are designed and implemented to have little or no negative impact on the resource or property use.

Revenues generated from these projects will be used to fund programs and projects that support the agency's mission in the form of capital improvements, habitat restoration and enhancements, public access and innovative environmental projects, with highest priority being given to the repair of the 16 Commonwealth-owned high hazard dams managed by the Commission. Other potential projects which may be considered after top priority infrastructure needs are met include habitat restoration and enhancement projects, public access, and innovative environmental research projects.

Under section 745 of the Fish and Boat Code, 30 Pa. C.S. §745, the Commission, through its Executive Director, may grant revocable licenses for the use of its properties and may further grant water rights when these grants will not adversely affect fish protection and propagation.

Briefer:

John A. Arway, Executive Director

Brian P. Barner, Deputy Director, Office of Administration, Boating and Engineering

Recommendation:

Staff recommend that the Commission approve the establishment of the Water Access Program.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Lichvar to approve the establishment of the Water Access Program.

Vice-President Bachman called for a roll call vote on the motion:

Commissioner Bachman	Yes
Commissioner Elliott	No
Commissioner Gavlick	Yes
Commissioner Ketterer	Yes
Commissioner Lichvar	Yes
Commissioner Mascharka	No
Commissioner Sabatose	Yes
Commissioner Shetterly	Yes
Commissioner Squires	Yes

There were seven (7) yes votes, two (2) no votes and one (1) abstention. Motion carried.

Commission Vice-President Bachman turned the meeting back over to Commission President Worobec.

Other New Business

None.

Adjournment

A motion was made by Commissioner Ketterer and seconded by Commissioner Sabatose to adjourn the meeting at approximately 1:35 p.m. Motion carried.