

Benner Township Supervisors
Work Session
June 4, 2009

The work session of June 4, 2009, was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and Dave Breon present. Also in attendance were Bill Capouillez, Kerry Benninghoff, and Mike Rose.

The purpose of tonight's work session was to discuss House Bill 1158 that has been introduced by Representative Benninghoff that would sell the uplands of the Canyon Property to the Pennsylvania Game Commission instead of the previously proposed Penn State.

Representative Benninghoff noted that he created House Bill 1158 to offer another option for land ownership to a State entity rather than a private one. Mr. Benninghoff noted that the majority of the calls he receives regarding this issue are individuals against Penn State receiving this property. He noted further that he believes that the Game Commission and Township's objectives for this property are very similar. Both entities want to protect and improve habitat located in this area for the animals that are located there.

Mr. Benninghoff noted that other reasons he feels that the Game Commission should be considered for the ownership of this property include:

- *They are not a political organization.
- *They will pay the school district, township and county in-lieu of tax fees.
- *They have a forestry department.
- *Their mission is conservation.
- *They are willing to pay two times the amount for the land that Penn State is.
- *They will be actively involved with the people using the property whether it is for fishing, hiking, hunting, etc.
- *They have the science and application skills to protect and enhance the property.

Mr. Benninghoff noted that this bill is very similar to the bill that was introduced by Hanna last year with the exception of the following:

*Lands that were to be sold to Penn State are now to be sold to the Pennsylvania Game Commission.

*The Memorandum of Understanding was changed to 35 years.

*There is a parcel that is located next to the Centre County Prison that is now proposed to be given to the County.

Mr. Elnitski noted that he isn't concerned with tax dollars that would be received. He only wants the property to be protected and taken care of. He feels that local control is critical.

The Board noted that they have asked for the last two years if anyone has had any other options and no one from the Game Commission has come forward.

Mr. Capouillez noted that he is the Pennsylvania Game Commission's Bureau Director of Habitat Management. He noted that it is the largest bureau within the Pennsylvania Game Commission. The Game Commission operates on an annual budget of about 80 million dollars. Out of that 80 million 28.6 million dollars was spent last year on habitat management. Mr. Capouillez noted that his bureau has the following areas of expertise: forestry, engineering, real estate, surveying, environmental planning, geology, the Howard Nursery, oil, gas and mineral recovery, Federal and State Grant applications.

It was noted that the Game Commission receives no tax appropriations from the state. Funds are generated from license sales and also excise taxes on gun and ammunition sales.

It was noted that the state is divided into six regions. Each region has a Regional Director. The Canyon property would be located in the North Central Region. The Regional Director makes the decisions within the region he or she is assigned. Mr. Capouillez noted that each region also has a dedicated Land Management Group Supervisor that is in charge of the game lands within the regions. This person is in charge of that area and doesn't need approval from Harrisburg. The Land Management Group Supervisors then have Food and Cover Core people who report to these areas on a daily basis. These individuals only work at these locations and on the grounds that they oversee. Each area has an annual work plan. Depending on the amount

of acreage there is, determines how much funding each area receives. Mr. Capouillez noted that \$4.25 of hunting license fees and \$2.00 of each antlerless license fees are mandated to be used for habitat. Mr. Capouillez noted that \$28 million was spent last year on habitat.

Mr. Capouillez stated that the mission of the Game Commission is to ensure that there are birds and mammals in the Commonwealth for future generations. It was noted further that this mission is for all birds and mammals and not just the mammals and birds that can be hunted or trapped. He noted that Habitat Management works with Wildlife Resource Management to insure the protection of any threatened or endangered species.

Mr. Capouillez noted that last year the Game Commission spent 6 million dollars to purchase equipment that will be used to manage the 1.4 million acres of game lands. He noted further that the Game Commission also participates in a public access program where private land holders give the public permission to hunt on their properties. It was noted that there is currently approximately 3 million acres in this program.

When asked, "How would budget cutbacks affect the Commission?" Mr. Capouillez noted that cutbacks would not affect the state game lands property. If cutbacks were necessary, they would take place on the properties that are in the public access program. Funds must be spent on game land habitat to ensure additional funds are received from the excise taxes on gun and ammunition sales.

Mr. Capouillez noted that the Game Commission has many volunteer organizations that are devoted to help them in their mission. A few of them that were mentioned included: Wild Turkey Federation, Ducks Unlimited, Pheasants Forever, Conservancy Groups, Grouse Society, Woodcock Society, Cub Scouts, etc.

Mr. Capouillez noted that the Game Commission, if given the opportunity to own this property, will not manage this property as a park. There won't be park benches and portable toilets. The property will be kept in a natural state. It would be the Commission's goal that each person visiting this

property would feel as though they are the first person to visit it. People would be temporary users and not be there to exploit the land.

Mr. Benninghoff noted that he and the Game Commission will be meeting with Clearwater Conservancy to present the case for the Game Commission owning this property in the near future.

Discussion took place as to who will have the legal authority for policing the property. Mr. Benninghoff noted that since Benner Township doesn't have it's own police force and relies on State Police, that they probably won't have the manpower to answer the type of calls that could be expected to be received such as 4-wheelers on the property, etc. The Game Commission has officers with the authority to arrest and fine. Questions were asked about the Fish Commission and their authority. It was indicated that the Fish Commission polices the Commonwealth's waterways.

It was noted that the Game Commission cannot sell their property but it was pointed out that they may trade it for other lands.

Mr. Capouillez noted that he doesn't believe that MOUs or easements work well to protect property. He noted that they are difficult and expensive to enforce. He noted further that he believes that deed restrictions work much better as they cannot be politically broken and they are not subject to individual interpretation. This would also negate having to pay someone to oversee the easement leaving that money to be spent on better things such as managing the land.

Mr. Breon questioned if Mr. Capouillez reviewed either of the studies that were done on the property. Mr. Capouillez indicated that he reviewed both the WPC study and the Environmental Planning and Design study.

Mr. Capouillez noted that the Game Commission would do a Comprehensive Planning Aspect study. They would first go in and do an inventory of existing habitat and species. Any species listed on the threatened or endangered list would be of special concern. Habitat is critical for species of these categories. Mr. Capouillez noted that in order to protect and enhance habitat for these species could mean the restriction of an area. Studies would be done on the species that are in the area verses the region and what

types of cover types they require. Invasive plant species would need to be controlled. Fields would probably be planted in warm season grasses. He noted that if too much access to the property exists, then accesses will be closed off. He noted that he feels that there are other areas where fields could start to revert themselves back to forests and that they would promote that. He noted that not only does the Game Commission manage wildlife but also vegetation, soils, underground resources such as oil, gas and minerals as well as water.

The Board noted that they are looking into creating a special zoning district to help protect this area. Mr. Elnitski noted that he feels that these regulations would probably be something that doesn't exist anywhere else.

Mr. Capouillez noted that zoning regulations can be changed and that he still believes that if the Board feels so strongly about something that it should be included as a deed restriction on the property adding that deed restrictions supercedes political elections and changes in administrations.

The Board asked Mr. Benninghoff to investigate if the Governor could sign a 99 year lease with PSU for this property without a land transfer taking place.

Mr. Elnitski expressed his concerns with safety allowing hunting to take place when there could be individuals just taking walks on the property during hunting seasons. Mr. Capouillez noted that while the Game Commission promotes hunting that they also have areas where hunting is not permitted such as on propagation areas. Mr. Capouillez noted that since this would be game lands, it would more likely to be patrolled heavily during hunting season by Wildlife Control Officers. Mr. Capouillez noted that he would offer Scotia Range as a model of mixed uses in one area that goes without incidents.

The Board questioned if the Game Commission has lands that are located next to interstate roadways. Mr. Capouillez noted that they have several properties which Interstate 80 divides the parcels.

The Board noted that their goal is to preserve a buffer between State College and Bellefonte, keep the area environmentally pristine and allow some public access where it makes sense to do so.

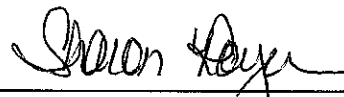
The Board noted that they would like to see a plan from the Game Commission outlining what they envision for the property.

Mr. Capouillez noted that should they receive this property that it would be possible for the Game Commission to enter into a cooperative agreement with the Township to enforce and police the areas to be owned by the Township.

That Board asked Mr. Capouillez if he could give them any examples of other cooperative agreements that they have with other agencies. He indicated that he would forward a couple agreements for the Board's review.

The Board noted that they will support the best plan presented to them.

The work session was adjourned the time being 9:37 p.m.



Sharon Royer, Sec.