

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

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MEETING

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BEFORE :

DAVID J. PUTNAM, PRESIDENT, MEMBER  
BRIAN H. HOOVER, VICE PRESIDENT, MEMBER  
TIMOTHY S. LAYTON, SECRETARY, MEMBER  
ROBERT W. SCHLEMMER, COMMISSIONER, MEMBER  
CHARLES E. FOX, COMMISSIONER, MEMBER  
JAMES R. DALEY, COMMISSIONER, MEMBER  
BRADLEY BECHTEL, CHIEF COUNSEL  
MATTHEW HOUGH, EXECUTIVE DIRECTOR  
RICHARD PALMER, DEPUTY EXEC. DIRECTOR  
BRYAN BURHANS, DEPUTY EXEC. DIRECTOR

MEETING: Tuesday, September 29, 2015, 8:31 a.m.

LOCATION: Homewood Suites  
15 Industrial Drive  
DuBois, PA 15801

Reporter: Rhonda K. Thorpe

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1 ALSO PRESENT: Thomas Grohol, Wildlife Protection  
2 Bureau Director  
3 Peter Sussenbach, Wildlife Habitat  
4 Management Bureau Director  
5 Wayne Laroche, Wildlife Management  
6 Bureau Director  
7 Robert B. Miller, Jr., Governor's  
8 Sportsmen's Advisor

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DISCUSSION AMONG PARTIES

4 - 45

P R O C E E D I N G S

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PRESIDENT PUTNAM:

Call the meeting to order. Start off  
with the pledge of allegiance.

PLEDGE OF ALEGIANCE RECITED

PRESIDENT PUTNAM:

Secretary, would you take a roll of the  
Commissioners?

MR. LAYTON:

President Putnam?

MR. PUTNAM:

Present.

MR. LAYTON:

Vice President Hoover?

MR. HOOVER:

Present.

MR. LAYTON:

Commissioner Schlemmer?

MR. SCHLEMMER:

Present.

MR. LAYTON:

Commissioner Fox?

MR. FOX:

Present.

1                   MR. LAYTON:

2                   Commissioner Daley?

3                   MR. DALEY:

4                   Present.

5                   MR. LAYTON:

6                   Commissioner Weaner is absent. By  
7 statute, even though we have one seat vacant and  
8 Commissioner Weaner is not here today, we do have a  
9 quorum and are able to vote on all issues presented  
10 today.

11                   PRESIDENT PUTNAM:

12                   Thank you. The quorum is set by statute  
13 at six, and so that's --- if we get below six members,  
14 we can't conduct business. As we get started, I would  
15 ask, as we usually do to turn off all your cell phones  
16 or just turn the ringers off.

17                   PRESIDENT PUTNAM:

18                   The first order will be approval of  
19 minutes of the meeting held June 30th, 2015. Do I  
20 have a motion?

21                   VP HOOVER:

22                   So moved.

23                   COMMISSIONER SCHLEMMER:

24                   Second.

25                   PRESIDENT PUTNAM:

1 Any discussion on the minutes?

2 Mr. Secretary, would you call for a  
3 vote?

4 MR. LAYTON:

5 We have a --- duly moved and seconded  
6 motion on the floor. All those in favor, say aye.

7 ALL AYES RESPOND

8 MR. LAYTON:

9 And opposed? Motion carried. The first  
10 order of business is the Bureau of Wildlife  
11 Management.

12 ATTORNEY BECHTEL:

13 Yes, the first order of business today  
14 is from the Bureau of Wildlife Management that  
15 concerns adopted rule-making, the adoption of proposed  
16 amendments in Section 135.104 to amend Section  
17 135.104. The controlled goose hunting program on the  
18 Middle Creek Wildlife Management Area provides  
19 opportunities for hunters to harvest Canada geese  
20 during the regular goose hunting season. Each year, a  
21 number of hunters are selected to hunt from blinds  
22 through a public drawing. Hunters may subsequently  
23 enter into a drawing on later days for unclaimed  
24 blinds, where they may take additional geese, but  
25 hunters must remain within the one goose per day daily

1 bag limit.

2 Hunter success rates have been declining  
3 on the controlled goose hunting area due in part to  
4 declining resident goose populations, fewer migrant  
5 geese and increasing harvest rates on geese in areas  
6 surrounding Middle Creek. The September season daily  
7 limits and regular season daily bag limits have been  
8 reduced to increase resident goose populations. The  
9 September hunting season is closed on State Game Land  
10 Number 46. This amendment will help increase Canada  
11 goose populations on the Middle Creek Wildlife  
12 Management Area by limiting the take on the controlled  
13 goose hunting area to one goose per season per person.  
14 The change is shown on page three of your Agenda.

15 PRESIDENT PUTNAM:

16 Do I have a motion?

17 COMMISSIONER FOX:

18 So moved.

19 PRESIDENT PUTNAM:

20 Second.

21 COMMISSIONER DALEY:

22 Second?

23 PRESIDENT PUTNAM:

24 Discussion? Hearing no discussion, Mr.

25 Secretary?

1                   MR. LAYTON:

2                   We have motion that's been duly  
3 seconded. All those in favor, say aye.

4 ALL AYES RESPOND

5                   MR. LAYTON:

6                   Opposed? Motion carried.

7                   ATTORNEY BECHTEL:

8                   The second item that was also from the  
9 Bureau of Wildlife Management, it concerns adopted  
10 rule-making, the adoption of proposed amendments to  
11 Section 133.41, relating to classification of mammals  
12 to reflect the current status of populations of  
13 mammals in this Commonwealth and to update scientific  
14 nomenclature. The first amendment pertains to the  
15 Delmarva fox squirrel. This is one of three  
16 subspecies of fox squirrel listed in Pennsylvania.  
17 The species was historically present in only a very  
18 limited portion of southeastern Pennsylvania. A  
19 reintroduction attempt in 1989 resulted in no  
20 documented survival past one year. Suitable habitat  
21 for this species within its historic range no longer  
22 exists. No documented sighting of this species has  
23 been reported in the 25 years subsequent to the  
24 reintroduction attempt.

25                   The Mammal Technical Committee, a

1 scientific advisory committee of the Pennsylvania  
2 Biological Survey, has recommended that the status of  
3 the fox squirrel be changed to state extirpated and be  
4 removed from the list of endangered mammals. The  
5 Delmarva fox squirrel population across the species  
6 core range in coastal portions of Delaware, Maryland  
7 and Virginia is considered stable. It is currently  
8 being proposed to remove the Delmarva fox squirrel  
9 from the federal list of endangered species.

10           The second amendment updates the common  
11 name of the eastern woodrat in Pennsylvania to the  
12 Allegheny woodrat. Based upon genetic and  
13 morphological evidence, the eastern woodrat has been  
14 split into two species, the eastern and Allegheny  
15 woodrat. The Allegheny woodrat inhabits Pennsylvania  
16 and is currently listed as threatened. The eastern  
17 woodrat is not found in Pennsylvania. The text of  
18 this amendment is found on page five of your Agenda.

19           PRESIDENT PUTNAM:

20           Can I have a motion?

21           COMMISSIONER DALEY:

22           So moved.

23           PRESIDENT PUTNAM:

24           Second?

25           VP HOOVER:

1 Second.

2 PRESIDENT PUTNAM:

3 Mr. Secretary --- sorry, discussion?  
4 Hearing no discussion, Mr. Secretary, would you take  
5 the vote?

6 MR. LAYTON:

7 We have a motion on the floor that's  
8 been duly seconded. All those in favor, signify by  
9 saying aye.

10 ALL AYES RESPOND

11 MR. LAYTON:

12 Opposed? Motion carried.

13 ATTORNEY BECHTEL:

14 Next item concerns adoption of proposed  
15 amendments to Section 147.673, relating to eligibility  
16 and application for DMAP to allow the Commission to  
17 assess DMAP applications for political subdivision or  
18 government agency applicants based upon current  
19 conditions relative to goals and objectives outlined  
20 in an approved management plan and to limit individual  
21 and distinct DMAP units to less than 15,000 acres  
22 each. These regulatory changes would allow the  
23 Commission to closely monitor and make necessary  
24 changes on alignment of local deer management goals  
25 using DMAP are not in alignment the agency's mandate

1 to effectively manage the deer in a responsible and  
2 appropriate manner. The text of these changes are  
3 shown on pages eight through nine of your Agenda.

4 PRESIDENT PUTNAM:

5 Do I have a motion?

6 VP HOOVER:

7 So moved.

8 PRESIDENT PUTNAM:

9 Second?

10 COMMISSIONER SCHLEMMER:

11 Second.

12 MR. PUTNAM:

13 Discussion?

14 MR. LAYTON:

15 Mr. President, we have, as we discussed  
16 yesterday, had some pretty productive meetings with  
17 our partners that are using the DMAP program, some  
18 more effectively than others. But I think we need, we  
19 need to carry on those conversations a little bit  
20 longer before we can make any changes to the program  
21 that we feel are valuable for the program in the DMAP.  
22 So, I mean, do you have anything to say before I ---?

23 PRESIDENT PUTNAM:

24 Yes. I would like to add that we had  
25 spent quite a bit of time, Commissioner Hoover's made

1 three trips up here from the Philadelphia area to look  
2 at the, what the habitat is like in this area in 2G.  
3 We've spent a number of times in meeting with our  
4 partners. We got considerable testimony yesterday from  
5 other partners. We hear what everybody is saying.  
6 This is an issue that was, has been brought to our  
7 attention many times by our customers, by the hunters.  
8 They feel that in some cases, DMAP is not being used  
9 as it is intended.

10                   In our perception of how DMAP should be  
11 used --- is what we heard about from the Kinzua  
12 Quality Deer Cooperative, from the Allegheny National  
13 Forest, where they're monitoring the deer population.  
14 They're monitoring the habitat. When they have  
15 unacceptable deer impacts, they take the deer  
16 population down. When the population gets in a range  
17 that they can live with, they take, they change the  
18 DMAP applicant coupon requests- they change the number  
19 of permits or eliminate DMAP. So DMAP, as a program,  
20 is designed to target high levels of deer, the hot  
21 spots, allow us to manage it to unit level, maybe not  
22 a level that's desirable across the unit as that might  
23 be too high for certain places where active management  
24 is taking place, but allow the managers then to take  
25 the deer down to where they can accomplish their

1 forest regeneration objectives.

2                   And we've had some concerns about some  
3 of our DMAP users have not, we don't think they're  
4 using it that way. They're just issuing the same  
5 number of permits every year, despite what the science  
6 says. The number of applications that are put out on  
7 the landscape has always been the same. So we're  
8 working with our partners and continuing that  
9 discussion. Any additional comments?

10                   COMMISSIONER DALEY:

11                   I agree.

12                   MR. LAYTON:

13                   Mr. President, having said that, I would  
14 like to make a motion to table this adoption to the  
15 rule.

16                   PRESIDENT PUTNAM:

17                   Do we have a second?

18                   COMMISSIONER SCHLEMMER:

19                   Second.

20                   PRESIDENT PUTNAM:

21                   There's no discussion on this issue.

22                   We'll now call for a vote.

23                   MR. LAYTON:

24                   Having a motion on the floor that's duly  
25 seconded, all those in favor, signify by saying aye.

1 ALL AYES RESPOND

2 MR. LAYTON:

3 Opposed? That motion's carried.

4 ATTORNEY BECHTEL:

5 The next item before the Commission  
6 comes from the Bureau of Wildlife Protection. It  
7 concerns adopted rule-making in the adoption of  
8 proposed amendments to 58 Pa. Code Section 131.8 to  
9 increase replacement costs for bald and golden eagles  
10 from \$200 to \$2,500. In accordance with goals  
11 established in the Pennsylvania Bald Eagle Management  
12 Plan for 2010 to 2019, the Commission determined that  
13 the bald eagle achieved a population level and  
14 geographical distribution that no longer met the  
15 definition of a threatened species. As a result, on  
16 March 15th, 2014, the bald eagle was officially  
17 removed from the Commonwealth's threatened species  
18 list. Notwithstanding the delisting, the bald eagle's  
19 population and the population of the golden eagle  
20 necessitate further protection from unlawful takings  
21 in the form of increased replacement costs. The text  
22 of this item is on page 11 of your Agenda.

23 PRESIDENT PUTNAM:

24 Do I have a motion?

25 VP HOOVER:

1 So moved.

2 PRESIDENT PUTNAM:

3 Second?

4 COMMISSIONER FOX:

5 Second.

6 PRESIDENT PUTNAM:

7 Discussion? Mr. Secretary?

8 MR. LAYTON:

9 We have a motion on the floor that's  
10 been duly seconded. All those in favor, signify by  
11 saying aye.

12 ALL AYES RESPOND

13 MR. LAYTON:

14 Opposed? That motion's carried.

15 ATTORNEY BECHTEL:

16 And the next item concerns adoption of  
17 proposed amendments to 58 Pa. Code Sections 143.182,  
18 143.185 and 147.804 to add cottontail rabbit and  
19 mourning dove to the list of species that mentored  
20 youth are eligible to hunt and also require that  
21 mentored youth obtain a Migratory Game Bird License  
22 prior to hunting mourning dove. Since the successful  
23 implementation of the Mentored Youth Hunting Program  
24 in the fall of 2006, the Commission has been striving  
25 to improve upon the successes of this mentor-based

1 program. Sporting organizations and other interested  
2 group have continued to encourage the Commission to  
3 expand mentored youth hunting opportunities within  
4 this Commonwealth to additional species, including the  
5 cottontail rabbit and mourning dove. Importantly, the  
6 mourning dove is defined as a migratory bird species  
7 and therefore requires the acquisition of a Migratory  
8 Game Bird License to facilitate the Harvest  
9 Information Program, or HIP. HIP is a cooperative  
10 state and federal program designed to improve the  
11 information collected regarding the harvest of  
12 migratory game birds. The changes are shown on page  
13 13 of your Agenda.

14 PRESIDENT PUTNAM:

15 Do I have a motion?

16 VP HOOVER:

17 So moved.

18 PRESIDENT PUTNAM:

19 Second?

20 COMMISSIONER DALEY:

21 Second.

22 PRESIDENT PUTNAM:

23 Discussion?

24 VP HOOVER:

25 Mr. President, I think it's unclear as

1 to the timing, we'd like to have someone explain when  
2 this becomes, when this will be implemented because it  
3 doesn't specifically state the date that this will  
4 start. And we're in the seasons now.

5 MR. GROHOL:

6 Sure. It has to go through the approval  
7 process through the Attorney General's Office and then  
8 the Legislative Review Board, so we're anticipating  
9 that it will take 'til sometime in mid-November.

10 VP HOOVER:

11 That's when it will become effective.

12 MR. GROHOL:

13 As soon as it's published in the  
14 bulletin, it will be effective.

15 VP HOOVER:

16 So then, you know, our mentored youth  
17 then would be or will be eligible to hunt these  
18 species this year later on in the season. And it  
19 wouldn't be delayed; it would take effect this year  
20 and not next year.

21 MR. GROHOL:

22 Correct.

23 VP HOOVER:

24 For next year's season.

25 MR. GROHOL:

1 Yes.

2 VP HOOVER:

3 I just wanted to clarify that.

4 PRESIDENT PUTNAM:

5 That's a good clarification.

6 COMMISSIONER FOX:

7 Mr. President, I just want to say, too,  
8 that this is another example of us trying to get youth  
9 more involved in the small game hunting in  
10 Pennsylvania. And you know, once we get --- a lot of  
11 us grew up hunting cottontails. And I think that  
12 that's the hook. If we can get kids in the woods,  
13 hunting small game, having fun, with some success,  
14 that we are going to have hunters for life. And I  
15 just want to commend the Board. I know this was one  
16 of former Commissioner Delaney's movements. And  
17 again, being an advocate of small game hunting, I just  
18 want to give him the credit for that and just commend  
19 all the Commissioners for making this move forward,  
20 making it happen.

21 COMMISSIONER SCHLEMMER:

22 Mr. President, Southwest would like to  
23 say about the same thing. Our clubs in our area are  
24 very excited about this for the youth and would  
25 recommend that we pass this.

1                   PRESIDENT PUTNAM:

2                   Thank you. Any additional comment?

3                   COMMISSIONER DALEY:

4                   Mr. President, I just wanted to remind  
5 everyone that, you know, as mentored youth, we do have  
6 to be stationary. The adult has to carry the firearm  
7 until, you know, they're ready to shoot, so the child  
8 can't be out there and kicking brush piles and stuff  
9 with a gun in his hand. We just need to make that  
10 clear as we move forward.

11                   PRESIDENT PUTNAM:

12                   I think that should be included with the  
13 news release that announces when the kids really  
14 start. Any additional discussion? Mr. Secretary?

15                   MR. LAYTON:

16                   We have a motion on the floor that's  
17 been duly seconded. All those in favor, signify by  
18 saying aye.

19 ALL AYES RESPOND

20                   MR. LAYTON:

21                   Opposed? Motion carried.

22                   ATTORNEY BECHTEL:

23                   The next item before the Commission  
24 comes from the Bureau of Wildlife Habitat Management,  
25 concerns real estate and a donation of real estate,

1 contract number L-3685, State Game Land Number 168 in  
2 Northampton County. Wildlands Conservancy, Inc. is  
3 offering a donation of 11 more-or-less acres of land  
4 in Moore Township, Northampton County that adjoins and  
5 will connect a tract of State Game Land Number 168 to  
6 a larger parcel of State Game Land Number 168, as  
7 shown on Exhibit RED One on page 15 of your Agenda.  
8 The property is forested with mixed hardwoods and has  
9 a small rock outcrop. Public access is from Smith Gap  
10 Road, which bisects the property.

11 PRESIDENT PUTNAM:

12 Do I have a motion?

13 VP HOOVER:

14 So moved.

15 PRESIDENT PUTNAM:

16 Second?

17 COMMISSIONER FOX:

18 Second.

19 PRESIDENT PUTNAM:

20 Discussion? Good. Hearing no

21 discussion, Mr. Secretary?

22 MR. LAYTON:

23 We have a motion that's been duly  
24 seconded. All those in favor, signify by saying aye.

25 ALL AYES RESPOND

1                   MR. LAYTON:

2                   Opposed? Motion carried.

3                   ATTORNEY BECHTEL:

4                   The next item is an acquisition,  
5 contract number L-3686, State Game Land Number 170 in  
6 Cumberland County. Central Pennsylvania Conservancy  
7 is offering for sale 18.6 more-or-less acres of land  
8 in Silver Spring Township, Cumberland County,  
9 adjoining State Game Land Number 170, as shown on  
10 Exhibit RED Seven on page 17 of your Agenda. The  
11 option price is \$400 per acre, to be paid with funds  
12 from the Game Fund. The property is forested with red  
13 maple, tulip poplar and red and white oaks, with  
14 sassafras and witch hazel in the understory. Public  
15 access is from existing State Game Land Number 170.

16                   PRESIDENT PUTNAM:

17                   One minor correction, that's RED Two.

18                   ATTORNEY BECHTEL:

19                   RED Two on page 17 of your Agenda.

20                   PRESIDENT PUTNAM:

21                   Do I have a motion?

22                   VP HOOVER:

23                   So moved.

24                   PRESIDENT PUTNAM:

25                   Second?

1                   COMMISSIONER FOX:

2                   Second.

3                   PRESIDENT PUTNAM:

4                   And discussion? Mr. Secretary?

5                   MR. LAYTON:

6                   We have a motion that's been duly  
7 seconded. All those in favor, signify by saying aye.

8 ALL AYES RESPOND

9                   MR. LAYTON:

10                  Opposed? Motion carried.

11                  ATTORNEY BECHTEL:

12                  The next item concerns an acquisition,  
13 contract number L-3687, State Game Land Number 217 in  
14 Lehigh County. Wildlands Conservancy, Inc. is  
15 offering for sale 22 more-or-less acres of land in  
16 Washington Township, Lehigh County, adjoining State  
17 Game Land Number 217, as shown on Exhibit RED Three on  
18 page 19 of your Agenda. The option price is \$400 per  
19 acre, to be paid with funds from the Game Fund. The  
20 property is forested with mixed oaks, beech, hickory  
21 and maple. Public access is from existing State Game  
22 Land Number 217.

23                  PRESIDENT PUTNAM:

24                  Do I have a motion?

25                  VP HOOVER:

1 So moved.

2 PRESIDENT PUTNAM:

3 Second?

4 COMMISSIONER FOX:

5 Second.

6 COMMISSIONER DALEY:

7 Discussion? I will make a --- one  
8 comment here is that these tracts are relatively  
9 small. They all take the same amount of work,  
10 somebody has to go look at them. There's a lot of  
11 work involved in picking these smaller tracts. The  
12 other thing is, if you look at all these tracts we're  
13 buying, they --- almost every one of them will be  
14 providing additional access to our lands. We've got  
15 some huge tracts of land that have difficult or very  
16 limited access. And to pick up all these pieces that  
17 provide additional access is a very good thing. It's  
18 part of our strategic plan. It's not --- we're not  
19 buying willy nilly. We're going out and targeting  
20 these things to give us additional access.

21 PRESIDENT PUTNAM:

22 Any additional discussion? Mr.  
23 Secretary?

24 MR. LAYTON:

25 We have a motion that's been duly

1 seconded. All those in favor, signify by saying aye.

2 ALL AYES RESPOND

3 MR. LAYTON:

4 Opposed? The motion's carried.

5 ATTORNEY BECHTEL:

6 The next item before the Commission  
7 concerns an exchange, contract number L-3688, State  
8 Game Land Number 232 in Washington County. MarkWest  
9 Liberty Midstream & Resources, LLC, or MarkWest, is  
10 offering 23.7 more-or-less acres of land currently  
11 owned by Mule Tracts, LLC in Donegal Township,  
12 Washington County, an interior within State Game Land  
13 Number 232, as shown on Exhibit RED Four in your  
14 Agenda on page 21, in lieu of habitat and surface  
15 damages associated with nine previously executed  
16 right-of-way licenses and one pending right-of-way  
17 license for natural gas pipelines on State Game Land  
18 Numbers 117, 232 and 245. MarkWest will continue to  
19 pay the Commission's standard, annual license fees for  
20 all licenses so long as those licenses remain active.

21 The property being offered is primarily  
22 mixed hardwood forest, with some interspersed shrub  
23 land in the lower elevations. Dog Run and two unnamed  
24 tributaries thereto, all designated High-Quality Warm  
25 Water Fisheries, flow through the property.

1 Acquisition of this property will secure a critical  
2 interior, eliminate safety zone concerns associated  
3 with future development and reduce future boundary  
4 line maintenance. Public access is from Dog Run Road  
5 (T-325), which traverses along a portion of the  
6 western boundary.

7 PRESIDENT PUTNAM:

8 Do I have a motion?

9 VP HOOVER:

10 So moved.

11 PRESIDENT PUTNAM:

12 Second?

13 COMMISSIONER SCHLEMMER:

14 Second.

15 PRESIDENT PUTNAM:

16 Discussion? Mr. Secretary, hearing no  
17 discussion?

18 MR. LAYTON:

19 We have a motion on the floor that's  
20 been duly seconded. All those in favor, signify by  
21 saying aye.

22 ALL AYES RESPOND

23 MR. LAYTON:

24 Opposed? Motion carried.

25 ATTORNEY BECHTEL:



1 year paid up non-surface use oil and gas agreement, a  
2 \$3,000 per net oil/gas acre bonus payment and 18  
3 percent royalty for all oil/gas and other liquids or  
4 condensates produced and sold from the proposed tract.  
5 The bonus payment of approximately \$342,300 may be  
6 deposited either into the Game Fund or into an  
7 interest-bearing escrow account, to be used for the  
8 future purchase of wildlife habitats, lands or other  
9 uses incidental to hunting, fur-taking and wildlife  
10 resource management. Future rentals and royalties  
11 owed the Commission shall be directly deposited into  
12 the Game Fund. Oil and gas development will be  
13 regulated by the Commonwealth's Oil and Gas  
14 Regulations and the Commission's Standard Non-Surface  
15 Use Oil and Gas Cooperative Agreement.

16 PRESIDENT PUTNAM:

17 Do I have a motion?

18 VP HOOVER:

19 So moved.

20 PRESIDENT PUTNAM:

21 Second?

22 COMMISSIONER FOX:

23 Second.

24 PRESIDENT PUTNAM:

25 Discussion? Hearing no discussion, Mr.

1 Secretary?

2 MR. LAYTON:

3 We have a motion that's been duly  
4 seconded. All those in favor, signify by saying aye.

5 ALL AYES RESPOND

6 MR. LAYTON:

7 Opposed? That motion is carried.

8 ATTORNEY BECHTEL:

9 The next item is also a Non-Surface Use  
10 Oil and Gas Cooperative Agreement, Tract 223B-15,  
11 State Game Land Number 223 in Greene County. Chevron  
12 Appalachia, LLC, or Chevron, of Coraopolis,  
13 Pennsylvania requested the Commission offer its oil  
14 and gas rights under a portion of State Game Land  
15 Number 223 for non-surface use development. The  
16 proposed tract, containing approximately 213.7 acres,  
17 is located in Greene Township, Greene County, as shown  
18 on Exhibit OGM Two on page 25 of your Agenda.

19 Chevron also has a strong privately-  
20 owned oil/gas lease position surrounding State Game  
21 Land Number 223 and has initiated unconventional well  
22 drilling and development in the vicinity of the  
23 proposed tract. Chevron has the ability to unitize  
24 and develop the Commission's oil/gas reserve under the  
25 proposed tract by horizontal drilling with no surface



1 Do I have a motion?

2 COMMISSIONER SCHLEMMER:

3 Motion.

4 PRESIDENT PUTNAM:

5 Second?

6 COMMISSIONER DALEY:

7 Second.

8 PRESIDENT PUTNAM:

9 Discussion? I have a question on  
10 all these leases. Do we --- are we addressing  
11 deductions? Do we have a deduction clause?

12 MR. SUSSENBACH:

13 We do and that's part of that Standard  
14 Non-Surface Use Oil and Gas Cooperative Agreement.

15 PRESIDENT PUTNAM:

16 Could you just tell, fill us in a little  
17 bit on how that works 'cause our early leases did not  
18 have the deduction clause.

19 MR. SUSSENBACH:

20 Right. So essentially, you know,  
21 looking at the way the market variation has been over  
22 the last few years, there's increases in the amount of  
23 deductions that are being pulled out through the, you  
24 know, from the oil and gas producers. And we're  
25 navigating through some of that because, again, some

1 of the earlier leases were written very vaguely. And  
2 we're working towards resolution on some of those and  
3 strengthening, you know, each of the agreements going  
4 forward. In fact, the entire lease agreement is in  
5 rewrite at this point. And these are some of the  
6 first agreements that we've entered into that have the  
7 strengthened clause.

8 PRESIDENT PUTNAM:

9 Thank you. Any additional discussion or  
10 comment? Mr. Secretary?

11 MR. LAYTON:

12 We have a motion on the floor that's  
13 been duly seconded. All those in favor, signify by  
14 saying aye.

15 ALL AYES RESPOND

16 MR. LAYTON:

17 Opposed? Motion carried.

18 ATTORNEY BECHTEL:

19 Next item before the Commission concerns  
20 a Restricted Surface Use Oil and Gas Cooperative  
21 Agreement on Tract 238A-15, State Game Land Number 238  
22 in Fayette County. Chevron Appalachia, LLC, Chevron,  
23 of Coraopolis, Pennsylvania has requested the  
24 Commission offer its oil and gas rights under  
25 approximately 215 acres of State Game Land Number 238

1 in German Township, Fayette County for oil and Gas  
2 development, as shown on Exhibit OGM Three on page 27  
3 of your Agenda. Chevron has acquired private leases  
4 on the remaining 562 acres of State Game Land Number  
5 238 and has the right to utilize the Game Commission  
6 surface to access and develop the privately-held oil  
7 and gas rights. Additionally, Chevron maintains a  
8 strong lease position on private lands immediately  
9 adjacent to the State Game Land Number 238 and has  
10 already drilled several horizontal wells in the  
11 immediate vicinity of the game land.

12                   The terms of the agreement are a five-  
13 year paid restricted surface use oil and gas  
14 agreement, a \$3,000 per net oil and gas acre bonus  
15 payment, an 18 percent royalty for all oil, gas and  
16 other liquids or condensates produced and sold from  
17 the proposed tract. The bonus payment of  
18 approximately \$645,000 shall be deposited into the  
19 Game Fund or into an interest-bearing escrow account  
20 for the future purchase of wildlife habitats, lands or  
21 other uses incidental to hunting, fur-taking and  
22 wildlife resource management. Future rentals and  
23 royalties owed to the Commission shall also be  
24 deposited into the Game Fund. Oil and gas development  
25 will be regulated by the Commonwealth's Oil and Gas

1 Regulations and the Commission's Standard Restricted  
2 Surface Use Oil and Gas Cooperative Agreement.

3 PRESIDENT PUTNAM:

4 Motion?

5 MR. LAYTON:

6 So moved.

7 PRESIDENT PUTNAM:

8 Second?

9 COMMISSIONER FOX:

10 Second.

11 PRESIDENT PUTNAM:

12 Discussion? Hearing none ---?

13 MR. LAYTON:

14 We have a motion on the floor that's  
15 been duly seconded. All those in favor, signify by  
16 saying aye.

17 ALL AYES RESPOND

18 MR. LAYTON:

19 Opposed? That motion's carried.

20 PRESIDENT PUTNAM:

21 We have some --- the next order is new  
22 business. I want to introduce Rob Miller, or  
23 acknowledge that Rob Miller's here, the Governor's  
24 Sportsmen's Advisor. He's the one that runs the group  
25 that will be picking the replacement Commissioner for

1 Delaney's seat. And he's been an important partner.  
2 In fact, he was --- he ran the committee in a prior  
3 time that selected several of the Commissioners that  
4 are sitting here today, so thank you for coming, Rob.  
5 We're glad you're here. Did you catch any fish up on  
6 Lake Erie?

7 MR. MILLER:

8 No. And I didn't get out on Lake Erie,  
9 unfortunately.

10 PRESIDENT PUTNAM:

11 The Fish Commission has their meeting up  
12 in Lake Erie. I think they get a little better  
13 turnout probably than we do. We're proposing to have  
14 our next Working Group meeting on January 4th. Is  
15 that acceptable to the Commissioners? So that will be  
16 held at the Harrisburg Office, and there'll be further  
17 details published on the time. The next ---.

18 The January Meeting will be held January  
19 31st, February 1st and 2nd at the Harrisburg  
20 headquarters. That's our big meeting to start off on  
21 a Sunday with public testimony. We have an additional  
22 plan that needs approval. We have the Osprey  
23 Management Plan.

24 ATTORNEY BECHTEL:

25 Yes, Mr. President, there are two other

1 things per the Agenda. One is a proposed Osprey  
2 Management Plan. The osprey plan was developed to  
3 document the successful recovery of osprey in the  
4 state and provide a transparent path for delisting.  
5 A draft plan was presented to the Board of  
6 Commissioners at the June meeting. And an affirmative  
7 vote approved its release for public comment. The  
8 draft was further strengthened by incorporating  
9 feedback from the Board of Commissioners and the  
10 public. The revised ten-year plan for the management  
11 of osprey in Pennsylvania is being presented to the  
12 Board of Commissioners for acceptance.

13 PRESIDENT PUTNAM:

14 Do I have a motion?

15 COMMISSIONER SCHLEMMER:

16 Motion.

17 PRESIDENT PUTNAM:

18 Second?

19 COMMISSIONER DALEY:

20 Second.

21 PRESIDENT PUTNAM:

22 Discussion? Director, do you have any  
23 additional comments to provide on the Osprey Plan or  
24 the changes that you made on the plan?

25 MR. LAROUCHE:

1 I can make a few comments. We've had  
2 --- actually, as everybody knows, we've had excellent  
3 success in restoring osprey in the state. We have 150  
4 nests as per the last survey, which was last year. And  
5 criteria at the time that the Osprey Plan was derived,  
6 there were criteria. Not enough information was known  
7 to do this. But now we have plenty of osprey. And we  
8 will be having another survey next year of nests. And  
9 hopefully, we continue that upward trend in nests and  
10 don't fall backwards, and if we do, then we're hoping  
11 that we can move towards delisting fairly soon.

12 PRESIDENT PUTNAM:

13 That'll be a good accomplishment.  
14 Hopefully the avian influenza doesn't attack the  
15 ospreys.

16 MR. LAROUGH:

17 And it'll be a story for the state of  
18 Pennsylvania. And I think we should celebrate that  
19 when the time comes if we're able to delist the  
20 osprey. And we will show that what we can do when we,  
21 you know, put our minds to the recovering species.

22 PRESIDENT PUTNAM:

23 Thank you. Mr. Secretary?

24 MR. LAYTON:

25 We have a motion on the floor that's

1 been duly seconded. All those in favor, signify by  
2 saying aye.

3 ALL AYES RESPOND

4 MR. LAYTON:

5 Opposed? The motion carried.

6 ATTORNEY BECHTEL:

7 Well, the next item on your Agenda is  
8 actually a report of a notational vote that's the  
9 acceptance of the Wildlife Action Plan. Since its  
10 approval in 2006 by the U.S. Fish and Wildlife  
11 Service, the 2005 Pennsylvania Wildlife Action Plan  
12 has been a foundational document for guiding  
13 management and research of fish and wildlife in the  
14 Commonwealth. Without it, many species would not be  
15 receiving the crucial management attention they need.  
16 For nearly three years, the Pennsylvania Game  
17 Commission and the Pennsylvania Fish and Boat  
18 Commission staff, with assistance from numerous  
19 conservation partners, have revised the 2005  
20 Pennsylvania Wildlife Action Plan, an important  
21 blueprint for conservation action. To keep the plans  
22 current and maintain eligibility for state and tribal  
23 wildlife grants program funding, the U.S. Fish and  
24 Wildlife Service requires each state to revise its  
25 state wildlife action plan no less than every ten

1 years. As a comprehensive plan for Pennsylvania, the  
2 2015 Pennsylvania Wildlife Action Plan includes all  
3 major taxonomic animal groups. A total of 664 species  
4 of greatest conservation need have been identified in  
5 the plan, of which the Commission jurisdictional  
6 species include 90 birds and 19 mammals. Species  
7 under the Pennsylvania Fish and Boat Commission  
8 Authority include 65 fishes, 18 amphibians, 22  
9 reptiles, 50 mussels and 175 other aquatic  
10 invertebrates.

11                   The 2015 Pennsylvania Wildlife Action  
12 Plan Revision updates the species in greatest  
13 conservation need, condition and extent of associated  
14 habitats, threats to species in habitats, needed  
15 conservation actions have been monitoring  
16 considerations to gauge progress. The revised plan is  
17 due to the Fish and Wildlife Service by October 1st,  
18 2015. The plan was accepted by the Board of  
19 Commissioners by notational vote and will be  
20 transmitted under transmittal letter dated September  
21 16, 2015 and the plan itself is dated as of October  
22 1st, 2015. This was approved by notational vote and  
23 no action is necessary by the Commission but it needs  
24 to be reported at the next meeting as we are doing  
25 now.

1                   PRESIDENT PUTNAM:

2                   Thank you. The time period was such  
3 that if we waited until today to approve it, they  
4 would have had a very hard time getting it out by  
5 October 1st. That's why the notational vote was  
6 taken. At a prior meeting we asked the staff to look  
7 into the possible regulations regarding deer urine as  
8 a lure. And the staff has been working on that. I'm  
9 going to ask Matt to give us a little update on where  
10 we're at with that project.

11                   MR. HOUGH:

12                   Well, we have been working on that deer  
13 urine ban and we actually have regulations that are  
14 proposed sitting back in the Bureau of Wildlife  
15 Protection. We are meeting with members of the deer  
16 urine industry. Director Larouche has a meeting  
17 scheduled with them to meet with them and look at some  
18 of their operations trying to ensure that CWD prions  
19 are not being spread around the Commonwealth by deer  
20 urine. So Wayne's going to meet with them. And from  
21 what I understand, the industry is now looking at a  
22 way to certify that the animals that they use for  
23 urine collection are CWD free and hopefully, that will  
24 happen in the near future.

25                   PRESIDENT PUTNAM:

1                   Thank you. Commissioners, in your  
2 packet you received an update on our strategic plan.  
3 Does anyone have any questions on that --- if you have  
4 any questions on that, Matt can address that now or  
5 ---. Hearing none, do we have any additional new  
6 business?

7                   MR. LAYTON:

8                   Mr. President?

9                   PRESIDENT:

10                  Mr. Layton.

11                  MR. LAYTON:

12                  One of the things I'd like to see for  
13 the next working group meeting is to have staff kind  
14 of get together and talk about how our doe license  
15 sales and the allocations are distributed. We get  
16 comments every year from out-of-state hunters about  
17 their ability or their lack of their ability to get  
18 doe licenses because they're all gone by the time they  
19 have the opportunity.

20                  Currently, the way it is, we have two  
21 weeks set aside for resident license holders to get  
22 doe licenses and then week three, of course, is the  
23 out-of-state sales. So if could get some data  
24 together to kind of see how many licenses get sold the  
25 first week, how many out-of-state license sales we

1 actually have. And what percentage of those  
2 out-of-state people actually get a doe license or  
3 apply for a doe license so that we might be able to  
4 address that issue with our out-of-state hunters.  
5 Because I know we've all discussed this before.

6           Really, our out-of-state hunters are  
7 mostly Pennsylvanians, former Pennsylvanians, who are  
8 coming home. They have camps here. They have family  
9 here. So I think that we need to make that  
10 opportunity available to them. And I would like staff  
11 to kind of come up with a recommendation to see how we  
12 can do that most effectively.

13                           PRESIDENT PUTNAM:

14           Thank you. And I would add to that,  
15 that will only affect a very few wildlife management  
16 units because they don't all sell out right away.  
17 Surely 2G, 2H and a few of the northcentral units  
18 would be affected. But by and large, most of the  
19 state would not be affected by that. It is also one  
20 of the more recurring themes in the comments that we  
21 receive where people are --- virtually every one of  
22 them is I had to leave Pennsylvania to get a job  
23 someplace else, I was in the military someplace else,  
24 I settled there, I'd like to come back and really, I  
25 would like to be able to get a doe license, so I think

1 it's a very good topic for us to discuss. Any  
2 additional?

3 COMMISSIONER HOOVER:

4 Mr. President, I'd like to point out  
5 that over the past couple of years we've done what  
6 most of the hunters asked us to do, we've reduced doe  
7 allocations pretty much across the board. This year  
8 what we noticed was that we sold out of doe  
9 allocations pretty quickly. And again, the wave of I  
10 didn't get mine showed up. And so now we've got the  
11 hunters out there yelling at us because oh, wait a  
12 minute, I wanted you to reduce doe allocations but I  
13 still wanted my allocation, I still wanted mine but I  
14 didn't get it.

15 So there are some areas where, you know,  
16 we have the ability now to probably increase our  
17 allocations as we look into what happens next year and  
18 we get through this season and see what --- where we  
19 end up. And we will look in the future at, you know,  
20 5C and 5D, trying to determine exactly where we go  
21 with those two units, especially the special  
22 regulations area. That for the first time in as far  
23 back as I can remember, we actually sold out in the  
24 first week as it went over the counter which was an  
25 anomaly.

1                   So we're going to look at that and the  
2 staff is going to look at that and come back to us as  
3 a working group meeting with some solutions and some  
4 reasons as to why the allocations went so quickly. I  
5 just wanted everybody to know that. And you know, the  
6 hunters got what they wanted. We reduced the  
7 allocations and now we're going to look at the deer  
8 herd. And as it comes up, we'll take the appropriate  
9 action.

10                   PRESIDENT PUTNAM:

11                   Thank you.

12                   MR. DALEY:

13                   Mr. President, along those lines with  
14 selling out quickly, I'd like the staff to look to  
15 see, too, should we put some limit on at least the  
16 initial purchase so that more can be spread around.  
17 And then if licenses don't sell out, have additional  
18 rounds where people can buy them. You know, there's  
19 people go out there and buy 47 tags.

20                   PRESIDENT PUTNAM:

21                   That would be in the special  
22 regulations.

23                   MR. HOOVER:

24                   And in the state, on that note, in the  
25 rest of the state, actually, I think there is a limit

1 of two that's placed on them. When you get into the  
2 special regulations area, those areas are different  
3 than the rest of the state in that a lot of people are  
4 managing properties and there's some very large  
5 properties. And we've said that in the past, you  
6 know, please, if you have the opportunity to DMAP your  
7 property, it does take an added tool to the larger  
8 property owners down there. But of course, they've  
9 never had to do that in the past, the allocations have  
10 always been there. So just another tool that they can  
11 avail themselves to.

12 PRESIDENT PUTNAM:

13 Any additional comments? Matt, do you  
14 have anything you'd like to report on?

15 MR. HOUGH:

16 No. I think it was an excellent  
17 Commission Meeting up here in DuBois.

18 PRESIDENT PUTNAM:

19 I guess on that note I would like to  
20 thank the Northcentral and the Northwest Regions for  
21 all the time and effort they put in. Keith had a nice  
22 ceremony for us out there in Jefferson County at the  
23 1.5 million acre dedication. And Barry and his staff  
24 worked tirelessly, I don't know how many hours they  
25 got in but they were working at this for a long time.

1 We had some excellent tours out through the, mostly  
2 through 2G to see the habitat.

3 I think that tour was very worthwhile.  
4 Even Commissioner Hoover softened his stance on the  
5 conditions up here. We're still looking for that camp  
6 for sale. We were under the impression that all the  
7 camps are for sale. And we saw a lot of camps and  
8 there was a lot of people at those camps, too, but we  
9 didn't see any for sale. So with that note, we'll  
10 adjourn the meeting.

11 \* \* \* \* \*

12 MEETING CONCLUDED AT 9:15 A.M.

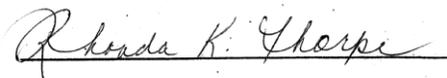
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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Commissioner Putnam was reported by me on 9/29/15 and that I, Rhonda K. Thorpe, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

  
Court Reporter  
Rhonda K. Thorpe

