

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

\* \* \* \* \*

JUNE 26, 2017 MEETING

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BEFORE: BRIAN H. HOOVER, PRESIDENT  
Timothy S. Layton, Vice President  
James R. Daley, Secretary  
Robert W. Schlemmer, Commissioner  
David J. Putnam, Commissioner  
Charles Fox, Commissioner  
Brad Bechtel, Chief Counsel  
David J. Putnam, Commissioner

HEARING: Monday, June 26, 2017  
1:05 p.m.

LOCATION: PA Game Commission  
2001 Elmerton Ave  
Harrisburg, PA 17110

PRESENT: Thomas Grohol (Deputy Executive Director),  
Bryan Burhans (Executive Director), Rich Palmer  
(Deputy Executive Director), Randy Shoup, Dennis  
Neideigh

Reporter: Payge Miller

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I N D E X

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CERTIFICATE	31

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P R O C E E D I N G S

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PRESIDENT: I will bring the meeting  
of the Commissioners to order; June 26th.

Pledge allegiance to the flag.

PLEDGE OF ALLEGIANCE RECITED

PRESIDENT: Mr. Secretary, will you  
call the roll?

SECRETARY: President Hoover?

MR. HOOVER: Here.

SECRETARY: Vice President Layton?

MR. LAYTON: Here.

SECRETARY: Secretary Daley, here.  
Commissioner Putnam?

MR. PUTNAM: Present.

SECRETARY: Commissioner Schlemmer?

MR. SCHLEMMER: Present.

SECRETARY: And Commissioner Fox?

MR. FOX: Here.

SECRETARY: They're all here.

PRESIDENT: Can I get a motion to  
approve the meeting minutes held March 28th?

MR. SCHLEMMER: So moved.

1                   MR. LAYTON:    Second.

2                   PRESIDENT:    Any discussion?    Comments?  
3                   Hearing none, Mr. Secretary, would you  
4 call the roll - I mean call the vote.

5                   SECRETARY:    All those in favor, say  
6 aye.

7 AYES RESPOND

8                   SECRETARY:    All those opposed?  
9                   Motion carries.

10                  ATTORNEY BECHTEL:    The first item to  
11 come before the Commission today comes from the  
12 Bureau of Wildlife Protection, Proposed Rule Making  
13 to Amend 58 Pa. Code Sections 141.1, 141.22, and  
14 141.43.

15                                In relevant part, the Act of November  
16 21, 2016 made two significant changes to Section  
17 2308 of the Act relating to unlawful devices and  
18 methods. Act 168 eliminated the Commonwealth's  
19 historic prohibitions against the use of air guns  
20 and semiautomatic rifles for hunting.

21                                It is important to note that Act 168  
22 did not authorize the use of semiautomatic handguns  
23 and did not eliminate the two-shell in the shotgun  
24 magazine restriction for small game, furbearers, et  
25 cetera. On March 28, 2017, in an effort to

1 implement Act 168 and expand hunting opportunities  
2 in this Commonwealth, the Commission amended several  
3 sections of the code relating to definitions; small  
4 game seasons, deer, bear, turkey, elk and furbearer  
5 season to authorize the use of air guns and  
6 semiautomatic rifles for small game and furbearers.  
7 These changes became effective on May 13, 2017.

8           The Commission is now proposing a few  
9 housekeeping amendments to address concerns not  
10 addressed in the original proposal. First, the  
11 Commission is proposing to amend Section 141.1  
12 relating to special regulations areas to extend the  
13 use of air guns and semiautomatic rifles for small  
14 game and furbearers to the Commonwealth's special  
15 regulation areas. While this extension nearly  
16 matches the original statewide proposal, it is  
17 important to note the existing limitation to rimfire  
18 ammunition in this section will be carried forward  
19 in the special regulations areas in this amendment.

20           The Commission is also proposing to  
21 amend Section 141.22 to remove the limiting term  
22 "centerfire" from the manually operated or  
23 semiautomatic rifle authorization that was  
24 erroneously added in the publication of the original  
25 proposal. This correction will return the text to

1 its intended structure.

2 Lastly, the Commission is proposing to  
3 amend Sections 141.43 and 141.67 to relocate and  
4 extend the use of air guns and semiautomatic rimfire  
5 rifles .22 caliber or less for dispatching legally  
6 trapped furbearers caught in a trap during the  
7 regular or special firearms deer seasons.

8 The text of these changes is shown on  
9 pages two through five of your agenda.

10 PRESIDENT: Can I have a motion on the  
11 proposed ruling?

12 MR. FOX: So moved.

13 PRESIDENT: And a second?

14 MR. LAYTON: Second.

15 PRESIDENT: Any questions or comments  
16 from the Commission?

17 Hearing none, Mr. Secretary, would you  
18 call the vote?

19 SECRETARY: All those in favor,  
20 signify by saying aye.

21 AYES RESPOND

22 SECRETARY: All opposed no.

23 Motion carries.

24 ATTORNEY BECHTEL: The next item  
25 concerns an Amendment to 58 Pa. Code Section 141.18.

1           Each year the Commission is asked to  
2 review the prospective use of certain devices for  
3 hunting or trapping purposes that are otherwise  
4 prohibited by statute or regulation. As part of the  
5 review process, the Commission generally reviews to  
6 what degree use of a given device might negatively  
7 impact principles of resource conservation, equal  
8 opportunity, fair chase, or public safety.

9           The Commission has recently been  
10 requested to formally review the use of electronic  
11 decoys used to hunt waterfowl, electronically heated  
12 scent or lure dispensers and electronic devices that  
13 generate and distribute ozone gas for scent control  
14 purposes.

15           The Commission has reviewed these  
16 devices and determined that their use will have no  
17 or negligible negative impacts to the previously  
18 mentioned principles. The Commission is proposing  
19 to amend Section 141.18 relating to permitted  
20 devices to authorize the use of electronic decoys  
21 used to hunt waterfowl, electronically heated scent,  
22 or lure dispensers, and electronic devices that  
23 generate and distribute ozone gas for scent control  
24 purposes.

25           The text of those proposal is shown on

1 pages six through seven of your agenda.

2 PRESIDENT: Do I have a motion?

3 MR. LAYTON: So moved.

4 PRESIDENT: Do I have a second?

5 MR. FOX: Second.

6 PRESIDENT: Any questions or comments?

7 MR. PUTNAM: Mr. President?

8 PRESIDENT: Commissioner Putnam?

9 MR. PUTNAM: Yeah. I would just like  
10 to comment. These are proposed regulations.  
11 They're in response to comments that we received,  
12 specifically, we received some at the last - several  
13 different comments at the last meeting, and that  
14 kind of got this going. We'll be accepting comments  
15 until the next meeting. This is not a final  
16 approval, so the public will still have a chance to  
17 comment further.

18 PRESIDENT: Commissioner Daley?

19 SECRETARY: I guess my question would  
20 be, is there any way that if this does move forward,  
21 as Mr. Putnam has stated, is there a way that we can  
22 suggest that people use synthetic lures versus, you  
23 know, real urine, just because of that small chance  
24 of CWD? Is there a way to do that, Randy, where we  
25 can distribute that as a suggestion?



1                   MR. SHOUP: I think we can do that  
2 through like information and education materials.  
3 It doesn't necessarily have to be a part of the  
4 regulation, but we can certainly encourage people to  
5 do that just like we encourage them to wear safety  
6 harnesses when they're tree stand hunting.

7                   SECRETARY: Thank you.

8                   MR. LAYTON: I think it's a concern  
9 though, Mr. Daley, is that's what we and our staff  
10 want. It's our intended purpose. And maybe that's  
11 something we need to discuss about adding to the  
12 regulation. But if that's the only thing that's  
13 going to hold this up, then I don't think - I mean  
14 it's something we can talk about. I don't think it  
15 would be an issue though to use synthetic lures and  
16 heated devices if that were to be something that's  
17 going to hold them back.

18                   SECRETARY: It was just a suggestion  
19 versus, you know, changing what we've proposed.

20                   MR. LAYTON: Well, and maybe we can  
21 have whoever, you know, Wildlife Management and  
22 Wildlife Protection get together and just kind of  
23 talk about and see if they can bring the proposal  
24 back one way or the other.

25                   SECRETARY: Okay.

1                   PRESIDENT: Any other comments or  
2 questions?

3                   MR. PUTNAM: Mr. President, I have one  
4 more item. These proposed regulations allow the  
5 electronic decoys for waterfowl. There's a very  
6 simple one used for mourning doves, and we probably  
7 should have a discussion on that before the next  
8 meeting. I'm sure we'll get some comments on that.  
9 The mourning doves should probably be included in  
10 the electronic decoys.

11                   MR. SHOUP: There are commercially  
12 available mourning dove decoys that are electronic  
13 in nature and are not addressed by this current  
14 regulation so if it's the wish of the Commission we  
15 can look at making that change.

16                   PRESIDENT: Would the change be to use  
17 migratory bird instead of specifics? I see that we  
18 do have crows.

19                   MR. SHOUP: I think we would probably  
20 specify doves, specifically.

21                   PRESIDENT: Okay.

22                   Any other comments or questions?

23 Hearing none, Mr. Secretary, call the vote.

24                   SECRETARY: All those in favor say  
25 aye.

1 AYES RESPOND

2 SECRETARY: Anyone opposed say no.  
3 Motion carries.

4 ATTORNEY BECHTEL: The next item  
5 before the Commission is also from the Bureau of  
6 Wildlife Protection pursuant to adopting rule  
7 making. This is an amendment to 58 Pa. Code  
8 Sections 135.103, 135.104, and 143.42 relating to  
9 registration of controlled goose hunting areas and  
10 definitions to require that registrations for  
11 controlled goose hunting areas and antlerless  
12 licenses be submitted on a form and in the manner  
13 designated by the Commission.

14 These proposed amendments will allow  
15 the Commission and public greater access to  
16 electronic sources and methods of application. The  
17 Commission is also proposing to amend Sections  
18 135.103 and 135.104 relating to restrictions on  
19 controlled goose hunting areas to update the  
20 parameters for establishing and managing the  
21 controlled hunts at the Middle Creek and Pymatuning  
22 Wildlife Management Areas. These updates allow for  
23 greater flexibility, consistency, and clarity in the  
24 regulations.

25 The text of these changes is shown on

1 pages nine through ten of your agenda.

2 MR. LAYTON: Motion to accept.

3 MR. FOX: Second.

4 PRESIDENT: Any questions or comments?

5 Hearing none, Mr. Secretary, call the vote.

6 SECRETARY: All those in favor signify  
7 by saying aye.

8 AYES RESPOND

9 SECRETARY: Anyone opposed say no.

10 Motion carried.

11 ATTORNEY BECHTEL: The next item  
12 concerns the amendment of 58 Pa. Code Section 141.15  
13 related to loaded firearms or devices in vehicles to  
14 clarify that any air gun with a pellet or bullet  
15 ammunition in either the chamber or magazine will be  
16 considered "loaded" for the purposes of 34 Pa.C.S.  
17 Section 2503 relating to loaded firearms in  
18 vehicles.

19 The text of this amendment is shown on  
20 page 12 of your agenda.

21 PRESIDENT: Can I get a motion?

22 MR. SCHLEMMER: Motion.

23 SECRETARY: Second.

24 PRESIDENT: Any questions or comments?

25 Hearing none, Mr. Secretary, call the vote.

1                   SECRETARY: All those in favor signify  
2 by saying aye.

3 AYES RESPOND

4                   SECRETARY: Anyone opposed say no.  
5 Motion carries.

6                   ATTORNEY BECHTEL: The next item  
7 appears to remove 58 Pa. Code Section 147.687 which  
8 established the continued effectiveness of the deer  
9 attractant permit program.

10                   This change is shown on page 14 of  
11 your agenda.

12                   PRESIDENT: Do I have a motion?

13                   MR. LAYTON: So moved.

14                   PRESIDENT: Do I have a second?

15                   MR. FOX: Second.

16                   PRESIDENT: Mr. Secretary, call the  
17 vote.

18                   SECRETARY: All those in favor signify  
19 by saying aye.

20 AYES RESPOND

21                   SECRETARY: Anyone opposed no.  
22 Motion carried.

23                   ATTORNEY BECHTEL: The next item  
24 concerns amendment to 58 Pa. Code Sections 147.106a  
25 and 147.111b relating to the nonresident falconers

1 and Arctic Peregrine Falcon limited take special  
2 permit to expand the limited take of the Arctic  
3 Peregrine Falcons (*Falco peregrinus tundrius*) within  
4 this Commonwealth to also include general class and  
5 nonresident falconry permit holders.

6 The text of these changes are shown on  
7 pages 16 through 17 of your agenda.

8 MR. LAYTON: Motion to accept.

9 MR. Schlemmer: Second.

10 PRESIDENT: Any questions or comments?

11 Hearing none, Mr. Secretary, call the vote.

12 SECRETARY: All those in favor signify  
13 by saying aye.

14 AYES RESPOND

15 SECRETARY: All opposed say no.

16 Motion carried.

17 ATTORNEY BECHTEL: The next item

18 before the Commission concerns the Bureau of  
19 Wildlife Habitat Management concerning,  
20 specifically, real estate and donation. Contract  
21 Number L-3712, State Game Land Number 168,  
22 Northampton County.

23 Virginia R. Romanishan is offering to  
24 donate two parcels of land totaling 4 more or less  
25 acres located in Moore Township, Northampton County

1 adjoining and near State Game Land Number 168 as  
2 shown on Exhibit RED 1. Tract 1 is three more or  
3 less acres and adjoins State Game Land Number 168.  
4 Tract 2 is one more or less acre and is located  
5 south of State Game Land Number 168. Both tracts  
6 are forested with mixed hardwoods and lie on the  
7 south slope of Blue Mountain.

8 PRESIDENT: Can I get a motion on the  
9 floor, please.

10 MR. LAYTON: So moved.

11 PRESIDENT: Do I have a second?

12 SECRETARY: Second.

13 PRESIDENT: Any questions or comments?

14 Hearing none, Mr. Secretary, call the vote.

15 SECRETARY: All those in favor signify  
16 by saying aye.

17 AYES RESPOND

18 SECRETARY: Anyone opposed say no.

19 The motion carries.

20 ATTORNEY BECHTEL: The next item  
21 concerns an exchange of Contract Number L-3713,  
22 State Game Land Number 168, Monroe, Northampton, and  
23 Carbon Counties.

24 The United States of America, acting  
25 through the Department of the Interior, National

1 Park Service (NPS), and the Commission (PGC) are  
2 proposing to exchange equal value 2.25-acre tracts  
3 located approximately one mile from one another  
4 along the summit of Blue Mountain. The 2.25-acre  
5 tract to be conveyed from the NPS to the PGC is  
6 located entirely within Eldred Township, Monroe  
7 County, does not contain any portion of the  
8 Appalachian National Scenic Trail, and contains a  
9 100-foot wide overhead electric transmission line  
10 right-of-way, shown on Exhibit RED 2 on page 22 of  
11 your agenda. The 2.25-acre tract to be conveyed  
12 from the PGC to the NPS is located within Lower  
13 Towamensing Township, Carbon County and Moore  
14 Township, Northampton County, and contains  
15 approximately 421 linear feet at the Appalachian  
16 Trail which bisects the tract; this is also shown on  
17 Exhibit RED 2 on page 22 of your agenda.

18           The primary purpose of the exchange is  
19 to encourage responsible future energy corridor  
20 development, namely natural gas and petroleum  
21 pipelines, across Blue Mountain and State Game Land  
22 Number 168 by allowing for pipeline or utility co-  
23 location within or immediately adjacent to the  
24 existing, cleared right-of-way. By siting future  
25 energy infrastructure in this area, the Commission



1 can avoid additional forest fragmentation from the  
2 new corridor development that would otherwise be  
3 necessary for projects that must cross Blue Mountain  
4 and State Game Land Number 168. Co-location within  
5 the existing corridor will also minimize future  
6 adverse impacts to the Appalachian Trail which is  
7 located on or near the summit throughout this area.

8 Additional benefits to the PGC and  
9 sportsmen resulting from this exchange include the  
10 establishment of the sole connection between the  
11 northern and southern tracts of the State Game Land  
12 Number 168 on this three-mile section of the summit,  
13 along with the reduction of potential conflicts  
14 between Appalachian Trail users and sportsmen  
15 through a decrease in length of the Appalachian  
16 Trail on State Game Land Number 168.

17 With the exception of the existing  
18 overhead electric transmission right-of-way, both  
19 tracts consist of typical dry oak mixed hardwood  
20 forest ranging in age from approximately 81 to 125  
21 years.

22 PRESIDENT: Can I get a motion on  
23 the exchange?

24 MR. Mr. Schlemmer: Motion.

25 MR. LAYTON: Second.

1                   PRESIDENT: Any questions or comments?

2                   SECRETARY: I have one.

3                   PRESIDENT: Mr. Daley?

4                   SECRETARY: As I look at this map and  
5 I see the 2.25-acres the Park Services convey to the  
6 Game Commission, it looks like it's maybe shown west  
7 of where it should be, only because the overhead  
8 powerline is shown on the map and I thought that we  
9 were going to be on the right-of-way of the  
10 powerline.

11                               Is that correct?

12                   MR. NEIDEIGH: Yes. Some of the  
13 mapping sometimes always isn't accurate as far as  
14 through USPS but yes, the transmission line that's  
15 currently there -.

16                   MR. DALEY: Would it be centered under  
17 that transmission line?

18                   MR. NEIDEIGH: It's not completely  
19 centered, no, it's off to the one side

20                   MR. DALEY: Okay. Thank you.

21                   PRESIDENT: Any other questions or  
22 comments? Hearing none, Mr. Secretary, call the  
23 vote.

24                   SECRETARY: All those in favor signify  
25 by saying aye.

1 AYES RESPOND

2 SECRETARY: Anyone opposed say no.

3 Motion carried.

4 ATTORNEY BECHTEL: The next item

5 concerns Oil/Gas and Minerals and a Bituminous

6 Surface Coal Mining Agreement, Tract 276A-17, West

7 Burrell Township, Indiana County.

8 Amerikohl Mining, Inc. of Butler,

9 Pennsylvania is developing a coal surface mining

10 project on private land situated immediately between

11 State Game Lands Number 153 and 276, and proposes to

12 extend the operation onto a portion of State Game

13 Land Number 276 located in Burrell Township, Indiana

14 County as shown on Exhibit OGM 1 on page 24 of your

15 agenda. Amerikohl has requested an Agreement for

16 approximately 13 acres to mine and remove

17 approximately 4.4 acres of Lower Kittanning coal and

18 remaining 8.3 acres as support area. There is an

19 estimated 15,840 tons of recoverable Lower

20 Kittanning coal within the 4.4 acres of Game Land.

21 The Commission owns the surface, surface support

22 rights, and the coal.

23 The Commission was approached by the

24 Department of Environmental Protection (DEP),

25 Cambria District Mining Office, and was encouraged

1 to allow the off-site mining operation to extend  
2 onto the game land for the complete removal of the  
3 Lower Kittanning crop coal in order to eliminate the  
4 potential for future downgradient mine discharges on  
5 game lands. If the section of Lower Kittanning  
6 crop coal were to remain in place on the game lands,  
7 then DEP would require Amerikohl to clay seal the  
8 low wall in the mining area to a depth above the  
9 exposed Lower Kittanning coal seam. A clay seal  
10 would be required because the Lower Kittanning coal  
11 exhibits high sulfur and its structure dips towards  
12 the northwest, towards State Game Land Number 276.  
13 A clay seal would reduce, but not completely  
14 eliminate the potential for downgradient discharges  
15 if the section of coal were left in place on the  
16 game land. Removal of the Lower Kittanning coal  
17 seam in its entirety essentially eliminates the  
18 potential for degraded post-mining discharges.

19 The terms are for a 5-year Agreement,  
20 and a royalty rate of 12 percent of the F.O.B. pit  
21 price for all coal mined and sold from the premises,  
22 or \$3 per ton, whichever the greater.

23 All coal royalty payments will be  
24 deposited in the Game Fund. Mining will be  
25 regulated by the Commonwealth's Mining Regulations

1 and the Commission's Standard Surface Coal Mining  
2 Agreement.

3 PRESIDENT: Do I have a motion?

4 MR. SCHLEMMER: Motion.

5 PRESIDENT: Do I have a second?

6 MR. FOX: Second.

7 PRESIDENT: Any questions or comments  
8 from the Commission? Hearing none, Mr. Secretary,  
9 call the vote.

10 SECRETARY: All those in favor signify  
11 by saying aye.

12 AYES RESPOND

13 SECRETARY: Anyone opposed say no.  
14 Motion carried.

15 ATTORNEY BECHTEL: The next item  
16 concerns a Non-Surface Use Oil and Gas Cooperative  
17 Agreement, Tract 36A-17, Franklin and Monroe  
18 Townships, Bradford County.

19 Chief Oil & Gas, LLC of Dallas, Texas  
20 (Chief) has submitted a sole-source lease proposal  
21 nomination to the Commission to request a  
22 development of the Commission's oil and gas rights  
23 under a portion of State Game Land Number 36 for  
24 non-surface use development. The proposed tract,  
25 containing approximately 498.95 more or less acres

1 is located in Franklin and Monroe Townships,  
2 Bradford County, as shown on Exhibit OGM 2 on page  
3 26 of your agenda.

4 Chief has a strong, privately-owned  
5 oil/gas lease position surrounding this portion of  
6 State Game Land Number 36. They have initiated  
7 unconventional well drilling and development in the  
8 vicinity of the proposed tract, and also have the  
9 ability to unitize and develop the Commission's oil  
10 and gas reserves under the proposed tract by  
11 horizontal drilling with no surface use or  
12 disturbance. Oil/Gas & Mineral staff negotiated the  
13 proposed terms of the agreement with Chief, in an  
14 effort to prudently develop the Commission's oil/gas  
15 reserves and simultaneously protect the wildlife  
16 resources and recreational use of State Game Land  
17 Number 36.

18 The terms of the Agreement are a 5-  
19 year paid up non-surface use oil and gas agreement,  
20 a \$2,350 per net oil and gas acre bonus payment and  
21 a 21 percent royalty for all oil/gas and other  
22 liquids or condensates produced and sold from the  
23 proposed tract. The bonus payment of approximately  
24 \$1,172,532 may be deposited into either the Game  
25 Fund or an interest bearing escrow account to be

1 used for the future purchase of wildlife habitats,  
2 lands, or other uses incidental to hunting,  
3 furtaking, and wildlife resource management. Future  
4 rentals and royalties owed the Commission shall be  
5 deposited into the Game Fund.

6 Oil and gas development will be  
7 regulated by the Commonwealth's Oil and Gas  
8 Regulations and the Commission's Standard Non-  
9 Surface Use Oil and Gas Cooperative Agreement.

10 PRESIDENT: Do I have a motion?

11 SECRETARY: So moved.

12 PRESIDENT: Do I have a second?

13 MR. LAYTON: Second.

14 PRESIDENT: Any questions or comments?  
15 Hearing none, Mr. Secretary, call the  
16 vote.

17 SECRETARY: All those in favor signify  
18 by saying aye.

19 AYES RESPOND

20 SECRETARY: Anyone opposed say no.  
21 Motion carries.

22 ATTORNEY BECHTEL: There's a  
23 supplement to the agenda regarding Oil/Gas and  
24 Minerals it relates to a Restricted Surface Use of  
25 Oil and Gas Cooperative Agreement option/land

1 exchange. This is Tract 133A-17, State Game Land  
2 No. 133, Lycoming County.

3 Seneca Resources of Pittsburgh,  
4 Pennsylvania requested the Commission offer its oil  
5 and gas rights under a 2,151 acre portion State Game  
6 Land Number 133 for oil and gas development. The  
7 proposed tract, containing approximately 2,151  
8 acres, is located in Gamble, Lewis, and Cascade  
9 Townships, Lycoming County as shown on Exhibit OGM 3  
10 attached to the item.

11 Seneca maintains a strong oil/gas  
12 lease position surrounding State Game Land Number  
13 133 and has initiated unconventional well drilling  
14 and development in the vicinity of the proposed  
15 tract. Seneca has the ability to unitize and  
16 develop the Commission's oil and gas reserve under  
17 the proposed tract by horizontal drilling with no  
18 surface use or disturbance.

19 Oil/Gas & Mineral staff has negotiated  
20 the proposed terms with Seneca in an effort to  
21 prudently develop the Commission's oil/gas reserve  
22 and simultaneously protect the wildlife resources  
23 and recreational uses of State Game Land Number 133.

24 In exchange for the option Agreement,  
25 Seneca will immediately transfer an 80-acre interior



1 tract of land within State Game Land Number 62,  
2 located in Hamlin Township, McKean County to the  
3 Commission, Exhibit OGM 4. Seneca will have a 5-  
4 year period to execute a Non-Surface Use Oil and Gas  
5 Development Agreement.

6 The terms of the Non-Surface Use  
7 Agreement, if executed, are a \$3,200 per net oil and  
8 gas acre bonus payment and 18 percent royalty for  
9 all oil/gas and other liquids or condensates  
10 produced and sold from the proposed tract. The  
11 bonus payment of approximately \$6,883,200 may be  
12 deposited into either the Game Fund or an interest-  
13 bearing escrow account to be used for the future  
14 purchases of wildlife habitats, lands, or other uses  
15 incidental to hunting, furtaking, and wildlife  
16 resource management. Future rentals and royalties  
17 owed the Commission shall be deposited into the Game  
18 Fund.

19 Oil and gas development will be  
20 regulated by the Commonwealth's Oil and Gas  
21 Regulations and the Commission's Standard Restricted  
22 Surface Use Oil and Gas Cooperative Agreement.

23 MR. LAYTON: Motion to accept.

24 PRESIDENT: Can I get a second?

25 I'll second.

1 Any questions or comments from the  
2 Commissioners?

3 SECRETARY: I have one.

4 PRESIDENT: Commissioner Daley?

5 SECRETARY: I just think it's great  
6 that the way this is written, right away you would  
7 get this 80-acres, which is an indenture to the  
8 State Game Lands and if you look at that that's a  
9 nice fill in.

10 They have what, up to five years that  
11 they can execute this?

12 MR. NEIDEIGH: That's accurate.

13 MR. DALEY: Very good. Nice work.

14 PRESIDENT: Can we get a little  
15 explanation of how this is going to work out so that  
16 people understand we aren't getting the funds?

17 MR. NEIDEIGH: The option, as  
18 Commissioner Daley pointed out, that interior comes to  
19 the Game Commission. Once that transfer takes place,  
20 Seneca has up to five years to enter into a lease  
21 agreement with the Game Commission, so they have that  
22 5-year time period to work out all the details that  
23 they need to do on their end. You can see the terms  
24 of the lease established here in the terms but the 80  
25 acres will transfer to the Commission.

1                   PRESIDENT: Thank you.

2                   MR. LAYTON: So we're really getting  
3 80 acres of land for their option to move on this.

4                   Correct?

5                   MR. NEIDEIGH: Yes.

6                   MR. LAYTON: Okay.

7                   PRESIDENT: Any other questions or  
8 comments? Hearing none, Mr. Secretary, call the vote.

9                   SECRETARY: All those in favor signify  
10 by saying aye.

11 AYES RESPOND

12                   SECRETARY: Anyone opposed no.  
13 Motion carried.

14                   PRESIDENT: Our next working group  
15 meeting date looks like it will be tentatively August  
16 28th.

17                   The next Commission meeting dates are  
18 September 25th and 26th and we will be holding that at  
19 Middle Creek in the southeast region. So that  
20 everyone understands that, we'll make sure that  
21 there's a press release that does let everyone know.

22                   We have a resolution that we would  
23 like to present. Brad, could you read the resolution  
24 for us?

25                   ATTORNEY BECHTEL: Yes.

1                   The Commonwealth of Pennsylvania,  
2 Pennsylvania Game Commission Resolution, Board of  
3 Commissioners: whereas the Conservation Officers of  
4 Pennsylvania Association (COPA) is a 501(c)(3)  
5 charitable organization comprised of active and  
6 retired Conservation Officers and Deputy Conservation  
7 Officers from both the Pennsylvania Fish and Boat  
8 Commission (FBC) and the Pennsylvania Game Commission  
9 (PGC) as well as other conservation minded associate  
10 members.

11                   And whereas certain PGC retirees and  
12 COPA have undertaken the task of fundraising for a  
13 dual facility to help promote history of this  
14 Commonwealth's outdoor heritage.

15                   And whereas the PGC retirees and COPA  
16 have designated this project as the Pennsylvania  
17 Conservation Heritage Museum.

18                   And whereas the PGC has identified the  
19 site in State Game Land 46 in Lancaster County. It is  
20 available and determined compatible with this project.

21                   And whereas the Pennsylvania  
22 Conservation Heritage Museum has been designed to be  
23 added on to an existing visitor's center at the Middle  
24 Creek Wildlife Management Area which hosts roughly  
25 100,000 visitors each year, 6,500 whom have attended

1 educational programs, and 5,000 of whom are from  
2 school groups.

3                   And whereas the new museum at the  
4 visitors center will house items documenting and  
5 preserving our state's rich conservation heritage.

6                   And whereas the architectural plans  
7 for the Pennsylvania Conservation Heritage Museum have  
8 been completed. Electrical, water, and sewage utility  
9 systems already exist on the site at the Middle Creek  
10 Wildlife Area Visitors Center.

11                   Now, therefore, be it resolved that  
12 the Board of Commissioners and the PGC does hereby  
13 support and approve this project, understanding that  
14 the PGC does not currently have the means to  
15 contribute to this endeavor financially. Given under  
16 the hand and seal with the Board of Commissioners and  
17 Pennsylvania Game Commission on this 28th day of - I'm  
18 sorry the 26th day of June 2017.

19                   PRESIDENT: Can I get a motion on the  
20 resolution?

21                   MR. FOX: So moved.

22                   MR. LAYTON: Second.

23                   PRESIDENT: Any questions or comments?  
24 Hearing none, Mr. Secretary, call the vote.

25                   SECRETARY: All those in favor signify

1 by saying aye.

2 AYES RESPOND

3 SECRETARY: Anyone opposed say no.  
4 Carries.

5 PRESIDENT: There will be no - doesn't  
6 look like there's going to be any executive session  
7 after this. The next meeting date is September - well  
8 the next working group meeting is August 28th and the  
9 next Commission meeting is in Middle Creek; we've  
10 already gone over that. At this time, I will adjourn  
11 the meeting.

12 Any comments or questions from the  
13 Commission? Hearing none, we are adjourned.

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16 HEARING CONCLUDED AT 1:37 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President Hoover was reported by me on 6/26/2017 and that I, Payge Miller, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

  
Payge Miller

Court Reporter

