

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

* * * * *

BEFORE: Thomas Grohol, R.W. Schlemmer, Michael
Mitrick, Stanley Knick, Timothy Layton,
Bryan Burhans, Brian Hoover, Brad
Bechtel, Jim Daley, D.J. Putnam, Charles
Fox, Rich Palmer, Members

HEARING: Tuesday, September 26, 2017
1:01 p.m.

LOCATION: 2001 Elmerton Avenue
Harrisburg, PA 17110

Reporter: Amy Warehime

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NONE OFFERED

P R O C E E D I N G S

CHAIR: I'd like to call a meeting of the Pennsylvania Game Commission to order. This is Tuesday, September 22nd. Please rise for the Pledge of Allegiance to the Flag.

(WHEREUPON, PLEDGE OF ALLEGIANCE IS RECITED.)

CHAIR: Mr. Secretary can call the roll.

MR. DALEY: President Hoover?

MR. HOOVER: Here.

MR. DALEY: Vice President Layton?

MR. LAYTON: Present.

MR. DALEY: Secretary Daley's here.
Commissioner Putnam?

MR. PUTNAM: Present.

MR. DALEY: Commissioner Schlemmer?

MR. SCHLEMMER: Present.

MR. DALEY: Commissioner Fox?

MR. FOX: Present.

MR. DALEY: Commissioner Mitrick?
Commissioner Knick?

MR. KNICK: Present.

1 MR. DALEY: All right.

2 Commissioner Mitrick had prior
3 arrangements so he is excused for today.

4 I'd like to introduce everyone to the
5 new commissioner, Commissioner Knick - Knick
6 (changes pronunciation) from the northeast region.

7 I need a motion to approve the minutes
8 of the Commission meeting on June 26th, 2017.

9 MR. SCHLEMMER: So moved.

10 CHAIR: Okay.

11 We got a - we got a motion to second.

12 Any comments? Any corrections?

13 All right. Mr. Secretary would call -
14 call the vote.

15 MR. DALEY: All those in favor say
16 aye.

17 AYES RESPOND

18 Anyone opposed?

19 NO RESPONSE

20 MR. DALEY: No?

21 It passes.

22 MR. BECHTEL: The first amendment
23 coming before the Commission that appears on page
24 two of your agenda is from the Bureau of Wildlife
25 Protection Amend 58 Pa. Code § 147.102.

1 Each year the Commission facilitates
2 the examination of persons seeking a copy falconry
3 permit. Historically, this testing process has only
4 been available from January 1st through June 30th
5 each year. In an effort to provide greater
6 opportunity for falconry applicants, the Commission
7 is proposing to amend § 147.102 relating to
8 application, examination and fees to expand the
9 examination period to year-round testing and to
10 require advance scheduling of examinations.

11 The text is shown on page two of the
12 agenda.

13 CHAIR: Then we have rulemaking Pa.
14 Code 58 §147.102. Do I have a motion?

15 CHAIR: So moved.

16 Do I have a second?

17 MR. SCHLEMMER: Second.

18 CHAIR: Any questions or comments? I
19 do have one.

20 We - during the period this year,
21 apparently, we received more permits or - you know,
22 than we did applicants for the falconry permit.

23 Is that correct?

24 MR. SHOUP: It's my understanding that
25 we had six of those peregrine falcon permits

1 allotted and we had five applicants at this point.

2 CHAIR: We had five applicants?

3 MR. SHOUP: Yes, sir.

4 CHAIR: Is there anything that would
5 prohibit us from extending the - the applicant
6 application period to allow members that previously
7 did apply or couldn't apply to apply?

8 MR. SHOUP: We've already done that.

9 CHAIR: I appreciate that. Thank you.

10 Motion to second on the floor. Any
11 other comments or questions?

12 Mr. Secretary, could you call roll?

13 MR. DALEY: All those in favor signify
14 by saying aye.

15 AYES RESPOND

16 MR. DALEY: Opposed? No?

17 NO RESPONSE

18 MR. BECHTEL: The next item appears on
19 page three of your agenda, adopted rulemaking to
20 amend 58 Pa. Code § 141.1, 141.22 and 141.43 and
21 141.67 to extend the use of air guns and
22 semiautomatic rifles for small game and furbearers
23 to special regulation areas, delete the limiting
24 term centerfire from the manually operated or
25 semiautomatic rifle authorization that was

1 erroneously added in a previous amendment, and
2 relocate and extend the use of air guns and
3 semiautomatic rimfire rifles .22 caliber or less for
4 dispatching legally trapped furbearers caught in a
5 trap during the regular or special firearms deer
6 seasons.

7 The text of this is shown page - pages
8 four through six of your agenda, and I understand
9 that there is a fuller amendment to page five that
10 motion and second in the vote after the main motion
11 has been made and seconded.

12 Can I get a motion?

13 MR. PUTNAM: So moved.

14 CHAIR: Second?

15 MR. FOX: Second.

16 CHAIR: We have a motion to second.

17 Any comments or questions?

18 MR. LAYTON: Yeah, Mr. President, I'd
19 like to make an amendment to this motion and add
20 under § 141.22 under (a)1 a manually operated or
21 semiautomatic rimfire handgun. The firearm must be
22 a .22 caliber or less that propels a single
23 projective ammunition.

24 CHAIR: That get a second?

25 MR. KNICK: I will second that.

1 CHAIR: We have a motion on the floor
2 and an amendment. Any further comments or
3 questions?

4 Mr. Secretary, would you call the
5 vote?

6 MR. DALEY: We're voting on the
7 original proposal. Vote on the amendment, all those
8 in favor say aye.

9 AYES RESPOND

10 MR. DALEY: Anyone opposed?

11 NO RESPONSE

12 MR. DALEY: No?

13 That's carried.

14 CHAIR: Now, we need a - we need a
15 motion and a second. You can call the vote.

16 MR. DALEY: This would be the - the
17 vote on the entire proposal. All those in favor say
18 aye.

19 AYES RESPOND

20 MR. DALEY: Anyone opposed?

21 NO RESPONSE

22 MR. DALEY: No?

23 Carried.

24 MR. BECHTEL: The next item appears on
25 page seven of your agenda. It's to amend 58 Pa.

1 Code § 141.18 related to permitted devices,
2 authorizing the use of electronic decoys used to
3 hunt waterfowl, electronically heated scent, or lure
4 dispensers and electronic devices that generate and
5 distribute ozone gas for scent control purposes.

6 The text is shown on page eight of
7 your agenda and as before, I understand it was also
8 a motion to second after a motion to second the main
9 proposal.

10 CHAIR: Do we have a motion?

11 MR. DALEY: So moved.

12 CHAIR: Then a second?

13 MR. PUTNAM: Second.

14 CHAIR: Any questions or comments?

15 MR. LAYTON: Mr. President, I'd like
16 to make an amendment, if I could. Under § 141.18 I
17 would like to add item (10) which would read
18 electronic duck decoys used solely for hunting duck.

19 CHAIR: We have a motion. Can I get a
20 second?

21 MR. SCHLEMMER: Second.

22 CHAIR: Motion to second on the floor.

23 Any questions on the amendment?

24 Hearing none, Mr. Secretary, can you
25 call the vote?

1 MR. DALEY: So we're voting on the
2 amendment.

3 Correct?

4 CHAIR: Correct.

5 MR. DALEY: All those in favor say
6 aye.

7 AYES RESPOND

8 MR. DALEY: Anyone opposed?

9 NO RESPONSE

10 MR. DALEY: No?

11 That carries.

12 CHAIR: And now would you call the
13 vote on the entire -?

14 MR. DALEY: All those in favor of the
15 entire proposal signify by saying aye.

16 AYES RESPOND

17 MR. DALEY: opposed?

18 NO RESPONSE

19 MR. DALEY: Carried.

20 MR. BECHTEL: The next item before the
21 Commission begins on page nine of your agenda. It's
22 for the Bureau of Wildlife Habitat Management and
23 it's concerning proposed rulemaking amend 58 Pa.
24 Code §§ 135.2 and 135.48 through 135.55 and create
25 Chapter 147, Subchapter AA.

1 The Commission has recently conducted
2 an extensive review of public access to state game
3 lands by persons with mobility challenges. This
4 evaluation included various public meetings and
5 requests for public comment. Based upon the results
6 of this evaluation, the Commission is seeking
7 improvements that will enhance public access to its
8 state game lands by persons with mobility
9 disabilities while simultaneously protecting the
10 wildlife resources and avoidance or minimization of
11 conflicts with other lawful users of the state game
12 lands system. To reach this purpose, the Commission
13 is proposing to amend §§ 135.2 and 135.48 dash
14 135.55, and create Chapter 147, Subchapter AA as set
15 forth on pages 9 through 16 of the agenda.

16 Among other things, these amendments
17 will permit the use of wheelchairs anywhere persons
18 may lawfully walk, define the term mobility devices,
19 provide for the use of mobility devices and motor-
20 vehicles on suitable designated routes on state game
21 lands, and define the parameters of acceptable use
22 of mobility devices on state game lands to avoid or
23 minimize damage to wildlife resources or conflicts
24 with other lawful users of the state game lands
25 system.

1 Again, the text is shown on pages
2 nine.

3 CHAIR: Do I have a motion?

4 MR. PUTNAM: So moved.

5 CHAIR: Do I have a second?

6 MR. FOX: Second.

7 CHAIR: Any questions or comments from
8 the Commissioners?

9 MR. PUTNAM: I'd like to comment on
10 this in that these - these regulations seem pretty
11 simple, but there was an awful lot of work went into
12 it. I don't know how far back we're going, but
13 we've got three or four years of - of staff work
14 getting to this point.

15 And we faced a lot of criticism and we
16 took a lot of hits for a while in this process. But
17 in the end, yesterday, one of our most hardened
18 critics supported everything that we have in this -
19 in this proposal. So the staff really did a good
20 job on it.

21 And this is a difficult issue because
22 the Americans with Disabilities Act, we faced - we
23 could face some pretty serious lawsuits and we were
24 threatened with lawsuits. But the staff really did
25 a good job. The lawsuits are now history and I

1 think we have something that everybody can live
2 with, so very good work director and all of his
3 staff that worked on it.

4 CHAIR: Would you like to expand on
5 some of the vehicles that we're actively working to
6 utilize?

7 MR. SUSSENBACH: Sure.

8 So although there's no, you know,
9 individual definition for the specific type of
10 vehicle, we're looking for vehicles that would
11 provide greater access for individuals with
12 disabilities such as UTVs, you know, four wheel
13 drive, four wheeled types of devices is what we
14 expect to see more of on state game lands.

15 Right now, an individual that is a -
16 is a mobility disabled hunter, they'd be restricted
17 to the use of an ATV. And I think we all know how
18 difficult it is for someone, you know, with some
19 sort of a mobility disability to be able to get on
20 an ATV an operate it.

21 I think this is going to increase
22 opportunities for those individuals and get them -
23 get them into places that they probably haven't been
24 to for quite some time. The application process is
25 relatively easy.

1 And you know, this is just going to -
2 it's going to keep those guys in the game for a much
3 longer period of time, which is what we're all
4 about, making sure that those people are involved in
5 the tradition of hunting, hopefully bringing family
6 members along with them to enjoy the sport as we all
7 do.

8 CHAIR: Thank you.

9 Any other questions or comments?

10 Mr. Secretary, would you call the
11 vote?

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

14 AYES RESPOND

15 MR. DALEY: Opposed, signify by saying
16 no.

17 NO RESPONSE

18 MR. DALEY: Carried.

19 MR. BECHTEL: The next item is Bureau
20 of Wildlife Habitat Management. Real estate
21 Contract Number L-3714, state game land Number 311
22 in Elk County.

23 The Rocky Mountain Elk Foundation is
24 offering to donate three connected parcels of land,
25 totaling 35.32, more or less, acres, located in

1 Benezette Township, Elk County adjoining state game
2 land Number 311, RED 1 on page 18 of your agenda.

3 Tract 1 is 9.84, more or less, acres.
4 Tract 2 is 11, more or less, acres and Tract 3 is
5 14.48, more or less, acres. And they adjoin state
6 game land Number 311.

7 Woodlots consisting of mixed northern
8 hardwoods and conifers are located to the north and
9 in the southeast corner of the properties. The
10 remaining habitat is mostly grass fields
11 interspersed with a few shrubs.

12 Tract 2 has a house and outbuilding
13 suitable for equipment storage. The timber on all
14 three tracts is reserved until August 31st, 2018.
15 The properties will provide prime elk viewing
16 opportunity. Access is from Winslow Hill Road.

17 CHAIR: Do we have a motion?

18 MR. SCHLEMMER: A motion.

19 CHAIR: And a second?

20 MR. FOX: Second.

21 CHAIR: We have a motion to second.

22 Is there any comments or questions?

23 Seeing none, Mr. Secretary, would you
24 call the vote?

25 MR. DALEY: All those in favor signify

1 by saying aye.

2 AYES RESPOND

3 MR. DALEY: Anyone opposed, signify by
4 saying no.

5 NO RESPONSE

6 MR. DALEY:

7 Carried.

8 MR BECHTEL: Next up is also a
9 donation. It appears on page 19 of your agenda,
10 Contract Number L-3715, state game land Number 187,
11 Luzerne County.

12 Benjamin J. Ostrowski is offering to
13 donate 18.8, more or less, acres of land in Dorrance
14 Township, Luzerne County, located west of state game
15 land Number 187, as shown on Exhibit RED 2 on page
16 20 of your agenda.

17 The property is forested with chestnut
18 oak, scrub oak, hickory and maple with blueberry and
19 huckleberry in the understory. The property is
20 landlocked.

21 CHAIR: Do we have a motion?

22 MR. LAYTON: So moved.

23 CHAIR: Second?

24 MR. FOX: Second.

25 CHAIR: Any questions or comments?

1 MR. DALEY: Yeah, I have one.

2 I may know the answer to this, but I'm
3 not sure. From what I can see here, this is maybe
4 butting up against a couple either pipelines or
5 utility, utilities or whatever. Are there any
6 issues associated with that? We're okay with those?

7 MR. SUSSENBACH: There are no issues
8 detected. We have land management staff in the
9 region to go out there and do a land exam in
10 standardized form. They reviewed the site.
11 Everything appears okay with the site.

12 And just to let me clarify for a
13 moment here, you know, it's 18 acres. It is not
14 adjoining game lands. It is not a detriment to game
15 lands, but there is value there with the Interstate
16 81 corridor, this is immediately adjacent to that.
17 It also has a utility right of way through it.

18 You know, the - the real estate
19 division has - has performed some magical feats over
20 the years with small, isolated parcels like this
21 that end up filling out extremely large indentures
22 over time.

23 There will be a need for this
24 property, I can guarantee, at some point in the
25 future. And if we didn't have these types of tracts

1 available out there, it would be very difficult to
2 maybe, at some point, you know, join the two pieces
3 of - of 187 - the primary piece of 187 together.
4 And that may just be the piece that gets us there.

5 CHAIR: Any other comments or
6 questions?

7 We have a motion to second. Mr.
8 Secretary, call to move?

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

11 AYES RESPOND

12 MR. DALEY: Anyone opposed, say no.

13 NO RESPONSE

14 MR. DALEY: It carries.

15 MR. BECHTEL: The next item is also an
16 acquisition. It appears on page 21 of your agenda.
17 It's Contract Number L-3716, state game land Number
18 302 in Greene County.

19 Consol Pennsylvania Coal Company LLC,
20 CNX Thermal Holdings LLC, CNX Land LLC, CNX Gas
21 Company LLC, and Cone Gathering LLC, collectively
22 referred to as CONSOL Parties, are offering 1,536,
23 more or less, acres, of land in Richhill Township,
24 Greene County adjoining and near State
25 Game Land Number 302.

1 The land is being presented at no cost
2 to the Commission through the United States Fish and
3 Wildlife Service as mitigation requirements for
4 impacts to wildlife resources, specifically impacts
5 to Indiana bats, federal and state listed endangered
6 species, and northern long-eared bats, a federal
7 threatened species, for approved permitted
8 activities associated with coal, oil, and natural
9 gas development projects.

10 The land is to be managed in
11 perpetuity in accordance with an Indiana bat
12 management plan approved by the USFWS.

13 CONSOL Parties reserve certain rights
14 in and to the surface of the properties. In
15 addition to the transfer of the properties,
16 CONSOL Parties shall make a one-time payment to the
17 Commission in the amount of \$580,000 for the purpose
18 of creating a stewardship fund for the perpetual
19 management of the properties.

20 The CONSOL Parties shall remove all
21 homes, sheds, garages, barns, outbuildings or other
22 structures located on the properties except those
23 structures required to support permitted activities.

24 1,236, more or less, acres of the
25 1,536, more or less, acres adjoins state game land

1 Number 302 and are bisected by a coal conveyor
2 beltline running north to south, shown on Exhibit
3 RED 3 on page 22 of your agenda.

4 The area outside of the beltline and
5 operating area is forested with mixed hardwoods
6 interspersed with hay fields and reverting old
7 fields. The properties contain known Indiana bat
8 roosting and foraging areas. Owen Run flows through
9 the northern parcels and Crabtree Creek flows
10 through the southern tracts.

11 Multiple access points are available
12 from Walker Hill Road, Ackley Creek Road, Iams Hill
13 Road, Smokey Row Lane, Raymer Road, Nebo Ridge Road,
14 Durbin Road and Braddock Run Road.

15 The remaining 300, more or less, acres
16 are located southeast of state game land Number 302
17 in four tracts as shown in Exhibit RED 4 on page 23
18 of your agenda.

19 The majority of the acreage is
20 forested with mixed hardwoods separated by
21 approximately 65 acres of grass hay fields planted
22 on the gently sloping hillsides and along the
23 roadways. The properties lie within and near the
24 bat occupation area established by the USFWS.
25 Access is from Route 21, Crow Road, and Poland Run

1 Road.

2 CHAIR: Do I have a motion?

3 MR. SCHLEMMER: So moved.

4 CHAIR: Do I have a second?

5 MR. PUTNAM: Second.

6 CHAIR: Any questions or comments from
7 the Commissioners?

8 MR. LAYTON: Yeah.

9 So in principle, what this land is
10 being utilized for is so that we can care for the
11 habitat for the Indiana bat. Is that what I get?

12 MR. SUSSENBACH: That is correct.

13 MR. LAYTON: So more opportunities
14 around this area? Could you go into that just a
15 little bit?

16 MR. SUSSENBACH: Absolutely.

17 While a good section of the actual
18 beltline is fence, there is actually an ample
19 hunting opportunity available on the other side of
20 that. You know, there's - there is really good
21 hardwoods on the property, quite an amount of them.
22 So I'm sure there are small game opportunities as
23 well. Grasslands along the - the beltline in that
24 whole quarter through there.

25 It - it really is an extremely nice

1 property and glad to see it finally made it to the
2 agenda here.

3 MR. LAYTON: So the \$500,000, plus or
4 minus, take care of the needs of that area. This
5 isn't - it's not going to be a money pit is what I
6 mean?

7 MR. SUSSENBACH: Correct.

8 And I - I think that's the unique
9 thing about this acquisition, you know. There was
10 times where we were offered land, you know, and
11 there were restrictions on it. We would take the
12 land with the restrictions.

13 We actually have a mechanism to pay
14 for management activities, to pay for things like
15 payment in lieu of taxes on this specific property.
16 So that - that \$580,000 I think is going to get us a
17 long way. Maybe - may not take us, you know, for
18 the next 1,000 years. But I think it's going to
19 take us for at least the foreseeable future.

20 MR. LAYTON: Thank you.

21 MR. DALEY: I have a question.

22 Look at the map, that beltline's
23 pretty long and I guess part of this property on
24 kind of the east and west side of that. You said
25 that's a fence, so is there any access through and -

1 and under the beltline in place for cars or not?

2 MR. SUSSENBACH: There are some places
3 that the beltline is extremely elevated and there's
4 roads and such that go underneath the beltline. So
5 although it appears entirely bisected here, it is
6 not that way on the ground.

7 CHAIR: Any other questions or
8 comments from the Commission?

9 Seeing none, Mr. Secretary, call the
10 vote.

11 MR. DALEY: All those in favor signify
12 by saying aye.

13 AYES RESPOND

14 MR. DALEY: Opposed, say no.

15 NO RESPONSE

16 MR. DALEY: Motion carried.

17 MR. BECHTEL: The next item page 25,
18 Contract Number L-3717, Northeast Region Office in
19 Luzerne County.

20 Robyn Patryce Hanson Saxton, AKA Robyn
21 P. Albrecht is offering a permanent easement,
22 20-feet wide, traversing the length of her property
23 located at 100 Country Club Lane, Dallas Township,
24 Luzerne County, from Country Club Road to property
25 owned by the Commission, for a right-of-way for the

1 construction, improvement, operation and maintenance
2 of a waterline to service the Commission's Northeast
3 Regional Office, as shown on Exhibit RED 5 on page
4 26 of your agenda.

5 The 0.078, more or less, acres right-
6 of-way is being conveyed to the Commission for a
7 lump sum payment of \$5,200. The Commission is in
8 the process of constructing a new Northeast Region
9 Office building on the parcel of land where the
10 existing office building is located.

11 The existing office is currently
12 serviced by well water and public sewer. And
13 acquiring this easement will allow the Commission
14 the opportunity to use public water at the new
15 Northeast Region Office building location.

16 CHAIR: Do I have a motion?

17 MR. KNICK: So moved.

18 CHAIR: Do I have a second?

19 MR. FOX: Second.

20 CHAIR: Any discussion or comments?

21 Seeing none, Mr. Secretary, would you
22 call the roll?

23 MR. DALEY: All those in favor signify
24 by saying aye.

25 AYES RESPOND

1 MR. DALEY: Anyone opposed?

2 NO RESPONSE

3 MR. DALEY: No?

4 MR. BECHTEL: The next item, exchange
5 is Contract Number L-3718, state game land Number
6 179, Greene County.

7 CNX Land, LLC and Consol Mining
8 Company, LLC, Consol, are offering 177.3, more or
9 less, acres of land in Jackson Township, Greene
10 County, adjacent to state game land Number 179 as
11 the sixth and final tract of land being offered to
12 the Commission in exchange for a License for Right-
13 of-Way for a 16 inch waterline on state game land
14 Number 245 in East Finley and South Franklin
15 Township, Washington County, and a License for
16 Right-of-Way for 69kV overhead electric transmission
17 lines on state game land Number 179 in Jackson and
18 Gilmore Townships, Greene County. That's shown on
19 Exhibit RED 6 on page 28 of your agenda.

20 This Right-of-Way Land Exchange and
21 the previous five tracts of land totaling 221.1,
22 more or less, acres, were approved by the Commission
23 under Contract Number L-3664 at its January 28th,
24 2014, meeting. This final tract of land increases
25 the total acreage to be conveyed to the Commission

1 to a total of 398.4, more or less, acres.

2 This final 177.3, more or less, acres
3 offered by CNX and Consol will serve to expand the
4 acreage of state game land Number 179 in an area
5 where mining activities have limited hunter access
6 in recent years. The majority of the tract is
7 hardwood forest with pole stage and some larger
8 marketable timber, but also includes over 30 acres
9 of shrub lands and reverting old fields.

10 A two-acre impoundment has been
11 constructed on the unnamed tributary to Tom's Run
12 that splits the tract north and south, and over five
13 acres of emergent wetlands are present along the
14 floodplain just upstream of the impoundment.

15 Access is available via Jones Road,
16 T-428, which bisects the southern third of this
17 tract.

18 CHAIR: Do I have a motion?

19 MR. LAYTON: So moved.

20 CHAIR: Do I have a second?

21 MR. SCHLEMMER: Second.

22 CHAIR: Any questions or comments?

23 Seeing none, Mr. Secretary can call
24 the vote.

25 MR. DALEY: All those in favor signify

1 by saying aye.

2 AYES RESPOND

3 MR. DALEY: Anyone opposed?

4 NO RESPONSE

5 MR. DALEY: No?

6 Carried.

7 MR. BECHTEL: The next item appearing
8 on page 29 of your agenda is Contract Number L-3719,
9 state game land Number 223 in Greene County.

10 Dana Mining Company of Pennsylvania,
11 LLC, Dana, is offering a total of 58.5, more or
12 less, acres of land comprised of two tracts located
13 in Dunkard Township, Greene County adjacent to state
14 game land Number 223, shown in Exhibit RED 7 on page
15 30 of your agenda, in exchange for a License for
16 Right-of-Way, a license, to Dana granting the
17 privilege of constructing, operating, maintaining
18 and removing a waterline across state game land
19 Number 223 in Dunkard Township, Greene County.

20 Dana has agreed to cause to convey
21 this land to the Commission in addition to paying
22 the Commission's standard habitat, surface and
23 timber damages, as well as paying the Commission's
24 standard annual license fee, so long as the license
25 remains active.

1 The license authorizes approximately
2 1,725 feet of 11-inch diameter waterline and
3 associated communications line. Both to be covered
4 with a minimum of three feet of soil, in a ten-foot
5 wide right-of-way shown on Exhibit RED 7, also shown
6 on page 30.

7 Dana is also authorized to use and
8 reclaim approximately 1.19 acres of temporary
9 workspace outside of the right-of-way for initial
10 construction and reclamation.

11 The contiguous tracts offered by Dana
12 are located adjacent to state game land Number 223
13 and will serve to improve public access by extending
14 the game lands south to Bald Hill Church Road,
15 S.R.2021, and Dunkard Creek.

16 The habitat is mostly hardwood forest
17 with pole stage and some larger marketable timber.
18 There is a dense shrub understory throughout and
19 approximately one acre of reverting old field.
20 Titus Run crosses the northern tract and a smaller
21 unnamed tributary to Dunkard Creek flows from the
22 northern tract and discharges into Dunkard Creek
23 within the southern tract.

24 A portion of the northern tract is
25 bisected by an overhead electric distribution line

1 right-of-way and will also be crossed by the
2 waterline.

3 CHAIR: Do I have a motion?

4 MR. LATON: So moved.

5 CHAIR: Do I have a second?

6 MR. PUTNAM: Second.

7 CHAIR: Any questions or comments from
8 the Commission?

9 MR. DALEY: I have one.

10 CHAIR: Go ahead.

11 MR. DALEY: Looking at this Exhibit
12 RED 7, it looks like a lot of this area has been
13 previously mined, any issues with the mine itself or
14 how far along it's been an issue there?

15 MR. SUSSENBACH: Correct.

16 There is a large portion of that that
17 was mined out fairly recently, from what I
18 understand. I'll have to defer to Dennis if he
19 knows an exact time line of when that was reclaimed.

20 Dennis, are you aware of that?

21 DENNIS: No.

22 MR. SUSSENBACH: Yeah, I'm not exactly
23 sure about the - the timeline -.

24 MR. DALEY: But we're not dealing with
25 any kind of acid runoff or any ---?

1 MR. SUSSENBACH: That is - that is
2 correct. None were identified by the region when
3 they went out there and did their -.

4 CHAIR: I do have a question.

5 We see these come up every so often.
6 We have now a communications line, the game lands.
7 Is that coming from the well on the game lands?

8 MR. SUSSENBACH: Negative, not in this
9 case.

10 The unique thing about this is, you
11 know, the - although we're - we're getting some
12 acreage out of this, we're also - we're also going
13 to have our standard right-of-way licensing fees,
14 etcetera, into the future. So, if there is any
15 movement of liquids or anything like that, I don't
16 believe there are any in this - let me just read
17 here real quick - just the water line is what I'm
18 reading.

19 CHAIR: Thank you.

20 MR. SUSSENBACH: It starts with the
21 mining operation and the intent is not to discharge
22 that material directly into the creek.

23 CHAIR: Okay.

24 MR. SUSSENBACH: But you know, they've
25 - they've got permits in place to move that directly

1 over to the river. So, in an attempt to, you know,
2 abate the - the discharge into the actual small
3 tributary.

4 CHAIR: I guess that answers the
5 question. Thank you.

6 Any other questions or comments?

7 Hearing none, Mr. Secretary will call
8 the roll - call the vote.

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

11 AYES RESPOND

12 MR. DALEY: Opposed, say no.

13 NO RESPONSE

14 MR. DALEY: It carries.

15 MR. BECHTEL: The next item on page 31
16 of your agenda is from Oil, Gas and Minerals in a
17 Non-Surface Use Oil and Gas Cooperative Agreement on
18 Tract 189A-17, state game land Number 189, Beaver
19 County.

20 Range Resources Appalachia, LLC, or
21 Range, requested the Commission offer its oil and
22 gas ownership under a 223.2 acre portion of state
23 game land Number 198 (sic) for oil and gas
24 development.

25 The proposed tract is located in

1 Hanover and Independence Townships, Beaver County,
2 as shown on Exhibit OGM 1 on page 32 of your agenda.

3 Range has the only privately-owned
4 oil/gas lease hold positions in and around the
5 entirety of state game land Number 189. Range has
6 also initiated unconventional well drilling and
7 development programs in the vicinity of the proposed
8 tract and has the ability to unitize the
9 Commission's oil and gas reserve by horizontal
10 drilling with no surface disturbance to the proposed
11 state game land tract.

12 The OGM staff has negotiated the terms
13 of the proposed agreement with Range to prudently
14 develop the Commission's oil and gas reserves, while
15 simultaneously safeguarding the wildlife resources
16 and recreational uses of state game land Number 189.

17 The terms of the agreement are a five
18 year paid up non-surface use oil and gas agreement,
19 a \$3,500 per acre bonus payment, a 20 percent
20 royalty for all oil, gas and other liquid - liquids
21 or condensates produced and sold from the proposed
22 tracts which are owned by the Commission.

23 The bonus payment of \$781,200 may be
24 deposited into the Game Fund or into an interest
25 bearing escrow account for the future purchase of

1 wildlife habitats, lands or other uses incidental to
2 hunting, furtaking and wildlife resource management.

3 Future rentals and royalties owed the
4 Commission shall be directly deposited into the Game
5 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 CHAIR: Could I have a motion?

11 MR. LAYTON: So moved.

12 CHAIR: Could I have a second?

13 MR. FOX: So moved.

14 CHAIR: Any questions or comments from
15 the Commissioners?

16 Hearing none, Mr. Secretary, call the
17 vote.

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

20 AYES RESPOND

21 MR. DALEY: Opposed?

22 NO RESPONSE

23 MR. DALEY: No?

24 That carries.

25 CHAIR: Is there any other old

1 business to come before the Commission before we
2 move forward?

3 MR. DALEY: Mr. President, I believe
4 back in - and I'm trying to remember exactly -
5 March, I think it was, there was a request by Fisher
6 Mining to move into a new area of mining. We had
7 asked our staff to look into whether prior
8 commitments have been met before we were to vote on
9 that, and I think that was to come up in today's
10 meeting.

11 So I'd like the staff and whoever's
12 the appropriate person to report back to us the
13 report that you made. Would that be you, Pete or -?

14 MR. SUSSENBACH: I'd believe we'd ask
15 to defer to legal counsel to answer that question.

16 MR. DALEY: Okay.

17 MR. BECHTEL: Since I believe it was
18 March. And since March we have diligently been
19 working with Fisher Mining. We talked to them as
20 recent as today. There has been some progress that
21 has been made on several issues in fact. And in
22 fact, I believe I will be talking with them next
23 week to discuss some notes.

24 So I guess the answer is there has
25 been progress. If you're asking if everything is

1 settled as of today I would have to say no. But
2 yes, we've definitely made progress. And recently.

3 CHAIR: With that being said we did
4 table their request. I would ask for a motion to
5 table the request another six months. Could I have
6 a motion?

7 BOARD MEMBER: So moved.

8 CHAIR: Do I have a second?

9 BOARD MEMBER: So moved.

10 CHAIR: Any other questions or
11 comments for the Commissioner?

12 MR. LAYTON: Yeah.

13 Maybe amend that motion to table until
14 our January meeting as opposed to six months. So
15 that if any progress has been made we can re-address
16 it at that point.

17 CHAIR: Okay. All right.

18 There is a motion to amend the motion
19 from six months to January. Do I have a second on
20 Tim's motion?

21 BOARD MEMBER: Seconded.

22 CHAIR: All right.

23 Any other questions or comments?

24 Okay.

25 Mr. Secretary, would you call the vote

1 on the vote on the amended motion?

2 MR. DALEY: Okay.

3 So, the amendment now that we would
4 table this until our January commission meeting.
5 All in favor signify by saying Aye.

6 AYES RESPOND

7 MR. DALEY: Opposed, say no.

8 NO RESPONSE

9 MR. DALEY: No?

10 The motion carries.

11 CHAIR: Call a motion for the
12 original?

13 MR. DALEY: I'll call a vote for the
14 original version.

15 MR. LAYTON: All right.

16 Now, we'll vote on the amended motion.
17 All those in favor signify by saying aye.

18 AYES RESPOND

19 MR. DALEY: Opposed?

20 NO RESPONSE

21 MR. DALEY: It carries.

22 CHAIR: As we all know, today I think
23 this meeting is the last meeting for two of our
24 commissioners, Robert Schlemmer and Dave Putnam.
25 And I know that we have a couple of items for each

1 of you listed. And I'll ask that Bob come down
2 first and we'll have a little opportunity to hear
3 you for a second.

4 I just want to thank you for the many
5 years, the last eight years of hard work as a
6 Commissioner. I know it's very difficult at times.
7 I know we've gone through some ups and downs in the
8 Commission over the last eight years. But you've
9 become a very good friend and you've done a lot of
10 work for the agency and I just want to congratulate
11 you on that. Thank you.

12 MR. SCHLEMMER: Give me one moment.

13 CHAIR: Absolutely. Take a few
14 moments.

15 MR. SCHLEMMER: All right.

16 It's a little tough today. First of
17 all, it's been an honor and a privilege to serve
18 with the fine people of the Pennsylvania Game
19 Commission. And I mean that from the bottom of my
20 heart. If I could read a few things here just to
21 keep track of what I was thinking about. Allow me
22 to put my cheaters on.

23 Everything starts with a story. It
24 all started with a bear 45 years ago. My family was
25 at a bear camp up in Cameron County with my dad and

1 Jim Scott, who later became a deputy. They were
2 ahead of me at daybreak on the mountain, a 175-pound
3 bear was taken and we were back at camp at eight
4 o'clock in the morning. The bear needed to be
5 checked in those days by a game warden.

6 So, when we got home we called an old-
7 fashioned game warden, and you may remember his
8 name. He's still around. His name as Sam Bigfoot
9 Lockerman. And I'm sure there's a few here yet that
10 know Sam. I asked him while he was here checking
11 the bear, I asked him what his work entailed.

12 He looked at me and said I'll pick you
13 up Friday night at eight o'clock, dress warm. Well
14 it's a good thing I dressed warm. He took me out
15 and he got the highest ground, there was snow
16 flying. He wound the windows down, wouldn't turn
17 the heater on. He said you can't hear shots with
18 the windows open. And I froze and he wrapped
19 himself in an Indian blanket all night long.

20 I got home at daybreak, frozen, tired
21 and hooked. Okay, that's the best way I can put it.
22 Deputy training took place out of the southwest
23 office of Ligonier. The next 37 years were some of
24 the most interesting and exciting times of my life.
25 Also during that time, I had an opportunity to serve

1 as chairman of the governor, Governor Rendell's
2 advisory counsel for hunting, fishing and
3 conversation. And a special thanks to Rob Miller,
4 thanks Rob for that opportunity. I appreciated
5 that.

6 We've come a long way. And I mean we,
7 working together and now communicating with all
8 parties who manage the resources in the
9 Commonwealth. And I'd like to say a special thanks
10 at this time to Senator Jim Bruster, Senator Don
11 White and Senator Richard Alloway who worked with
12 me. And I appreciated that very, very much. And if
13 you get an opportunity to see them before I do,
14 please thank them for me.

15 Josh, are you listening? Where'd he
16 go? Okay. Thank you.

17 I'm going to read a little bit here
18 about names. I'd like to mention a few of the folks
19 that came along with me. Sam Lockerman, who started
20 it all. All the selfless deputies that I had the
21 privilege to work with including with staff and the
22 following WCOs from the beginning. Sam Lockerman
23 first, Barry K. Moore, Don Smith, Gary Toward and
24 finally Seth Mesoras, from the office, Brian Singer,
25 retired Pat Anderson and current regional manager

1 Tom Fazi. And Legislative Liaison Josh Zimmerman.

2 Retired E.D., Matt Hough, I appreciate
3 everything. Current Deputy Director Rich Palmer,
4 Tom Grohol, Dot Derr, Steve Smith, Pete Sussenbach,
5 Diana Vance, Randy Shoup, Robert Boyd, Travis Lau.
6 And if I miss - if I miss somebody here don't throw
7 me under the bus, please. Wayne Laroche, Bob
8 D'Angelo, who thinks he's my brother or whatever. I
9 have heard that ever since I got here.

10 And a couple special ladies, Denise
11 and Lydia, who held things together for me. Okay.
12 They kept the paperwork going. I really appreciated
13 everything, for real. Our legal beagle, Brad
14 "Crowman" Bechtel. There you go. Thank you. He
15 taught me about crows. He told me they were the
16 smartest animals out there.

17 MR. BECHTEL: Birds.

18 MR. SCHLEMMER: Thank you, sir.

19 Last but not least to mention, Hal
20 Korber, who I've harassed for eight years. Oh,
21 there he is. Hi. I'm going to steal that.

22 My best wishes go out to our new E.D.,
23 Bryan Burhans, who I had the opportunity to meet and
24 work with. To the Commissioners past and present
25 that I've had the privilege to work with I thank

1 you. We together made changes and some good things
2 happened. Together. It wasn't about me at all.
3 Zero.

4 And the wheel goes around and here
5 we're going to get game wardens back again. And I
6 think that's the most wonderful thing. And finally,
7 thanks to my family who have always supported me.
8 And they all participate in the outdoors. I just
9 recently had a granddaughter graduate from Penn
10 State in wildlife. She hunts and she took three
11 bears with a bow.

12 Thank you all for the opportunity to
13 serve. Finally, thank you, Janet.

14 CHAIR: With that I'd like to bring
15 Putnam down with his book. I'm sure he's got one
16 written. Dave has been an asset that will be very
17 hard to replace. And I replace that those in the
18 power understand that he's served a need in this
19 Commission over the last eight years. And the for
20 the last five years although we always didn't agree
21 we certainly found common ground and made the
22 Commission much better than it was years ago. So, I
23 ask that whoever replaces you at least tries to come
24 close. Dave Putnam.

25 MR. PUTNAM: I have a few prepared

1 remarks. We'll try to take an intermission after
2 about an hour, maybe an hour and a half. Yes, go
3 out and go to the bathroom and bring something to
4 eat. Go ahead.

5 First, I think I just hit on
6 everything Bob said. I'm not going to name
7 everybody. But everybody that Bob said and more was
8 very important to me during my time here. I - it's
9 just so exciting to be part of a winning team. And
10 that's - that's the Pennsylvania Game Commission.

11 Now, you can get picked for a lot of
12 teams and I've worked with a lot of state agencies.
13 I've worked in a lot of different agencies. But
14 I'll always say they didn't get first pick. The
15 Game Commission did. At the time, it was 5,000
16 people applying for our training class. And now
17 there might still be 5,000 if they would let us take
18 that many.

19 I think to put things in perspective,
20 Bob was only associated with the Commission for 25
21 years. That puts him in the junior category because
22 I've got 24 more years on top of him. I've been
23 associated with the Game Commission longer than
24 anybody here because I was born when my father was
25 in the training school.

1 I was the fly on the wall for 30
2 walls, listening to all these conversations and all
3 these people that Bob mentioned, like Sam Lockerman.
4 Many of those legendary guys sat in our kitchen and
5 they would be plotting and planning and coming with
6 the next - the next big thing. I knew all these
7 executive directors from Glenn Bowers on.

8 I not just knew them but they would
9 know me. I've been in their - I was in every
10 executive director's office. We sat down and had a
11 beer together, with most of them. So, I've got a
12 long association with the Game Commission. And when
13 I got - when I finally got selected as commissioner
14 it's like we have a two-day orientation.

15 And I said, you know, I think I pretty
16 much know what's going on, let me just get by on one
17 day. But I will tell you I learned a huge amount.
18 I'll tell you about my history. I've worked for the
19 Game Commission, you know, I have been management
20 and I knew every one of the biologists for many
21 years. But boy, I still learned a lot.

22 And I learned about all the good
23 things that we do. We talk about our management
24 fields. I mean, every one of those fields is huge.
25 We just approved one 700ths of an acre. We probably

1 had much on that 700ths that you do on some of the
2 really big ones. But ultimately in the last eight
3 years we've approved a huge amount of land deals and
4 every one of them is special.

5 I mean, you know, if you look at other
6 state agencies. When we were at Millcreek yesterday
7 and that was purchased with project spending money.

8 Well other agencies have project spending money.
9 Nobody got the land but the Game Commission did, the
10 dollar value of the land that the Game Commission
11 did. Because other agencies will sit back and, well
12 what the heck, it's government money, I don't care.
13 We'll just take it. But our guys, every one of them
14 is out there working to get the most they can for
15 the resource.

16 Let's see here. The biggest thing,
17 again, is everybody in this agency is passionate
18 about what they do. If you're going to work with -
19 if you're going to get picked for a team and you're
20 sitting there, who wants to be picked for the losing
21 team? The Game Commission is winners, from top to
22 bottom. I know the WCOs are maybe what the public
23 sees and think that the WCOs are all there is to the
24 agency. But from top to bottom, this agency from
25 top to bottom.

1 And you know, the passion and
2 dedication is just unmatched in any other agency.
3 And I thinks that's - that pretty much covers what
4 I've got to say. People say are you going to miss
5 this. You know, I've been associated with the Game
6 Commission my entire life and I don't anticipate not
7 being associated with the Commission.

8 I won't be sitting up here and I won't
9 be voting. But in my past, I get involved in
10 getting a fair amount of money for the Game
11 Commission through various grants and things. I'm
12 going to continue doing that. So I'm hoping to see
13 most of you all again sometime. And it's been a
14 real pleasure to be here. Thank you.

15 And I'll be back after a brief
16 intermission.

17 CHAIR: Is there any other new
18 business to come before the Commission? Seeing
19 none, the next work and group meeting date will be
20 December 18th. The next Commission meeting date
21 will be January 28th, January 28th, 29th and the
22 30th. There is no executive session scheduled.
23 There will be a press meeting following the
24 conclusion. And at this point unless anyone else
25 has anyone to say I'll accept a motion to adjourned.

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BOARD MEMBER: So moved.

CHAIR: Seconded by?

BOARD MEMBER: Seconded.

CHAIR: Mr. Secretary.

MR. DALEY: All those in favor say

Aye.

AYES RESPOND

MR. DALEY: Anyone opposed?

NO RESPONSE

MR. DALEY: No?

It carries.

CHAIR: Thank you.

* * * * *

HEARING CONCLUDED AT 1:52 P.M.

* * * * *

CERTIFICATE

1 I hereby certify that the foregoing proceedings,
2 meeting held before Member Grohol was reported by me
3 on 9/26/17 and that I, Amy L. Warehime, read this
4 transcript, and that I attest that this transcript is
5 a true and accurate record of the proceeding.

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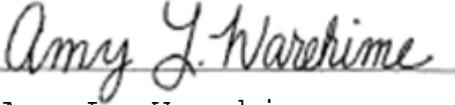
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Amy L. Warehime

Court Reporter