

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

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IN RE: QUARTERLY MEETING

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BEFORE: BRIAN H. HOOVER, President
Timothy S. Layton, Vice-President
James R. Daley, Secretary
Charles E. Fox
Michael F. Mitrick
Stanley J. Knick, Jr.

HEARING: Tuesday, January 30, 2018
8:30 a.m.

LOCATION: Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110

ADDITIONAL SPEAKERS: Peter Sussenbach, Randy Shoup,
Mike DiMatteo, Ian Gregg

Reporter: Bernadette M. Black

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BRAD C. BECHTEL, ESQUIRE
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17110
Counsel for Game Commission

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PRESIDENT HOOVER: I'd like to bring the meeting of the Commissioners January 30th to order. Please rise and pledge allegiance to the flag.
RECITES PLEDGE OF ALLEGIANCE

PRESIDENT HOOVER: Take a moment and silence your phones, please. Mr. - Mr. Secretary, would you call the roll?

SECRETARY DALEY: Brian Hoover?

PRESIDENT HOOVER: Here.

SECRETARY DALEY: Vice-President Layton?

VICE PRESIDENT LAYTON: Here.

SECRETARY DALEY: Secretary Daley is here. Commissioner Fox?

COMMISSIONER FOX: Here.

SECRETARY DALEY: Commissioner Mitrick?

COMMISSIONER MITRICK: Here.

SECRETARY DALEY: Commissioner Knick?

COMMISSIONER KNICK: Here.

PRESIDENT HOOVER: Thank you. At this time, I'll entertain a motion to approve the minutes of the Commission meeting held on September 26th.

1 VICE PRESIDENT LAYTON: So moved.

2 COMMISSIONER FOX: Second.

3 PRESIDENT HOOVER: We have a motion
4 and a second. Any discussion? Hearing none, Mr.
5 Secretary, would you call a vote?

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

8 AYES RESPOND

9 SECRETARY DALEY: Opposed say no.
10 Ayes have it.

11 ATTORNEY BECHTEL: Today, the first
12 thing that will come before the Commission in the
13 agenda is from the Bureau of Wildlife Management.
14 It's proposed rulemaking to amend 58 Pa. Code Section
15 139.4 relating to Pennsylvania bag limits for the
16 license year to provide updated seasons and bag limits
17 for the 2018/2019 license year.

18 The 2018/2019 seasons and bag limits
19 have been amended to reflect current available
20 scientific data, population and harvest records, field
21 surveys and special staff observations as well as
22 recommendations received from staff, organized
23 sporting groups, members of the agricultural community
24 and others interested in the management of the
25 wildlife resources of this Commonwealth.

1 In regard to small game season, the
2 staff is proposing to eliminate the hen pheasant
3 restriction in WMUs 2A, 2C, 4C and 5B. Staff has
4 determined that allowing harvest of both male and
5 female pheasants in these WMUs is appropriate because
6 they do not contain Wild Pheasant Recovery Areas.
7 There is no evidence that these units are capable of
8 sustaining huntable populations of wild pheasants
9 under current landscape habitat conditions,
10 and either sex hunting would provide additional
11 hunting opportunity, especially for youth hunters, and
12 allow for more efficient use and distribution of game
13 farm pheasants.

14 The male only restriction would
15 continue in WMUs 4E and 5A, which contain active Wild
16 Pheasant Recovery Areas. In regards to black bear
17 season, staff is recommending a new four-day extended
18 firearms seasons in WMUs 4A and 5A and an increase
19 from four to six days in the length of the extended
20 firearms season in WMU 3A.

21 These changes are intended to prevent
22 increases in bear populations and
23 bear/human conflicts within these WMUs.

24 For furbearers, staff is proposing
25 that 2 WMUs, 4B and 4C, be opened to fisher trapping.

1 Fisher population indices in these units are
2 comparable to those in other units where fisher
3 harvest is occurring sustainably, and staff
4 and constituents have recommended this expansion of
5 harvest opportunity.

6 There are no proposed changes in
7 turkey, deer, or elk seasons.

8 The text of this proposal is on pages
9 three through ten of your agenda.

10 PRESIDENT HOOVER: We have in front of
11 us proposed rulemaking for seasons and bag limits. Do
12 we have a motion to accept?

13 VICE PRESIDENT LAYTON: So moved.

14 PRESIDENT HOOVER: And do I get a
15 second?

16 COMMISSIONER KNICK: Second.

17 PRESIDENT HOOVER: These are
18 preliminary seasons and bag limits. Is there any
19 discussion?

20 VICE PRESIDENT LAYTON: I just have a
21 question for you. With regard to opening up both sex
22 hunting, 2A, 2C, 4C and 5B, did we check with all the
23 local type of guys? Are they okay with that even
24 though - because I know I had some conversations with
25 some and they said, you know, we'd still like to see

1 the restriction because, you know, there's still some
2 reproduction going on. What's your feedback?

3 MR. GREGG: Wild pheasant numbers
4 aren't zero in that area, but they are very low. We
5 have had some contact with - personally, I talk more
6 to the state chapter more than the local chapter. At
7 least at the state chapter level, I think they see the
8 writing on the wall with these populations and are
9 supportive of the overall increase in overall
10 recreation. And certainly individual landowners will
11 still have the opportunity to not allow pheasant
12 hunters, not allow them to be shot on their property.

13 VICE PRESIDENT LAYTON: Yeah. Because
14 quite honestly, the holdover is generally on private
15 property.

16 MR. GREGG: Correct.

17 VICE PRESIDENT LAYTON: Great. Thank
18 you.

19 PRESIDENT HOOVER: Any other
20 questions, comments? All right. We have a motion and
21 a second. Mr. Secretary, call the vote.

22 SECRETARY DALEY: All those in favor
23 of accepting the seasons as proposed say aye.

24 AYES RESPOND

25 ATTORNEY BECHTEL: Anyone opposed say

1 no. The motion carries.

2 ATTORNEY BECHTEL: The next item is a
3 proposal to amend 58 Pa. Code Section 141.28. The
4 Somerset Wild Pheasant Recovery Area, or WPRAs, was
5 established by the Commission in 2009. From 2009 to
6 2011, 964 wild pheasants were trapped and transferred
7 to the WPRAs and annual population and habitat
8 monitoring have continued through 2017. Population
9 surveys show that current wild pheasant numbers in
10 this WPRAs are very low and much lower than the initial
11 population at the conclusion of releases.

12 Staff have concluded that due to
13 habitat conditions, weather severity or a combination
14 of these factors, a huntable wild pheasant population
15 is not achievable or sustainable on this WPRAs, and
16 that in keeping with guidelines established in the
17 Pennsylvania Ring necked Pheasant Management Plan for
18 unsuccessful WPRAs, the Somerset WPRAs should be
19 dissolved and the area should be reopened to either
20 sex pheasant hunting and to the stocking of game farm
21 pheasants. The text is shown on page 11.

22 PRESIDENT HOOVER: Do I have a motion?

23 COMMISSIONER FOX: So moved.

24 VICE PRESIDENT LAYTON: Second.

25 PRESIDENT HOOVER: Any questions or

1 comments?

2 VICE PRESIDENT LAYTON: Yeah. I think
3 I'd just like to say, Mr. President, that we fought
4 the good fight. We - we tried it down in Somerset and
5 it just didn't work out. The - the people that were
6 helping out with the - the WPRA realized that it
7 wasn't going anywhere, and they've accepted the fact
8 that the WPRA has got to go.

9 So appreciate the staff and everything
10 they've done down there, the people down in the region
11 who worked hard to try to make that work, but it's
12 just one of those areas that we - we can't do, so -.

13 PRESIDENT HOOVER: I do have a
14 question on stocking birds. As these birds are in the
15 WPRA not necessarily on state game lands if I'm
16 correct, we're not stocking birds on top of them then.

17 Correct?

18 I mean, when we dissolve the WPRA are
19 we going to continually - are we going to put birds on
20 top of these birds?

21 MR. GREGG: Well, that would depend on
22 how those areas fit within the stocking protocol. And
23 I'm not sure, Bob, if you know if that's been
24 evaluated at all. The place is actually suitable for
25 stocking within what's currently the WPRA.

1 MR. BOYD: It would be stocking mostly
2 on public land, particular game lands, maybe some
3 other access properties if they meet the size and
4 habitat requirements we can stock there, but I don't
5 know that that occurs on the WPRA in Somerset and
6 private land.

7 PRESIDENT HOOVER: Okay.

8 So there is a possibility that these
9 birds will remain and continue to produce?

10 VICE PRESIDENT LAYTON: They're all -
11 they're all on private land.

12 PRESIDENT HOOVER: Right.

13 VICE PRESIDENT LAYTON: Yeah.

14 PRESIDENT HOOVER: That's my point.
15 Okay.

16 Thank you. Any other questions or
17 comments? Hearing none, Mr. Secretary, could you call
18 a vote?

19 SECRETARY DALEY: All those in favor
20 say - yeah, all those in favor signify by saying aye.

21 AYES RESPOND

22 SECRETARY DALEY: Opposed say no. The
23 motion carries.

24 ATTORNEY BECHTEL: The next item is
25 from the Bureau of Wildlife Protection. This concerns

1 adopted rulemaking to amend 58 Pa. Code Section
2 147.102 relating to application, examination and fees
3 to expand the falconry examination period to year
4 round testing and to require advanced scheduling of
5 examinations. The text is shown on page 13 of your
6 agenda.

7 VICE PRESIDENT LAYTON: So moved.

8 COMMISSIONER MITRICK: Second.

9 PRESIDENT HOOVER: Any questions or
10 comments from the Commissioners? Hearing none, Mr.
11 Secretary, call the vote.

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

14 AYES RESPOND

15 SECRETARY DALEY: Opposed say no.
16 Carried.

17 ATTORNEY BECHTEL: The next item is
18 the proposed rulemaking to amend 58 Pa. Code Section
19 141 appendix G relating to hunting hours to replace
20 the current hunting hours table and migratory
21 bird hunting hours table to accurately reflect the
22 dates and hours of legal hunting for the 2018/2019
23 hunting license year.

24 The Commission is also
25 proposing to amend Section 141.4, relating to hunting

1 hours, by eliminating the hunting hours closure of
2 mourning dove season prior to noon during the first
3 mourning dove season.

4 The Commission has progressively
5 expanded the length of the first mourning dove season
6 over the past few years and has determined that a
7 simplified hunting hours standard is preferred over a
8 split hunting hours structure or an extension of the
9 restricted hunting hours period during the now longer
10 first mourning dove season.

11 The elimination of this text will
12 cause hunting hours for mourning dove hunting to
13 default to the hunting hours standard for migratory
14 birds. One half hour before sunrise until sunset.
15 The text is shown on pages 14 through 16 of your
16 agenda.

17 PRESIDENT HOOVER: Do I have a motion?

18 COMMISSIONER KNICK: So moved.

19 VICE PRESIDENT LAYTON: Second.

20 COMMISSIONER FOX: Second.

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

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

1 AYES RESPOND

2 SECRETARY DALEY: Opposed say no.
3 Carried.

4 ATTORNEY BECHTEL: The next item is to
5 amend 58 Pa. Code Section 141.43, 141.44 and 141.47.
6 In an effort to expand hunting opportunities within
7 the Commonwealth, the Commission is proposing to amend
8 those sections to authorize the use of semiautomatic,
9 centerfire shotguns for firearms deer, bear and elk
10 seasons.

11 The Commission has historically
12 permitted the use of semiautomatic shotguns for deer
13 and bear seasons within most areas defined as special
14 regulations areas. The Commission is proposing to
15 extend this authorization to the remainder of the
16 Commonwealth. The text is shown on pages 17 and 18 of
17 your agenda.

18 PRESIDENT HOOVER: Can I get a motion?

19 COMMISSIONER FOX: So moved.

20 PRESIDENT HOOVER: Second?

21 VICE PRESIDENT LAYTON: Second.

22 PRESIDENT HOOVER: Any questions or
23 comments from the Commissioners? I will make one.
24 The use of semiautomatic shotguns has been in - in
25 effect in the special regulations area for over 30

1 years without incident, so this - this move just opens
2 it up to the rest of the state and allows the rest of
3 the hunters to use some of the current weapons that
4 are available that are very accurate.

5 So I think it's a very good
6 progression forward. Any other questions or comments?
7 Hearing none, Mr. Secretary, call the vote.

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

10 AYES RESPOND

11 SECRETARY DALEY: Opposed say no.
12 Carried.

13 ATTORNEY BECHTEL: The next item is a
14 proposal to create 58 Pa. Code, Section 141.29
15 relating to hunting mourning doves over managed
16 fields. To authorize the hunting and taking of
17 mourning doves in areas where grain or other feed has
18 been distributed or scattered solely as a result of
19 manipulation of an agricultural crop or other feed
20 where grown.

21 This authorization will not authorize
22 the hunting of any other species in these managed
23 areas. The text is shown on page 19 of your agenda.

24 PRESIDENT HOOVER: Do I have a motion?

25 COMMISSIONER MITRICK: So moved.

1 PRESIDENT HOOVER: Second?

2 COMMISSIONER KNICK: Second.

3 PRESIDENT HOOVER: We have a motion
4 and a second. Any questions or comments? Hearing
5 none, Mr. Secretary, call a vote.

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

8 AYES RESPOND

9 SECRETARY DALEY: Opposed no.
10 Carried.

11 ATTORNEY BECHTEL: The next proposal
12 the Commission is proposing to amend Section 147.316
13 and 147.317 relating to application and permit to
14 require junior hunters to obtain a free pheasant
15 hunting - to obtain a free pheasant permit to hunt
16 pheasants within the Commonwealth.

17 The Commission is also proposing to
18 amend Section 147.317 to exempt additional individuals
19 from the pheasant permit requirement, including
20 individuals currently exempted from licensure by
21 statute and also individuals hunting and taking
22 privately acquired propagated pheasants on private
23 lands.

24 This latter change will allow
25 privately acquired pheasants to be hunted and killed

1 on private property without requirement of a pheasant
2 permit or its associated fee. This exemption will not
3 apply to private lands designated by agreement as
4 cooperative access lands.

5 This exemption will also require that
6 any pheasants hunted, taken or possessed under this
7 paragraph must be banded, tagged, marked or receipted
8 in accordance with the requirements of Section 2930 of
9 the Act relating to propagation permits. The text is
10 shown on pages 25 and 26 of your agenda.

11 PRESIDENT HOOVER: Do we have a
12 motion?

13 COMMISSIONER KNICK: So moved.

14 PRESIDENT HOOVER: Do I have a second?

15 COMMISSIONER MITRICK: Second.

16 PRESIDENT HOOVER: Any questions or
17 comments from the Commissioners?

18 SECRETARY DALEY: I have one.

19 PRESIDENT HOOVER: Mr. Commissioner
20 Daley.

21 SECRETARY DALEY: Randy, I guess, you
22 know, I understand why we want to do this so we know
23 how many pheasant hunters are out there, but the way
24 that licenses get issued and there's an issuing agent
25 and issuing fees, how do we get around paying that

1 issuing agent giving them this new permit?

2 MR. SHOUP: I believe that in this
3 particular case it gives us not only data of how many
4 hunters we've got involved, but it also gives us the
5 opportunity to potentially get additional grant monies
6 because -.

7 SECRETARY DALEY: I understand, but
8 how do we not charge the \$.90 that goes to issuing
9 agents?

10 MR. SHOUP: Well, we would get grant
11 monies that would cover those fees.

12 PRESIDENT HOOVER: I will clarify a
13 little bit on the pheasant permit and the reason that
14 we're eliminating private lands. There are a lot of
15 organizations and clubs out there today that stock
16 their own pheasants. And we did hear from those clubs
17 and organizations that were complaining about the fact
18 that they were putting their own birds out, and then
19 having to purchase a pheasant permit to hunt them.
20 That was not the intent.

21 The intent was to pay for the program
22 that the Game Commission presents and puts onto its
23 own lands. So that's the - the reason for exempting
24 those individuals that are hunting on private property
25 and placing their own birds on the landscape.

1 Any other questions or comments from
2 the Commissioners?

3 VICE PRESIDENT LAYTON: Yeah, Mr.
4 President. Randy, I agree with the free permit
5 because I think we need to keep those numbers, but I
6 think that - Rich and I had talked about this after
7 the - the free - we weren't charging junior hunters
8 for - for our stamp. Are we affording the opportunity
9 to purchase a stamp for junior hunters or is it just
10 free?

11 Because I think there are some people
12 out there that I have spoken to that said, you know,
13 if it was available we'd buy it. It's like the
14 voluntary license. Do we have that? I don't believe
15 that is something we have explored as an option.

16 MR. SHOUP: That would be - that would
17 be - changes in the PALS system, depending on how we
18 configure the system to allow issuance of the permit.

19 VICE PRESIDENT LAYTON: Yeah. I mean,
20 I don't want the agency to spend any more money. If
21 it's going to cost money, then we'll just keep it the
22 way it is, but maybe that's something that we could
23 look at and make it a voluntary purchase.

24 MR. SHOUP: Make it an option whether
25 they want a free permit or whether they pay for it.

1 VICE PRESIDENT LAYTON: Absolutely.
2 Right.

3 MR. SHOUP: Yeah, we can take a look
4 at that.

5 VICE PRESIDENT LAYTON: Thank you.

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

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

11 AYES RESPOND

12 SECRETARY DALEY: Anyone opposed say
13 no. Carries.

14 ATTORNEY BECHTEL: The next item is
15 the proposal to amend 58 Pa. Code Section 135.41
16 relating to state game lands to require any person
17 installing, using or occupying an elevated tree stand
18 and other similar elevated device or platforms to
19 securely attach their person to the tree, tree stand
20 or other similar device or platform using a fall
21 restraint device.

22 The text is shown on page 27 of your
23 agenda.

24 PRESIDENT HOOVER: Do I have a motion?

25 COMMISSIONER MITRICK: I would like to

1 make a motion to detain to the next meeting this
2 proposal so that the language could be cleaned up.
3 This way it's written here includes putting up stands
4 on properties other than game lands. So that - that
5 language needs to be straightened out. So I propose
6 to postpone it until the next meeting and allow our
7 staff to finalize the language.

8 PRESIDENT HOOVER: We have a motion to
9 table. Do I have a second?

10 COMMISSIONER KNICK: I'll second.

11 PRESIDENT HOOVER: Any questions or
12 comments from the Commissioners?

13 SECRETARY DALEY: Just one, Brian. I
14 think in the interim we really should be looking for
15 some kind of an awareness campaign as to how many
16 hunters really do get hurt using stands without fall
17 restraints, and also for the suspension relief that
18 we're looking at in this regulation. So in the
19 interim we could certainly begin that campaign.

20 PRESIDENT HOOVER: I would also point
21 out that in the current - the way the current
22 regulations are written, anyone using an elevated
23 stand or platform would be required to utilize a fall
24 restraint system, which would include box stands,
25 tripods and elevated blinds.

1 So we would need to fully implement
2 changes in there to deal with those stands where you
3 wouldn't even be able to utilize a fall restraint
4 system if we're going to move forward on - with any
5 kind of regulations.

6 Any other questions or comments?

7 Hearing none, Mr. Secretary, would you
8 call the vote?

9 SECRETARY DALEY: All those in favor
10 of tabling this for the time being signify by saying
11 aye.

12 AYES RESPOND

13 SECRETARY DALEY: Anyone opposed say
14 no. It carries.

15 ATTORNEY BECHTEL: The next item is
16 from the Bureau of Wildlife Habitat Management. It
17 concerns adopted rulemaking to effectively manage the
18 wildlife resources in this Commonwealth.

19 The Game Commission at the September
20 26th, 2017 meeting amended Sections 135.2 and 135.48
21 through 135.55, and add Chapter 147, Subchapter AA,
22 relating to disabled person access permit, to permit
23 the use of wheelchairs anywhere persons may lawfully
24 walk, define mobility devices, provide for the use of
25 mobility devices and motor vehicles on suitable

1 designated routes on state game lands, and define the
2 parameters of acceptable use of mobility devices on
3 state game lands to avoid or minimize damage to
4 wildlife resources or conflicts with other lawful
5 users of the state game land system.

6 The text is shown on pages 29 through
7 34 of your agenda. I would mention that since the
8 working group meeting there have been some floor
9 amendments developed by Staff and those are not part
10 of this proposal and would need to be voted on
11 separately once the adoption is put in play.

12 PRESIDENT HOOVER: Okay.

13 So we need to take a - I need a motion
14 to accept the provisions as presented?

15 ATTORNEY BECHTEL: Yes.

16 PRESIDENT HOOVER: Do I have a motion?

17 VICE PRESIDENT LAYTON: Motion.

18 PRESIDENT HOOVER: Do I have a second?

19 COMMISSIONER MITRICK: Second.

20 PRESIDENT HOOVER: Okay.

21 We do have in front of us three
22 changes to the regulations. Would someone like to
23 make a motion to accept the three changes to the
24 regulations?

25 COMMISSIONER KNICK: So moved.

1 VICE PRESIDENT LAYTON: Second.

2 MR. SUSSENBACH: Mr. President, if I
3 may, I'll explain some of the changes.

4 PRESIDENT HOOVER: Please.

5 MR. SUSSENBACH: The - the first
6 several changes relate to some contradictory - there
7 is verbiage there in regards to Section 2308(a)(7) and
8 2923 and those - those two - first two amendments
9 actually clarify that and that's relating to hunting
10 in a moving vehicle with a firearm, things like that
11 or persons without a disabled person's permit. So
12 that kind of clarifies some of that information and
13 cleans up the language that the Commission had
14 proposed.

15 The second one is very basic. It
16 relates to speed of operation on designated routes.
17 These designated routes would be open for both motor
18 vehicle use and the OPMD and other devices. And to
19 have one person going one speed and another person
20 going another speed probably wasn't the safest thing
21 that we could have proposed. So there's a
22 modification there.

23 And the last one related to the - the
24 weights of the devices. Through some of this
25 information I gathered from disabled hunters - also

1 some independent review of some of the weights of the
2 machines, battery-operated machines in particular have
3 much higher weight.

4 We evaluated that with staff and felt
5 pretty comfortable raising the weight from 1,200
6 pounds to 1,800 pounds to accommodate those types of
7 vehicles.

8 PRESIDENT HOOVER: Okay.

9 So specifically the changes were, one,
10 to raise the weight limit from 1,200 pounds to 1,800
11 pounds?

12 MR. SUSSENBACH: Correct.

13 PRESIDENT HOOVER: The speed limit in
14 - it was in excess of 10. It's now 25?

15 MR. SUSSENBACH: Correct.

16 PRESIDENT HOOVER: And the first was -
17 would you let me know what the first one was?

18 MR. SUSSENBACH: That was the
19 regulation in regard to 2308(a)(7) of Title 34 and 2923
20 of Title 34 relating to having motor vehicle - loaded
21 firearms in vehicles that were in motion and just to
22 basically clarify some of that. That is currently in
23 the permitting process and the requirements that are
24 needed to do that.

25 PRESIDENT HOOVER: So persons using

1 motorized vehicles on state game land are subject to
2 the restrictions of loaded firearms in, on or against
3 a vehicle as in 20 - Section 2503 and except as may be
4 otherwise authorized under 2923?

5 MR. SUSSENBACH: Correct.

6 PRESIDENT HOOVER: Okay.

7 Thank you. We have a - we have a
8 motion and a second on the original and a motion and a
9 second on the - on the -.

10 VICE PRESIDENT LAYTON: Do you want to
11 do the amendments first?

12 PRESIDENT HOOVER: Do the amendments
13 first?

14 Okay.

15 So let's - Mr. Secretary, would you
16 call the vote on the amendment?

17 SECRETARY DALEY: All those in favor
18 of the amendment signify by saying aye.

19 AYES RESPOND

20 SECRETARY DALEY: Anyone opposed say
21 no. The amendment carries.

22 PRESIDENT HOOVER: And now we will
23 call the vote on the amended regulation. Go ahead.

24 SECRETARY DALEY: All those in favor
25 of the amended regulation signify by saying aye.

1 AYES RESPOND

2 SECRETARY DALEY: Anyone opposed say
3 no. It carries.

4 ATTORNEY BECHTEL: The next item
5 concerns proposed rulemaking. Commission is proposing
6 to create Section 135.183 relating to archery ranges
7 to authorize the manners of usage of archery ranges
8 established by the Commission. These changes will not
9 include a requirement that individuals using archery
10 ranges acquire a range permit, hunting or trapping
11 license or meet other exemption criteria. The text is
12 shown on pages 35 and 36 of your agenda.

13 PRESIDENT HOOVER: Do we have a
14 motion?

15 COMMISSIONER FOX: So moved.

16 PRESIDENT HOOVER: And a second?

17 COMMISSIONER KNICK: Second.

18 PRESIDENT HOOVER: Would you explain
19 the changes, please?

20 MR. SUSSENBACH: Sure. So with the -
21 this past fall we had one of the first archery ranges
22 on state game land, which is a new program.
23 Basically, it's a hunter education grant that was
24 utilized to fund that. It's pretty unique, so we
25 decided we needed to protect our resource out there

1 and protect users as well.

2 So that's why these regulations were
3 put in effect, to hopefully prolong use of that
4 without major maintenance on the site, vandalism,
5 things like that, and at the same time giving people
6 opportunities to - to enjoy the outdoors and enjoy
7 archery shooting.

8 PRESIDENT HOOVER: So there is
9 maintenance involved in it. Is there a reason that
10 we're not requiring a permit or a hunting license?

11 MR. SUSSENBACH: It was discussed
12 amongst staff and at this point we really don't know
13 what the - what the true ultimate potential for
14 maintenance cost would be.

15 It's much different than utilization
16 at one of our rifle ranges. Our rifle ranges require,
17 you know, weekly maintenance, sometimes maintenance
18 after just a couple of days because of the intensive
19 use and the nature of firing a rifle down range.

20 The other aspect of it, more
21 importantly, is the fact that these things were
22 completed entirely using Pittman Robertson funds,
23 which is a fairly unique funding source for the
24 upkeep, maintenance and the actual design
25 implementation of a shooting range, something we have

1 not really done with any of our ranges - rifle ranges
2 more specifically.

3 PRESIDENT HOOVER: Does that preclude
4 us in the future from requiring a permit or a hunting
5 license to utilize once we find out the actual cost of
6 upkeep?

7 MR. SUSSENBACH: I don't believe so,
8 but there may be some implications if we're using
9 Pittman Robertson, kind of a double dipping scenario
10 here. There's probably some implications there.

11 PRESIDENT HOOVER: Thank you. Any
12 other questions or comments? Hearing none, Mr.
13 Secretary, would you call a vote?

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

16 AYES RESPOND

17 SECRETARY DALEY: Opposed say no. The
18 motion carries.

19 ATTORNEY BECHTEL: The next item
20 concerns real estate and donation, contract number
21 L-3722 state game land number 44, Elk County. George
22 E. Brosky, George T. Brosky, Paul N. Brosky, Yvonne M.
23 Brosky, William T. Brosky and Cynthia L. Williams,
24 referred to as the Broskys, are offering to donate
25 right-of-way access across land located in Horton

1 Township, Elk County, adjoining State Game Land number
2 44 as shown on Exhibit RED 1 on page 39 of your
3 agenda.

4 During survey work on State Game Land
5 number 44 it was discovered Broskys own an irregular
6 shaped narrow strip of land which bisects a corner of
7 State Game Land number 44 preventing access to
8 Drummond Road. The narrow strip contains 0.121 acres
9 of land. The Broskys reserve the right to use the
10 right-of-way provided such use does not impair access
11 to game lands. The Commission shall maintain the road
12 except that any damage done by Broskys due to timber
13 or other heavy truck traffic related to work on their
14 property shall be repaired at the Broskys' cost and
15 expense.

16 The Broskys retain the ability to
17 negotiate with the Commission for fees associated with
18 commercial heavy hauling. Neither party shall be
19 responsible for plowing snow in the winter, but either
20 may do so at their own expense.

21 PRESIDENT HOOVER: We have a donation
22 in front of us. Do I have a motion?

23 VICE PRESIDENT LAYTON: So moved.

24 PRESIDENT HOOVER: Do I have a second?

25 COMMISSIONER KNICK: Second.

1 PRESIDENT HOOVER: Any discussion or
2 comments from the Commissioners?

3 SECRETARY DALEY: I have a question.
4 So looking at this map, is it just this little yellow
5 area in the lower left that kind of crosses over the
6 road? That's the piece we're talking about?

7 MR. SUSSENBACH: That's correct.

8 SECRETARY DALEY: Okay.

9 Thank you.

10 PRESIDENT HOOVER: Any other questions
11 or comments from the Commission? Hearing none, Mr.
12 Secretary, would you call the vote?

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

15 AYES RESPOND

16 SECRETARY DALEY: Anyone opposed say
17 no. The motion carries.

18 ATTORNEY BECHTEL: The next item is
19 contract number L-3723 state game land number 41 Blair
20 County. Alton G. Ebersole is offering to donate eight
21 more or less acres of land in Greenfield
22 Township, Blair County adjoining State Game Land
23 number 41 as shown in Exhibit RED 2 on page 41 of your
24 agenda. The property is forested with mixed northern
25 hardwoods with dogwood, sumac, witch-hazel and devil's

1 club in the understory.

2 An overhead electric transmission line
3 bisects the tract. Access is through existing State
4 Game Land number 41.

5 PRESIDENT HOOVER: Do we have a
6 motion?

7 COMMISSIONER KNICK: So moved.

8 PRESIDENT HOOVER: Second?

9 COMMISSIONER FOX: Second.

10 PRESIDENT HOOVER: Any questions or
11 comments from the Commissioners? Hearing none, Mr.
12 Secretary, would you call the vote?

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

15 AYES RESPOND

16 SECRETARY DALEY: Anyone opposed say
17 no. Carries.

18 ATTORNEY BECHTEL: The next item is a
19 report of a notational vote contract number L-3721
20 state game land number 115 in Montour County. The
21 following item was sent to the Board of Commissioners
22 on December 15th, 2017 for action through a notational
23 vote and was unanimously approved on December 19th,
24 2017.

25 Thomas G. Stubler and Beth B. Stubler

1 are offering to donate their two-thirds (2/3) interest
2 in 601 more or less acres located in Liberty Township,
3 Montour County adjoining State Game Land number 115 as
4 shown on Exhibit RED 8 on page 43 of your agenda. The
5 property is located on the north aspect of Montour
6 Ridge, is mostly forested with mixed northern
7 hardwoods and has blueberry, mountain laurel and
8 rhododendron in the understory.

9 An overhead electric transmission line
10 bisects a portion of the property. Access is from
11 Oakwood Drive. The Stubler's desire is to donate the
12 property by December 31st, 2017, hence the need for
13 the notational vote. Settlement was to be held no
14 later than December 31st, 2017. This is an
15 informational item only and therefore no action is
16 required.

17 ATTORNEY BECHTEL: The next item is an
18 acquisition contract number L-3724, State Game Land
19 number 51, Fayette County.

20 Western Pennsylvania Conservancy, Inc.
21 is offering 72 more or less acres of land in Dunbar
22 Township, Fayette County adjoining State Game Land
23 number 51 as shown on Exhibit RED 3 on page 45 of your
24 agenda. The option price is \$70,000 lump sum to be
25 paid by Rice Poseidon Midstream, LLC for compensation

1 of habitat and recreational losses, which occurred on
2 state game lands from a previously approved project.
3 The property is forested with mixed hardwoods which
4 were recently cut creating an early successional
5 forest in pole stage.

6 The tract is located within the
7 Youghiogheny Valley, Ohioyle State Park Important
8 Bird Area and the Chestnut Ridge/Laurel Ridge
9 Important Mammal Area. Bruner Run flows through the
10 property. Ohioyle State Park adjoins the property
11 along its southeast boundary. Access is through
12 existing State Game Land number 51.

13 PRESIDENT HOOVER: Do we have a
14 motion?

15 COMMISSIONER FOX: So moved.

16 PRESIDENT HOOVER: And second?

17 COMMISSIONER MITRICK: Second.

18 PRESIDENT HOOVER: Any questions or
19 comments from the Commissioners?

20 VICE PRESIDENT LAYTON: Just one, Mr.
21 President.

22 PRESIDENT HOOVER: Go ahead.

23 VICE PRESIDENT LAYTON: So my
24 understanding of this is that even though we list that
25 as an acquisition, we're not actually paying the

1 money. It's this midstream company that is paying the
2 money as some kind of an offset or something?

3 MR. SUSSENBACH: That is correct.
4 It's an offset for a right-of-way that runs through
5 state game lands in the southwest region. So they've
6 identified a sum of money for this to be utilized for
7 acquisitions, and this is actually the first one.

8 VICE PRESIDENT LAYTON: Okay.
9 Thank you.

10 PRESIDENT HOOVER: Any other questions
11 or comments from the Commissioners? Hearing none, Mr.
12 Secretary, would you call the vote?

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

15 AYES RESPOND

16 SECRETARY DALEY: Anyone opposed say
17 no. The motion carries.

18 ATTORNEY BECHTEL: The next item is
19 contract number L-3725, State Game Land number 312,
20 Lackawanna and Wayne Counties. Wildlands Conservancy,
21 Inc. is offering 509 more or less acres of land in
22 Clifton Township, Lackawanna County and Lehigh and
23 Sterling Townships, Wayne County adjoining State Game
24 Land number 312 as shown on Exhibit RED 4 on page 47
25 of your agenda.

1 The option price is \$290,000 lump sum
2 to be paid with funds from third party commitments for
3 compensation of habitat and recreational losses, which
4 occurred on state game lands from previously approved
5 projects. The property is forested with northern
6 hardwoods, and hemlock and spruce in wetland areas,
7 plus approximately 15 acres of forest openings.
8 Located at the headwaters of the Lehigh River, the
9 section of the main stem of the Lehigh River flowing
10 through the middle of the property is designated as an
11 exceptional value waterway by the Pennsylvania
12 Department of Environmental Protection.

13 The property contains 2.5 miles of
14 streams with over 230 acres of high quality riparian
15 and wetland habitat, including a 45 acre former
16 impoundment created by a manmade dam which has been
17 drawn down. Multiple plant species listed as
18 Pennsylvania Threatened and Species of Special Concern
19 are known to occur on the site. The habitat is
20 conducive to support snowshoe hare. Access is from
21 Lehigh Road and Route 507.

22 PRESIDENT HOOVER: Do I have a motion?

23 COMMISSIONER FOX: So moved.

24 PRESIDENT HOOVER: Do I have a second?

25 COMMISSIONER MITRICK: Second.

1 PRESIDENT HOOVER: I have a motion and
2 a second. Questions or comments from the
3 Commissioners? Hearing none, Mr. Secretary, would you
4 call the roll - call the vote?

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

7 AYES RESPOND

8 SECRETARY DALEY: Those opposed say
9 no. The motion carries.

10 ATTORNEY BECHTEL: The next item is an
11 exchange contract number L-3726, State Game Land
12 number 115 in Montour County. Donald B. Ross (Ross)
13 is offering to exchange his one-third interest in
14 two-thirds of the 601 more or less acres of land
15 located on the north aspect of Montour Ridge in three
16 tracts in Liberty Township, Montour County referenced
17 as Montour County tax parcels numbers 4-20-44,
18 4-21-49 and 4-21-51. Two of the tracts adjoin State
19 Game Lands number 115 as shown in Exhibit RED 5 on
20 page 49 of your agenda.

21 In exchange, the Commission will
22 transfer to Ross a two-thirds interest in
23 one-third of the 601 more or less acres. The portion
24 of the property acquired by Ross will generally be the
25 northern portion of tax parcels numbers 4-21-49 and

1 PRESIDENT HOOVER: Do I have a second?

2 COMMISSIONER FOX: Second.

3 PRESIDENT HOOVER: I know there's got
4 to be some interest in this.

5 VICE PRESIDENT LAYTON: Well, we
6 figured it out. You want to explain that? It's a
7 one-third, two thirds deal.

8 MR. SUSSENBACH: Correct.

9 So what occurred back in December was
10 the start of this entire process and deal. We
11 acquired two-thirds of 601 acres. That was from the
12 Stublers. Mr. Ross owned one-third interest and the
13 remaining entire acres. So this is just clearing this
14 entire mess up so that he owns free and clear his one-
15 third interest and we own free and clear essentially
16 our two-thirds interest on the property. And the
17 properties that we are acquiring are adjacent to game
18 lands and then this outlier to the west.

19 VICE PRESIDENT LAYTON: So the only
20 other question I have is are we assuming at some point
21 we're going to get those indentures and close that in
22 or is that -?

23 MR. SUSSENBACH: Hopefully, ultimately
24 we can work something out to start to fill in those
25 indentures and - you know, this is a relatively small

1 game lands.

2 VICE PRESIDENT LAYTON: Yeah.

3 MR. SUSSENBACH: So having another 400
4 acres, huntable acres in this area - this is right
5 outside of the town of Danville, which is our ground
6 and it is in close proximity to many other
7 populations. This has some really neat habitat on it,
8 and once we start managing, getting our hands into it,
9 it'd be a great place to hunt.

10 SECRETARY DALEY: Pete, just another
11 question. Looking at the - looking at the RED 5 or
12 the RED 8 Exhibit, there's these two holes on a couple
13 of the tax parcels. Who owns those and why are these
14 holes in there?

15 MR. SUSSENBACH: You know, you just
16 got - look at the - the chain of title and the events
17 that occurred long ago and how these properties were
18 acquired by Ross. They - they basically cobble
19 together a bunch of pieces out there. They were -
20 they were doing some - some cuttings and logging. In
21 fact, what was driving the interest of Mr. Ross is the
22 fact his grandfather had a sawmill on the eastern end
23 of the property, and he wanted - he wants to retain
24 that area as well as the - the land to the north of
25 there. So I think it was just the way they cobbled

1 things together long ago.

2 SECRETARY DALEY: Okay.

3 PRESIDENT HOOVER: Thank you. Any
4 other questions or comments from the Commissioners?

5 Hearing none, Mr. Secretary, would you
6 call the vote?

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

9 AYES RESPOND

10 SECRETARY DALEY: Opposed. No? The
11 ayes have it.

12 ATTORNEY BECHTEL: The next thing is
13 contract number L-3727, State Game Land number 172 in
14 Bradford County. Appalachia Midstream Services, LLC,
15 Appalachia, is offering 17.14 more or less acres
16 of land in Wilmot Township, Bradford County adjacent
17 to State Game Land number 172 as shown on Exhibit RED
18 6 on your agenda, in exchange for a license for
19 right-of-way granting the privilege of constructing,
20 operating, maintaining and removing a natural gas
21 pipeline on State Game Land number 36 in Monroe
22 Township, Bradford County.

23 Appalachia has agreed to subdivide and
24 convey this land to the Commission, in addition to
25 paying the Commission's standard habitat, surface and

1 timber damages, the Commission's standard annual
2 license fee for as long as the license remains active,
3 and providing an additional \$315,000 for the
4 acquisition of additional land by the Commission.

5 The License authorizes 5,564 feet of
6 16 inch natural gas pipeline in a 50 foot wide
7 right-of-way as shown on Exhibit RED 7 on page 51 of
8 your agenda.

9 Appalachia is also authorized to use
10 and reclaim approximately 0.79 acres of temporary
11 workspace outside of the right-of-way for initial
12 construction and reclamation.

13 The habitat of the tract offered by
14 Appalachia is a mix of reverting fields and woodlots.
15 Access is through existing State Game Land number 172.

16 PRESIDENT HOOVER: Do I have a motion?

17 COMMISSIONER FOX: So moved.

18 PRESIDENT HOOVER: A second?

19 VICE PRESIDENT LAYTON: Second.

20 PRESIDENT HOOVER: Any questions or
21 comments from the Commissioners? Hearing none, Mr.
22 Secretary, call the vote.

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

25 AYES RESPOND

1 SECRETARY DALEY: Opposed say no. The
2 motion carries.

3 ATTORNEY BECHTEL: The next item
4 concerns oil, gas and minerals in a non-surface use
5 oil and gas cooperative agreement tract 12-364-18,
6 State Game Land number 12 and 36, Bradford County.

7 Chief Exploration and Development, LLC
8 or Chief of Dallas, Texas has requested the Commission
9 offer its oil and gas rights under a portion of State
10 Game Land numbers 12 and 36 for non-surface use
11 development.

12 The proposed tract, containing
13 approximately 2,536 more or less gross acres is
14 located in Franklin and Overton Townships, Bradford
15 County, as shown in Exhibit OGM 1 on page 55 of your
16 agenda. Chief currently holds agreements to operate
17 on approximately 25,951 acres of State Game Land
18 numbers 12 and 36 consisting of both Commission owned
19 and severed gas rights. Chief will access the 2,536
20 acre reserve from its current and planned drilling
21 operations on adjacent areas of State Game Land
22 numbers 12 and 36 by horizontal drilling with no
23 additional surface use or disturbance to the game
24 lands.

25 OGM staff has negotiated the proposed

1 terms of the agreement with Chief in an effort to
2 prudently develop the Commission's oil/gas reserve and
3 simultaneously protect the wildlife resources and
4 recreational use of State Game Land numbers 12 and 36.
5 The terms of the agreement are a five year, paid up,
6 non-surface use oil and gas agreement, a \$2,350 per
7 net oil and gas acre bonus payment and 21 percent
8 royalty for all oil/gas and other liquids or
9 condensates produced and sold from the proposed tract.

10 The bonus payment of approximately
11 \$5,959,600 may be deposited either into the Game Fund
12 or into an interest-bearing escrow account to be used
13 for the future purchase of wildlife habitats, lands or
14 other uses incidental to hunting, furtaking and
15 wildlife resource management. The payment will be
16 made in two installments of \$2,979,800. The first
17 payment will be made in July 2018 and the second will
18 be due in July 2019. Future rentals and royalties
19 owed the Commission shall be deposited directly into
20 the Game Fund.

21 Oil and gas development will be
22 regulated by the Commonwealth's oil and gas
23 regulations and the Commission's Standard Restricted
24 Surface Use Oil and Gas Cooperative Agreement.

25 PRESIDENT HOOVER: Do I have a motion?

1 COMMISSIONER KNICK: So moved.

2 PRESIDENT HOOVER: Do I have a second?

3 COMMISSIONER FOX: Second.

4 PRESIDENT HOOVER: Any questions or
5 comments from the Commissioners? Mr. Secretary, call
6 the vote.

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

9 AYES RESPOND

10 SECRETARY DALEY: Anyone opposed say
11 no. Motion carries.

12 ATTORNEY BECHTEL: The next item is a
13 Non-Surface Use Oil and Gas Cooperative Agreement
14 Tract 302A-18, State Game Land number 302 in
15 Washington and Greene Counties.

16 CNX Gas Company, LLC, or CNX of
17 Canonsburg, Pennsylvania has requested the Commission
18 offer its oil and gas rights under a portion of State
19 Game Land number 302 for non-surface use development.
20 The proposed tract containing approximately 103 more
21 or less gross acres is located in West Finley
22 Township, Washington County and Richhill Township,
23 Greene County as shown on Exhibit OGM 2 on page 57 of
24 your agenda.

25 CNX has a strong, privately owned

1 oil/gas lease position surrounding this portion of
2 State Game Land number 302. They have initiated
3 unconventional well drilling and development in the
4 vicinity of the proposed tract, and also have the
5 ability to unitize and develop the Commission's oil
6 and gas reserve under the proposed tract by horizontal
7 drilling with no surface use or disturbance to the
8 game land.

9 OGM staff has negotiated the proposed
10 terms of the agreement with CNX in an effort to
11 prudently develop the Commission's oil/gas reserve and
12 simultaneously protect the wildlife resources and
13 recreational use of State Game Land number 302. The
14 terms of the agreement are a five year, paid up
15 Non-Surface Use Oil and Gas Agreement, a \$4,500 per
16 net oil and gas acre bonus payment and 19 percent
17 royalty for all oil/gas and other liquids or
18 condensates produced and sold from the proposed tract.

19 The bonus payment of approximately
20 \$454,500 may be deposited either into the Game Fund or
21 into an interest bearing escrow account to be used for
22 the future purchase of wildlife habitats, lands or
23 other uses incidental to hunting, furtaking and
24 wildlife resource management. Future rentals and
25 royalties owed the Commission shall be directly

1 deposited into the Game Fund.

2 Oil and gas development will be
3 regulated by the Commonwealth's Oil and Gas
4 regulations and the Commission's Standard Restricted
5 Surface Use Oil and Gas Cooperative Agreement.

6 PRESIDENT HOOVER: Do I have a motion?

7 COMMISSIONER MITRICK: So moved.

8 PRESIDENT HOOVER: Do I have a second?

9 VICE PRESIDENT LAYTON: Second.

10 PRESIDENT HOOVER: Any questions or
11 comments from the Commissioners?

12 SECRETARY DALEY: Just one.

13 PRESIDENT HOOVER: Commissioner Daley.

14 SECRETARY DALEY: Pete, looking at OGM
15 2 right along the creek, it's probably the fork of
16 Wheeling Creek or whichever Creek that is. What is
17 the red mark that's up here by itself right over top
18 of the creek?

19 MR. SUSSENBACH: I'll have to defer
20 that to Mike DiMatto on that.

21 MR. DIMATTO: It's part of - it's
22 acreage in Washington County that's a small piece of
23 the oil and gas rights along there.

24 SECRETARY DALEY: It just seems odd.
25 It's like a peanut sized piece of -.

1 MR. SUSSENBACH: Yeah, it's a small
2 piece that was determined to be on that piece of oil
3 and gas there -.

4 SECRETARY DALEY: Okay.

5 PRESIDENT HOOVER: Any other questions
6 or comments?

7 Pete, I just want to thank you for all
8 the work that you guys do. You know, you're
9 constantly busy and working on these, and it turns out
10 you've done a pretty good job in negotiating some
11 decent terms for these last two agreements. So thank
12 you, guys.

13 MR. SUSSENBACH: It's a great team
14 approach and I've got some really hard working
15 individuals that are - that are really driving this
16 right now and doing an excellent job.

17 PRESIDENT HOOVER: Do we expect to see
18 more of this or is this settling down?

19 MR. SUSSENBACH: You know, a lot of
20 this is being market driven or common sense driven for
21 areas that - you know, that they can reach out to.
22 They don't need additional surface support. I mean,
23 one part of this is 2,500 acres. They don't have to
24 put any well pads or anything. They just want to
25 reach out from existing infrastructure and reach some

1 of those areas. So I think it was - I think we are
2 going to see some more of this, but really again
3 driven, you know, by what's happening not only on the
4 game lands, but more importantly in a lot of areas
5 happening around us.

6 There's places that, you know, we
7 could stop them right at the boundary line, but
8 ultimately if we decided to go after those gas
9 reserves it was going to require some significant
10 impacts to the game lands that we are trying to avoid
11 whenever possible.

12 PRESIDENT HOOVER: Thank you. Any
13 other questions or -?

14 VICE PRESIDENT LAYTON: Yeah. And I
15 just wanted - I'm glad you touched on that. The fact
16 that we're not - there is no surface damage is a - is
17 a true positive because I do know we've got so many
18 game lands now that are just torn up. And the fact
19 that we can - we can get some income without surface
20 damage I think is an accolade to you guys, too.

21 MR. SUSSENBACH: So far.

22 VICE PRESIDENT LAYTON: Yeah, thanks.

23 PRESIDENT HOOVER: Thank you. Any
24 other questions or comments from the Commissioners?

25 Hearing none, Mr. Secretary, would you

1 call the vote?

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

4 AYES RESPOND

5 SECRETARY DALEY: Anyone opposed say
6 no. The motion carries.

7 ATTORNEY BECHTEL: The next item is a
8 Non-Coal Surface Mining Lease Amendment, U.S. Silica
9 Company Tract 112A-00 in Brady Township, Huntingdon
10 County. U.S. Silica Company of Mapleton Depot, PA has
11 requested an amendment to Lease Tract 112A-00 to add
12 65.5 support acres on a portion of State Game Land
13 number 112 located in Brady Township, Huntingdon
14 County as shown on Exhibit OGM 3 on page 59 of your
15 agenda.

16 The additional acres are needed for
17 erosion and sedimentation control structures and haul
18 roads for proposed Phase V mining that is within the
19 existing agreement area. In exchange for the
20 additional acreage, and to offset the surface impact
21 to the game land, U.S. Silica will convey two parcels
22 of land totaling 79 more or less acres valued at
23 \$72,000 as shown on Exhibit OGM 4 on page 60 of your
24 agenda.

25 Pay for surface damages in herbaceous,

1 approximately 35.5 acres, and forested, which is
2 approximately acres, areas at \$1,600 per acre and
3 \$1,728 per acre respectively. Pay current market
4 value for timber at double stumpage rate, provide
5 public and administrative right-of-way across State
6 Game Land number 112 across approximately 0.7 miles of
7 a 172 acre tract owned by U.S. Silica as shown on
8 Exhibit OGM 5 on page 61 of your agenda, and provide
9 the Commission up to 5,000 cubic yards of waste rock
10 material of specific size and shape from mining
11 operations, if available, for creating wildlife
12 habitat.

13 U.S. Silica has also committed to a
14 future project or resources that would further enhance
15 game land habitat. All payments will be deposited
16 into the Game Fund. Mining will continue to be
17 regulated by the Commonwealth's mining regulations and
18 the Commission's existing Non-Coal Surface Mining
19 Lease with U.S. Silica.

20 PRESIDENT HOOVER: Do I have a motion?

21 VICE PRESIDENT LAYTON: So moved.

22 PRESIDENT HOOVER: Do I have a second?

23 COMMISSIONER FOX: Second.

24 PRESIDENT HOOVER: Pete, do you want
25 to break that down for us?

1 MR. SUSSENBACH: Certainly. So
2 there's an existing mine out there right now and they
3 are - they're working their way through the game lands
4 and they need some additional support on either side
5 because they - they just can't get traffic in there.
6 So they need to be able to manage for their road and
7 their - the slope and contour of the existing mine
8 site.

9 So this is just allowing them to
10 recover some additional material, probably more than
11 anything to stabilize surfaces, giving them those
12 roadway accesses. And in return we're - you know,
13 we're getting 79 acres of property and these
14 additional, you know, things as well.

15 And in talking to the region just a
16 few minutes before I came up here, you know, the
17 access was big because they do not have access into
18 that portion of Game Land Number 112. So they're
19 excited that they're going to have legitimate lawful
20 access to game lands, so that's a big win for future
21 mining to the property. But more importantly, we get
22 hunters and travelers in there and to be able to
23 utilize that section.

24 PRESIDENT HOOVER: Thank you. Any
25 other questions or comments? Commissioner Daley?

1 SECRETARY DALEY: U.S. Silica, I mean,
2 they're mining sand?

3 MR. SUSSENBACH: Sand, a real high
4 value type of sand.

5 PRESIDENT HOOVER: Any other questions
6 or comments? Hearing none, Mr. Secretary, would you
7 call the vote?

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

10 AYES RESPOND

11 SECRETARY DALEY: Opposed say no.
12 Motion carries.

13 ATTORNEY BECHTEL: And that completes
14 the written portion of this agenda.

15 PRESIDENT HOOVER: Thank you. At this
16 time do we have any old business to come before the
17 Commission?

18 SECRETARY DALEY: Mr. President, I
19 think there is. If I recall we had tabled a request
20 by Fisher Mining to lease additional lands. Just
21 wanted to - I think we should move to bring that off
22 the table and bring it to some form of a vote today.

23 PRESIDENT HOOVER: Do you want to make
24 that in a motion?

25 SECRETARY DALEY: Yeah. I move that

1 we bring off the table the Fisher Mining application.

2 PRESIDENT HOOVER: Do I have a second?

3 VICE PRESIDENT LAYTON: Second.

4 PRESIDENT HOOVER: Any questions or
5 comments? Mr. Secretary, would you call the vote?

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

8 AYES RESPOND

9 SECRETARY DALEY: Anyone opposed say
10 no. That carries.

11 Pete, I guess the reason we tabled
12 this is we weren't sure that we had gotten to our
13 satisfaction resolution of some old issues that were
14 going on with us and Fisher. And I guess I want to
15 get an update from you as to if everything has been
16 settled to the satisfaction of the Commission.

17 MR. SUSSENBACH: Right.

18 If I remember correctly, there were
19 four items outstanding and the answer to all of those
20 as not yet. None of those have been resolved.

21 SECRETARY DALEY: I guess I'm - you
22 know, if we're not gaining any ground, I'd like to
23 make a motion that, you know, we amend this by
24 essentially directing staff not to sign any further
25 leases or agreements for any further mining with

1 Fisher Mining Company unless and until all of the
2 issues have been settled to the satisfaction of the
3 Commission. That's a motion.

4 PRESIDENT HOOVER: We have a motion on
5 the floor. Do I have a second?

6 COMMISSIONER KNICK: Second.

7 PRESIDENT HOOVER: Who made the second
8 - Stan. We have a motion and a second. Any questions
9 or comments from the Commissioners? Hearing none, Mr.
10 Secretary, would you call the vote?

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

13 AYES RESPOND

14 SECRETARY DALEY: Anyone opposed say
15 no. That carries.

16 PRESIDENT HOOVER: Is there any other
17 new business that would come before the Commission? I
18 will mention that we did have an executive session
19 after yesterday's meeting that dealt with legal issues
20 and personnel issues. The next working meeting - do
21 we have dates? We do not have dates on the next
22 working group meeting, so they will be announced as we
23 get to that point. Commissioner?

24 VICE PRESIDENT LAYTON: We have to get
25 those out, too, yeah.

1 PRESIDENT HOOVER: Okay.

2 All right.

3 So they're going to - at that point,
4 we will also get you proposed Commission meeting
5 dates.

6 At this time, it would be my pleasure
7 to open the floor up for election of officers for the
8 coming year. I did ask everyone to mail in their -
9 their interests and I did prepare a slate of
10 candidates as committed from the e-mails that I did
11 receive. I would propose that Commissioner Layton be
12 elected as President of the Commission, that
13 Commissioner Daley be elected as Vice President of the
14 Commission and Commissioner Knick be elected as
15 Secretary of the Commission. At this time I'll accept
16 any floor nominations. Hearing none, Mr. Secretary,
17 would you call the vote?

18 SECRETARY DALEY: Okay.

19 All those in favor of the slate of
20 officers presented by the -.

21 PRESIDENT HOOVER: Hold on a second.

22 SECRETARY DALEY: Oh.

23 PRESIDENT HOOVER: I'll need a second
24 on that.

25 SECRETARY DALEY: I'm sorry.

1 COMMISSIONER FOX: Second.

2 PRESIDENT HOOVER: Charlie, second.

3 Now you can call the vote.

4 SECRETARY DALEY: Okay.

5 All those in favor of the slate of
6 officers as presented by President Hoover signify by
7 saying aye.

8 AYES RESPOND

9 SECRETARY DALEY: Anyone opposed say
10 no. Carries.

11 PRESIDENT HOOVER: There will be a
12 short executive session dealing with personnel issues,
13 I believe, and that will be it for today's meeting.

14 Any other comments or questions from
15 the Commissioners?

16 Oh, we have a press conference also
17 scheduled after the - immediately after - yeah,
18 immediately after this in the - in the cafeteria. Any
19 other questions, comments or proposals from the
20 Commissioners?

21 Hearing none, thank you all.

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24 HEARING CONCLUDED AT 9:35 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President Hoover was reported by me on 01/30/2018 and that I, Bernadette M. Black, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Bernadette M. Black

Bernadette M. Black,
Court Reporter

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