

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

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PUBLIC MEETING

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BEFORE:       TIMOTHY LAYTON, PRESIDENT  
              James Daley, Vice President  
              Stanley Knick, Jr., Secretary  
              Brian Hoover, Commissioner  
              Scott Foradora, Commissioner  
              Michael Mitrick, Commissioner  
              Dennis Fredericks, Commissioner  
              Charles Fox, Commissioner  
              Bryan Burhans  
              Brad Bechtel, Chief Counsel  
              Richard Palmer  
              Thomas Grohol

HEARING:       Tuesday, July 31, 2018, 8:31 a.m.

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

Reporter: Adam Beck

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OPENING REMARKS

By Chairperson Layton

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PRESENTATION

By Mr. Sussenbach

3 - 5

By Mr. Metz

5 - 7

By Mr. Boyd

7 - 10

DISCUSSION AMONG PARTIES

10 - 35

## P R O C E E D I N G S

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PRESIDENT LAYTON: I'm going to call the meeting to order of the Pennsylvania Game Commission. Today is Tuesday July 31st, 2018, at 8:32 a.m. Can we please rise and join in the Pledge of Allegiance.

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(WHEREUPON, PLEDGE OF ALLEGIANCE RECITED.)

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PRESIDENT LAYTON: At this time, I'd like to ask everyone to make sure you check your phones, either place them on vibrate or on the off position. Before we can begin the business portion of our meeting, we have a couple of presentations that we want to take care of.

So at this time I'd like to call Director SUSSENBACH to the podium, please.

MR. SUSSENBACH: Good morning. It really gives me a sense of great pride to be able to bring up the Stublers, Tom and Beth, can you please can forward?

So the Stublers contacted us through the Northcentral Pennsylvania Conservancy. The Conservancy is represented here today by Renee Carey,

1 over there with the camera, in the corner, and they  
2 approached us about the possible donation of some land  
3 up in Montour County, Game Land 115, it's relatively  
4 small game lands and the addition was a - interest in  
5 approximately 600 acres.

6           So taking a game lands of  
7 approximately about 1,000 or so acres and increased it  
8 in size by the amount of size and would be basically,  
9 adding half again to the size of that game lands which  
10 is pretty incredible.

11           So, you know, it's not a lot unlike a  
12 lot of other areas we've gotten in the past that is  
13 pristine and beautiful. Mr. Stubler and I were  
14 talking in the hallway here, it's over mature timber,  
15 it needs to be managed. It's a beautiful, beautiful  
16 place and it's going to provide a great habitat for  
17 generations into the future and also provide  
18 additional approximately 400 or so acres of ground for  
19 hunters and trappers and wildlife enthusiasts.

20           So, again, great sense of pride that  
21 we were able to take on this project. We're still  
22 working through some obstacles but the Stublers, you  
23 know, we really appreciate, you know, their interest  
24 in wildlife, their interest in coming to the Game  
25 Commission and working through the Northcentral

1 Pennsylvania Conservancy. With partners like this, it  
2 makes you smile every day to know that there are  
3 people out there that you know, they're looking out  
4 for wildlife and future resource such as these folks  
5 are.

6 Thank you.

7 Mr. Stubler: Thank you.

8 We'd like to give a special thanks to  
9 Brad, he had a real obstacle here to take on this  
10 project and if there was ever a pit bull this is it.

11 Thanks for everything you did.

12 ATTORNEY BECHTEL: Thank you.

13 PRESIDENT LAYTON: At this time I'm  
14 going to ask Regional Director Bruce Metz, if you'd  
15 come forward, please.

16 MR. METZ: The presentation today is  
17 the Lehigh Valley Safari Club stepped up and bought us  
18 a 4 inch, 450 gallon per minute pump, PTO driven pump  
19 for use down in Middle Creek. It's hard to believe  
20 that some of the impoundments down in Middle Creek are  
21 approaching 40, 50 years old. Some are earthen dams,  
22 they had bad watered control structures and we needed  
23 something to basically allow us to repair some of  
24 those and as we're replacing the water structure  
25 because some of them wore out.

1                   As - also control more of those  
2 throughout the year, in different impoundments that  
3 change your water levels and make a better habitat for  
4 a variety of different species. So, we were hurting  
5 for that. Lehigh Valley Safari Club stepped up, got  
6 \$5,000, and they - as they've done a lot of times in  
7 the region, they stepped in and filled the gap a lot  
8 of times working in a lot of things from law  
9 enforcement to education and now that Middle Creek  
10 it's habitat management. So they did a great job for  
11 us and certainly appreciate the work you guys have  
12 done.

13                   Thank you.

14                   MR. Tim Reiger: What we have here is a  
15 beautiful aluminum plaque which will be Middle Creek  
16 wildlife area where the water pump is at. And also a  
17 check for the amount of money that was due. Lehigh  
18 Valley Chapter is a very active chapter in the State  
19 of Pennsylvania with wildlife conversation projects.  
20 Part of our goals is to do at least one project a year  
21 with the Game Commission. In the past we've done  
22 rototillers and other projects, and we'd like to  
23 continue this giving to the Game Commission and  
24 hopefully we can come up with a couple more big  
25 projects to benefit everyone and the wildlife.

1                   MR. METZ: Like I said, these guys  
2 have stepped up. They fill the void a lot of times  
3 when we have one piece of equipment or something we  
4 need. They stepped up multiple times so, you guys  
5 have done a great job.

6                   PRESIDENT LAYTON: And Bob Boyd, would  
7 you come forward, please?

8                   MR. BOYD: Good morning. Those were  
9 some great presentations, very positive mood. But I  
10 must take us through a presentation with a more somber  
11 note and that is to memorialize our good friend and  
12 colleague Tom Hardisky who passed away. On Saturday,  
13 April 28, 2018 we unexpectedly lost a dear and  
14 dedicated colleague and friend, Tom Hardisky. Tom was  
15 59 years old when he had a heart attack while  
16 gardening, an activity he truly loved.

17                   We take a few minutes here today to  
18 remember Tom and a few of his many accomplishments,  
19 and contributions for the citizens of the  
20 Commonwealth, while a wildlife biologist with the Game  
21 Commission. Tom held a bachelor's degree in biology  
22 and wildlife science from Penn State, and a master's  
23 degree in wildlife ecology from Mississippi State  
24 which is where he worked on bobcats.

25                   Tom was a certified wildlife biologist

1 employed by the Game Commission for nearly 29 years.  
2 He started in the Game Commission in 1989, as a  
3 database manager with what is today the Bureau of  
4 Wildlife Habitat Manager. By the early '90s Tom was  
5 Section Supervisor of the Furbearer and Farmland  
6 Wildlife Section in the Bureau of Wildlife Management.

7           There he played an instrumental role  
8 in the Sichuan pheasant evaluation in the 1998 Game  
9 Commission wild pheasant study. He was a valued  
10 member of the Bureau of Wildlife Management team. Tom  
11 was an effective player - team player, and became the  
12 first - first Northeast Region Wildlife Manager and  
13 Supervisor in 2005.

14           He came back to the Bureau of Wildlife  
15 Management as an aquatic furbearer specialist where he  
16 authored the agency's first beaver and otter  
17 management plans, played key roles in the  
18 reinstatement of the otter season, and at his untimely  
19 passing was overseeing a new study to understand - a  
20 better understand the muskrat population decline and  
21 as you can see here from a couple of these slides, he  
22 did have a sense of humor too.

23           Tom was a good, all around guy. Tom  
24 was one of the longstanding members of the Northeast  
25 Furbearer Resources Technical Committee. He served on

1 the committee since the early '90s. He was the  
2 committee historian and database manager for the last  
3 15 years. Here we see Tom serving at a pig roast at  
4 last year's meeting in Pennsylvania. This brings up  
5 one of Tom's special gifts. He had a smoker in his  
6 backyard and the smoked chicken or pheasant or venison  
7 jerky came out there was phenomenal.

8                   And Tom was really shared. We'll also  
9 remember Tom's sharing of baked goods, and vegetables,  
10 and huge onions from his garden every time he came to  
11 the Harrisburg office.

12                   Tom was an educator, he taught many  
13 furbearer management courses and assisted with  
14 numerous trapping matters, workshops and cable  
15 restraint courses over the years. Most importantly,  
16 Tom loved the outdoors and was a dedicated  
17 conservationist. He was an avid hunter, fishermen and  
18 trapper. He was an active member of the board, an  
19 officer for the Pennsylvania Chapter of Wildlife  
20 Society.

21                   Throughout his career Tom offered a  
22 positive and productive working relationship with the  
23 Pennsylvania Trappers Association. And was a lifetime  
24 member. He was inducted into the PA Trappers Hall of  
25 Fame this year and today they are dedicating a bench

1 in his honor and we thank them for their generous  
2 donation.

3 Our thoughts and prayers continue to  
4 go out to Tom's family, friends, and colleagues. He  
5 is surely missed.

6 PRESIDENT LAYTON: Thank you Bob, and  
7 on behalf of the Board of Commissioners and the entire  
8 agency, we certainly want to extend our condolences to  
9 the Hardisky family. We know that Tom is going to be  
10 missed not only by the Bureau but by the entire  
11 agency.

12 So thank you for that. And again as  
13 Bob said the Pennsylvania Trappers Association have -  
14 they've made a bench and it's out in the back. After  
15 the business portion of the meeting and after the  
16 press conference we'll be out there to dedicate that  
17 bench. So thank you very much.

18 At this time we'll begin the business  
19 portion of the meeting, so Mr. Secretary if you'd  
20 please call the roll?

21 COMMISSIONER KNICK: Commissioner  
22 Layton?

23 PRESIDENT LAYTON: Present.

24 COMMISSIONER KNICK: Commissioner  
25 Hoover?

1                   COMMISSIONER HOOVER: Here.

2                   COMMISSIONER KNICK: Commissioner

3 Daley?

4                   COMMISSIONER DALEY: Here.

5                   COMMISSIONER KNICK: Commissioner Fox?

6                   COMMISSIONER FOX: Here.

7                   COMMISSIONER KNICK: Commissioner

8 Fredericks?

9                   COMMISSIONER FREDERICKS: Here.

10                  COMMISSIONER KNICK: Commissioner

11 Mitrick?

12                  COMMISSIONER MITRICK: Here.

13                  COMMISSIONER KNICK: Commissioner

14 Foradora?

15                  COMMISSIONER FORADORA: Here.

16                  COMMISSIONER KNICK: Commissioner

17 Knick, myself, here.

18 All present.

19                  PRESIDENT LAYTON: Okay.

20 Mr. BECHTEL, ready to go?

21 Oh, we need a - can I get a motion to

22 approve the minutes of the Commission meeting held

23 April 24, 2018?

24                  MR. HOOVER: So moved

25                  PRESIDENT LAYTON: A second?



1 2E as 27,000. The Action was taken by notational vote  
2 and no further action is necessary today.

3 The next action concerns the Bureau of  
4 Wildlife Protection. This is adopted rulemaking to  
5 create 58 PA. Code section 141.29. To effectively  
6 manage the wildlife resources of this Commonwealth the  
7 Game Commission proposed at its January 30th, 2018  
8 meeting to create section 141.29 relating to hunting  
9 mourning doves over managed fields to implement the  
10 federal program authorizing the hunting and taking of  
11 mourning doves in areas where grain or other feed has  
12 been distributed or scattered solely as a result of  
13 manipulation of an agricultural crop or other feed  
14 where grown. This authorization will not authorize  
15 the hunting of other - any other species in these  
16 managed areas.

17 The text of this proposed rulemaking  
18 is on page four of your agenda. I would like to  
19 mention that when making a motion or voting, please  
20 note that voting on the regulation - you are voting on  
21 the regulation as advertised and put out for public  
22 comment in the Pennsylvania Bulletin.

23 The text varies in a non-substantive  
24 way from the proposal in January but be aware that  
25 what is shown is what went out for public comment.

1                   PRESIDENT LAYTON: Thank you.

2                   I have a motion.

3                   COMMISSIONER HOOVER: Move.

4                   PRESIDENT LAYTON: A second?

5                   COMMISSIONER MITRICK: Second.

6                   PRESIDENT LAYTON: Any comment?

7                   Mr. Secretary, call the vote please.

8                   COMMISSIONER KNICK: All in favor?

9                                   ---

10 AYES RESPOND

11                                   ---

12                   COMMISSIONER KNICK: Opposed?

13                                   ---

14                   COMMISSIONER DALEY: No.

15  
16                   COMMISSIONER KNICK: Vote passed,  
17 seven to one.

18                   ATTORNEY BECHTEL: The next item is  
19 Proposed Rulemaking on page five of your agenda. It's  
20 to amend 58 Pa. Code sections 147.901 through 147.905  
21 and to create 58 Pa. Code section 147.903.1 and  
22 147.904.1 to enhance and expand the scope of the guide  
23 permit program. These amendments will expand the  
24 scope of this program to cover all commercial guiding  
25 activities on state game lands, and all commercial and

1 noncommercial guiding activities for elk on all other  
2 lands and waters.

3                   This effort is intended to provide  
4 greater legitimacy to the holders of guiding permits  
5 within the Commonwealth by establishing minimum  
6 standards for the required knowledge base required to  
7 be a guide, including basic biology and identification  
8 of applicable game and wildlife species, methods of  
9 safe and ethical use of firearms, trap, and other  
10 devices, applicable federal and state laws concerning  
11 hunting and trapping, basic land navigation and basic  
12 first aid and CPR skills.

13                   The text is shown on pages five  
14 through eight of your agenda.

15                   PRESIDENT LAYTON: Do we have a motion  
16 to accept?

17                   COMMISSIONER HOOVER: So moved.

18                   PRESIDENT LAYTON: Second?

19                   COMMISSIONER FOX: Second.

20                   PRESIDENT LAYTON: We have a motion  
21 and a second, any discussion?

22                   COMMISSIONER HOOVER: Mr. President, I  
23 make a motion to amend the proposed rulemaking to  
24 insert the following sentence in the definition of  
25 guide and guiding activity. This definition does not

1 include the use of leashed tracking dog for deer,  
2 bear, and elk.

3 PRESIDENT LAYTON: So we have a motion  
4 to amend, do we have a second?

5 COMMISSIONER FOX: Second.

6 PRESIDENT LAYTON: A motion and a  
7 second, any discussion on the amendment?

8 Mr. Secretary, call the vote on the  
9 amendment, please?

10 COMMISSIONER KNICK: All in favor?

11 ---

12 AYES RESPOND

13 ---

14 COMMISSIONER KNICK: Opposed?

15 PRESIDENT LAYTON: Any further  
16 discussion?

17 Having a motion and a second we will  
18 be voting on the amended proposal. So Mr. Secretary,  
19 please, call the vote.

20 COMMISSIONER KNICK: All in favor.

21 ---

22 AYES RESPOND

23 ---

24 COMMISSIONER KNICK: Opposed?

25 Ayes take it. Eight to zero.

1                    ATTORNEY BECHTEL: The next item is on  
2 page nine of your agenda. It's to create 58 Pa. Code  
3 Section 133.7 and amend 58 Pa. Code section 137.2.  
4 The Hungarian partridge, also known as the grey  
5 partridge is a non-native bird first introduced to the  
6 United States from Hungary in the early 1900s.  
7 Wildlife agencies, including the Pennsylvania Game  
8 Commission, stocked many thousands of these birds in  
9 an attempt to establish wild populations and to  
10 maintain quality small game hunting opportunities.  
11 Hungarian partridges were stocked by the PGC in the  
12 1920s, 1930s, and then again in the 1950s. These  
13 efforts failed and the population of wild Hungarian  
14 partridges was never established within the  
15 Commonwealth. The Commission is determined that they  
16 are currently no wild populations of Hungarian  
17 partridges found within the Commonwealth.

18                    The Commission has received a public  
19 request to consider adding Hungarian partridges to the  
20 list of birds that may be released for dog training  
21 purposes. The Commission has reviewed the proposal  
22 and determined there to be no significant biological  
23 concerns in moving forward with this proposal. As a  
24 result, the Commission is proposing to amend section  
25 137.2 relating to release of animals to add the

1 Hungarian partridge to the list of species that may be  
2 lawfully released on public or private lands for dog  
3 training, or hunting purposes without first securing a  
4 permit.

5                   The Commission is also proposing to  
6 create section 133.7, relating to Hungarian Partridge,  
7 to reclassify the Hungarian partridge as a wild bird  
8 and not a game bird in an effort to treat this species  
9 in a similar manner to the Chukar partridge.

10                   The text is shown on pages nine  
11 through ten of your agenda.

12                   PRESIDENT LAYTON: Do we have a  
13 motion?

14                   COMMISSIONER HOOVER: So moved.

15                   PRESIDENT LAYTON: Second?

16                   COMMISSIONER DALEY: Second.

17                   PRESIDENT LAYTON: Any comments?

18                   Mr. Secretary, we have a motion and a  
19 second, will you please call the vote?

20                   COMMISSIONER KNICK: All in favor?

21                   ---

22 AYES RESPOND

23                   ---

24                   COMMISSIONER KNICK: Opposed?

25                   Ayes take it, eight to zero.

1                    ATTORNEY BECHTEL: The next item today  
2 is on page 11 of your agenda. It's to amend 58 Pa.  
3 Code section 147.322, relating to application for deer  
4 control permit.

5                    Historically section 147.322 required  
6 that all public land within the proposed boundaries of  
7 a deer control permit, be open to lawful public  
8 hunting unless otherwise prohibited under this title  
9 or as otherwise authorized or waived by the Director.

10                    In large part, this requirement is  
11 derived directly from Section 103 of the Act which  
12 provides, in relevant part, that the Commission shall  
13 utilize hunting and trapping as methods of effecting  
14 necessary management of game, furbearer and wildlife  
15 populations.

16                    While section 103 does not limit  
17 management of wild resources to public hunting only,  
18 the Commission has concluded that it is clearly  
19 intended as the primary method of management.

20                    Over the years, the Commission has  
21 observed that deer control permit applicants utilize  
22 varying degrees of use of public hunting as a  
23 prerequisite to meeting the public hunting requirement  
24 of section 147.322.

25                    Many applicants have established

1 organized controlled hunts, while other have organized  
2 or invited established hunting clubs onto the public  
3 and or private properties covered by the permit to  
4 help reduce deer populations.

5                   Still other invite only local  
6 government, or permittee employees to engage in  
7 hunting on the public and/or private properties  
8 covered by the permit. While the Commission has  
9 approved permit applications in the past involving  
10 this latter method of satisfying the public hunting  
11 component, it has more recently recognized the  
12 importance of pushing deer control back, primarily,  
13 into the hands of the public through more clearly  
14 defined public hunting. This action will still allow  
15 landowners, both public and private, to allow hunting,  
16 in whole or limited part, to meet their deer control  
17 and land use goals.

18                   To this end, the Commission is  
19 proposing to amend section 147.322 to provide greater  
20 clarity of what circumstances will satisfy the public  
21 hunting requirement. The Commission specifically  
22 intends with this action to reject hunting opportunity  
23 that is afforded to an individual or class of  
24 individuals solely by virtue of their public  
25 employment as satisfying the public hunting



1                    ATTORNEY BECHTEL: The next item for  
2 consideration comes from the Bureau of Wildlife  
3 Habitat Management and concerns a donation of real  
4 estate.

5                    Contract number 3730, State Game Land  
6 number 106, Berks County. Hawk Mountain Sanctuary is  
7 offering to donate 77 acres of land in Albany  
8 Township, Berks County, adjoining State Game Land  
9 number 106 as shown on Exhibit RED 1 on page 16 of  
10 your agenda.

11                    The Game Commission, working in  
12 partnership with Hawk Mountain Sanctuary and Berks  
13 Nature, applied for grant funding available for  
14 migratory bird habitat conservation from the  
15 Transcontinental Gas Pipe Line Company, LLC in  
16 connection with the construction and operation of the  
17 Atlantic Sunrise Natural Gas Pipeline Project.

18                    The Partnership submitted a grant  
19 proposal titled, Kittatinny Bird Habitat Expansion,  
20 Hawk Mountain Sanctuary and Pennsylvania Game  
21 Commission Fee Simple Acquisition of Newell/Bolich  
22 Property.

23                    The proposal to acquire and manage the  
24 77 more or less acre property, commonly referred to as  
25 the James K. Newell Living Trust Tract, was selected

1 to receive grant funding.

2 Most of the property is currently a 58  
3 acre continuous agricultural field with woods at the  
4 margins and forested wetlands to the south of Hawk  
5 Mountain Road which provides access to the property.

6 Three tributaries to Pine Creek flow  
7 through the property along the western and southern  
8 forested margins. The property is to be perpetually  
9 managed in accordance with the Stewardship/Restoration  
10 Plan Atlantic Sunrise Pipeline Project for the  
11 Kittatinny Bird Habitat Expansion as co-authored by  
12 Hawk Mountain Sanctuary, Game Commission and Berks  
13 Nature.

14 PRESIDENT LAYTON: Do we have a motion  
15 to accept?

16 COMMISSIONER HOOVER: So moved.

17 PRESIDENT LAYTON: Second.

18 COMMISSIONER MITRICK: Second.

19 PRESIDENT LAYTON: We have a motion  
20 and a second. Any discussion? Mr. Secretary, call  
21 the vote.

22 COMMISSIONER KNICK: All in favor?

23 ---

24 AYES RESPOND

25 ---

1                   COMMISSIONER KNICK: Opposed?

2                   Ayes take it, eight to zero.

3                   ATTORNEY BECHTEL: And the next item,  
4 is on page 17 of your agenda. Contract number L-3731,  
5 State Game Land number 13 in Sullivan County.

6                   The Conservation Fund is offering  
7 752.6 more or less acres of land in Colley Township,  
8 Sullivan County, adjoining State Game Land number 13  
9 as shown on RED - exhibit RED 2 on page 18 of your  
10 agenda.

11                   The option price is \$200,000 lump sum  
12 to be paid with the funds from third-party commitments  
13 for compensation of habitat and recreational loses  
14 which occurred on State Game Lands from previously  
15 approved projects. The option price includes 25  
16 percent of the oil and gas rights situated below the  
17 surface of the land.

18                   The Conservation Fund acquired the  
19 752.6 more or less acre property, referred to as the  
20 Red Rock Associates, LLC Tract, in part with funds  
21 from Transcontinental Gas Pipe Line Company, LLC for  
22 voluntary mitigation designed to restore and preserve  
23 upland forest habitats for migratory birds and Indiana  
24 Bats associated with the construction and operation of  
25 the Atlantic Sunrise Natural Gas Pipeline Project.

1                   Most of the property is forested with  
2 more than half being dominated by northern hardwoods  
3 and the remaining portion covered in hemlock, white  
4 pine and hemlock-mixed hardwood palustrine forest.

5                   The understory is limited with  
6 evidence of leatherleaf, and low and high bush  
7 blueberry. There are two forest openings totaling  
8 approximately three acres. Mehoopany Creek flows  
9 through the southern portion with a series of wetlands  
10 located in low drainages along the riparian corridor.

11                   The property is within Important Bird  
12 Area 48, North Mountain, Ricketts Glen State Park and  
13 Important Mammal Area 28, Ricketts Glen State Park.  
14 Access is from State Route 487.

15                   PRESIDENT LAYTON: Do we have a motion  
16 to accept?

17                   COMMISSIONER HOOVER: So moved.

18                   PRESIDENT LAYTON: Second?

19                   COMMISSIONER FORADORA: Second.

20                   MR. SUSSENBACH: Mr. President, if I  
21 may add a few things?

22                   PRESIDENT LAYTON: Please.

23                   MR. SUSSENBACH: So this acquisition  
24 highlights tremendous partnerships over the years with  
25 The Conservation Fund in this case and previous

1 acquisition again with Hawk Mountain Sanctuary and  
2 Berks Nature. And just a little while ago the  
3 Stubblers coming up here for their presentation, just  
4 shows the strength that we all have when we all work  
5 together.

6           And there's so many organizations,  
7 private individuals, that are looking at the Game  
8 Commission really as the experts in field of wildlife  
9 and habitat management. And these properties are -  
10 they're just one more aspect of, you know, their  
11 testimony of, you know, their respect for the work  
12 that we do out there.

13           And I think that, you know, we had  
14 some comments yesterday from folks up in Sullivan  
15 County relative to this property. And you know, there  
16 were a few comments there that were - that really led  
17 me to believe that we're all on the same page although  
18 we're looking at things a differently.

19           Sullivan County depends on a lot  
20 recreational activities for, you know, drawing the  
21 population in. This is just another 750 acres that's  
22 going to add to that. And I think, you know, down the  
23 road generations are going to see that, you know,  
24 that's one of those last outposts in the Northeast  
25 that is a large block of contiguous, you know,

1 uninterrupted forest that you can't get in any other  
2 areas of the state until you drift further to the  
3 north and west to the north central.

4 PRESIDENT LAYTON: And this again, is  
5 two acquisitions that really the Game Commission  
6 hasn't laid any money out for. They've been purchased  
7 by other third party entities or been donated so. You  
8 know, that's a great testament to you and your - your  
9 team for making these things come together.

10 Thank you.

11 MR. SUSSENBACH: I think that staff  
12 really works hard and make things come together, this  
13 is \$200,000 for this acquisition is a couple hundred  
14 dollars an acre, that is unheard heard of, you know,  
15 in today's age and, you know, the previous one was  
16 absolutely zero out of, out of our pocket.

17 PRESIDENT LAYTON: Yes.

18 MR. SUSSENBACH: So this just goes to  
19 show the great partnerships that are out there, great  
20 work that the regions are doing. Staff in the  
21 division of real estate are doing. Everybody's  
22 working together and things are really flowing right  
23 now

24 PRESIDENT LAYTON: Thank you for that,  
25 Pete.

1 Any other comment?

2 COMMISSIONER DALEY: I have one.

3 There is just a wee little area now  
4 that kind of sits in the Northwest corner of that  
5 acquisition that is still open. Is there any way to  
6 get that piece of land out of either what we already  
7 have on State Game Land 13 or out of this acquisition?

8 MR. SUSSENBACH: I mean at some point  
9 in the future I believe that is a small hunting camp.

10 COMMISSIONER DALEY: Oh is that what  
11 it is?

12 MR. SUSSENBACH: They got a great  
13 location right now, they have - it's my understanding  
14 they have, you know, dedicated easement as access into  
15 that camp. At some point, you know, I'm sure the  
16 opportunity will arise and certainly one of the  
17 objectives of the strategic plan is to go out, close  
18 off indentures and inholdings. We work to do that  
19 whenever we can, it's not in our favor to create a new  
20 indentures, new inholdings. So whenever the  
21 opportunity arises we start to try close those out.

22 COMMISSIONER DALEY: Thank you.

23 PRESIDENT LAYTON: Any others?

24 Okay.

25 We have a motion and a second.

1 Mr. Secretary, call the vote.

2 COMMISSIONER KNICK: All in favor?

3 ---

4 AYES RESPOND

5 ---

6 COMMISSIONER KNICK: Opposed?

7 Ayes have it, passed eight to zero.

8 ATTORNEY BECHTEL: Next item is on  
9 page 19 of your agenda. Contract Number L-3732.  
10 State Game Land Number 168, Monroe and Northampton  
11 Counties.

12 PennEast Pipeline Company LLC, or  
13 PennEast, is offering 70 more or less acres of land  
14 located in Eldred Township, Monroe County adjacent to  
15 State Game Land number 168 as shown on Exhibit RED 3  
16 on page 20 of your agenda, in exchange for a License  
17 for Right-of-Way granting the privilege of  
18 constructing, operating, maintaining and removing a  
19 natural gas pipeline on State Game Land number 168 in  
20 Eldred and Moore Township, Monroe and Northampton  
21 Counties.

22 PennEast has agreed to cause to convey  
23 this land to the Commission in addition to paying the  
24 Commission's standard habitat, surface and timber  
25 damages, as well as paying this Commission's standard

1 annual license fee so long as the License remains  
2 active.

3                   The License will authorize 7,956 feet  
4 of 36 inch natural gas pipeline in a 30 foot wide  
5 right-of-way occupying 5.48 acres of State Game Land  
6 number 168.

7                   PennEast will also be licensed to use  
8 and reclaim a totally of 12.97 acres of temporary  
9 workspace and existing access roads outside of the  
10 right-of-way during construction and reclamation.  
11 This is also shown on exhibit RED three on page 20 of  
12 your agenda.

13                   The tract offered by PennEast is  
14 located to State Game Land number 168, and will serve  
15 to provide much needed public and administrative  
16 access to the game lands on the north slope of Blue  
17 Mountain. The habitat is primarily a mature hemlock  
18 forest interspersed with oak, with a few reverting  
19 herbaceous opening along the floodplain of Aquashicola  
20 Creek. Access is from Lower Smith Gap Road, S.R 3002,  
21 via two private bridges over Aquashicola Creek.

22                   PRESIDENT LAYTON: Do we have a motion  
23 to accept?

24                   COMMISSIONER HOOVER: So moved.

25                   PRESIDENT LAYTON: Second?



1 Appalachian Trail. Okay, thanks.

2 PRESIDENT LAYTON: Any other comments?

3 Okay.

4 Mr. Secretary, call the vote.

5 COMMISSIONER KNICK: All in favor?

6 ---

7 AYES RESPOND

8 ---

9 COMMISSIONER KNICK: Opposed?

10 Ayes have it, passed eight to zero.

11 ATTORNEY BECHTEL: And the next item  
12 is on page 21 of your agenda, it's a Non-Surface Use  
13 Oil and Gas Cooperative Agreement, Tract 268A-18,  
14 State Game Land number 268, Tioga County.

15 Repsol Oil and Gas USA, LLC, or  
16 Repsol, requested the Commission offer its oil and gas  
17 rights under a portion of State Game Land number 268  
18 for Non-Surface Use Development.

19 The proposed tract, containing  
20 approximately 25.65 acres is located in Liberty  
21 Township, Tioga County as shown on Exhibit OGM 1 on  
22 page 22 of your agenda.

23 Repsol has a strong privately owned  
24 Oil and Gas lease position surrounding this detached  
25 portion of State Game Land number 268, has initiated

1 unconventional well drilling and development in the  
2 vicinity of the proposed tract, and has the ability to  
3 unitize and develop the Commission's Oil and Gas  
4 reserves under the proposed tract by horizontal  
5 drilling with no surface use or disturbance to the  
6 game land.

7                   The Commission has negotiated the  
8 proposed term of the agreement with Repsol in an  
9 effort to prudently develop the Commission's Oil and  
10 Gas reserves and simultaneously protect the wildlife  
11 resources and recreational use of State Game Land  
12 number 268

13                   The terms of the Agreement are a five-  
14 year paid up non-surface use oil and gas agreement, a  
15 \$2,000 per net oil and gas acre bonus payment and 18  
16 percent royalty for all oil gas and other liquids or  
17 condensates produced and sold from the proposed tract.

18                   The Agreement limits developments to  
19 the unconventional shale formation above the Onondaga  
20 limestone. The bonus payment of approximately \$51,300  
21 may be deposited either into the Game Fund or into an  
22 interest bearing escrow account to be used for the  
23 future purchase of wildlife habitats, lands or other  
24 uses incidental to hunting, furtaking, and wildlife  
25 resource management.

1 Future rentals and royalties owed the  
2 Commission shall be directly deposited into the Game  
3 Fund. Oil and gas development will be regulated by  
4 the Commonwealth's oil and gas regulations and the  
5 Commission's Standard Non Surface Use Oil and Gas  
6 Cooperative Agreement.

7 PRESIDENT LAYTON: Do we have a motion  
8 to accept?

9 COMMISSIONER HOOVER: So moved.

10 PRESIDENT LAYTON: Second?

11 COMMISSIONER FOX: Second.

12 PRESIDENT LAYTON: We have a motion  
13 and a second, any comments?

14 Any questions?

15 COMMISSIONER FOX: Pete, is that 15?

16 MR. SUSSENBACH: That's correct just a  
17 small tract of 268 immediately adjacent to Route 15.

18 COMMISSIONER DALEY: So Pete, by going  
19 above the Onondaga we're talking about only the  
20 Marcellus and I guess we could get more money if they  
21 go deeper into the Utica someday?

22 MR. SUSSENBACH: That's correct.

23 COMMISSIONER DALEY: Thank you.

24 MR. SUSSENBACH: And I've got to give  
25 kudos to Mike DiMatteo and the staff, you know, they

1 work hard with every one of these deals. You know,  
2 the company comes round one with much lower deal, and  
3 there is some pretty strong negotiations that occur  
4 where several months for us to get to the place that  
5 we're at right now. I feel pretty comfortable with.

6 PRESIDENT LAYTON: Any other comments?  
7 Questions?

8 Mr. Secretary, call the vote.

9 COMMISSIONER KNICK: All in favor?

10 ---

11 AYES RESPOND

12 ---

13 COMMISSIONER KNICK: Opposed?

14 Passed, eight to zero.

15 PRESIDENT LAYTON: Okay.

16 That concludes the business portion  
17 today. Is there any other new business? Hearing  
18 none, the next working group meeting will be August  
19 the 27th, 2018. The next Commission meeting will be  
20 September 24th and 25th, 2018. And that will be held  
21 at Seven Springs Resort in Somerset County.

22 Immediately following this we're going  
23 to have a press conference and executive session will  
24 be held in the Conference Room.

25 Yeah, and just a reminder we're going

1 to have a dedication of the bench out back that was  
2 presented by the Pennsylvania Trappers Association in  
3 memory of Tom Hardisky.

4 We are adjourned.

5 \* \* \* \* \*

6 MEETING CONCLUDED AT 9:11 A.M.

7 \* \* \* \* \*

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CERTIFICATE

21 I hereby certify that the foregoing proceedings,  
22 a hearing held before Chairman Layton, was reported by  
23 me on 7/31/18 and that I, Adam Beck, read this  
24 transcript, and that I attest that this transcript is  
25 a true and accurate record of the proceeding.

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Date the 23rd day of August, 2018

A handwritten signature in cursive script, appearing to read "Adam Beck", is written over a horizontal line.

Adam Beck

Court Reporter