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
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INDEX

OPENING REMARKS
By Chairperson Layton 3

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

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 Conversancy is represented here today by Renee Carey,
over there with the camera, in the corner, and they approached us about the possible donation of some land up in Montour County, Game Land 115, it's relatively small game lands and the addition was a - interest in approximately 600 acres.

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

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

So, again, great sense of pride that we were able to take on this project. We're still working through some obstacles but the Stublers, you know, we really appreciate, you know, their interest in wildlife, their interest in coming to the Game Commission and working through the Northcentral
Pennsylvania Conversancy. With partners like this, it makes you smile every day to know that there are people out there that you know, they're looking out for wildlife and future resource such as these folks are.

Thank you.

Mr. Stubler: Thank you.

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

Thanks for everything you did.

ATTORNEY BECHTEL: Thank you.

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

MR. METZ: The presentation today is the Lehigh Valley Safari Club stepped up and bought us a 4 inch, 450 gallon per minute pump, PTO driven pump for use down in Middle Creek. It's hard to believe that some of the impoundments down in Middle Creek are approaching 40, 50 years old. Some are earthen dams, they had bad watered control structures and we needed something to basically allow us to repair some of those and as we're replacing the water structure because some of them wore out.
As - also control more of those throughout the year, in different impoundments that change your water levels and make a better habitat for a variety of different species. So, we were hurting for that. Lehigh Valley Safari Club stepped up, got $5,000, and they - as they've done a lot of times in the region, they stepped in and filled the gap a lot of times working in a lot of things from law enforcement to education and now that Middle Creek it’s habitat management. So they did a great job for us and certainly appreciate the work you guys have done.

Thank you.

MR. Tim Reiger: What we have here is a beautiful aluminum plaque which will be Middle Creek wildlife area where the water pump is at. And also a check for the amount of money that was due. Lehigh Valley Chapter is a very active chapter in the State of Pennsylvania with wildlife conversation projects. Part of our goals is to do at least one project a year with the Game Commission. In the past we’ve done rototillers and other projects, and we’d like to continue this giving to the Game Commission and hopefully we can come up with a couple more big projects to benefit everyone and the wildlife.
MR. METZ: Like I said, these guys have stepped up. They fill the void a lot of times when we have one piece of equipment or something we need. They stepped up multiple times so, you guys have done a great job.

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

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

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

Tom was a certified wildlife biologist
employed by the Game Commission for nearly 29 years. He started in the Game Commission in 1989, as a database manager with what is today the Bureau of Wildlife Habitat Manager. By the early '90s Tom was Section Supervisor of the Furbearer and Farmland Wildlife Section in the Bureau of Wildlife Management. There he played an instrumental role in the Sichuan pheasant evaluation in the 1998 Game Commission wild pheasant study. He was a valued member of the Bureau of Wildlife Management team. Tom was an effective player - team player, and became the first - first Northeast Region Wildlife Manager and Supervisor in 2005.

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

Tom was a good, all around guy. Tom was one of the longstanding members of the Northeast Furbearer Resources Technical Committee. He served on
the committee since the early '90s. He was the committee historian and database manager for the last 15 years. Here we see Tom serving at a pig roast at last year's meeting in Pennsylvania. This brings up one of Tom's special gifts. He had a smoker in his backyard and the smoked chicken or pheasant or venison jerky came out there was phenomenal.

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

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

Throughout his career Tom offered a positive and productive working relationship with the Pennsylvania Trappers Association. And was a lifetime member. He was inducted into the PA Trappers Hall of Fame this year and today they are dedicating a bench
in his honor and we thank them for their generous
donation.

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

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

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

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

COMMISSIONER KNICK: Commissioner
Layton?

PRESIDENT LAYTON: Present.

COMMISSIONER KNICK: Commissioner
Hoover?
COMMISSIONER HOOVER: Here.

COMMISSIONER KNICK: Commissioner Daley?

COMMISSIONER DALEY: Here.

COMMISSIONER KNICK: Commissioner Fox?

COMMISSIONER FOX: Here.

COMMISSIONER KNICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Here.

COMMISSIONER KNICK: Commissioner Mitrick?

COMMISSIONER MITRICK: Here.

COMMISSIONER KNICK: Commissioner Foradora?

COMMISSIONER FORADORA: Here.

COMMISSIONER KNICK: Commissioner Knick, myself, here.

All present.

PRESIDENT LAYTON: Okay.

Mr. BECHTEL, ready to go?

Oh, we need a - can I get a motion to approve the minutes of the Commission meeting held April 24, 2018?

MR. HOOVER: So moved

PRESIDENT LAYTON: A second?
COMMISSIONER MITRICK: Second.

PRESIDENT LAYTON: The Secretary called the roll.

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes take it.

ATTORNEY BECHTEL: So the first item to come before the Commission today is from the Bureau of Wildlife Management concerning antlerless deer allocation clarification. It's for WMU 2E Antlerless Deer Allocation Clarification.

At the meeting of the Board of Commissioners on April 24, 2018, the antlerless allocation for WMU 2E was proposed to be, quote, as recommended, unquote, but was incorrectly read as 23,000 when the recommendation was for 27,000. The Commissioners were all in agreement with accepting the recommendation of 27,000 and inadvertently did not notice the transposition of reading the lines during the meeting. The Commission desired to - issue this clarification of their intent by notational vote to make the allocation for the 2018-2019 season for WMU
2E as 27,000. The Action was taken by notational vote and no further action is necessary today.

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

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

The text varies in a non-substantive way from the proposal in January but be aware that what is shown is what went out for public comment.
PRESIDENT LAYTON: Thank you.
I have a motion.

COMMISSIONER HOOVER: Move.
PRESIDENT LAYTON: A second?
COMMISSIONER MITRICK: Second.
PRESIDENT LAYTON: Any comment?
Mr. Secretary, call the vote please.
COMMISSIONER KNICK: All in favor?
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AYES RESPOND
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COMMISSIONER KNICK: Opposed?
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COMMISSIONER DALEY: No.

COMMISSIONER KNICK: Vote passed,
seven to one.

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

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

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

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

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

COMMISSIONER HOOVER: Mr. President, I make a motion to amend the proposed rulemaking to insert the following sentence in the definition of guide and guiding activity. This definition does not
include the use of leashed tracking dog for deer, bear, and elk.

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

COMMISSIONER FOX: Second.

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

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

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

PRESIDENT LAYTON: Any further discussion?

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

COMMISSIONER KNICK: All in favor.

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes take it. Eight to zero.
ATTORNEY BECHTEL: The next item is on page nine of your agenda. It's to create 58 Pa. Code Section 133.7 and amend 58 Pa. Code section 137.2.

The Hungarian partridge, also known as the grey partridge is a non-native bird first introduced to the United States from Hungary in the early 1900s. Wildlife agencies, including the Pennsylvania Game Commission, stocked many thousands of these birds in an attempt to establish wild populations and to maintain quality small game hunting opportunities. Hungarian partridges were stocked by the PGC in the 1920s, 1930s, and then again in the 1950s. These efforts failed and the population of wild Hungarian partridges was never established within the Commonwealth. The Commission is determined that they are currently no wild populations of Hungarian partridges found within the Commonwealth.

The Commission has received a public request to consider adding Hungarian partridges to the list of birds that may be released for dog training purposes. The Commission has reviewed the proposal and determined there to be no significant biological concerns in moving forward with this proposal. As a result, the Commission is proposing to amend section 137.2 relating to release of animals to add the
Hungarian partridge to the list of species that may be lawfully released on public or private lands for dog training, or hunting purposes without first securing a permit.

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

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

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER DALEY: Second.

PRESIDENT LAYTON: Any comments?

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

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes take it, eight to zero.
ATTORNEY BECHTEL: The next item today is on page 11 of your agenda. It's to amend 58 Pa. Code section 147.322, relating to application for deer control permit.

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

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

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

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

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

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

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

This action will improve the use and prominence of public hunting as the primary method of wildlife resource management without unduly restricting the purpose and ultimate goals of the deer control permit program.

This action will formalize into the deer control permit regulations the current policy being used to evaluate and approve deer control permit applications. The text is shown on pages 12 and 13 of your agenda.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: A second?

COMMISSIONER MITRICK: Second.

PRESIDENT LAYTON: We have a motion and a second. Any discussion?

Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor.

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes, eight zero.
ATTORNEY BECHTEL: The next item for consideration comes from the Bureau of Wildlife Habitat Management and concerns a donation of real estate.

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

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

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

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

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

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

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second.

COMMISSIONER MITRICK: Second.

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

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?
Ayes take it, eight to zero.
ATTORNEY BECHTEL: And the next item, is on page 17 of your agenda. Contract number L-3731, State Game Land number 13 in Sullivan County.
The Conservation Fund is offering 752.6 more or less acres of land in Colley Township, Sullivan County, adjoining State Game Land number 13 as shown on RED - exhibit RED 2 on page 18 of your agenda.
The option price is $200,000 lump sum to be paid with the funds from third-party commitments for compensation of habitat and recreational loses which occurred on State Game Lands from previously approved projects. The option price includes 25 percent of the oil and gas rights situated below the surface of the land.
The Conservation Fund acquired the 752.6 more or less acre property, referred to as the Red Rock Associates, LLC Tract, in part with funds from Transcontinental Gas Pipe Line Company, LLC for voluntary mitigation designed to restore and preserve upland forest habitats for migratory birds and Indiana Bats associated with the construction and operation of the Atlantic Sunrise Natural Gas Pipeline Project.
Most of the property is forested with more than half being dominated by northern hardwoods and the remaining portion covered in hemlock, white pine and hemlock-mixed hardwood palustrine forest.

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

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

**PRESIDENT LAYTON:** Do we have a motion to accept?

**COMMISSIONER HOOVER:** So moved.

**PRESIDENT LAYTON:** Second?

**COMMISSIONER FORADORA:** Second.

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

**PRESIDENT LAYTON:** Please.

**MR. SUSSENBACH:** So this acquisition highlights tremendous partnerships over the years with The Conservation Fund in this case and previous
acquisition again with Hawk Mountain Sanctuary and
Berks Nature. And just a little while ago the
Stublers coming up here for their presentation, just
shows the strength that we all have when we all work
together.

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

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

Sullivan County depends on a lot
recreational activities for, you know, drawing the
population in. This is just another 750 acres that's
going to add to that. And I think, you know, down the
road generations are going to see that, you know,
that's one of those last outposts in the Northeast
that is a large block of contiguous, you know,
uninterrupted forest that you can't get in any other areas of the state until you drift further to the north and west to the north central.

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

Thank you.

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

**PRESIDENT LAYTON:** Yes.

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

**PRESIDENT LAYTON:** Thank you for that, Pete.
Any other comment?

COMMISSIONER DALEY: I have one.

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

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

COMMISSIONER DALEY: Oh is that what it is?

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

COMMISSIONER DALEY: Thank you.

PRESIDENT LAYTON: Any others?

Okay.

We have a motion and a second.
Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes have it, passed eight to zero.

ATTORNEY BECHTEL: Next item is on page 19 of your agenda. Contract Number L-3732.

State Game Land Number 168, Monroe and Northampton Counties.

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

PennEast has agreed to cause to convey this land to the Commission in addition to paying the Commission's standard habitat, surface and timber damages, as well as paying this Commission's standard
annual license fee so long as the License remains active.

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

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

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

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?
COMMISSIONER MITRICK: Second.

PRESIDENT LAYTON: Any comment?

MR. SUSSENBACH: Mr. President if I may?

PRESIDENT LAYTON: Yes, sir.

MR. SUSSENBACH: So if you look at the southern part of the map and you got State Game Land 168, that's approximately 700 acres that at this point we've had no access to. So this actually - this addition will actually provide us access for hunters and trappers, wildlife enthusiasts, and also be able to get in there and manage the property. Which on the north side of Blue Mountain I can tell you, probably is desperately in need of it. So for us to be able to get in there and do that is really going to provide benefits for the long term of wildlife and hunting opportunity.

PRESIDENT LAYTON: Great.

Any other comments?

COMMISSIONER MITRICK: Pete, what is the green strip between the sections of the State Game land?

MR. SUSSENBACH: That would be the National Park Service, the Appalachian Trail.

COMMISSIONER MITRICK: That is the
Appalachian Trail. Okay, thanks.

PRESIDENT LAYTON: Any other comments?
Okay.

Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

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AYES RESPOND

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COMMISSIONER KNICK: Opposed?

Ayes have it, passed eight to zero.

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

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

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

Repsol has a strong privately owned Oil and Gas lease position surrounding this detached portion of State Game Land number 268, has initiated
unconventional well drilling and development in the vicinity of the proposed tract, and has the ability to unitize and develop the Commission's Oil and Gas reserves under the proposed tract by horizontal drilling with no surface use or disturbance to the game land.

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

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

The Agreement limits developments to the unconventional shale formation above the Onondaga limestone. The bonus payment of approximately $51,300 may be deposited either into the Game Fund or into an interest bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking, and wildlife resource management.
Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Standard Non Surface Use Oil and Gas Cooperative Agreement.

PRESIDENT LAYTON: Do we have a motion to accept?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

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

Any questions?

COMMISSIONER FOX: Pete, is that 15?

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

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

MR. SUSSENBACH: That's correct.

COMMISSIONER DALEY: Thank you.

MR. SUSSENBACH: And I've got to give kudos to Mike DiMatteo and the staff, you know, they
work hard with every one of these deals. You know, the company comes round one with much lower deal, and there is some pretty strong negotiations that occur where several months for us to get to the place that we're at right now. I feel pretty comfortable with.

**PRESIDENT LAYTON:** Any other comments?

Questions?

Mr. Secretary, call the vote.

**COMMISSIONER KNICK:** All in favor?

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**COMMISSIONER KNICK:** Opposed?

Passed, eight to zero.

**PRESIDENT LAYTON:** Okay.

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

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

Yeah, and just a reminder we're going
to have a dedication of the bench out back that was presented by the Pennsylvania Trappers Association in memory of Tom Hardisky.

We are adjourned.

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MEETING CONCLUDED AT 9:11 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, a hearing held before Chairman Layton, was reported by me on 7/31/18 and that I, Adam Beck, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.
Date the 23rd day of August, 2018

Adam Beck

Court Reporter