PUBLIC MEETING

IN RE: PENNSYLVANIA BOARD OF GAME COMMISSIONERS

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

HEARING: Tuesday, September 25, 2018
8:30 a.m.

LOCATION: Seven Springs Mountain Resort
777 Water Wheel Drive
Champion, PA 15622

Reporter: Danielle S. Ohm

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DISCUSSION AMONG PARTIES 3 - 31
P R O C E E D I N G S

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PRESIDENT LAYTON: We're going to call the meeting of the Pennsylvania GamE Commission to order. September 25th, 2018. I'm going to ask everyone to please rise joining in the Pledge of Allegiance, and then if you would just remain standing.

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(WHEREUPON, PLEDGE OF ALLEGIANCE RECITED.)

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PRESIDENT LAYTON: On Friday, September 21st Dot Derr, the Director of Administrative Services, passed away after a 14 week valiant fight with cancer. Our thoughts and prayers go out to Dot’s family during this difficult time. And I would ask that you please join me now for a moment of silence to honor Dot.

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(WHEREUPON, A MOMENT OF SILENCE WAS HELD.)

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PRESIDENT LAYTON: Thank you.

Mr. Secretary, please call the roll.

COMMISSIONER KNICK: Mr. Layton?

PRESIDENT LAYTON: Present.
COMMISSIONER KNICK:  Mr. Hoover?
COMMISSIONER HOOVER:  Present.
COMMISSIONER KNICK:  Mr. Daley?
COMMISSIONER DALEY:  Right here.
COMMISSIONER KNICK:  Mr. Fox?
COMMISSIONER FOX:  Present.
COMMISSIONER KNICK:  Mr. Mitrick?
COMMISSIONER MITRICK:  Here.
COMMISSIONER KNICK:  Mr. Fredericks?
COMMISSIONER FREDERICKS:  Here.
COMMISSIONER KNICK:  Mr. Foradora?
COMMISSIONER FORADORA:  Here.
COMMISSIONER KNICK:  Mr. Knick, myself. Here.

All present.
PRESIDENT LAYTON:  At this time can I get a motion to approve the minutes of the meeting held July 31st, 2018?

COMMISSIONER DALEY:  So moved.
COMMISSIONER HOOVER:  So moved.
PRESIDENT LAYTON:  Is there a second?
COMMISSIONER FREDERICKS:  Second.
PRESIDENT LAYTON:  Mr. Secretary?
COMMISSIONER. KNICK:  Roll call. Mr. Layton?
I'm sorry. All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes take it. Eight to zero.

ATTORNEY BECHTEL: Thank you. The first item to come before the Commission today comes from the Bureau of Wildlife management. It concerns proposed rulemaking to amend 58 Pa. Code Sections 133.21 and 133.41. The Game Commission has a fiduciary duty to manage our wildlife and their habitat for present and future generations.

With this trust comes tough decisions. Enhanced protection through listing of these species is the right decision for Pennsylvania's wildlife and the public we serve. Listing engages the PGC in decisions that help avoid, minimize or mitigate impacts compounded by the primary causes of decline.

The endangered/threatened classification recognizes the inherent value of each surviving member of the species. The Commission is proposing to amend Sections 133.21 and 133.41 to adjust the Commission's threatened and endangered species list for the following species.

Peregrine falcon, upgrading from endangered to threatened, which reflects the steady
statewide population recovery as specified in the Board-approved Peregrine Falcon management plan. The recovery metrics for upgrading species status to threatened have been achieved.

Piping plover, upgrading from extirpated to endangered recognizes the return of a breeding bird to Pennsylvania and follows the regulatory process in Section 133.4. We celebrate the return of a native bird species to our state after more than 60 years absence, in which pairs have successfully nested at Presque Isle State Park in 2017 and 2018, with reasonable expectation that they will return in the future. Presque Isle is the only regular location in which this species occurs in Pennsylvania.

Red Knot. Red Knot subspecies rufa was classified as federally threatened in 2014, with Pennsylvania listed in the historic migratory range. It was designated a species of greatest conservation need in the Pennsylvania Wildlife Action Plan because it is a rare migrant, found only at Presque Isle State Park and Conejohela Flats due to its federally protected status and because the population is highly vulnerable to further declines as shown by the Game Commission and Fish and Boat Commission 2015.
Averting adverse impacts to the species during migration contributes to the range-wide conservation of this species. State listing follows Title 58 in response to federal listing in Section 133.4.

Bats, all hibernating bat species are species of greatest conservation need in the Pennsylvania Wildlife Action Plan due to their catastrophic decline caused by White Nose Syndrome. State listing provides the best tool to protect the remaining maternity sites and hibernacula to thwart further declines, and hopefully, prevent federal listing through the environmental review process.

Tri-colored bat was recently petitioned to be protected under the U.S. Endangered Species Act, with a 90-finding of warranted. The U.S. Fish and Wildlife Service will evaluate all information as part of the status review process.

State listing of the northern long-eared bat follows federal listing in 2016 by regulation. Declines in the little brown bat and tri-colored bat are more severe in Pennsylvania than that of the long-eared bat, and therefore call for state listing. Protection of the few remaining populations of these bats is critical to their
potential recovery. State listing triggers protections through environmental review and proactive measures to encourage recovery. Only recent occurrence sites will be regulated. The protected list is shown on pages three through four of your agenda.

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER HOOVER: So moved.

COMMISSIONER FREDERICKS: Second.

BOARD MEMBER: Second.

PRESIDENT LAYTON: Any comment?

PRESIDENT LAYTON: I just want to say that, you know, when we start the list of species that's always a concern, but you know, we hear Greg Turner talking about the decline of the bat population. It's not just in Pennsylvania, but all across the northeast and it's a huge concern. So it's one of those things that I know none of us really enjoy doing, but it's a necessary step to try to protect the bat population. And I would encourage everyone to vote in favor of this.

PRESIDENT LAYTON: Any other comment?

Mr. Secretary, would you call the rule - call the vote.
COMMISSIONER KNICK: All in favor?

ALL SAY AYE

COMMISSIONER KNICK: Opposed? Ayes have it eight to zero.

ATTORNEY BECHTEL: The next item is on page five of your agenda, Bureau of Wildlife Protection and it concerns adopted rulemaking. Amend 58 Pa. Code Section 147.901 through 147.905 and create 58 Pa. Code Sections 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 non-commercial 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, traps and other devices, applicable federal and state laws concerning hunting and trapping, land navigation, first-aid and CPR skills. The text is shown on pages six through
nine of your agenda.

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FREDERICKS: Mr. President, for the purposes of discussion I would second that motion.

PRESIDENT LAYTON: We have a first and a second. Any comment?

COMMISSIONER HOOVER: Mr. President, I'd like to discuss for a second the - the way that the special guiding permit is set up and - and the use of non-commercial guiding permit requirement. We've heard from the public, we've heard - we've had discussions amongst ourselves and individuals about requiring a son, or daughter, or an uncle or a friend to be required to obtain a non-commercial guiding license to accompany or participate in the hunt. That being said I'd like to table this motion until we take the opportunity to go over it and take some of these requirements and correct them and go on from there.

PRESIDENT LAYTON: Do we have any other discussion?

COMMISSIONER FREDERICKS: I second
Commissioner Hoover's comments. I agree.

PRESIDENT LAYTON: So we need to have it in the form of a motion.

COMMISSIONER HOOVER: I'll make a motion that we table this.

COMMISSIONER FREDERICKS: And I'll second it.

PRESIDENT LAYTON: So we have a motion and a second on the floor to table this regulation until further time. Call a vote.

COMMISSIONER KNICK: All in favor of tabling it?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes take it, eight to zero.

ATTORNEY BECHTEL: The next item before the Commission is on page ten of your agenda. To create 58 Pa. Code Section 133.7 and amend 58 Pa. Code Section 137.2 relating to the 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 has also proposed 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 page 11 of your agenda.

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER HOOVER: Second.

PRESIDENT LAYTON: Any comment? Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it eight to zero.

ATTORNEY BECTHEL: The next item before the Commission is on page 12 of your agenda to amend 58 Pa. Code 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 wild 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 13 and 14 of your agenda.

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER HOOVER: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FREDERICKS: Second.

PRESIDENT LAYTON: Any comment?

COMMISSIONER HOOVER: Yes, Mr. President. I'd like to just mention that this has come around over the past couple years as municipalities in the urban environment start to have to use controlled permits to lower the deer herd. This has been happening probably the last ten years or so in - in the southeast region. One of the - one of the problems that we've seen is that as we move forward with this the hunter becomes less involved in the situation and the targeted shooter or the police
become the primary source of removal.

What we're doing here today is making sure that we keep the hunter at the forefront of the - of the program so that they have the opportunity first to get in there and remove the deer to - to help each municipality.

PRESIDENT LAYTON: Okay.

Any other comment? Mr. Secretary, call the vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it, eight to zero.

ATTORNEY BECHTEL: The next item before the Commission shows up on page 15 of your agenda concerns proposed rulemaking, amend 58 Pa. Code Section 135.103. This is a relatively minor, yet worthy, issue that will benefit a small number of disabled veteran hunters. Currently regulations allow for special disabled veteran goose hunts at both the Pymatuning and Middle Creek Wildlife Management Areas. Section 135.103 currently identifies those eligible to participate in these special hunts as persons holding a resident disabled veterans license.

When an eligible disabled veteran
hunter reaches age 65 and purchases his or her senior lifetime license of either the regular or combination class, he or she becomes ineligible to participate in the special disabled veteran hunt because they possess the wrong base license. This can easily be corrected through a minor regulatory change. That text is shown on page 15 of your agenda.

PRESIDENT LAYTON: Can I have a motion?

COMMISSIONER DALEY: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FREDERICKS: Second?

PRESIDENT LAYTON: Any conversation or comments?

COMMISSIONER DALEY: Just that, President Layton, this is not a huge amount of people that will be impacted, but we have had people in the northwest region that would like to hunt at Pymatuning for the veteran goose hunts, but because they spent money on that senior lifetime license they are not able to hunt, this will correct it.

PRESIDENT LAYTON: Are there any other - Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND
COMMONIONER KNICK: Opposed? Ayes
have it, eight to zero.

ATTORNEY BECHTEL: And the next item
appears on page 16 of your agenda to amend 58 Pa. Code
Sections 147.802 through 147.804. Currently the
regulations provide for a mentor program for youth
defined as an individual under the age of 12, and
adults defined as an individual over the age of 18.
There is currently no provision in the regulations for
mentoring individuals between the ages of 12 and 16.

This proposal would expand the mentor
youth program to allow individuals between the ages of
12 and 16 to be eligible, thereby allowing them to
participate in hunting without taking
hunter-trapper education or purchasing a hunting
license. The mentor youth program has been a very
successful mechanism for introducing potential hunters
to the sport.

A recent survey showed that
individuals who participate in the mentor youth
program were more likely to purchase hunting licenses
in the future, compared to individuals who had not
participated in the program. Expanding upon the
program will allow individuals between the ages of 12
and 16 to participate, would allow the agency to
recruit non-traditional potential hunters who did not
have access to someone who could take them hunting on
a consistent basis, or shepherd them through
hunter-trapper education, but yet have developed an
interest in hunting and would like to participate
before making the commitment necessary to become a
license buyer.

The Commission is proposing to amend
Sections 147.802 through 147.804 to, one, expand the
mentor youth program to include youth up to 16 years
of age; two, expand the mentored adult program to
include persons 17 years of age or older; three, limit
participation in the mentored junior and mentored
adult program to three years total; and four, set
mentored junior permit fees at $5 for resident
applicants and $40 for non-resident applicants, plus
any applicable transactional and issuing agent fees.
The text is shown on pages 16 through 18 in your
agenda.

PRESIDENT LAYTON: Do we have a motion
to accept?

COMMISSIONER FREDERICKS: So moved.
PRESIDENT LAYTON: Second?
COMMISSIONER FOX: Second.
PRESIDENT LAYTON: Any comment?
COMMISSIONER HOOVER: Mr. President,
I'd just like to clarify one — one thing or get a
clarification.

Currently we have a mentor youth
program that they're allowed to participate in. Do
the three years that they participate in the mentor
youth program do they count towards the three years of
the mentor junior program?

JASON DECOSKEY: Yes, they would.

COMMISSIONER HOOVER: So you'd only
actually get to use the mentor program for three
years.

Is that correct?

MR. DECOSKEY: Correct.

COMMISSIONER HOOVER: Thank you.

PRESIDENT LAYTON: Are there any other
questions?

COMMISSIONER MITRICK: I have a
question. The way it's written, it says that between
the ages of 12 and 16. It sounds to me like it's
excluding age 16. I think it should say something
like up to and including age 16 just to make sure
everybody understands that.

COMMISSIONER DALEY: That's for mentor
youth.
PRESIDENT LAYTON: Well, let's look in the - the actual -.

PRESIDENT LAYTON: Okay.

So the text if you look on page 17 under eligibility it says, mentor youth hunting permits are available to youth applicants under 12 years of age or 12 years of age or older, but under 17 years of age.

So it does include there the 16 year olds.

PRESIDENT LAYTON: Thank you. Any other comments, any other questions? Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it, eight to zero. Unanimous.

ATTORNEY BECHTEL: The next item before the Commission is on page 19 of your agenda from the Bureau of Wildlife Habitat Management concerning real estate and donation contract number L-3734 State Game Land Number 261 in Bedford County. James F. Swope and Carol P. Shoemaker are offering to donate a right-of-way across their property for access into State Game Land Number 261, which is shown as
Exhibit RED 1 on page 20 of your agenda.

Swope and Shoemaker own property located in Broad Top Township, Bedford County, adjacent to State Game Land Number 261. Swope and Shoemaker are willing to convey a 40 foot wide right-of-way approximately 300 feet in length along their southwest boundary line.

Swope and Shoemaker have reserved the right to use the right-of-way, which the Commission will use for administrative purposes only. No public access will be provided. Access to the right-of-way will extend from State Route 915 to the State Game Land Number 261 boundary.

PRESIDENT LAYTON: Can I get a motion?
COMMISSIONER FREDERICKS: So moved.
PRESIDENT LAYTON: Second?
COMMISSIONER FOX: Second.
PRESIDENT LAYTON: Any comment?
PETER SUSSENBACH: Mr. President, may I add as a point of clarification?
PRESIDENT LAYTON: Please.
MR. SUSSENBACH: The watercourse that runs through here is significantly impaired and this access road will give us the opportunity to improve that water quality by putting in several passive water
treatment systems in there. So that - you know, that is the reason that that right-of-way is going in. It’s the ideal location for the bridge that we will be able to get into that passive system and ultimately improve the water quality for that entire drainage.

PRESIDENT LAYTON: And I guess one of the questions was it looks like there's a road that runs along the game lands.

MR. SUSSENBACH: Correct.

PRESIDENT LAYTON: So what's the necessary value for the right-of-way?

MR. SUSSENBACH: Well, right.

And the - the value of the right-of-way where it is, and we had our engineers and regional staff go out to that location because of the - the terrain, because of the roadways involved this would be ideal location to go in and be able to go into that treatment system.

PRESIDENT LAYTON: Very good.

MR. SUSSENBACH: So even though it looks like there's plenty of access along there, it's not ideal access.

PRESIDENT LAYTON: Great. Thank you. I appreciate that.
questions, comments? Mr. Secretary, call a vote, please.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it unanimous, eight to zero.

ATTORNEY BECHTEL: The next item is on page 21 of your agenda. Contract Number 3735 State Game Land Number 264 in Dauphin County. Ladnar, Inc. is offering to donate 0.36 more or less acres of land in Wiconisco Township, Dauphin County, an interior on State Game Land Number 264 as shown on Exhibit RED 2 on page 22 of your agenda. The property is forested with mixed northern hardwoods. Access is through existing State Game Land number 264.

PRESIDENT LAYTON: Do we have a motion?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: So moved.

PRESIDENT LAYTON: Any comment?

COMMISSIONER DALEY: Yeah, just one. Pete, congratulations for closing that indenture. Those are always good. Thank you.

MR. SUSSENBACH: It certainly is.
It's an objective that we've got in the Strategic Plan. Any time we can fill out one of those we try to do that.

PRESIDENT LAYTON: Any other comments?

Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it, eight to zero unanimous.

ATTORNEY BECHTEL: The next item before the Commission is on page 23 of your agenda. It concerns oil/gas and minerals in a non-surface use oil and gas cooperative agreement tract 117A-18, State Game Land Number 117, Washington County. Range Resources Appalachia, LLC or Range, requested the Commission offer its oil and gas ownership under a 354.02 more or less surface acre, or 352.16 more or less net oil/gas acres, portion of State Game Land number 117 for oil and gas development.

The proposed tract is located in Hanover and Smith Townships, Washington County as shown on Exhibit OGM 1 on page 24 of your agenda. Range has a strong privately owned oil/gas lease hold position in and around the majority of State Game Land Number 117. Range has also initiated unconventional
well drilling and development programs in the vicinity
of the proposed tract and has the ability to unitize
the Commission's oil and gas reserve by horizontal
drilling with no surface disturbance to the proposed
state game lands tract.

The staff has negotiated the terms of
the proposed agreement with Range in an effort to
safeguard the prudent development of the Commission's
oil/gas reserve and simultaneously protect the
wildlife resources and recreational use of State Game
Land number 117. The terms of the agreement are a
five year paid up Non-Surface Use Oil and Gas
Agreement, a $3,500 per acre bonus payment and 20
percent royalty for all oil/gas and other liquids or
condensates produced and sold from the proposed tract
which are owned by the Commission.

The bonus payment of $1,232,560 may be
deposited into the Game Fund or into an interest
bearing escrow account 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 FREDERICKS: So moved.

PRESIDENT LAYTON: And a second?

COMMISSIONER HOOVER: Second.

PRESIDENT LAYTON: Any comment?

COMMISSIONER FREDERICKS: I have a question.

PRESIDENT LAYTON: Please do so.

COMMISSIONER FREDERICKS: Pete, is that royalty percentage, is that at the well head?

MR. SUSSENBACH: Well, that's - not quite. There are some other - other details involved there, and I'd honestly have to defer to our legal counsel offline on that, but there are some - some technical issues that we've come across just recently that - that - that's not quite the answer to that, at the well head. There are some deductions - some other things that fall into play there. So not quite at the well head.

COMMISSIONER FREDERICKS: Do you have any idea of what the net - net royalty might be?

MR. SUSSENBACH: At this point, no, I do not. Not offhand.
COMMISSIONER FREDERICKS: It wouldn't be down - it wouldn't be all the way down to the state minimum of 12?

MR. SUSSENBACH: No, I - I would suspect not.

COMMISSIONER FREDERICKS: Okay.

MR. SUSSENBACH: I would suspect absolutely not.

COMMISSIONER FREDERICKS: Okay.

COMMISSIONER DALEY: So Pete, looking the $3,500 per acre, there's no mention of the undeveloped land, do you know if there is some around here.

MR. SUSSENBACH: That is correct. I mean, in certain places they can go to certain depths and in other places because of, you know, the type of fracking that they're doing, the type of - of gas that they're going after they'd be getting - we give them a little bit more latitude in where they can actually go.

PRESIDENT LAYTON: Any other comments? Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes
have it, eight to zero, unanimous.

ATTORNEY BETCHEL: And the next item appears on page 25 of your agenda, non-surface use oil and gas cooperative agreement in the Hillman tract formerly State Game Land Number 117 in Washington County. Range Resources Appalachia, LLC, or Range, requested the Commission offer its oil and gas ownership under a 607 more or less acre tract oil/gas in which the Commission owns the oil and gas rights, but does not own the surface. The proposed tract is located in Hanover and Smith Townships, Washington County as shown on Exhibit OGM 2 on page 26 of your agenda.

Range has a strong privately-owned oil/gas lease hold position in and around the majority of State Game Land Number 117.

Range has also initiated unconventional well drilling and development programs in the vicinity of the proposed tract and has the ability to unitize the Commission’s oil and gas reserve by horizontal drilling with no surface disturbance to the current surface owners. The staff has negotiated the terms of the proposed agreement with Range in an effort to safeguard the prudent development of the Commission’s oil/gas reserve.
The terms of the agreement are a five year paid up Non-Surface Use Oil and Gas Agreement, a $3,500 per acre bonus payment and 20 percent royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract which are owned by the Commission. The bonus payment of $2,124,500 may be deposited into the Game Fund or into an interest bearing escrow account 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?

COMMISSIONER FREDERICKS: So moved.

PRESIDENT LAYTON: Second?

COMMISSIONER FOX: Second.

PRESIDENT LAYTON: Any comment?

COMMISSIONER FREDERICKS: Same question. I assume that the answer's the same.
MR. SUSSENBACH: The answer would be the same.

COMMISSIONER FREDERICKS: Is that - is that something that surprised you guys or - I mean, you say you seemed to be caught off guard a little bit, but is this something that came to your attention after the -?

MR. SUSSENBACH: Well, I think we're looking into that and I think because of some of the - some of the ongoing potential litigation was occurring and do we want to specify any more at this point in time. We can talk a little bit offline.

COMMISSIONER FREDERICKS: Gotcha.

That's fine. Thank you, Pete.

Sure.

MR. SUSSENBACH: I just have one comment. I really got to give credit to our predecessor who had the foresight, to, you know, maintain ownership of the oil and gas rights under this tract. And you know, that's 600 acres that, you know, in any case we would have given away the surface, the - you know, subsurface, and in this case we actually retained it many years ago. So I give them kudos to those - those folks who probably never even thought there was going to be something like
Marcellus Shale and gas development when they originally had done this.

COMMISSIONER FREDERICKS: I'd like to add a little bit to that. This - this tract is in my home county and if you notice it's called the Hilman tract. And you know, for those of you who don't know, our good friend John Oliver, the former Secretary of DCNR, and a longtime conservationist, his mother was a Hilman.

So his - his family, his father saw to it that all - all these acres came to the Commission to be protected in perpetuity for wildlife conservation. And had the foresight to not only convey the surface, but all the mineral rights. So you know, just point of knowledge, and we're very appreciative.

PRESIDENT LAYTON: Any other comment? Mr. Secretary, call a vote.

COMMISSIONER KNICK: All in favor?

AYES RESPOND

COMMISSIONER KNICK: Opposed? Ayes have it, eight to zero, unanimous.

ATTORNEY BECHTEL: Mr. President, that concludes the formal agenda.

PRESIDENT LAYTON: Is there any other
new business?

COMMISSIONER HOOVER: Mr. Secretary, under new business I'd like to make a motion to approve, if it's in its complete order, the - the Pennsylvania Wild Turkey Management Plan for 2018 to 2027.

PRESIDENT LAYTON: So we have a motion to accept the management plan for the wild turkey. Is there a second?

COMMISSIONER FREDERICKS: So moved. Second.

PRESIDENT LAYTON: Any comments?

COMMISSIONER FREDERICKS: Job well done.

PRESIDENT LAYTON: Very good. Mr. Secretary, will you call vote?

COMMISSIONER KNICK: All in favor?

AYES IN FAVOR

COMMISSIONER KNICK: Opposed? Ayes have it.

PRESIDENT LAYTON: Any other new business?

So the next Working Group meeting will be held in Harrisburg on December 17th, 2018. The next Commission meeting will be held January 27th.
through the 29th, 2019 in Harrisburg. We can hold a press conference immediately after this. I don't believe there's a need for an executive session at this point, so the meeting is adjourned.

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MEETING CONCLUDED AT 9:30 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, meeting held before Timothy Layton, PRESIDENT LAYTON, was reported by me on 09-25-18 and that I Danielle S. Ohm read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 29th day of October, 2018

[Signature]

Court Reporter
Danielle Ohm