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PUBLIC MEETING

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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.

(WHEREUPON, PLEDGE OF ALLEGIANCE RECITED.)

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.

(WHEREUPON, A MOMENT OF SILENCE WAS HELD.)

PRESIDENT LAYTON: Thank you.
Mr. Secretary, please call the roll.

COMMISSIONER KNICK: Mr. Layton?

PRESIDENT LAYTON: Present.

1 COMMISSIONER KNICK: Mr. Hoover?

2 COMMISSIONER HOOVER: Present.

3 COMMISSIONER KNICK: Mr. Daley?

4 COMMISSIONER DALEY: Right here.

5 COMMISSIONER KNICK: Mr. Fox?

6 COMMISSIONER FOX: Present.

7 COMMISSIONER KNICK: Mr. Mitrick?

8 COMMISSIONER MITRICK: Here.

9 COMMISSIONER KNICK: Mr. Fredericks?

10 COMMISSIONER FREDERICKS: Here.

11 COMMISSIONER KNICK: Mr. Foradora?

12 COMMISSIONER FORADORA: Here.

13 COMMISSIONER KNICK: Mr. Knick,

14 myself. Here.

15 All present.

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

19 COMMISSIONER DALEY: So moved.

20 COMMISSIONER HOOVER: So moved.

21 PRESIDENT LAYTON: Is there a second?

22 COMMISSIONER FREDERICKS: Second.

23 PRESIDENT LAYTON: Mr. Secretary?

24 COMMISSIONER. KNICK: Roll call. Mr.

25 Layton?

1 I'm sorry. All in favor?

2 AYES RESPOND

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

5 ATTORNEY BECHTEL: Thank you. The
6 first item to come before the Commission today comes
7 from the Bureau of Wildlife management. It concerns
8 proposed rulemaking to amend 58 Pa. Code Sections
9 133.21 and 133.41. The Game Commission has a
10 fiduciary duty to manage our wildlife and their
11 habitat for present and future generations.

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

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

24 Peregrine falcon, upgrading from
25 endangered to threatened, which reflects the steady

1 statewide population recovery as specified in the
2 Board-approved Peregrine Falcon management plan. The
3 recovery metrics for upgrading species status to
4 threatened have been achieved.

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

16 Red Knot. Red Knot subspecies *rufa*
17 was classified as federally threatened in 2014, with
18 Pennsylvania listed in the historic migratory range.
19 It was designated a species of greatest conservation
20 need in the Pennsylvania Wildlife Action Plan because
21 it is a rare migrant, found only at Presque Isle State
22 Park and Conejohela Flats due to its federally
23 protected status and because the population is highly
24 vulnerable to further declines as shown by the Game
25 Commission and Fish and Boat Commission 2015.

1 Averting adverse impacts to the
2 species during migration contributes to the range-wide
3 conservation of this species. State listing follows
4 Title 58 in response to federal listing in Section
5 133.4.

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

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

19 State listing of the northern
20 long-eared bat follows federal listing in 2016 by
21 regulation. Declines in the little brown bat and
22 tri-colored bat are more severe in Pennsylvania than
23 that of the long-eared bat, and therefore call for
24 state listing. Protection of the few remaining
25 populations of these bats is critical to their

1 potential recovery. State listing triggers
2 protections through environmental review and proactive
3 measures to encourage recovery. Only recent
4 occurrence sites will be regulated. The protected
5 list is shown on pages three through four of your
6 agenda.

7 PRESIDENT LAYTON: Do we have a
8 motion?

9 COMMISSIONER HOOVER: So moved.

10 COMMISSIONER FREDERICKS: Second.

11 BOARD MEMBER: Second.

12 PRESIDENT LAYTON: Any comment?

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

23 PRESIDENT LAYTON: Any other comment?

24 Mr. Secretary, would you call the rule - call the
25 vote.

1 COMMISSIONER KNICK: All in favor?

2 ALL SAY AYE

3 COMMISSIONER KNICK: Opposed? Ayes

4 have it eight to zero.

5 ATTORNEY BECHTEL: The next item is on
6 page five of your agenda, Bureau of Wildlife
7 Protection and it concerns adopted rulemaking. Amend
8 58 Pa. Code Section 147.901 through 147.905 and create
9 58 Pa. Code Sections 147.903.1 and 147.904.1 to
10 enhance and expand the scope of the guide permit
11 program. These amendments will expand the scope of
12 this program to cover all commercial guiding
13 activities on state game lands and all commercial and
14 non-commercial guiding activities for elk on all other
15 lands and waters.

16 This effort is intended to provide
17 greater legitimacy to the holders of guiding permits
18 within the Commonwealth by establishing minimum
19 standards for the required knowledge base required to
20 be a guide, including basic biology and identification
21 of applicable game and wildlife species, methods of
22 safe and ethical use of firearms, traps and other
23 devices, applicable federal and state laws concerning
24 hunting and trapping, land navigation, first-aid and
25 CPR skills. The text is shown on pages six through

1 nine of your agenda.

2 PRESIDENT LAYTON: Do we have a
3 motion?

4 COMMISSIONER HOOVER: So moved.

5 PRESIDENT LAYTON: Second?

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

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

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

23 PRESIDENT LAYTON: Do we have any
24 other discussion?

25 COMMISSIONER FREDERICKS: I second

1 Commissioner Hoover's comments. I agree.

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

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

6 COMMISSIONER FREDERICKS: And I'll
7 second it.

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

11 COMMISSIONER KNICK: All in favor of
12 tabling it?

13 AYES RESPOND

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

16 ATTORNEY BECHTEL: The next item
17 before the Commission is on page ten of your agenda.
18 To create 58 Pa. Code Section 133.7 and amend 58 Pa.
19 Code Section 137.2 relating to the release of animals
20 to add the Hungarian Partridge to the list of species
21 that may be lawfully released on public or private
22 lands for dog training or hunting purposes without
23 first securing a permit.

24 The Commission has also proposed to
25 create Section 133.7 relating to Hungarian Partridge,

1 to reclassify the Hungarian Partridge as a wild bird
2 and not a game bird in an effort to treat this species
3 in a similar manner to the Chukar Partridge. The text
4 is shown on page 11 of your agenda.

5 PRESIDENT LAYTON: Do we have a
6 motion?

7 COMMISSIONER FREDERICKS: So moved.

8 PRESIDENT LAYTON: Second?

9 COMMISSIONER HOOVER: Second.

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

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

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

16 ATTORNEY BECTHEL: The next item
17 before the Commission is on page 12 of your agenda to
18 amend 58 Pa. Code Section 147.322 to provide greater
19 clarity of what circumstances will satisfy the public
20 hunting requirement. The Commission specifically
21 intends with this action to reject hunting opportunity
22 that is afforded to an individual or class of
23 individuals solely by virtue of their public
24 employment as satisfying the public hunting
25 requirement.

1 This action will improve the use and
2 prominence of public hunting as the primary method of
3 wild resource management without unduly restricting
4 the purpose and ultimate goals of the deer control
5 permit program. This action will formalize into the
6 deer control permit regulations the current policy
7 being used to evaluate and approve deer control permit
8 applications. The text is shown on pages 13 and 14 of
9 your agenda.

10 PRESIDENT LAYTON: Do we have a
11 motion?

12 COMMISSIONER HOOVER: So moved.

13 PRESIDENT LAYTON: Second?

14 COMMISSIONER FREDERICKS: Second.

15 PRESIDENT LAYTON: Any comment?

16 COMMISSIONER HOOVER: Yes, Mr.

17 President. I'd like to just mention that this has
18 come around over the past couple years as
19 municipalities in the urban environment start to have
20 to use controlled permits to lower the deer herd.
21 This has been happening probably the last ten years or
22 so in - in the southeast region. One of the - one of
23 the problems that we've seen is that as we move
24 forward with this the hunter becomes less involved in
25 the situation and the targeted shooter or the police

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

8 PRESIDENT LAYTON: Can I have a
9 motion?

10 COMMISSIONER DALEY: So moved.

11 PRESIDENT LAYTON: Second?

12 COMMISSIONER FREDERICKS: Second?

13 PRESIDENT LAYTON: Any conversation or
14 comments?

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

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

24 COMMISSIONER KNICK: All in favor?

25 AYES RESPOND

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

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

11 This proposal would expand the mentor
12 youth program to allow individuals between the ages of
13 12 and 16 to be eligible, thereby allowing them to
14 participate in hunting without taking
15 hunter-trapper education or purchasing a hunting
16 license. The mentor youth program has been a very
17 successful mechanism for introducing potential hunters
18 to the sport.

19 A recent survey showed that
20 individuals who participate in the mentor youth
21 program were more likely to purchase hunting licenses
22 in the future, compared to individuals who had not
23 participated in the program. Expanding upon the
24 program will allow individuals between the ages of 12
25 and 16 to participate, would allow the agency to

1 recruit non-traditional potential hunters who did not
2 have access to someone who could take them hunting on
3 a consistent basis, or shepherd them through
4 hunter-trapper education, but yet have developed an
5 interest in hunting and would like to participate
6 before making the commitment necessary to become a
7 license buyer.

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

20 PRESIDENT LAYTON: Do we have a motion
21 to accept?

22 COMMISSIONER FREDERICKS: So moved.

23 PRESIDENT LAYTON: Second?

24 COMMISSIONER FOX: Second.

25 PRESIDENT LAYTON: Any comment?

1 COMMISSIONER HOOVER: Mr. President,
2 I'd just like to clarify one - one thing or get a
3 clarification.

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

9 JASON DECOSKEY: Yes, they would.

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

13 Is that correct?

14 MR. DECOSKEY: Correct.

15 COMMISSIONER HOOVER: Thank you.

16 PRESIDENT LAYTON: Are there any other
17 questions?

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

24 COMMISSIONER DALEY: That's for mentor
25 youth.

1 PRESIDENT LAYTON: Well, let's look in
2 the - the actual -.

3 PRESIDENT LAYTON: Okay.

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

9 So it does include there the 16 year
10 olds.

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

14 COMMISSIONER KNICK: All in favor?

15 AYES RESPOND

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

18 ATTORNEY BECHTEL: The next item
19 before the Commission is on page 19 of your agenda
20 from the Bureau of Wildlife Habitat Management
21 concerning real estate and donation contract number L-
22 3734 State Game Land Number 261 in Bedford County.
23 James F. Swope and Carol P. Shoemaker are offering to
24 donate a right-of-way across their property for access
25 into State Game Land Number 261, which is shown as

1 Exhibit RED 1 on page 20 of your agenda.

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

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

14 PRESIDENT LAYTON: Can I get a motion?

15 COMMISSIONER FREDERICKS: So moved.

16 PRESIDENT LAYTON: Second?

17 COMMISSIONER FOX: Second.

18 PRESIDENT LAYTON: Any comment?

19 PETER SUSSENBACH: Mr. President, may
20 I add as a point of clarification?

21 PRESIDENT LAYTON: Please.

22 MR. SUSSENBACH: The watercourse that
23 runs through here is significantly impaired and this
24 access road will give us the opportunity to improve
25 that water quality by putting in several passive water

1 treatment systems in there. So that - you know, that
2 is the reason that that right-of-way is going in.
3 It's the ideal location for the bridge that we will be
4 able to get into that passive system and ultimately
5 improve the water quality for that entire drainage.

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

9 MR. SUSSENBACH: Correct.

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

12 MR. SUSSENBACH: Well, right.

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

19 PRESIDENT LAYTON: Very good.

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

23 PRESIDENT LAYTON: Great. Thank you.
24 I appreciate that.

25 PRESIDENT LAYTON: Any other

1 questions, comments? Mr. Secretary, call a vote,
2 please.

3 COMMISSIONER KNICK: All in favor?

4 AYES RESPOND

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

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

16 PRESIDENT LAYTON: Do we have a
17 motion?

18 COMMISSIONER FREDERICKS: So moved.

19 PRESIDENT LAYTON: Second?

20 COMMISSIONER FOX: So moved.

21 PRESIDENT LAYTON: Any comment?

22 COMMISSIONER DALEY: Yeah, just one.

23 Pete, congratulations for closing that indenture.
24 Those are always good. Thank you.

25 MR. SUSSENBACH: It certainly is.

1 It's an objective that we've got in the Strategic
2 Plan. Any time we can fill out one of those we try to
3 do that.

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

6 COMMISSIONER KNICK: All in favor?

7 AYES RESPOND

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

10 ATTORNEY BECHTEL: The next item
11 before the Commission is on page 23 of your agenda.
12 It concerns oil/gas and minerals in a non-surface use
13 oil and gas cooperative agreement tract 117A-18, State
14 Game Land Number 117, Washington County. Range
15 Resources Appalachia, LLC or Range, requested the
16 Commission offer its oil and gas ownership under a
17 354.02 more or less surface acre, or 352.16 more or
18 less net oil/gas acres, portion of State Game Land
19 number 117 for oil and gas development.

20 The proposed tract is located in
21 Hanover and Smith Townships, Washington County as
22 shown on Exhibit OGM 1 on page 24 of your agenda.
23 Range has a strong privately owned oil/gas lease hold
24 position in and around the majority of State Game Land
25 Number 117. Range has also initiated unconventional

1 well drilling and development programs in the vicinity
2 of the proposed tract and has the ability to unitize
3 the Commission's oil and gas reserve by horizontal
4 drilling with no surface disturbance to the proposed
5 state game lands tract.

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

17 The bonus payment of \$1,232,560 may be
18 deposited into the Game Fund or into an interest
19 bearing escrow account for the future purchase of
20 wildlife habitats, lands or other uses incidental to
21 hunting, furtaking and wildlife resource management.
22 Future rentals and royalties owed the Commission shall
23 be directly deposited into the Game Fund. Oil and gas
24 development will be regulated by the Commonwealth's
25 Oil and Gas Regulations and the Commission's Standard

1 Non-Surface Use Oil and Gas Cooperative Agreement.

2 PRESIDENT LAYTON: Do we have a motion
3 to accept?

4 COMMISSIONER FREDERICKS: So moved.

5 PRESIDENT LAYTON: And a second?

6 COMMISSIONER HOOVER: Second.

7 PRESIDENT LAYTON: Any comment?

8 COMMISSIONER FREDERICKS: I have a
9 question.

10 PRESIDENT LAYTON: Please do so.

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

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

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

24 MR. SUSSENBACH: At this point, no, I
25 do not. Not offhand.

1 have it, eight to zero, unanimous.

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

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

17 Range has also initiated
18 unconventional well drilling and development programs
19 in the vicinity of the proposed tract and has the
20 ability to unitize the Commission's oil and gas
21 reserve by horizontal drilling with no surface
22 disturbance to the current surface owners. The staff
23 has negotiated the terms of the proposed agreement
24 with Range in an effort to safeguard the prudent
25 development of the Commission's oil/gas reserve.

1 The terms of the agreement are a five
2 year paid up Non-Surface Use Oil and Gas Agreement, a
3 \$3,500 per acre bonus payment and 20 percent royalty
4 for all oil/gas and other liquids or condensates
5 produced and sold from the proposed tract which are
6 owned by the Commission. The bonus payment of
7 \$2,124,500 may be deposited into the Game Fund or into
8 an interest bearing escrow account for the future
9 purchase of wildlife habitats, lands or other uses
10 incidental to hunting, furtaking and wildlife resource
11 management.

12 Future rentals and royalties owed the
13 Commission shall be directly deposited into the Game
14 Fund. Oil and Gas Development will be regulated by
15 the Commonwealth's Oil and Gas Regulations and the
16 Commission's Standard Non Surface Use Oil and Gas
17 Cooperative Agreement.

18 PRESIDENT LAYTON: Do we have a
19 motion?

20 COMMISSIONER FREDERICKS: So moved.

21 PRESIDENT LAYTON: Second?

22 COMMISSIONER FOX: Second.

23 PRESIDENT LAYTON: Any comment?

24 COMMISSIOBER FREDERICKS: Same
25 question. I assume that the answer's the same.

1 MR. SUSSENBACH: The answer would be
2 the same.

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

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

13 COMMISSIONER FREDERICKS: Gotcha.
14 That's fine. Thank you, Pete.
15 Sure.

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

1 Marcellus Shale and gas development when they
2 originally had done this.

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

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

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

19 COMMISSIONER KNICK: All in favor?

20 AYES RESPOND

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

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

25 PRESIDENT LAYTON: Is there any other

1 new business?

2 COMMISSIONER HOOVER: Mr. Secretary,
3 under new business I'd like to make a motion to
4 approve, if it's in its complete order, the - the
5 Pennsylvania Wild Turkey Management Plan for 2018 to
6 2027.

7 PRESIDENT LAYTON: So we have a motion
8 to accept the management plan for the wild turkey.

9 Is there a second?

10 COMMISSIONER FREDERICKS: So moved.
11 Second.

12 PRESIDENT LAYTON: Any comments?

13 COMMISSIONER FREDERICKS: Job well
14 done.

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

17 COMMISSIONER KNICK: All in favor?

18 AYES IN FAVOR

19 COMMISSIONER KNICK: Opposed? Ayes
20 have it.

21 PRESIDENT LAYTON: Any other new
22 business?

23 So the next Working Group meeting will
24 be held in Harrisburg on December 17th, 2018. The
25 next Commission meeting will be held January 27th

1 through the 29th, 2019 in Harrisburg. We can hold a
2 press conference immediately after this. I don't
3 believe there's a need for an executive session at
4 this point, so the meeting is adjourned.

5 * * * * *

6 MEETING CONCLUDED AT 9:30 A.M.

7 * * * * *

8 CERTIFICATE

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

15 Dated the 29th day of October, 2018

16

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18  _____

19 Court Reporter

20 Danielle Ohm

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