COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION

IN RE: PENNSYLVANIA GAME COMMISSION FORMAL MEETING

BEFORE: Charlie E. Fox, President
Stanley I. Knick, Jr., Vice President
Michael Mitrick, Secretary
Scott H. Foradora, Commissioner
Dennis R. Fredericks, Commissioner
Brian Hoover, Commissioner
Timothy Layton, Commissioner
Kristen Schnepp-Giger, Commissioner
Bryan Burhans, Executive Director
Bradley Bechtel, Chief Counsel

HEARING: Saturday, July 25, 2020
10:00 a.m.

LOCATION: Video Conference

WITNESSES: Jason Decoskey, Pete Sussenbach

Reporter: Bernadette M. Black

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ATTORNEY BECHTEL: All right. So I'd like to introduce myself. I'm Brad Bechtel, Chief Counsel for the Pennsylvania Game Commission. I will be reading the agenda today.

Mr. President, I presume you would like to call to order the formal meeting. And then we would move onto the formal roll call of Commissioners.

PRESIDENT FOX: Would you call roll please?

COMMISSIONER MITRICK: Yes, I will. This is Michael Mitrick, Secretary of the Game Commission calling roll. President Fox, are you there?

PRESIDENT FOX: Present.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes, I'm here.

COMMISSIONER MITRICK: Michael Mitrick present. Commissioner Foradora? Mr. Foradora, you may have to unmute your microphone. Are you there?

COMMISSIONER FORADORA: I saw him listed in the
COMMISSIONER FORADORA: I'm here. Can you hear me?

COMMISSIONER MITRICK: Yes, we can now. Thank you.

Commissioner Fredericks?

COMMISSIONER FREDERICKS: Here.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Here.

COMMISSIONER MITRICK: Commissioner Layton? Commissioner Schneppe-Giger?

COMMISSIONER SCHNEPP-GIGER: Present.

COMMISSIONER MITRICK: President Fox, all the - all the Commissioners are accounted for.

ATTORNEY BECHTEL: President Fox, the first item on the agenda would be the approval of the minutes of the Commission meeting held April 7th, 2020. Would you like to entertain a motion to approve those?

PRESIDENT FOX: Do I hear a motion to approve the minutes?

COMMISSIONER HOOVER: This is Brian Hoover, so moved.

COMMISSIONER FREDERICKS: Second
PRESIDENT FOX: All those in favor say aye.

AYES RESPOND

PRESIDENT FOX: Opposed? Motion carried.

Mr. Bechtel, will you guide us from here on?

ATTORNEY BECHTEL: Thank you, Mr. President.

The first item on the agenda comes from the Bureau of Wildlife Management. It concerns proposed rulemaking to amend 58 PA Code Section 147.746, relating to exceptions for resident Canada geese, to align state level regulations with recent federal amendments to depredation orders.

Depredation orders for resident Canada geese were established in federal and state regulations in 2006 and have been successful in providing effective individuals and businesses with methods to reduce goose-related damage and conflicts, especially in situations where recreational hunting is impractical or insufficient for population control.

Based on a recent review of the existing depredation orders which found the
timeframes for certain control activities to be overly restrictive, the U.S. Fish and Wildlife Service has amended depredation order regulations to allow nest and egg control to occur at any time of year and to expand the previous May through August time period for take under the agricultural depredation order to also include the month of April in the Atlantic Flyway.

Incorporating these federal changes in state regulations is not expected to result in a large increase in take of Canada geese and will have little to no impact on overall goose populations.

However, individual landowners, property managers and agricultural producers will benefit from additional flexibility to address localized instances of negative impacts from this species.

The text is shown on pages two and three of your agenda.

PRESIDENT FOX: Do we have a motion?

COMMISSIONER KNICK: So moved.

PRESIDENT FOX: Second?

Do we have a second?

COMMISSIONER FREDERICKS: Commissioner Fredericks, second.
PRESIDENT FOX: Discussion? All those in favor say aye.

AYES RESPOND

PRESIDENT FOX: Opposed? Motion carried.

ATTORNEY BECHTEL: Mr. President and Commissioners, the next item is also from the Bureau of Wildlife Protection. It is on an insert to your agenda and a handout on the screen.

This concerns proposed rulemaking to amend 58 PA Code Section 141.18. With the recent passage of House Bill 1188 the Pennsylvania Game Commission now has the regulatory oversight to approve the use of night vision equipment.

Each year the Commission is asked to review the perspective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation.

As part of the review process the Commission generally reviews to what degree use of a given device might negatively impact principals of resource conservation, equal opportunity, fair chase or public safety.

The Commission has recently been requested to formally review the use of handheld and
firearm mounted night vision and infrared optics for furbearer hunting. The Commission has reviewed these devices and determined that their use will have no or negligible negative impacts to the previously mentioned principals.

The Commission is proposing to amend Section 141.18 relating to permitted devices, to authorize the use of handheld and firearm mounted night vision and infrared optics used solely for furbearer hunting. The text is shown on your insert.

PRESIDENT FOX: Do we have a motion?

COMMISSIONER HOOVER: So moved, Brian Hoover.

PRESIDENT FOX: Do we have a second?

COMMISSIONER FORADORA: Second is Scott Foradora.

PRESIDENT FOX: All those in favor say aye.

AYES RESPOND

PRESIDENT FOX: Okay. Is there any discussion on that motion? All those in favor say aye.

AYES RESPOND

PRESIDENT FOX: Opposed? Motion carried.
At this point, we really would like to thank Representative Parke Wentling for his efforts in supporting this legislation.

ATTORNEY BECHTEL: The next item is on page four of your agenda. It's also from the Bureau of Wildlife Protection. It concerns proposed rulemaking to amend 58 PA Code Sections 141.43 and 141.44.

Current regulations concerning deer and bear hunting require that when a firearm is used, that is a centerfire firearm that propels single-projectile ammunition. Unlike elk regulations, the deer and bear hunting regulations do not establish any minimum caliber or projectile weight requirements. There are several centerfire cartridges which are clearly designed for small game, varmint and predator hunting.

The Commission has determined these calibers cannot be used to ethically harvest deer and bear. This list includes, but is not limited to, the .17 Hornet, the .17 Remington, the .17 Remington Fireball, the .22 Hornet and the .204 Ruger. These centerfire rifle calibers are currently lawful but largely inadequate for deer and bear hunting.

Beyond the calibers already mentioned
there are many .22 caliber centerfire cartridges which were designed for varmint or predator hunting, although some would argue they are adequate for deer hunting under the right circumstances.

Considerations that would make a marginal cartridge minimally acceptable would be premium bullets, reloading, taking close shots that are at right angles and not quartering away, et cetera.

The list includes but is not limited to the .218 Bee, the .220 Swift, the .221 Fireball, the .222 Remington, .223 Remington, .22-250 Remington and .224 Weatherby.

A survey of the Northeast Chiefs regarding lawful calibers for big game in their states yielded various information as is shown in your agenda, what is legal or not legal in those states.

As the wildlife management agency for the Commonwealth the Commission has determined that we could do more to encourage humane harvests with sporting arms that are appropriate for the game being hunted. This proposal will reduce the occurrence of lost or injured game animals.

The Commission is proposing to amend
Sections 141.43 and 141.44 to require that firearms used to hunt deer and bear be .24 caliber or greater. The text is shown on page five of your agenda.

PRESIDENT FOX: Do we have a motion?

COMMISSIONER FREDERICKS: Mr. President, this is Commissioner Fredericks. In the interest of opening a discussion, I'd like to move.

COMMISSIONER FORADORA: I'll second that. This is Commissioner Foradora – only for discussion though.

COMMISSIONER FREDERICKS: Mr. President, this is Commissioner Fredericks again. With your pleasure I'd like to read a statement that I have prepared on this issue.

Is that okay?

PRESIDENT FOX: Yes.

COMMISSIONER FREDERICKS: I'd like to thank all of our hunters that have weighed in on this discussion via email and public comment. I want to assure you that all the Commissioners read your emails, listen to the public comment and read the letters you send to the Agency. As Commissioners, our intent is to do the right thing for our wildlife resource and the hunters and the wildlife enthusiasts throughout the Commonwealth. We encourage this
interaction and strive to work together.

As we look at the North American model of wildlife conservation and other conservation plans, they often promote the ethical taking of wildlife. We all, the Pennsylvania Game Commission as well as our Pennsylvania hunters, need to always remember that wildlife comes first.

As we have heard from our hunters loud and clear that in trying to eliminate these small calibers for big game hunting, at this time, is not in the best interest of our future, especially when it comes to recruiting younger hunters as well as keeping and retaining aging hunters engaged in our wonderful pastime.

I personally requested this select - this language to be drafted. But after reviewing all the public comment I will be voting no to the adoption at this time.

As it is our responsibility to follow the North American model, let's collaborate further on this issue and use it as a very positive initiative to ensure the clean and ethical taking of big game.

Our hunters are made up of a very diversified skills and knowledge levels. With that
said it will be the Pennsylvania Game Commission's focus on helping educate, especially newer hunters, on the correct type of ammunition for smaller calibers, firearms and focused education efforts on shot placement to achieve the most ethical and humane taking of our big game.

Our agency will collaborate with the ammunition industry and focus on getting better information to our hunters on the correct ammunition selection for these small calibers for big game with the focus on white tail deer and bear.

With these efforts Pennsylvania would continue to lead the nation in educating our hunters and the public of our role as a state wildlife agency.

Again, we want to thank each and every one for your emails, phone calls, testimonies on this and every subject for that matter.

Remember not everyone is always in the know. And any time any of us can help folks that may be new to the sport, we are just raising the bar in keeping our great state of Pennsylvania the leader when it comes to wildlife management and the incredible hunting lifestyle that we are part of here in the Commonwealth.

Thank you, Mr. President.
PRESIDENT FOX: Any further discussion? Mr. Secretary, would you call for the vote?

COMMISSIONER MITRICK: Yes, all in favor?

COMMISSIONER FREDERICKS: In favor of voting no?

COMMISSIONER MITRICK: In favor of voting no.

COMMISSIONER FREDERICKS: No

PRESIDENT FOX: No.

COMMISSIONER SCHNEPP-GIGER: I vote no.

COMMISSION FREDERICKS: Commissioner Fredericks, no.

COMMISSIONER FORADORA: Commissioner Foradora, no.

COMMISSIONER SCHNEPP-GIGER: Commissioner Schnepp-Giger, no.

COMMISSIONER KNICK: Commissioner Knick, no.

COMMISSIONER HOOVER: Commissioner Hoover, no.

COMMISSIONER MITRICK: Commissioner Mitrick, no.
PRESIDENT FOX: I'm sorry.

COMMISSIONER MITRICK: The motion does not carry. In other words, everybody voted no.

ATTORNEY BECHTEL: Mr. President and Commissioners, the next item is from the Bureau of Wildlife Habitat Management. It concerns adopted rulemaking to amend 58 PA Code Sections 131.2, 135.2 and 135.41.

To effectively manage the wildlife resources of this Commonwealth the Commission proposed at its January 25, 2020 meeting to amend sections 131.2, 135.2 and 135.41 to define and allow use of Class I and Class II e-bikes on State game lands in the same manner as traditional bicycles.

It is important to note that these amendments do not eliminate current statutory restrictions prohibiting the possession of loaded firearms in, on or against vehicles propelled by mechanical power under Section 2503 of the Act.

The text is shown on pages seven and eight of your agenda. It is important to note, however, that this item was tabled at the last Commission meeting and it requires a motion to remove it from the table before it can be discussed or voted on.
PRESIDENT FOX: Do we have a motion?

COMMISSIONER KNICK: Commissioner, Knick, I'll make a motion.

COMMISSIONER HOOVER: Commissioner Hoover, I'll second.

PRESIDENT FOX: Do we have any discussion?

COMMISSIONER HOOVER: This is Commissioner Hoover. I would ask for the support of this motion. I believe that it is in the best interests of our aging population and their inability to reach the deep areas of our game lands, some of which are four to five miles back into the woods. This would certainly allow that population the opportunity to – to again access State property – property that they had hunted in the past, so –.

PRESIDENT FOX: Do we have any further discussion? Mr. Secretary, call for the vote.

ATTORNEY BECHTEL: Hold on, Mr. – just as a point of order. The vote would be to – just as a point of order this vote will be to remove this item from the table in order to take a vote on whether to pass it.

PRESIDENT FOX: Do we have a vote to take it off the table?
COMMISSIONER Kニック: So moved.

PRESIDENT FOX: Second?

COMMISSIONER HOOVER: You need to call - you need to call - Secretary?

COMMISSIONER MITRICK: Okay.

This is Secretary Mitrick. I'm calling for a vote. President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER Kニック: Yes.

COMMISSIONER MITRICK: All right. And this is strictly to take this off the table.

Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes, yes.

COMMISSIONER MITRICK: Commissioner Layton?


COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: The motion carries.

ATTORNEY BECHTEL: Thank you. And just for the point of order, now you would take a vote if you desire on whether to adopt this or - or what to do with it.

COMMISSIONER KNICK: Commissioner Knick, so moved to adopt.

COMMISSIONER HOOVER: Commissioner Hoover, I'll second the motion.

PRESIDENT FOX: Call for the vote.

ATTORNEY BECHTEL: Discussion Mr. President.

PRESIDENT FOX: Discussion?

COMMISSIONER MITRICK: This is Commissioner Mitrick. I have a statement I'd like to read.

The concept of a system of state game lands was envisioned a century ago by forward-looking conservationists who saw that wild places offering habitat for wildlife and the experiences of hunting
and trapping would become rare and threatened in the future, which is our present day.

That concept remains as valid, even more so, as when the first game lands were purchased. It is one of the bedrock principals of the Pennsylvania Game Commission, and the Commission has no obligation to accommodate on those lands every manner of new mechanized conveyance that the marketplace develops and offers to the public.

Regarding recruitment of new hunters, it is doubtful that the privilege to ride e-bikes on game lands will attract new people into the fold of license-buying hunters. The urge to hunt comes first, it is instinctive and primal. Hunters adapt their methods after they become hunters first.

One outcome that we, the Pennsylvania Game Commission, must avoid is the public’s coming to view the state lands as a place for riding anything, whether that's an e-bike, a regular bike, ATV or even a horse.

Access is secondary to the fundamental justification for the existence of game lands. That fundamental justification for the existence of game lands must be the welfare of wildlife and opportunities for direct, intimate interaction with
wildlife, such as in hunting, trapping, birding or wildlife photography.

When the reason for visiting game lands becomes riding on game lands rather than interacting with game lands in their natural inhabitants, wildlife, the game lands will cease to be the unique wildlife-based resource they have been for a century.

Non-hunters are welcome on game lands and always have been. This is something to be proud of, that Pennsylvania hunters have provided these wild places for the enjoyment, renewal and inspiration for everyone. What a legacy this has been.

But, in enjoying that legacy, non-hunters must be brought to understand and respect the original, fundamental reason for game lands’ existence, which is wildlife and wildlife-based recreation.

If game lands come to be seen as a “riding course” rather than the wildlife habitat they were intended to be, there is no way to predict how far the demands for riding and access will go.

In our litigious culture, some e-bike pleasure riders – there is nothing inherently wrong
with that, except it is incompatible with the original intent for game lands, will claim that, “I can’t pedal as far as that person, so my access must be accommodated by even greater electrical or mechanical assist.”

If e-bikes are permitted on game lands, it will be impossible to undo the decision should unforeseen conflicts make us wish to do so.

Those with legitimate physical/medical need for mobility device could still secure that privilege with a doctor's signature, with e-bikes of both classes eligible for their use.

Some hunters who have used e-bikes on private lands report the ease of approaching wildlife on a quiet, rapidly moving and electrically propelled conveyance. Is this the ethical manner of hunting we have honored and upheld as the Pennsylvania Game Commission for over 100 years? It is not.

It is true that Class II e-bikes are factory-limited to 20 miles per hour. But even 20 miles per hour on a game land trail is a heady velocity, presenting the potential for dangerous encounters with hunters on foot, or someone on horseback.

Some manufacturers openly admit their
bikes are set to Class II, however, the user can manually configure other assist settings to increase the speed. Experience should tell us it won't take long for that to happen.

Some hunters have requested this official sanction of e-bikes because their own access to game land interiors have become more difficult. That reality is well understood and empathized with here, by me.

The problem with that rationale is that it's an argument that can be carried on without end. After e-bikes, others can claim even those devices are too difficult and their appeal will be for more mechanization, skillfully backed by lobby groups. Things have a way of sliding that way in our society.

For public land management agencies, it's better to pick a bedrock principle, in this case non-motorized access and stick with it.

It is not selfish to insist that game lands remain accessible by non-motorized means. The original intent for game lands was to assume a certain physical commitment on the part of the users to experience the personal benefits and values of game lands. That physical commitment is good, though
we all must acknowledged when the day looms when we won't be able to meet it.

It protects by default certain game land qualities, admittedly intangible, linked to wildness and yielding unique experience. These cannot be manufactured. It can only be preserved where they yet remain. Thank you.

**PRESIDENT FOX:** Any further discussion?

**ATTORNEY BECHTEL:** Mr. President, if I may interrupt just briefly. This proposal, as a proposal - we've received comments from the Attorney General that if this is to pass - and I have no idea what the Commission's pleasure is, there will need to be an amendment to define Class II e-bikes because they are not defined in the current proposal, Class II e-bikes, of course being those which have the same size restrictions, but also include a throttle.

So I just want to bring that up. And in case anyone desires to make - or try to make such an amendment they would - they would need to do so.

**PRESIDENT FOX:** Further discussion?

Mr. Secretary, call the vote.

**COMMISSIONER MITRICK:** Several of the Commissioners have to be unmuted. They are unable to
unmute themselves here.

Brad, can you hear me? This is Commissioner Mitrick.

ATTORNEY BECHTEL: Yes, I do.

COMMISSIONER MITRICK: Okay. Is everybody good now?

LORI NEELY-MITCHELL: Working on it.

Working on it.

COMMISSIONER MITRICK: Thank you.

LORI NEELY-MITCHELL: I think I got it.

COMMISSIONER HOOVER: This is Commissioner Hoover, I am unmuted. I do want to offer some testimony to this.

I understand Commissioner Mitrick's response. I also understand that there's an aging population that can no longer travel the distance.

I was wondering if it could be possible to make an amendment to this, to just clear this for Class I e-bikes only. That would reference to Brad Bechtel.

ATTORNEY BECHTEL: And Commissioner, yes that would also an appropriate amendment. But if the motion is made, seconded and passed, yes.

COMMISSIONER HOOVER: I'd like to at
this time make a motion to amend PA Code 58, Code 131.2, 135.2 and 135.41 to make it for e-bikes – only e-bike I – Class I only and with the use of a hunting or a fishing license.

COMMISSIONER LAYTON: This is Commissioner Layton. I'll second that motion.

PRESIDENT FOX: Discussion? This is to make an amendment.

COMMISSIONER MITRICK: This is Commissioner Mitrick. President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, no.

COMMISSIONER FORADORA: No.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDRICKS: No.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner
Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner

Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: No.

COMMISSIONER MITRICK: So the vote is four to four. It is not a majority and would not pass.

COMMISSIONER HOOVER: Again, I recommend we call a vote, Mr. President.

PRESIDENT FOX: Call the vote.

COMMISSIONER MITRICK: Okay.

Secretary Mitrick, again. President Fox?

PRESIDENT FOX: No.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Michael Mitrick, no.

Commissioner Foradora?

COMMISSIONER FORADORA: No.

COMMISSIONER MITRICK: Mr. Fredericks?

COMMISSIONER FREDERICKS: No.

COMMISSIONER MITRICK: Commissioner
Hoover?  
COMMISSIONER HOOVER: Yes.
COMMISSIONER MITRICK: Commissioner

Layton?  
COMMISSIONER LAYTON: Yes.
COMMISSIONER MITRICK: Commissioner

Schnepp-Giger?  
COMMISSIONER SCHNEPP-GIGER: No.
COMMISSIONER MITRICK: The motion does not pass.

ATTORNEY BECHTEL: All right. The next item to come before the Commission is on page nine of your agenda. This is to amend 58 PA Code Section 135.41.

To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its April 7th, 2020 meeting to amend Section 135.41 relating to state game lands, to eliminate the Sunday exemption from the fluorescent orange wearing requirement.

The text is shown on page ten of your agenda.

PRESIDENT FOX: Do I have a motion?
COMMISSIONER HOOVER: I'll make that motion. Commissioner Hoover.
COMMISSIONER MITRICK: This is Commissioner MITRICK. I'll second.

PRESIDENT FOX: Discussion?

COMMISSIONER LAYTON: Can someone explain where this came from, what we're looking at doing with this proposal? This is Commissioner Layton by the way. Jason, are you there?

MR. DE COSKEY: I am here now, Commissioner.

COMMISSIONER LAYTON: Can you give us a little insight on—on where this came from and what we're trying to accomplish?

MR. DE COSKEY: I believe this is in response to the opening of the deer season on Sundays in regards to people being on game lands on Sundays to require them to wear orange during the big game overlap.

COMMISSIONER LAYTON: Got you.

ATTORNEY HOOVER: So I believe that there is an exemption in the Code right now that people do not have to wear fluorescent orange on Sunday, in essence removing that exemption.

Commissioner Hoover.

PRESIDENT FOX: Any further discussion?
COMMISSIONER MITRICK: Secretary

Mitrick calling for a vote. President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner

Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner

Mitrick, yes. Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner

Fredericks? Commissioner Fredericks? If you can hear me unmute your mic.

COMMISSIONER FREDERICKS: Sorry. Yes.

COMMISSIONER MITRICK: Commissioner

Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner

Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner

Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: The motion carries.

COMMISSIONER SCHNEPP-GIGER: Bradley,
you're still muted.

ATTORNEY BECHTEL: Thank you. The next item on your agenda is on page 12 of the agenda. It concerns real estate, a donation, Contract number L-3766, State Game Land Number 159, Wayne County.

Regency Marcellus Gas Gathering, LLC, or Regency, is offering to donate 154.7 more or less acres of land in Mount Pleasant Township, Wayne County, an indenture into State Game Land Number 159, as shown on Exhibit RED-1 on page 13 of your agenda.

Regency offered to donate the land as replacement habitat to mitigate for lost wildlife resources and recreational values associated with construction and maintenance activities associated with the issuance of licenses for right-of-way for natural gas pipelines and appurtenances on State Game Land Number 12 in Sullivan and Bradford Counties. Access is from Creamton Drive.

COMMISSION LAYTON: Commission Layton. Motion.

COMMISSIONER HOOVER: Commissioner Hoover, second.

PRESIDENT FOX: Discussion?

COMMISSIONER FREDERICKS: Mr. President, Commissioner Fredericks. I'd like to ask
a question of Pete Sussenbach, if I may.

Pete, are you on here? Anyone from that Bureau? Can anybody from that Bureau tell me what the exchange rate was on this particular issue? I see we're getting 154.7 plus or minus. But what was impacted? Apparently it's a mitigation effort?

Hello?

That's okay. Mr. President, under the circumstances I understand, let’s move on.

PRESIDENT FOX: Any other discussion?

COMMISSIONER MITRICK: This is Secretary Mitrick calling for the vote. President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Mr. Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER FORADORA: Yes.

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner
COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

ATTORNEY BECHTEL: The next item is on page 14 of your agenda. It concerns contract L-3767, State Game Land Number 236 in Susquehanna County.

The Conservation Fund is offering to donate 35 plus or minus acres of land in Ararat Township, Susquehanna County, an indenture into State Game Land Number 236, as shown on Exhibit RED-2 on page 15 of the agenda.

The Conservation Fund, acting as a conservation agent, is acquiring the property with funding provided by Williams Companies for voluntary mitigation as a result of impacts associated with the Constitution Pipeline project located in Susquehanna County. Access is from Ridge Road.

COMMISSIONER LAYTON: This is Commissioner Layton. Motion to accept.
COMMISSIONER KNICK: Commissioner Knick, second.

COMMISSIONER FREDERICKS: Discussion Mr. President?

PRESIDENT FOX: Any discussion?

COMMISSIONER FREDERICKS: This is Commissioner Fredericks. As we proceed with this issue and the next several land-related issues I would just like to point out to everybody the cooperation that we've received from the private sector and some of these nonprofits, in this case the Conservation Fund. And as we go on we'll see more and more.

And the reason I'd like to point this out is because quite often we hear from the public that all of our game lands were purchased by hunters. And I just want to bring this to everybody's attention, that that isn't entirely true. Although hunters play a major role in beginning this system and paying for the properties, we acquire a lot of these tracts through other means.

And I just wanted to bring that to everybody's attention. Thank you very much.

PRESIDENT FOX: Any further discussion?
Call for the vote.

COMMISSIONER MITRICK: Secretary Mitrick, calling for the vote. President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes. Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

ATTORNEY BECHTEL: The next item is on
page 16 of your agenda, contract number L-3768, state
game land number 315 in Berks County.

The last will and testament of Dwight
K. Gehman bequest real estate consisting of 13.52
more or less acres of land located in Pike Township,
Berks County. The property is located approximately
one mile south of one of four separate parcels that
comprise State Game Land Number 315, as shown on
Exhibit RED-3 on page 17 of your agenda. Access is
from Keim Road.

COMMISSIONER LAYTON: Commissioner Layton. Motion to accept.

PRESIDENT FOX: Second.

COMMISSIONER KNICK: Commissioner Knick, second.

PRESIDENT FOX: Discussion?

COMMISSIONER HOOVER: This is Commissioner Hoover. I understand that is a last
will and testament, a gift to the Game Commission.

But my question is, do we have a reason to own this
property as far as do we have any use for it, being
that it's a mile away from the nearest game lands and
it's literally 13.52 acres and we are not allowed to
sell property once we receive it. Are we doing more
harm by accepting this than not?
MR. SUSSEN BACH: Mr. Hoover, this is Pete Sussenbach. Can you hear me?

COMMISSIONER HOOVER: Yes.

MR. SUSSEN BACH: Yes, so I mean, I was part of the evaluation process on this property. You know, there is always an opportunity at some point down the road if this piece of property should become unhuntable that we would be able to dispose of it through some sort of a trade or negotiation. And that according to the region and the land exam that they performed there is hunting that does take place on this property at this point. They felt that there was enough archery hunting opportunities, the state said we should acquire the property.

COMMISSIONER HOOVER: Thank you. I appreciate the information.

PRESIDENT FOX: Further discussion?

COMMISSIONER LAYTON: Yeah. Well, Pete, still along those lines, I mean, because it is not attached to the game lands what about maintenance issues? Is it going to bring up other - are there going to be issues as far as maintenance on that property that we have to be concerned about?

MR. SUSSEN BACH: You know, honestly the only thing that we'd be providing is a small
parking area and some boundary line work every, you know, five years.

So the intensity that we would need to be performed down there is not all that great.

COMMISSIONER LAYTON: Thank you.

PRESIDENT FOX: Further discussion? Call for the vote.

COMMISSIONER MITRICK: President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.
COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

ATTORNEY BECHTEL: The next item appears on page 18 of your agenda. This is an acquisition, contract number L-3769, State Game Land Number 49, Fulton County.

The Conservation Fund is offering 43.36 more or less acres of land in Union Township, Fulton County, adjoining state game land number 49, as shown on Exhibit RED-4 on page 19 of your agenda.

The option price is $400 per acre to be paid with funds from the Game Fund. Access is from T-310.

COMMISSIONER KNICK: Commissioner Knick, so moved.

PRESIDENT FOX: Do we have any discussion on that?

COMMISSIONER MITRICK: Second, Mr. President. Commission Mitrick, second.

PRESIDENT FOX: Do we have any discussion?

MR. SUSSENBACH: Mr. President, this
is Pete Sussenbach, if I just may briefly?

   Just a quick comment, this acquisition
   and the previous acquisition – or two acquisitions.
   Sorry. We've had some technical difficulties here.
   
   Our partners over at the Conservation
   Fund – I cannot say enough about the great things
   that they helped to provide to the Game Commission.
   I mean, here's another example. You know, we're
   looking at $400 an acre for this parcel. The
   previous parcel there was absolutely no funds
   provided through that donation that they facilitated.
   
   So I just want to commend those folks
   over there for the great job and the excellent
   teamwork that we've – we've had with them recently.
   I really appreciate everything they've done.

COMMISSIONER FREDERICKS: Pete, this

is Commissioner Fredericks. Pete?

MR. SUSSENBACH: Yes, sir?

COMMISSIONER FREDERICKS: Now on this

particular acquisition, the $400 per acre, are you

able to tell us what the market value was? What was

the actual selling price?

MR. SUSSENBACH: I don't have that

number offhand. We do have an evaluation for that

property. And I could tell you that it was
significant higher than the $400 an acre.

COMMISSIONER FREDERICKS: Okay.

And as far as I know, we do have some interest legislatively. I think that there's some interest among the General Assembly to increase that $400 per acre maximum that we're statutorily committed to.

Am I correct? That $400 per acre is an old number. And my understanding is that there was - at least there was some interest legislatively to allow that to increase.

MR. SUSSENBACH: Yes, I believe that there is at least some level of interest there. That number is actually from the recodification, which happened well over 20 years ago at this point.

COMMISSIONER FREDERICKS: Would you agree that it would benefit us to be able to pay more than $400 per acre if we need to?

MR. SUSSENBACH: Well, I think there's a lot of opportunities. Yes, that would, I think, even enhance our opportunities even further.

COMMISSIONER FREDERICKS: Okay.

Thank you very much.

PRESIDENT FOX: Any further
discussion? Mr. Secretary, call the vote.

COMMISSIONER MITRICK: President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

ATTORNEY BECHTEL: The next item before the Commission is on page 20 of your agenda,
Central Pennsylvania Conservancy, Incorporated is offering 231 more or less acres of land in Middle Paxton Township, Dauphin County, adjoin State Game Land Number 211 as shown on Exhibit RED-5 on page 21 of your agenda.

The option price is $400 per acre, to be paid funds from the Game Fund. Access is from existing state game land number 211.

COMMISSIONER KNICK: So moved, Commissioner Knick.

COMMISSIONER HOOVER: Second, Commissioner Hoover.

PRESIDENT FOX: Discussion? Mr. Secretary, call for the vote.

COMMISSIONER MITRICK: President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

COMMISSIONER FORADORA: Yes.
COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

ATTORNEY BECHTEL: The next item before the Commission appears on page 22 of your agenda. It concerns oil, gas and minerals, a non-surface use cooperative agreement for oil and gas production, tract 134A-20, State Game Land Number 134 in Lycoming County.

Alta Marcellus Developments, LLC or Alta, of Houston Texas requests that the Commission offer its Oil and Gas ownership under a portion of State Game Land Number 134 for development under a Non-Surface Use Cooperative Agreement for Exercise of
Production rights for Oil and Gas.

The proposed tract, 134A-20 containing approximately 1,966 acres of Commission owned surface located in Plunketts Creek Township, Lycoming County, as shown on Exhibit OGM-1, page 23 of your agenda.

Alta has secured leases on private acreage to the north of the proposed Game Land tract and has the ability to develop the Commission's oil and gas reserves from the private holdings. OGM staff has negotiated with Alta to safeguard the prudent development of the Commission's oil and gas reserve and to simultaneously protect and minimize the impacts to the wildlife resources and recreational use of State Game Land Number 134.

There will be no surface use of the game land under this agreement.

In exchange for the Non-Surface Use Oil and Gas Production Cooperative Agreement, Alta will pay the Commission a bonus of $2,000 per net mineral acre for a five year paid up primary term agreement and a royalty rate of 18 percent per thousand cubic feet, mcf, of all oil, gas and liquid hydrocarbons produced and sold from the areas in which the Commission owns the oil and gas rights. The bonus payment of $3,932,500 will be due within 60
days of the execution of the agreement and deposited into the Game Fund.

   Alta's Oil and Gas Development under this agreement will be regulated by the
Commonwealth's Oil and Gas Regulations and the Commission's requirements for protection and
conservation of State Game Land with respect to Oil, Gas and Liquid Hydrocarbon Production.

   COMMISSIONER LAYTON: Motion to accept, Commissioner Layton.

   COMMISSIONER KNICK: Second, Commissioner Knick.

   PRESIDENT FOX: Discussion?

   COMMISSIONER HOOVER: I've got one question. I notice that we're moving the money into the Game Fund. Did we not used to post it into a reserve account and is there a reason that we're doing so?

   MR. SUSSENBACH: Yes, Commissioner Hoover, this is Pete Sussenbach.

   And after some discussions with the Executive Office - you know, over the last few years when we've had - generally the policy has been when we've had non-surface impacts we have moved those dollars into the Game Fund.
In those places that we knew that we are going to be taking significant surface impacts we would then try to offset and mitigate for those impacts by moving those funds into a separate account. Those specific to be dealing with enhancement and replacement properties for that - for those impacts.

COMMISSIONER HOOVER: Thank you.

COMMISSIONER FREDERICKS: Pete, this is Commissioner Fredericks.

MR. SUSSENBACH: Yes, sir.

COMMISSIONER FREDERICKS: Do we separate the funds further in the way that they come in the way of royalties and then lease money? In other - what I guess what you call bonus payments. Do bonus payments go to a different place than royalty payments?

MR. SUSSENBACH: Although they're accounted for just a little differently they all come under the umbrella of the Game Fund.

So, yeah, there's not a further separation beyond that.

COMMISSIONER FREDERICKS: Do you know - I mean, I don't mean to put you on the spot. But do you know why they're accounted for a little
differently? Is one used for something and the other isn't?

MR. SUSSENBACH: Negative. I mean, they generally again go into the Game Fund. But it's just an accounting thing.

You know, you're going to get a lump sum basically of that $3.9 million. So that's accounted for one way. And then as royalties come online over the next several years they would just be counted for - it makes it a little easier to track from our end. And Mike DiMatteo and his shop are doing a great job of doing that. I just think it's an easier way to track it as far as budgeting and other items are concerned.

COMMISSIONER FREDERICKS: All right. Pete, thank you.

One last question, do we collect much statewide in the way of shut-in phase?

MR. SUSSENBACH: I don't know what the number is off the top of my head right now. But we have had some of that over - you know, over the last few years. There's not a lot of that.

Most of the game lands ground - because we have - you know, we have non-surface impacts, a lot of times the operators already have
significant planning and development occurring off
state game lands. It's just a matter of them running
their laterals under state game lands once they come
under lease with us.

So there is some amount that we have
done that with, but just not a tremendous amount at
this time.

COMMISSIONER FREDERICKS: Okay.

Thank you very much. And thank you
and your folks, including Mike DiMatteo for the great
work that they do.

And I've said it before and I'll say
it again, I don't - you know, having come from the
energy industry I scratch my head every week. I
don't know how you guys do what you do with what you
have. You and your folks do amazing work. Thank you
very much.

MR. SUSSENBACH: I appreciate the
comments and I'll be sure to pass that along.

COMMISSIONER FREDERICKS: Thank you.

PRESIDENT FOX: Any further
discussion? We'll call for that vote.

COMMISSIONER MITRICK: President Fox?
PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner
Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner

Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.

COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, motion carries.

ATTORNEY BECHTEL: Mr. President, that completes read portion of the agenda.

PRESIDENT FOX: Okay.

At this time I'd like to bring the CWD plan. We're going to need a motion to consider that
for approval.

COMMISSIONER FORADORA: This is Commissioner Foradora. So moved.

COMMISSIONER LAYTON: Commissioner Layton, second.

PRESIDENT FOX: Any discussion? Mr. Secretary, call for the vote.

COMMISSIONER MITRICK: President Fox?

PRESIDENT FOX: Yes.

COMMISSIONER MITRICK: Commissioner Knick?

COMMISSIONER KNICK: Yes.

COMMISSIONER MITRICK: Commissioner Mitrick, yes.

Commissioner Foradora?

COMMISSIONER FORADORA: Yes.

COMMISSIONER MITRICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Yes.

COMMISSIONER MITRICK: Commissioner Hoover?

COMMISSIONER HOOVER: Yes.

COMMISSIONER MITRICK: Commissioner Layton?

COMMISSIONER LAYTON: Yes.
COMMISSIONER MITRICK: Commissioner Schnepp-Giger?

COMMISSIONER SCHNEPP-GIGER: Yes.

COMMISSIONER MITRICK: Mr. President, the motion carries.

PRESIDENT FOX: Any other new business? We have heard from many of our hunters concerned about the complexity and inconvenience of how they purchase their antlerless license.

The current process is antiquated. You have to pay by check. Many young people don't even have a check, the current system is confusing, cumbersome and provides poor customer service. And this process is mandated by law and it would have to be changed by legislature.

However, I would like for staff to research a process within our licensing system that would bring us up to 2020 standards that the legislature would give us authority to manage the process.

The next Commission meeting, September 25/26, 2020. Be here in Harrisburg. We'll have an Executive - any other new business? Executive session will follow if necessary.

COMMISSIONER LAYTON: Just make a
quick comment about the next Commission meeting.

You know, I understand all the issues that we have with COVID-19. And I know that there are guidelines that we have to follow. But I would hope that we could find a way to make the next meeting happen in person and not virtually. These virtual meetings are beyond cumbersome. They're nonfunctional. They're ineffective. They're not personal. We're losing contact with our NGOs, with our staff.

And I think if we can keep within the guidelines of the - you know, the government - the Governor's policy and we could keep everybody safe I would really like to see this happen. And we get to Harrisburg so that we could be together as a group once again.

PRESIDENT FOX: Any further comments? Motion to adjourn?

COMMISSIONER LAYTON: So moved, Commissioner Layton.

COMMISSIONER FREDERICKS: Second, Commissioner Fredericks.

PRESIDENT FOX: Adjourned.

COMMISSIONER LAYTON: We are adjourned.
LORI NEELY-MITCHELL: That concludes our meeting for today. Again this session has been recorded and we expect it to be uploaded to the Game Commission's YouTube channel early next week.

On behalf of the Board, the Executive Office and the rest of the staff we'd like to thank you for taking time out of your weekend to join us and we hope you are able to get outside and enjoy some of Pennsylvania's great outdoors.

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MEETING CONCLUDED AT 11:01 A.M.

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CERTIFICATE

I hereby certify that the foregoing proceeding was reported by me on 07/25/2020 and that I, Bernadette M. Black, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 17th day of August, 2020

______________________
Bernadette M. Black,
Court Reporter