

COMMONWEALTH OF PENNSYLVANIA

GAME COMMISSION

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PENNSYLVANIA GAME COMMISSION BOARD OF  
COMMISSIONERS QUARTERLY MEETING

\* \* \* \* \*

BEFORE: KRISTEN SCHNEPP-GIGER, President, Chair  
Scott H. Foradora, Vice President  
Dennis R. Fredericks, Secretary (via  
phone)  
Stanley I. Knick, Jr., Commissioner  
Michael F. Mitrick, Commissioner  
Allen J. DiMarco, Commissioner  
Haley J. Sankey, Commissioner  
Todd A. Pride, Commissioner (via phone)  
Robert C. Schwalm, Commissioner  
Bryan Burhans, Executive Director

HEARING: Saturday, September 16, 2023  
8:33 a.m.

LOCATION: Tom Ridge Environmental Center  
301 Peninsula Drive, Suite 1  
Erie, PA 16505

Reporter: Olivia Mailliard  
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WILLIAM CREIGH MARTSON, ESQUIRE

Pennsylvania Game Commission

2001 Elmerton Avenue

Harrisburg, PA 17110

Counsel for PA Game Commission

Also Present:

Jason Raup, Counsel

Jason DeCoskey, Bureau Director

Pete Sussenbach, Regional Director

Dave Gustafson, Bureau Director

Matthew Schnupp, Bureau Director

I N D E X

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PRESIDENT SCHNEPP-GIGER: Well, thank you for joining us this morning for the September 16th quarterly Pennsylvania Game Commission Board of Commissioners meeting here in Erie, Pennsylvania. Standing in as secretary today will be Commissioner Knick. So, Commissioner Knick, if you could please call the roll?

COMMISSIONER KNICK: Commissioner Schnep-Giger?

PRESIDENT SCHNEPP-GIGER: Present.

COMMISSIONER KNICK: Commissioner Foradora?

COMMISSIONER FORADORA: Here.

COMMISSIONER KNICK: Commissioner Fredericks?

COMMISSIONER FREDERICKS: Here.

COMMISSIONER KNICK: Commissioner DiMarco?

COMMISSIONER DIMARCO: Here.

COMMISSIONER KNICK: Myself, Commissioner Knick here.

Commissioner Mitrick?

COMMISSIONER MITRICK: Here.

1                   COMMISSIONER KNICK:   Commissioner  
2   Pride?

3                   COMMISSIONER PRIDE:   Here.  
4   Commissioner Sankey?

5                   COMMISSIONER KNICK:   Commissioner  
6   Sankey?

7                   COMMISSIONER SANKEY:   Present.

8                   COMMISSIONER KNICK:   Commissioner  
9   Schwalm?

10                  COMMISSIONER SCHWALM:   Present.

11                  COMMISSIONER KNICK:   All present,  
12   Madam President.

13                  PRESIDENT SCHNEPP-GIGER:   Thank you.  
14                   Do I have a motion to approve the  
15   meeting minutes from our meeting held on July 8th,  
16   2023?

17                  COMMISSIONER DIMARCO:   So moved.

18                  PRESIDENT SCHNEPP-GIGER:   And a  
19   second?

20                  COMMISSIONER MITRICK:   Second.

21                  PRESIDENT SCHNEPP-GIGER:   Mr.  
22   Secretary, please call the vote.

23                  COMMISSIONER KNICK:   All in favor?  
24   AYES RESPOND

25                  COMMISSIONER KNICK:   Opposed?

1 Opposed? Ayes have it, Madam President.

2 PRESIDENT SCHNEPP-GIGER: Thank you.

3 ATTORNEY MARTSON: The first item for  
4 consideration can be found on page two of your  
5 agendas. Black rails are the smallest rail species  
6 in North America and the most secretive in behavior  
7 and habitat. Although this species is considered  
8 uncommon in Pennsylvania, strong evidence indicates  
9 territories have been established and nesting may  
10 have been attempted. In 2020 the US Fish and  
11 Wildlife Service classified the eastern black rail  
12 subspecies *laterallus jamaicensis jamaicensis* as  
13 threatened under the Endangered Species Act of 1973,  
14 indicating between zero to five breeding pairs  
15 currently occur in Pennsylvania. The Commission is  
16 proposing to amend Section 133.21 to add the black  
17 rail to the Commonwealth's list of threatened birds  
18 due to its federally protected status and small,  
19 sporadic state population.

20 PRESIDENT SCHNEPP-GIGER: Do I have a  
21 motion?

22 COMMISSIONER KNICK: So moved.

23 COMMISSIONER DIMARCO: Second.

24 PRESIDENT SCHNEPP-GIGER: Any  
25 discussion? Mr. Secretary, please call the vote.

1                   COMMISSIONER KNICK: All in favor?

2 AYES RESPOND

3                   COMMISSIONER KNICK: Opposed? Ayes  
4 have it.

5                   PRESIDENT SCHNEPP-GIGER: Thank you.

6                   ATTORNEY MARTSON: The next item for  
7 consideration can be found on page four of your  
8 agendas. The American marten is a furbearer once  
9 commonly found in portions of Pennsylvania, but  
10 extirpated from the Commonwealth in the early 1900s  
11 due to deforestation and unregulated harvest. In  
12 accordance with Goal 1.3b of the Pennsylvania Game  
13 Commission's Strategic Plan 2020 through 2023, and  
14 as authorized by the Commission at its July 9, 2022  
15 meeting, the Bureau of Wildlife Management completed  
16 an American marten reintroduction and management  
17 plan for Pennsylvania. The plan outlines a long-  
18 term ten-year strategy to translocate the species  
19 back to the state and then conduct long-term  
20 monitoring to evaluate the reintroduction.  
21 Important aspects of the plan include release  
22 locations and source locations, as well as  
23 partnering organizations to provide martens and  
24 reintroduction locations. It also discusses  
25 methodology on capture, transport, health

1 evaluations, and release. Finally, the plan  
2 provides a timeline and cost estimate for the  
3 project.

4                   The Bureau of Wildlife Management is  
5 requesting that the Board of Game Commissioners  
6 release the plan to the public for a 60-day comment  
7 and review period as per guidance from PGC SOP 40.7,  
8 Species Management Plans. Comments received and any  
9 resulting revisions to the plan would be presented  
10 at a future meeting of the Commission to inform a  
11 final decision on acceptance and implementation of  
12 the plan.

13                   PRESIDENT SCHNEPP-GIGER: Do I have a  
14 motion?

15                   COMMISSIONER KNICK: So moved.

16                   PRESIDENT SCHNEPP-GIGER: And a  
17 second?

18                   COMMISSIONER SANKEY: Second.

19                   PRESIDENT SCHNEPP-GIGER: Any  
20 discussion?

21                   COMMISSIONER SANKEY: I think it's  
22 important to reiterate that this is a very critical  
23 time for the public to weigh in on the plan. And  
24 this is part of the process that we go through for  
25 all of our plans. So we encourage the public to

1 speak up. This is the time.

2 PRESIDENT SCHNEPP-GIGER: So to  
3 Commissioner Sankey's point, this does not mean  
4 we're putting martens on the landscape in  
5 Pennsylvania tomorrow. This is a public comment  
6 period. If you love the idea, we want to hear from  
7 you. And if you hate the idea, we also want to hear  
8 from you. So please get your thoughts, ideas and  
9 suggestions into us. Mr. Secretary, will you please  
10 call the vote?

11 COMMISSIONER KNICK: All in favor?

12 AYES RESPOND

13 COMMISSIONER KNICK: Opposed? Ayes  
14 have it, Madam President.

15 PRESIDENT SCHNEPP-GIGER: Thank you.

16 ATTORNEY MARTSON: The next item for  
17 consideration can be found on page five of your  
18 agendas. To effectively manage the wildlife  
19 resources of this Commonwealth the Game Commission,  
20 at its July 8, 2023, meeting amended Sections  
21 143.21, 143.23, 143.24, 143.27, and 143.30, and  
22 deleted Sections 143.22, 143.26, and 143.28 to  
23 reduce issuing agent application fees, minimum  
24 annual sales quotas, and annual bonding rates. The  
25 proposed amendments appear on pages six and seven of

1 your agendas.

2 PRESIDENT SCHNEPP-GIGER: Do I have a  
3 motion?

4 COMMISSIONER KNICK: So moved.

5 PRESIDENT SCHNEPP-GIGER: And a  
6 second?

7 COMMISSIONER SCHWALM: Second.

8 PRESIDENT SCHNEPP-GIGER: Any  
9 discussion?

10 MR. RAUP: Yes Madam President. We  
11 have a small matter to address with this rulemaking  
12 concerning the Attorney General's previous approval  
13 of the same. As you're aware, the Attorney  
14 General's Office has an approval process associated  
15 with all of the Game Commission's rulemakings.  
16 Pursuant to the recent approval of the proposal of  
17 this rulemaking the Attorney General's Office had  
18 expressed some concern with the removal or the  
19 complete removal of Section 143.28. Their concern  
20 is simply associated with not having any period of  
21 application designated within the regulation. As  
22 you can see from the text of the proposal, in order  
23 to satisfy that concern we gave assurances to the  
24 Attorney General's Office that we would re-implement  
25 143.28 by adding in language indicating that it will

1 be a full-year application period and also  
2 specifying the process for submission. It is  
3 important for us to consider this amendment that we  
4 have put forth on - page seven, so as to satisfy the  
5 Attorney General's concern as our final adoption  
6 approval would be contingent upon that correction.

7 PRESIDENT SCHNEPP-GIGER: Thank you  
8 for the clarification. Any additional discussion?

9 COMMISSIONER KNICK: We'll need a  
10 motion for the amendment.

11 PRESIDENT SCHNEPP-GIGER: Motion to  
12 accept the amendment as stated on the floor  
13 amendment, page seven.

14 COMMISSIONER KNICK: So moved.

15 PRESIDENT SCHNEPP-GIGER: And a  
16 second?

17 COMMISSIONER FORADORA: Second.

18 PRESIDENT SCHNEPP-GIGER: Any  
19 discussion on that? Mr. Secretary, please call the  
20 vote.

21 COMMISSIONER KNICK: All in favor?

22 AYES RESPOND

23 COMMISSIONER KNICK: Opposed? Ayes  
24 have it, Madam President.

25 ATTORNEY MARTSON: The next item for

1 consideration can be found on page eight of your  
2 agendas. The Commission recently conducted formal  
3 review of the use of electric devices intended to  
4 maintain open, water frequently referred to "ice  
5 eaters". Ice eaters can come in a variety of forms  
6 such as fountains, propellers, and blowers; all with  
7 the intention of disturbing water to prevent  
8 formation, or melt ice that has already formed.  
9 Waterfowl hunters use these devices in other  
10 jurisdictions where their use is lawful to maintain  
11 open water and entice waterfowl to remain in the  
12 area for hunting opportunities. When considering  
13 electronic devices the Commission generally reviews  
14 to what degree use of a given device might  
15 negatively impact principles of resource  
16 conservation, equal opportunity, fair chase, or  
17 public safety. The Commission's review of these  
18 devices determined that their use would have  
19 insignificant negative impacts to the previously  
20 mentioned principles. Therefore, the Commission is  
21 proposing to amend Section 141.18 to authorize  
22 electronic devices used to disturb water with the  
23 purpose of preventing ice formation. The amendments  
24 can be found on page eight of your agendas.

25 PRESIDENT SCHNEPP-GIGER: Do I have a

1 motion?

2 COMMISSIONER KNICK: So moved.

3 PRESIDENT SCHNEPP-GIGER: And a  
4 second?

5 COMMISSIONER MITRICK: Second.

6 PRESIDENT SCHNEPP-GIGER: Any  
7 discussion? Mr. Secretary, please call the vote.

8 COMMISSIONER KNICK: All in favor?

9 AYES RESPOND

10 COMMISSIONER KNICK: Opposed?

11 COMMISSIONER KNICK: Ayes have it,  
12 Madam President.

13 PRESIDENT SCHNEPP-GIGER: Thank you.

14 ATTORNEY MARTSON: The next item for  
15 consideration can be found on page nine of your  
16 agendas. State game wardens and deputy state game  
17 wardens are more frequently encountering individuals  
18 who are in possession of controlled substances  
19 and/or drug paraphernalia on hunter access program  
20 properties than ever before. While Section  
21 141.41(c)(10) currently states it is unlawful to,  
22 "use or possess any controlled substance or drug  
23 paraphernalia", as defined or classified under the  
24 Controlled Substance, Drug, Device, and Cosmetic  
25 Act.

1                   This section's applicability is  
2 limited to state game lands and does not include -  
3 excuse me, does not extend to hunter access  
4 properties. Furthermore, Section 135.2, while  
5 applicable to hunter access properties, does not  
6 provide similar language to address these violations  
7 on hunter access properties. State game wardens  
8 currently possess the authority to address  
9 controlled substances and/or drug paraphernalia  
10 violations on hunter access properties directly  
11 under the Controlled Substance, Drug, Device, and  
12 Cosmetic Act. Deputy state game wardens do not  
13 possess this same authority. Without an applicable  
14 regulation to address controlled substances and drug  
15 paraphernalia violations on hunter access  
16 properties, deputy state game wardens must request  
17 assistance from a state game warden, a local police  
18 department, or state police. When these options are  
19 not available in a timely fashion these violations  
20 will often go unaddressed.

21                   The Commission is proposing to amend  
22 Section 135.2 to prohibit any person from using or  
23 possessing a controlled substance or drug  
24 paraphernalia on hunter access properties. A  
25 violation of this provision will be graded as a

1 summary offense of the fifth degree carrying a  
2 potential fine - a potential fine penalty of \$100 to  
3 \$200. The amendments can be found on page nine and  
4 ten of your agenda.

5 PRESIDENT SCHNEPP-GIGER: Do I have a  
6 motion?

7 COMMISSIONER SANKEY: So moved.

8 PRESIDENT SCHNEPP-GIGER: And a  
9 second?

10 COMMISSIONER MITRICK: Second.

11 COMMISSIONER PRIDE: Second.

12 PRESIDENT SCHNEPP-GIGER: Any  
13 discussion?

14 COMMISSIONER SANKEY: I have a  
15 question. The penalty, the fine of \$100 to \$200,  
16 how is that determined?

17 MR. DECOSKEY: That's determined by  
18 regulation currently. And of course if another  
19 officer gets there to address the issue and it's a  
20 large amount of drugs or whatnot then it goes into  
21 the Drug and Cosmetic Act and there will be an  
22 increased penalty. That's just if a deputy handles  
23 that situation.

24 COMMISSIONER SANKEY: Thank you.

25 PRESIDENT SCHNEPP-GIGER: Any

1 additional discussion? Mr. Secretary, please call  
2 the vote.

3 COMMISSIONER KNICK: All in favor?

4 AYES RESPOND

5 COMMISSIONER KNICK: Opposed? Ayes  
6 have it, Madam President.

7 PRESIDENT SCHNEPP-GIGER: Thank you.

8 ATTORNEY MARTSON: The next item for  
9 consideration can be found on page 11 of your  
10 agendas. Over the past several years the Commission  
11 received an increasing number of complaints relating  
12 to hunters who were using dogs to hunt coyotes  
13 during the regular firearms deer and bear seasons.  
14 The commission determined that the act of using dogs  
15 to hunt coyotes during the regular firearms deer and  
16 regular firearms bear seasons has resulted in both  
17 intentional and unintentional pushing, driving, or  
18 killing of these big game species. The use of dogs  
19 to hunt big game is generally unlawful within the  
20 Commonwealth. Moreover, the Commission observed the  
21 use of dogs to hunt coyotes during regular firearms  
22 deer and regular firearms bear season frequently  
23 caused interference with hunters who were lawfully  
24 hunting deer or bear on properties where these  
25 activities coincided.

1                   The Commission is proposing to amend  
2 section 141.67 to prohibit the hunting of any  
3 furbearer using a dog during the overlap with any  
4 regular firearms deer or regular firearms bear  
5 season. The amendments can be found on pages 11 and  
6 12 of your agendas.

7                   PRESIDENT SCHNEPP-GIGER: Do I have a  
8 motion?

9                   COMMISSIONER KNICK: So moved.

10                  PRESIDENT SCHNEPP-GIGER: And a  
11 second?

12                  PRESIDENT SCHNEPP-GIGER: Any  
13 discussion? Mr. Secretary, please call the vote.

14                  COMMISSIONER KNICK: All in favor?

15 AYES RESPOND

16                  COMMISSIONER KNICK: Opposed? Ayes  
17 have it Madam President.

18                  PRESIDENT SCHNEPP-GIGER: Thank you.

19                  ATTORNEY MARTSON: The next item for  
20 consideration can be found on page 14 of your  
21 agendas. Westrum Byberry, LP, is offering to donate  
22 17.88 more-or-less acres of land in the city of  
23 Philadelphia, Philadelphia County. This will be the  
24 first game land in Philadelphia County. Access is  
25 from Southampton Road.

1                   PRESIDENT SCHNEPP-GIGER: Do I have a  
2 motion?

3                   COMMISSIONER DIMARCO: So moved.

4                   PRESIDENT SCHNEPP-GIGER: And a  
5 second?

6                   COMMISSIONER SCHWALM: Second.

7                   PRESIDENT SCHNEPP-GIGER: Discussion?

8                   COMMISSIONER PRIDE: Kristen, I have  
9 a question or a point of clarification.

10                   PRESIDENT SCHNEPP-GIGER: Go ahead  
11 Commissioner Pride.

12                   COMMISSIONER PRIDE: Am I - I'm - am  
13 I correct in understanding that this property is  
14 adjacent to Benjamin Rush State Park in  
15 Philadelphia?

16                   PRESIDENT SCHNEPP-GIGER: I do  
17 believe that's the case. Would you like to expand  
18 on that?

19                   MR. SUSSENBACH: Sure. Commissioner  
20 Pride, yes, the property lies across the street from  
21 one section of Benjamin Rush State Park and actually  
22 ties into the Poquessing Creek County Park on the  
23 north side of the property as well.

24                   COMMISSIONER PRIDE: Okay. And this  
25 is the property where we conducted the mentoring

1 hunt last year for the first time. Am I correct?

2 MR. SUSSENBACH: So yeah, Benjamin  
3 Rush was part of our mentoring program in the city.

4 The section immediately across the street from this  
5 property, that was open to very limited late season  
6 hunting for the general public by permit. So it is  
7 immediately across the street from that property  
8 that we hunted last year as a mentored program.

9 COMMISSIONER PRIDE: I'm glad to see  
10 that we're acquiring that property. I'm very  
11 familiar with it and I know there's been I believe a  
12 number of accidents in that area. So I'm glad to  
13 see that we're taking a step in this direction with  
14 this acquisition. That's it.

15 PRESIDENT SCHNEPP-GIGER: Any  
16 additional discussion?

17 COMMISSIONER MITRICK: Being a state  
18 game land now what kind of hunting would be allowed  
19 there? I mean, looking at the map, it obviously  
20 looks like it's a pretty residential area  
21 surrounding it.

22 MR. SUSSENBACH: It is a fairly  
23 residential area, but I can tell you that even small  
24 half acre, one-acre open-wooded properties in that  
25 area are being hunted actively already. To have 18

1 acres that a hunter can actually go to without  
2 having to ask permission, without having to get a  
3 permit, be part of a mentored program in a place  
4 like that has a tremendously high deer population is  
5 going to be utilized pretty heavily. And again,  
6 only 18 acres, but down there 18 acres is an  
7 extremely sizable piece of property to hunt  
8 whitetails on.

9 COMMISSIONER MITRICK: Since it is a  
10 state game land -.

11 COMMISSIONER PRIDE: I just want to  
12 add that it's an area where we've - I know I have  
13 received a number of reach out from residents with a  
14 good number of complaints regarding the deer in this  
15 area, and hopefully this can step in the direction  
16 of us being able to acquire other properties like  
17 this where we have a very high deer population but  
18 also support from area residents.

19 COMMISSIONER MITRICK: Will there be  
20 allowed the use of any firearms in the area?

21 MR. SUSSENBACH: No. So Philadelphia  
22 County is unique in the fact that there is no  
23 firearms hunting allowed at all.

24 COMMISSIONER MITRICK: Thank you.

25 PRESIDENT SCHNEPP-GIGER: Mr.

1 Secretary, please call the vote.

2 COMMISSIONER KNICK: All in favor?

3 AYES RESPOND

4 COMMISSIONER KNICK: Opposed? Ayes  
5 have it, Madam President.

6 PRESIDENT SCHNEPP-GIGER: Thank you.

7 ATTORNEY MARTSON: The next item for  
8 consideration can be found on page 16 of your  
9 agendas. Basin Run Quarry 1 Limited is offering to  
10 donate 245 more-or-less acres of land in Cooper  
11 Township, Clearfield County. The access this parcel  
12 provides will allow for the repair of a game land  
13 road that will restore access to 500 acres of the  
14 game land. The parcel is completely encompassed by  
15 the Susquehanna headwaters important bird area.  
16 Access is from Shady Lane.

17 PRESIDENT SCHNEPP-GIGER: Do I have a  
18 motion?

19 COMMISSIONER KNICK: So moved.

20 PRESIDENT SCHNEPP-GIGER: And a  
21 second.

22 COMMISSIONER SANKEY: Second.

23 PRESIDENT SCHNEPP-GIGER: Any  
24 discussion?

25 MR. GUSTAFSON: Madam President, if I

1 may?

2 PRESIDENT SCHNEPP-GIGER: Sure.

3 MR. GUSTAFSON: I'd just like to  
4 recognize that while this looks disconnected, this  
5 is hopefully the first phase of a potential future  
6 partnership with these folks at Basin Run Quarry.  
7 And I'd also like to just recognize the fact that  
8 they are here in the audience today and came from  
9 Los Angeles to be here for the meeting to show their  
10 support for a future relationship where we may  
11 hopefully end up doing some more land deals with  
12 these folks.

13 PRESIDENT SCHNEPP-GIGER:

14 Outstanding. Thank you very much. Mr. Secretary,  
15 please call the vote.

16 COMMISSIONER KNICK: All in favor?

17 AYES RESPOND

18 COMMISSIONER KNICK: Opposed? Ayes  
19 have it, Madam President.

20 PRESIDENT SCHNEPP-GIGER: Thank you.

21 ATTORNEY MARTSON: The next item for  
22 consideration can be found on page 18 of your  
23 agendas. Wellsboro Industrial Park, LP is offering  
24 7.25 more-or-less acres of land in Delmar Township,  
25 Tioga County, near State Game Land Number 313. The

1 option price is \$55,000, lump sum, to be paid from  
2 the Commission's restricted account representing  
3 funds from third-party commitments for compensation  
4 of habitat and recreational losses which occurred on  
5 state game lands from previously approved projects.  
6 Acquisitions using this account may exceed \$400 per  
7 acre. The parcel will expand the Commission's  
8 ownership of the emergent wetland called "The Muck,"  
9 an important bird area known to provide habitat and  
10 breeding grounds for migratory birds. Wellsboro  
11 Industrial Park will retain the oil-and-gas rights.  
12 Access is from State Route 287.

13 PRESIDENT SCHNEPP-GIGER: Do I have a  
14 motion?

15 COMMISSIONER SCHWALM: So moved.

16 COMMISSIONER DIMARCO: Second.

17 PRESIDENT SCHNEPP-GIGER: Any  
18 discussion? Mr. Secretary, please call the vote.

19 COMMISSIONER KNICK: All in favor?

20 AYES RESPOND

21 COMMISSIONER KNICK: Opposed? Ayes  
22 have it, Madam President.

23 PRESIDENT SCHNEPP-GIGER: Thank you.

24 ATTORNEY MARTSON: The next item for  
25 consideration can be found on page 20 of your

1 agendas. Thomas G. and Beth B. Stubler are offering  
2 53.3 more-or-less acres of land in Plunketts Creek  
3 Township, Lycoming County, adjoining State Game Land  
4 Number 134 and Loyalsock State Forest. The option  
5 price is \$212,000, lump sum, to be paid from the  
6 Commission's restricted account representing funds  
7 from third-party commitments for compensation of  
8 habitat and recreational losses which occurred on  
9 state game lands from previously approved projects.  
10 Acquisitions using this account may exceed \$400 per  
11 acre. The Stublers will retain the oil-and-gas  
12 rights. Access is from Hoppestown Road.

13 PRESIDENT SCHNEPP-GIGER: Do I have a  
14 motion?

15 COMMISSIONER DIMARCO: So moved.

16 PRESIDENT SCHNEPP-GIGER: And a  
17 second?

18 COMMISSIONER FORADORA: second.

19 PRESIDENT SCHNEPP-GIGER: Mr.  
20 Secretary - any discussion? Mr. Secretary, please  
21 call the vote.

22 COMMISSIONER KNICK: All in favor?

23 AYES RESPOND

24 COMMISSIONER KNICK: Opposed? Ayes  
25 have it, Madam President.

1                   PRESIDENT SCHNEPP-GIGER: Thank you.

2                   ATTORNEY MARTSON: The next item for  
3 consideration can be found on page 22 of your  
4 agendas. The Frank W. Rossi Revocable Living Trust  
5 is offering 3.4 more-or-less acres of land in Moore  
6 Township, Northampton County, adjacent to State Game  
7 Land Number 168. The option price is \$1,200, lump  
8 sum, to be paid from the Game Fund. Access is  
9 through existing State Game Land Number 168.

10                   PRESIDENT SCHNEPP-GIGER: Do I have a  
11 motion?

12                   COMMISSIONER KNICK: So moved.

13                   COMMISSIONER SANKEY: So moved.

14                   PRESIDENT SCHNEPP-GIGER: And a  
15 second?

16                   COMMISSIONER SANKEY: Second.

17                   PRESIDENT SCHNEPP-GIGER: Any  
18 discussion? Mr. Secretary, please call the vote.

19                   COMMISSIONER KNICK: All in favor?

20 AYES RESPOND

21                   COMMISSIONER KNICK: Opposed? Ayes  
22 have it, Madam President.

23                   PRESIDENT SCHNEPP-GIGER: Thank you.

24                   ATTORNEY MARTSON: The next item for  
25 consideration can be found on page 24 of your

1 agendas. The heirs of Sherwood B. Davidge, Linda P.  
2 Davidge and Louise Davidge Raimondi are offering  
3 their one-half interest in 15,000 more-or-less acres  
4 of subsurface oil, gas, and mineral real estate  
5 located in and under State Game Land Number 57. The  
6 option price is \$1,687,500 lump sum, to be paid from  
7 the Game Fund. At present the Commission has no  
8 ownership interest in the offered subsurface estate.

9 State Game Land Number 57 is notable for its scenic  
10 and ecological diversity. By acquiring this  
11 interest in the subsurface estate the Commission  
12 will have greater control over any possible future  
13 extractive efforts that would impact the unique  
14 habitat on the game land.

15 PRESIDENT SCHNEPP-GIGER: Do I have a  
16 motion?

17 COMMISSIONER KNICK: So moved.

18 PRESIDENT SCHNEPP-GIGER: And a  
19 second?

20 COMMISSIONER SCHWALM: Second.

21 PRESIDENT SCHNEPP-GIGER: Any  
22 discussion?

23 COMMISSIONER FORADORA: Question to  
24 Dave. We're acquiring a half interest? They're  
25 going to retain their other half?

1                   MR. GUSTAFSON: Well, we are  
2 acquiring the half interest that this estate owns.  
3 The other half interest, the other 50 percent is not  
4 with this estate. It is with several other  
5 individuals. So by acquiring this half interest we  
6 now join 50 percent of the subsurface ownership with  
7 our surface ownership, which gives us developmental  
8 control over the resource. If this half interest  
9 was to be bought out by the folks that own the other  
10 half interest, then they could potentially force  
11 development of the oil-and-gas assets under that  
12 game lands and cause us to suffer impacts on the  
13 surface. So by taking this action and joining that  
14 50 percent interest with our surface we now gain  
15 control of how that could potentially be developed  
16 in the future so we can better protect those unique  
17 habitats on Game Land 57.

18                   COMMISSIONER FORADORA: Thank you.

19                   PRESIDENT SCHNEPP-GIGER: Mr.  
20 Secretary, please call the vote.

21                   COMMISSIONER KNICK: All in favor?

22 AYES RESPOND

23                   COMMISSIONER KNICK: Opposed? Ayes  
24 have it, Madam President.

25                   PRESIDENT SCHNEPP-GIGER: Thank you.

1                    ATTORNEY MARTSON: The next item for  
2 consideration can be found on page 26 of your  
3 agendas. Pennsylvania General Energy Company (PGE),  
4 LLC of Warren, Pennsylvania, requested the  
5 Commission offer its oil-and-gas ownership under a  
6 portion of State Game Land Number 75 for oil-and-gas  
7 development. The proposed tract, 75A-23, contains  
8 4,325 more-or-less acres and is located in Brown and  
9 Pine Townships, Lycoming County. In addition to the  
10 requested acreage PGE requested an amendment to  
11 existing Agreement tract 75A-13 to change the  
12 royalty percentage due to the Commission to 16  
13 percent. PGE is currently developing oil-and-gas  
14 rights on the Commission tracts south of the  
15 proposed tract and has infrastructure in place that  
16 will ease the surface burden on developing the  
17 additional acreage.

18                    In exchange for the new oil-and-gas  
19 agreement and the royalty percentage adjustment, PGE  
20 will cause to be conveyed to the Commission the  
21 Spring Creek tract. A 2,195 more-or-less acre tract  
22 of land in Spring Creek Township, Warren County,  
23 including all owned OGM rights and the South Fork  
24 tract, a 943 more-or-less acre tract of land in East  
25 Taylor and Croyle Townships in Cambria County. The

1 additional lease acreage will be considered held by  
2 production as development will occur in conjunction  
3 with the agreement for tract SGL 75A-13. The  
4 royalty rate for each well will be 16 percent.

5           The agreement will provide PGE with  
6 the right to use the surface of State Game Land  
7 Number 75 for drilling pads, access roads, and  
8 pipelines to transport Commission owned gas reserve  
9 at locations approved by the Commission, but will  
10 not cause a net increase in disturbance acreage as  
11 already provided for in the track 75A-13 agreement.

12 PGE will adhere to the reclamation and revegetation  
13 requirements as specified by the Agreement and  
14 Department of Environmental Protection regulations.

15           PGE also agreed to meet annually to  
16 discuss development and to solicit input and  
17 suggestions to protect wildlife and wildlife  
18 habitat. Oil and gas development will be regulated  
19 by the Commonwealth's oil-and-gas regulations and  
20 the Commission's Restricted Surface Use Oil-and-Gas  
21 Development Agreement. The Agreement will include  
22 the Commission's standard wildlife and environmental  
23 protection measures.

24                   PRESIDENT SCHNEPP-GIGER: Do I have a  
25 motion?

1                   COMMISSIONER MITRICK: So moved.

2                   COMMISSIONER PRIDE: I have a  
3 question.

4                   PRESIDENT SCHNEPP-GIGER: Let me get  
5 a second first.

6                   COMMISSIONER FORADORA: Second.

7                   COMMISSIONER PRIDE: Sorry about  
8 that.

9                   PRESIDENT SCHNEPP-GIGER: Okay.  
10 We're up for discussion. Go for it.

11                   COMMISSIONER PRIDE: Sorry about  
12 jumping ahead there. It says in the the first  
13 paragraph that the royalty was changed, changed the  
14 royalty percentage due to the Commission 16 percent.  
15 What was this our percentage before that or a  
16 different percentage?

17                   MR. GUSTAFSON: The percentage on  
18 that existing agreement had an escalation clause.  
19 It was originally 18 and has moved up to 21 percent.

20                   COMMISSIONER PRIDE: Okay. Is there  
21 any reason why we're going down 16? Is it because  
22 of the - the property - the others to be conveyed I  
23 guess with the Spring Creek tract?

24                   MR. GUSTAFSON: So there's a  
25 multifaceted reason for this. Excuse me. Each area

1 of the state that lies within the Marcellus fairway  
2 has varying geologic issues with the performance of  
3 gas wells in that rock formation. In some places  
4 it's thinner. It has faults. Some places it's  
5 thicker and produces very well. At certain royalty  
6 percentage rates the ability to produce that gas  
7 becomes problematic. So what was occurring was that  
8 PGE recognized that that formation was not as  
9 productive and therefore extremely difficult at the  
10 high royalty percentage to continue to produce. And  
11 they had basically paused development of the rest of  
12 that tract, and they had been holding that tract  
13 with a couple of wells, which was what they were  
14 required to do. So by adjusting the royalty  
15 percentage down, our goal is to spur more  
16 development and fully develop that tract in  
17 coordination with the rest of the deal as far as the  
18 value of the lands coming to us in trade.

19 COMMISSIONER PRIDE: Okay. Thank you  
20 for that clarification. I would just make a point  
21 that when we have this kind of adjustment with other  
22 royalty percentages that we know just to be clear to  
23 the public so that we're not necessarily giving one  
24 entity favorable treatment more than another. But  
25 these are really good points, and thanks for that

1 clarification.

2 MR. GUSTAFSON: Yes. And to be  
3 clear, there was a value assessment made of what  
4 that adjustment would cause as far as revenue  
5 differential, and that was factored into the value  
6 of what was coming to the Commission and what we're  
7 getting in trade. So it was not a kind of free  
8 adjustment downward for them. There's compensation  
9 built in for that adjustment by way of the land  
10 transaction.

11 COMMISSIONER PRIDE: All right.  
12 Thank you for that. It's very helpful. It's very  
13 helpful.

14 COMMISSIONER MITRICK: I have a  
15 question. In paragraph three it talks about having  
16 drilling pads on Game land 75. Is there any idea -  
17 any indication as to how many they might have?

18 MR. GUSTAFSON: So we - it's  
19 oftentimes kind of hard to write these things out.  
20 The way this one's going to work, they already had  
21 allowances for a certain number of well pads on the  
22 existing acreage that is shaded in gray on your map  
23 there. They had yet to place some of those well  
24 pads on that acreage. So our agreement allows for  
25 them to essentially move those pads that had not yet

1 been developed to the north into the new acreage.  
2 So there won't be a net increase in disturbance.  
3 It'll be the same amount of acreage disturbed that  
4 was already bargained for in the previous lease.  
5 It's just going to be moved to the north in a little  
6 bit of a different location so that they can drill  
7 longer lateral wells and access all of that and  
8 develop all that acreage.

9 COMMISSIONER MITRICK: So about - did  
10 they say about how many drill pads they might have?

11 MR. GUSTAFSON: There will - I think  
12 there's going to be three more well pads, but again,  
13 there was going to be three more well pads on the  
14 existing acreage regardless of whether we added this  
15 new acreage. They'll simply move those three well  
16 pads further to the north into what you see on the  
17 map as red hash. Instead of those three well pads  
18 being along the northern line of the gray hashed  
19 area, those well pads will be up into the red hashed  
20 area now.

21 COMMISSIONER MITRICK: Thank you.

22 COMMISSION SANKEY: Can you tell us a  
23 little bit about the land acquisition, the 943 acres  
24 in Cambria County, please?

25 MR. GUSTAFSON: Sure. So a lot of

1 that land, as you can see in the - it's kind of hard  
2 in the overlay there, but a lot of that was  
3 previously reclaimed mine land. It was known as the  
4 Ehrenfeld site. It was a large Bureau of Abandoned  
5 Mine Reclamation project several years ago. I had  
6 the opportunity to actually personally visit the  
7 site a few weeks ago. And as far as reclaimed mine  
8 lands go, it looks pretty darn good to the point  
9 where as we were driving out the access road we saw  
10 three young gobbler turkeys, a couple of hens and 14  
11 poults come right out across there. And Bryan's  
12 shaking his head. He's mad at me for talking about  
13 that. So there were lots of deer tracks out there.  
14 The reclamation work was done really well. We think  
15 this is going to maybe bring some opportunity.  
16 There's a little bit of a gap in that part of the  
17 state right there where we don't have a lot of  
18 public lands kind of right in that vicinity. So we  
19 think this will bring some opportunity for folks in  
20 a place where we don't have a lot of public access  
21 right now.

22 MR. GUSTAFSON: And the Spring Creek  
23 tract, if I may, also, while we're on it, because I  
24 think Kristen was going to ask about that next.

25 PRESIDENT SCHNEPP-GIGER: Absolutely.

1                   MR. GUSTAFSON: This is a tract of  
2 land that the Commission had interest in probably 15  
3 or more years ago, and were unable to acquire it at  
4 the time. Another entity came in and acquired it.  
5 But this is on the Cleveland Museum's register of  
6 some of the most biologically diverse, unprotected  
7 landscapes. The Spring Creek Watershed and the  
8 Broken Straw Watershed come together there. It has  
9 - the Game Commission has done work with previous  
10 landowners on that property to put a habitat on the  
11 ground, and we think that's just a gem of a piece to  
12 protect for biological diversity and watershed  
13 protection.

14                   COMMISSIONER FORADORA: Dave, back to  
15 the Cambria County with the reclamation. You've  
16 done an assessment. We're not assuming any water  
17 problems or ---?

18                   MR. GUSTAFSON: It's all - they've  
19 all been bond released by DEP. And everything there  
20 that we see, we don't see any issues that we'll be  
21 inheriting that will be a problem for us.

22                   COMMISSIONER FORADORA: Thank you.

23                   PRESIDENT SCHNEPP-GIGER: So does  
24 this then result in the creation of two brand new  
25 game lands?

1                   MR. GUSTAFSON: So the Spring Creek  
2 tract in Warren County, if you can see on your map,  
3 you can see it lies right between Game Lands 291 and  
4 Game Lands 143. But in consultation with the  
5 regional staff and because of how they intend to  
6 manage that property a little differently, we do  
7 intend to label that with a brand new game lands  
8 number, Game Lands 337. So that would be a brand  
9 new game lands. The property down in the Southwest  
10 Region in Cambria County, that was discussed with  
11 the region, and they're going to include that into  
12 Game Land 79. So that will not be its own new game  
13 land. That will become a new compartment of Game  
14 Land 79, because it is similar already to the  
15 existing landscape of Game Land 79, which isn't too  
16 far away, five to eight air miles, I think away.

17                   PRESIDENT SCHNEPP-GIGER: Excellent  
18 work, Dave. Thank you for putting this package  
19 together. Mr. Secretary, please call the vote.

20                   COMMISSIONER KNICK: All in favor?

21 AYES RESPOND

22                   COMMISSIONER KNICK: Opposed? Ayes  
23 have it, Madam President.

24                   PRESIDENT SCHNEPP-GIGER: Thank you.

25                   ATTORNEY MARTSON: The next item for

1 consideration can be found on page 30 of your  
2 agendas. Pennsylvania General Energy Company, LLC,  
3 of Warren, Pennsylvania, requested the Commission  
4 offer its oil-and-gas ownership under a portion of  
5 State Game Land Number 134 for oil-and-gas  
6 development. The proposed tract, 134A-23, contains  
7 6,404 more-or-less acres and is located in Gamble  
8 and Plunketts Creek Township, Lycoming County and  
9 Hillsgrove Township, Sullivan County. PGE is  
10 currently developing oil-and-gas rights on private  
11 lands in the vicinity of the proposed tract and has  
12 infrastructure in place that will ease the surface  
13 burden of developing the additional acreage. In  
14 exchange for the oil-and-gas agreement PGE will  
15 cause to convey to the Commission the Caledonia  
16 tract, a 3,931 more-or-less acre tract of land in  
17 Jay Township, Elk County. Coal rights will convey  
18 however, oil-an-gas rights to this tract have  
19 previously been reserved.

20 As further consideration, PGE will  
21 also make a \$500,000 contribution to the Rocky  
22 Mountain Elk Foundation that will be directed for  
23 use in elk habitat management with the Commission.  
24 Terms of the agreement are a paid up 15-year  
25 restricted surface use oil-and-gas agreement and a

1 16 percent royalty. The proposed agreement will  
2 allow PGE limited use of the surface State Game Land  
3 134 for construction, operation, and maintenance of  
4 pipelines, electric lines, communication lines, and  
5 pertinent equipment necessary for prudent  
6 development of the Commission's oil and gas under  
7 this agreement.

8                   This use will require review and  
9 written approval by the Commission. To ensure  
10 minimization of the footprint of disturbance, all  
11 lines and equipment will be consolidated into one  
12 single right-of-way across State Game Land 134, and  
13 the lines will be co-located with existing  
14 disturbances where available. Surface use for  
15 drilling pads, access roads, other infrastructure,  
16 facilities, or lines or equipment that only support  
17 development of non-Commission oil-and-gas will not  
18 be authorized under this agreement. PGE will adhere  
19 to the reclamation and revegetation requirements as  
20 specified by the agreement and Department of  
21 Environmental Protection regulations. Oil-and-gas  
22 development will be regulated by the Commission's  
23 oil and gas regulations and the Commission's  
24 Restricted Surface Use Oil-and-Gas Development  
25 Agreement. The agreement will include Commission's

1 wildlife and environmental protection measures.

2 PRESIDENT SCHNEPP-GIGER: Do I have a  
3 motion?

4 COMMISSIONER SCHWALM: So moved.

5 PRESIDENT SCHNEPP-GIGER: And a  
6 second?

7 COMMISSIONER DIMARCO: Second.

8 COMMISSIONER PRIDE: Question  
9 Kristen, again -

10 PRESIDENT SCHNEPP-GIGER: Go ahead.

11 COMMISSIONER PRIDE: - for  
12 discussion. Just again, just to Dave, I guess it's  
13 the same circumstance with 16 percent on this  
14 property as it was to the previous. Again just for  
15 clarification.

16 MR. GUSTAFSON: So this is a  
17 completely new lease. There was no previous  
18 development occurring here. So this is a straight  
19 16 percent royalty. There's no adjustment to any  
20 royalties involved with this one. It's just a new  
21 lease.

22 COMMISSIONER PRIDE: Okay, thank you.

23 PRESIDENT SCHNEPP-GIGER: Can you  
24 expand on that? 3,900 acres in Caledonia, what that  
25 means in the elk range?

1                   MR. GUSTAFSON: Sure. So this is  
2 another track that the Game Commission had eyes on  
3 10 or 12 years ago and again, at that time weren't  
4 able to acquire. But this is a really important  
5 tract, we think, for us. It's heavily used by our  
6 elk herd already. There's also other wildlife on  
7 there that I won't mention specifically for Bryan.  
8 But - no, it - you can see it spans both sides of  
9 the town of Weedville. There's a large compartment  
10 to the west of Weedville and a lot of land to the  
11 east of Weedville. Deep hollows, hemlock bottoms,  
12 oak forests. There's a significant red oak timber,  
13 you know, forest component there. It's heavily used  
14 by elk, particularly in the winter. And it's not  
15 all that many miles away from our existing Game  
16 Lands 311 in Winslow Hill. Just off the map to the  
17 east is where the existing Game Lands 311 is. You  
18 can see on this map there's a really small,  
19 disconnected chunk of Games Lands 311 just to the  
20 north of this new tract here, a small, disconnected  
21 chunk of 334 - State Game Land 34 along the Route  
22 555 that bisects that. So it's a large, contiguous  
23 chunk of ground. It has great road access, and we  
24 think it's a great potential acquisition to really  
25 do some elk habitat management there, help keep the

1 elk out of people's backyards in Weedville, and give  
2 them some better habitat up on the mountain. And  
3 this tract has been locked up in private for quite a  
4 long time. So to get hunter access in here, a whole  
5 new area for elk hunters to pursue elk in that zone,  
6 we think this could really have a lot of potential.

7 PRESIDENT SCHNEPP-GIGER: Thank you.

8 Based off the numbering system it looks like this  
9 would be a standalone game lands as well.

10 MR. GUSTAFSON: It would be. This  
11 would be another brand-new game lands, Game Lands  
12 Number 338.

13 PRESIDENT SCHNEPP-GIGER: So we have  
14 two potential brand new game lands on this agenda.

15 MR. GUSTAFSON: Actually three,  
16 because the donation in Philadelphia County will get  
17 its -

18 PRESIDENT SCHNEPP-GIGER: Three.

19 MR. GUSTAFSON: - own number as well.  
20 Game Lands 339.

21 PRESIDENT SCHNEPP-GIGER:  
22 Outstanding.

23 MR. GUSTAFSON: Which will be the  
24 first game lands in Philadelphia County.

25 So one other thing real quick on this

1 one, and I just want to be clear. The surface use  
2 permissions on this new lease on 134 are very, very  
3 limited. We negotiated with PGE in the months long  
4 back and forth. We were very sensitive to not  
5 wanting to see surface development on Game Lands  
6 134. Because of the geology there it's somewhat  
7 problematic where they can actually place well pads,  
8 but we got them to agree to no well pads and no  
9 roads going on Game Lands 134 for this development.  
10 That will all occur on the outskirts around us. But  
11 to be able to move the gas, they had to have at  
12 least one pipeline corridor, and we're going to work  
13 very cooperatively to make sure it goes in the right  
14 place and not to cause a detriment to the habitat on  
15 134.

16 PRESIDENT SCHNEPP-GIGER: Thank you.

17 COMMISSIONER SANKEY: That's  
18 wonderful to hear.

19 COMMISSIONER PRIDE: Kristen - sorry  
20 about that.

21 PRESIDENT SCHNEPP-GIGER: Go ahead  
22 Commissioner Sankey.

23 COMMISSIONER SANKEY: I was just  
24 saying that's wonderful to hear. I appreciate you  
25 going the extra mile on that, especially given the

1 area.

2 PRESIDENT SCHNEPP-GIGER:

3 Commissioner Pride?

4 COMMISSIONER PRIDE: Just to - to  
5 your point - a question you asked, Kristen, with the  
6 additional game lands we're adding while we're on  
7 this. What is the total acreage that we're adding  
8 with these acquisitions in terms of our game lands?

9 PRESIDENT SCHNEPP-GIGER: If my  
10 rudimentary math is correct I think we're just shy  
11 of 7,400.

12 COMMISSIONER PRIDE: 7,400. Great.  
13 Thank you. Great additions.

14 PRESIDENT SCHNEPP-GIGER: Mr.  
15 Secretary, please call the vote.

16 COMMISSIONER KNICK: All in favor?

17 AYES RESPOND

18 COMMISSIONER KNICK: Opposed? Ayes  
19 have it, Madam President.

20 PRESIDENT SCHNEPP-GIGER: Thank you.

21 ATTORNEY MARTSON: The next item for  
22 consideration can be found on page 34 of your  
23 agendas. Chesapeake Appalachia, LLC of Oklahoma  
24 City, Oklahoma requested the Commission offer its  
25 oil-and-gas rights under portions of State Game Land

1 Number 57 for non-surface use development. The  
2 proposed tract contains 2,885 more-or-less net acres  
3 and is located in North Branch Township, Wyoming  
4 County. Chesapeake will access the 2,885 acre  
5 reserves from its current and planned drilling  
6 operations on adjacent areas off state Game Land 57  
7 by horizontal drilling with no additional surface  
8 use or disturbance to the game lands.

9 OGM staff negotiated the proposed  
10 terms of the agreement with Chesapeake to prudently  
11 develop the Commission's oil-and-gas reserve and  
12 simultaneously protect the wildlife resources and  
13 recreational use of State Game Land 57. The terms  
14 of the agreement are a five-year paid up non-surface  
15 use oil-and-gas agreement, a \$1,500 per net oil-and-  
16 gas acre bonus payment and 18 percent royalty for  
17 all oil, gas, and other liquids or condensates  
18 produced and sold from the proposed tract. The  
19 bonus payment is \$4,327,500, and any rental payments  
20 will be deposited into the Game Commission's  
21 restricted account for the future purpose of -future  
22 purchase, excuse me, of wildlife habitats, lands, or  
23 other uses incidental to hunting, furtaking, and  
24 wildlife resource management. Future royalties owed  
25 to the Commission will be directly deposited into

1 the Game Fund. Oil-and-gas development will be  
2 regulated by the Commission's oil-and-gas  
3 regulations and the Commission's non-surface use  
4 oil-and-gas cooperative agreement.

5 This item would supersede the non-  
6 surface use oil and gas cooperative agreement  
7 previously approved by this Board in April 2023.

8 PRESIDENT SCHNEPP-GIGER: Do I have a  
9 motion?

10 COMMISSIONER KNICK: So moved.

11 PRESIDENT SCHNEPP-GIGER: And a  
12 second?

13 COMMISSIONER DIMARCO: Second.

14 PRESIDENT SCHNEPP-GIGER: Any  
15 discussion? Mr. Secretary, please call the vote.

16 COMMISSIONER FORADORA: Kristen?

17 COMMISSIONER KNICK: All in favor?

18 COMMISSIONER FORADORA: Wait. Wait a  
19 minute.

20 COMMISSIONER SANKEY: I just had a  
21 quick question. Sorry. Dave, can you explain the  
22 last sentence there, please?

23 MR. GUSTAFSON: Sure. So back in  
24 April you all approved an oil-and-gas lease on this  
25 same acreage on this northern chunk of Game Lands

1 57. And subsequent to that approval another company  
2 came forward and asserted a position in that area  
3 that we were unaware of. So in order to be  
4 judicious and allow for fair competition and  
5 equitable access to the resource we recrafted these  
6 acreages so that the same terms as far as per-acre  
7 bonus and royalty rates will apply. But who gets  
8 what acreage is what we wanted to try to fix. So  
9 this agenda item and the one immediately following  
10 here on the next page is the second part of fixing  
11 that. So as a result we'll now have one company  
12 accessing part of the acreage, a different company  
13 accessing another part of the acreage, but at the  
14 end of the day the terms and the values will all be  
15 the same but each entity will have access to assert  
16 their positions in development of oil and gas in the  
17 area.

18 COMMISSIONER SANKEY: Thank you.

19 PRESIDENT SCHNEPP-GIGER: Any  
20 additional discussion?

21 COMMISSIONER PRIDE: Quick question,  
22 Kristen, the - to Dave. The 18 percent royalty is  
23 that over that entire five-year period?

24 MR. GUSTAFSON: So the 18 percent  
25 royalty is basically any well they drill and any

1 volume of gas they produce, that's the royalty  
2 percentage we get for the life of those wells that  
3 are drilled under that acreage. So the five-year  
4 term is their requirement to drill and prove the  
5 first well and start producing gas. Once they do  
6 that, then they hold the lease in perpetuity,  
7 essentially, for as long as it's being produced.

8 COMMISSIONER PRIDE: All right.

9 Thank you for that clarification.

10 PRESIDENT SCHNEPP-GIGER: Additional  
11 discussion? Mr. Secretary, please call the vote.

12 COMMISSIONER KNICK: All in favor?

13 AYES RESPOND

14 COMMISSIONER KNICK: Opposed? Ayes  
15 have it, Madam Secretary - President.

16 PRESIDENT SCHNEPP-GIGER: Thank you.

17 ATTORNEY MARTSON: The next item for  
18 consideration can be found on page 36 of your  
19 agendas. SWM Production Company, LLC of Spring,  
20 Texas, requested the Commission offer its oil-and-  
21 gas rights under portions of State Game Land Number  
22 57 for non-surface use development. The proposed  
23 track contains 607 more-or-less gross acres and is  
24 located in North Branch Township, Wyoming County.  
25 The Commission determined that SWN has exclusive

1 access to the subject acreage and will access the  
2 607-acre reserves from its current and planned  
3 drilling operations on adjacent areas off State Game  
4 Land 57 by horizontal drilling with no additional  
5 surface use or disturbance to the game lands.

6           The Commission negotiated the  
7 proposed terms of the agreement with SWN to  
8 prudently develop its oil-and-gas reserve and  
9 simultaneously protect the wildlife resource and  
10 recreational use of State Game Land 57. The terms  
11 of the agreement are a five-year paid up non-surface  
12 use oil-and-gas agreement, a \$1,500 per net oil-and-  
13 gas acre bonus payment, and 18 percent royalty for  
14 all oil, gas, and other liquids or condensates  
15 produced and sold from the proposed tract.

16           Additional terms include an exclusive  
17 option for SWM to develop an additional 360 acres  
18 under the same terms herein. Said option will  
19 expire two years after the effective date of the  
20 non-surface use agreement. The bonus payment of  
21 \$910,500 and any rental payments will be deposited  
22 into the Game Commission's restricted account for  
23 the future purpose - future purchase of wildlife  
24 habitats, lands, or other uses incidental to  
25 hunting, furtaking, and wildlife resource

1 management. Future royalties owed the Commission  
2 will be directly deposited into the Game Fund.  
3 Should SWN exercise their option on the additional  
4 acreage a bonus payment of \$540,000 will be due 90  
5 days thereafter and will be deposited into the  
6 Commission's restricted account for the future  
7 purchase of wildlife habitats, lands or, other uses  
8 incidental to hunting, furtaking, and wildlife  
9 resource management. Oil-and-gas development will  
10 be regulated by the Commission's oil-and-gas  
11 regulations and the Commission's non-surface use  
12 oil-and-gas cooperative agreement.

13 PRESIDENT SCHNEPP-GIGER: Do I have a  
14 motion?

15 COMMISSIONER KNICK: So moved.

16 PRESIDENT SCHNEPP-GIGER: And a  
17 second?

18 COMMISSIONER MITRICK: Second.

19 PRESIDENT SCHNEPP-GIGER: Any  
20 discussion? Mr. Secretary, please call the vote.

21 COMMISSIONER KNICK: All in favor?

22 AYES RESPOND

23 COMMISSIONER KNICK: Opposed? Ayes  
24 have it, Madam President.

25 PRESIDENT SCHNEPP-GIGER: Thank you.

1 Under new business, yesterday we  
2 heard staff from the Bureau of Wildlife Management  
3 present overviews for the preliminary black bear and  
4 snowshoe hare management plans. The next step in  
5 planning process would be to release those drafts  
6 for public comment very similarly to what we  
7 previously approved with martens. So I would like  
8 to make a motion to release both the black bear and  
9 the snowshoe hare preliminary management plans for a  
10 60-day comment period.

11 COMMISSIONER KNICK: I'll second  
12 that.

13 PRESIDENT SCHNEPP-GIGER: Any  
14 additional discussion on that?

15 COMMISSIONER SANKEY: I just want to  
16 say, Matthew, that it's really great that they moved  
17 the bear plan to every five years. I think that's  
18 really responsive and innovative, that they're -  
19 it's great that they're willing to do that work.

20 PRESIDENT SCHNEPP-GIGER: So that  
21 brings us to three species management plans.

22 COMMISSIONER FORADORA: Kristen? I  
23 just want to thank - also the snowshoe hare learned  
24 a lot yesterday with the presentation. So thank  
25 you. It was very nice.

1                   DR. SCHNUPP: Yeah, if I could just  
2 say a comment on that. You know, we really use  
3 these species management plans as the roadmap for  
4 what this agency is going to do on those specific  
5 species. And I'm just really proud to be part of  
6 that process. Not only what you guys are doing  
7 today, but also the amount of work and effort that's  
8 put in by our staff, biologists, by their  
9 supervisors. There's a lot of time and effort from  
10 our cooperators as well. We work very closely with  
11 a lot of content experts that are outside of the  
12 agency to build these documents.

13                   And the last thing I'll say is that  
14 there's a wide variety of ways to digest these  
15 documents. You know, from the marten plan to the  
16 bear plan to the hare plan, if you don't really want  
17 to dig down into the depths of these big documents,  
18 we also have short videos that you can watch that  
19 explain this. So we really encourage the public at  
20 this point get engaged, read these. However you can  
21 consume these plans, but we want to hear their  
22 input. So thank you for allowing it.

23                   COMMISSIONER PRIDE: The management  
24 plan for all three are going to be the same exact  
25 60-day time frame?

1                   PRESIDENT SCHNEPP-GIGER: That is  
2 correct.

3                   COMMISSIONER PRIDE: Okay. Thank  
4 you.

5                   PRESIDENT SCHNEPP-GIGER: Dr.  
6 Schnupp, I hope your staff is extremely busy sifting  
7 through comments for all three plans, and we will  
8 look forward to kind of circling back with them at  
9 our January meeting and hearing what the public has  
10 to say about those three. Mr. Secretary, please  
11 call the vote.

12                   COMMISSIONER KNICK: All in favor?  
13 AYES RESPOND

14                   COMMISSIONER KNICK: Opposed? Ayes  
15 have it, Madam President.

16                   PRESIDENT SCHNEPP-GIGER: Thank you.  
17 One more noteworthy item before we cut everybody  
18 loose for the day. And I'm going to turn the  
19 microphone over to Executive Director Burhans.

20                   MR. BURHANS: Thank you, Madam  
21 President. I just want to take this moment. Region  
22 Director Rich Cramer will retire this month, and I  
23 just wanted to thank him for the career he's given  
24 and what he's given to the Pennsylvania Game  
25 Commission. He's been an amazing leader in an

1 amazing region and just wanted to thank him for what  
2 he's done over his career, and congratulations.

3 PRESIDENT SCHNEPP-GIGER: And with  
4 that, we're out.

5 \* \* \* \* \*

6 HEARING CONCLUDED AT 9:30 A.M.

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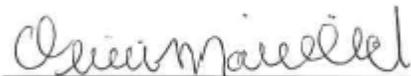
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## CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before President, Chair Schnepp-Giger, was reported by me on September 16, 2023 and that I, Olivia Mailliard, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 20 day of October, 2023.



Olivia Mailliard,

Court Reporter