

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA GAME COMMISSION

\* \* \* \* \*

FORMAL MEETING

\* \* \* \* \*

BEFORE: MEMBERS OF THE BOARD:

KRISTEN SCHNEPP-GIGER, PRESIDENT

Scott H. Foradora, Vice President

Dennis R. Fredericks, Secretary

Michael Mitrick, Commissioner

Allen J. DiMarco, Commissioner

Stanley I. Knick, Jr., Commissioner

Todd A. Pride, Commissioner

Haley J. Sankey, Commissioner

Robert C. Schwalm, Commissioner

MEETING: Saturday, April 15, 2023, 11:01 a.m.

LOCATION: Pennsylvania Game Commission Headquarters

2001 Elmerton Avenue

Harrisburg, PA 17110

Reporter: Derek Richmond

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A P P E A R A N C E S

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W. CREIGH MARTSON, ESQUIRE  
Pennsylvania Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110  
Counsel for Pennsylvania Game Commission

ALSO PRESENT:

BRYAN BURHANS, Executive Director  
JASON RAUP, Counsel  
MATTHEW SCHNUPP, Bureau Director  
JASON DECOSKEY, Bureau Director

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I N D E X

DISCUSSION AMONG PARTIES

6 - 39

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E X H I B I T S

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<u>Number</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
RED 1	Land Offer by Daniel and Joanna Stover	24	--*
RED 2	Land Offer by Norma and Lilian Fenton	26	--*
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OGM-4	Document	37	--*

1  
2 \* Not Attached

3 P R O C E E D I N G S

4 -----  
5 PRESIDENT SCHNEPP-GIGER: I'd like to  
6 call this meeting to order. Just as a housekeeping  
7 note, Commissioner Knick will be standing in as  
8 Secretary today for Commissioner Fredericks, who is  
9 joining us by phone. So he is still here and  
10 available to vote via phone. But Commissioner Knick  
11 will be handling the duties of Secretary today.

12 And with that, Mr. Secretary, will you  
13 please call the role?

14 COMMISSIONER KNICK: Commissioner  
15 Schnepf-Giger?

16 PRESIDENT SCHNEPP-GIGER: Present.

17 COMMISSIONER KNICK: Commissioner  
18 Foradora?

19 COMMISSIONER FORADORA: Present.

20 COMMISSIONER KNICK: Commissioner  
21 Fredericks?

22 COMMISSIONER FREDERICKS: Present.

23 COMMISSIONER KNICK: Commissioner  
24 DiMarco

25 COMMISSIONER DIMARCO: Present.

1                   COMMISSIONER KNICK:   Myself,  
2 Commissioner Knick, here.  
3                   Commissioner Mitrick?  
4                   COMMISSIONER MITRICK:   Present.  
5                   COMMISSIONER KNICK:   Commissioner  
6 Pride?  
7                   COMMISSIONER PRIDE:   Present.  
8                   COMMISSIONER KNICK:   Commissioner  
9 Sankey?  
10                  COMMISSIONER SANKEY:   Present.  
11                  COMMISSIONER KNICK:   Commissioner  
12 Schwalm?  
13                  COMMISSIONER SCHWALM:   Present.  
14                  COMMISSIONER KNICK:   All are here.  
15                  PRESIDENT SCHNEPP-GIGER:   Thank you,  
16 Mr. Secretary.  
17                  Motion to approve the minutes from the  
18 Commission meeting held January 28th, 2023. Do I  
19 have a motion?  
20                  COMMISSIONER KNICK:   So moved.  
21                  COMMISSIONER DIMARCO:   So moved.  
22                  PRESIDENT SCHNEPP-GIGER:   Second?  
23                  COMMISSIONER DIMARCO:   Second.  
24                  PRESIDENT SCHNEPP-GIGER:   Mr.  
25 Secretary?

1                   COMMISSIONER KNICK: All in favor?

2 AYES RESPOND

3                   COMMISSIONER KNICK: Opposed? Ayes  
4 have it.

5                   PRESIDENT SCHNEPP-GIGER: Thank you,  
6 Mr. Secretary.

7                   ATTORNEY MARTSON: Good morning. The  
8 first item up for consideration today can be found on  
9 page two of your agendas. To effectively manage the  
10 wildlife resources of this Commonwealth, the  
11 Commission at its January 28th, 2023 meeting proposed  
12 to amend Sections 143.41 through 143.45 and delete  
13 Sections 143.48 through section 143.56 to eliminate  
14 the mail-in process and replace it with an online and  
15 over-the-counter process. This rulemaking is now  
16 before this Board for final approval.

17                   PRESIDENT SCHNEPP-GIGER: I understand  
18 there's a floor amendment with this adopted  
19 rulemaking. Would you like to expand on that?

20                   MR. RAUP: Yes, Madam President.  
21 There is a recommendation for a minor amendment.  
22 Staff is recommending a minor amendment to this  
23 proposal in response to a question raised by the  
24 Attorney General's Office during its standard review  
25 of the rulemaking under the Commonwealth Documents

1 Law. Approval of this or a similar amendment, Staff  
2 believes is necessary to achieve final approval of  
3 this regulation. Specifically, Staff is recommending  
4 that the proposed inclusion of the landowner  
5 antlerless license in the outside of allocation sales  
6 process be removed. The text of this change can be  
7 found on the floor amendment for page three of your  
8 agenda. This change will effectively return the  
9 landowner antlerless license sales process back to  
10 the current process that is in place today, as is  
11 contemplated by Section 2706C of the Game Wildlife  
12 Code.

13 PRESIDENT SCHNEPP-GIGER: Thank you.  
14 Do I have a motion to move the floor amendment as  
15 proposed by Staff?

16 COMMISSIONER KNICK: So moved.

17 PRESIDENT SCHNEPP-GIGER: Second?

18 COMMISSIONER SANKEY: I second.

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: Do I have a

1 motion to move the full package for adopted  
2 rulemaking?

3 COMMISSIONER KNICK: So moved.

4 PRESIDENT SCHNEPP-GIGER: Second?

5 COMMISSIONER FORADORA: Second.

6 PRESIDENT SCHNEPP-GIGER: Mr.

7 Secretary, please call the vote.

8 COMMISSIONER KNICK: All in favor?

9 AYES RESPOND

10 COMMISSIONER KNICK: Opposed? The  
11 ayes have it, Madam President.

12 PRESIDENT SCHNEPP-GIGER: Thank you.

13 ATTORNEY MARTSON: The next item up  
14 for consideration can be found on page eight of your  
15 agendas. To effectively manage the wildlife  
16 resources of this Commonwealth, the Commission at its  
17 January 28th, 2023 meeting proposed to amend Section  
18 139.17 to eliminate Wildlife Management Unit 2H and  
19 return Wildlife Management Unit 2G to its original  
20 boundary. This rulemaking is now before the Board  
21 for final approval.

22 PRESIDENT SCHNEPP-GIGER: Do I have a  
23 motion?

24 COMMISSIONER MITRICK: So moved.

25 COMMISSIONER FORADORA: Second.

1                   PRESIDENT SCHNEPP-GIGER: Mr.  
2 Secretary, please call the vote.

3                   COMMISSIONER KNICK: All in favor?  
4 AYES RESPOND

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

7                   PRESIDENT SCHNEPP-GIGER: Thank you,  
8 Mr. Secretary.

9                   ATTORNEY MARTSON: The next item can  
10 be found on page 11 of your agendas. To effectively  
11 manage the wildlife resources of this Commonwealth,  
12 the Commission at its January 28th, 2023 meeting  
13 proposed to amend Section 139.4 to provide updated  
14 seasons and bag limits for the 2023-2024 license  
15 year. This rulemaking is now before this Board for  
16 final approval.

17                   PRESIDENT SCHNEPP-GIGER: Antlerless  
18 deer and elk allocations must be set before the new  
19 license year begins. The April meeting of the Board  
20 of Commissioners traditionally serves as a turnstile  
21 in this process. And it's the first time that  
22 allocations developed by Staff are presented publicly  
23 and finalized. This Board intends to reconsider its  
24 role in this process, and given that allocations are  
25 an anticipated part of the April meeting, we would

1 like to clarify our position moving forward. If  
2 Board Member opinions enter the decision-making  
3 process and allocations change because of them,  
4 science is no longer guiding wildlife management.

5           To preserve the integrity of a process  
6 that relies on science-based management to achieve  
7 population objectives, this Board will be  
8 discontinuing the practice of annually approving the  
9 number of antlerless deer and elk licenses to be  
10 allocated. This will allow the appropriate experts  
11 within the Agency to prepare and finalize allocations  
12 that are in accordance with the goals set forth in  
13 the Agency's deer and elk management plans. There is  
14 no law or regulation that requires the Board to  
15 consider or approve allocations. Because scientific  
16 management is a principle that this Board believes  
17 in, it only makes sense to stand by the results of  
18 scientific work, including the development of license  
19 allocations. This Board intends to stand by  
20 allocations developed by Staff for the 2023-'24  
21 license year. We consider them final and intend now  
22 and, in the future, to allow science-based  
23 allocations developed by Staff to move forward  
24 without requiring a separate vote from the Board of  
25 Commissioners.

1 Thank you. We will continue on with  
2 the floor amendment tied to this item. Dr. Schnupp.

3 DR. SCHNUPP: I'm sorry?

4 PRESIDENT SCHNEPP-GIGER: If you could  
5 expand on the floor amendment for us, please.

6 DR. SCHNUPP: You bet. So we've got a  
7 floor amendment on page 15. On page 18, 19, 20, 21,  
8 and 22 are the floor amendments for this section.

9 PRESIDENT SCHNEPP-GIGER: Do I have a  
10 motion to accept the floor amendments of removing WMU  
11 2H?

12 COMMISSIONER KNICK: So moved.

13 COMMISSIONER FORADORA: Second.

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 Can I have a motion to move the whole package,  
22 including the floor amendment forward?

23 COMMISSIONER KNICK: So moved.

24 COMMISSIONER SANKEY: I second.

25 PRESIDENT SCHNEPP-GIGER: Is there any

1 discussion on this? Mr. Secretary, please call the  
2 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 Mr. Secretary.

9 ATTORNEY MARTSON: The next item for  
10 consideration is on page 23 of your agendas. To  
11 effectively manage the wildlife resources of this  
12 Commonwealth, the Commission at its January 28th,  
13 2023 meeting proposed to amend Section 133.21 to  
14 update the scientific names of the Yellow-crowned  
15 Night-Heron, Sedge Wren, and Northern Harrier on the  
16 Commonwealth's list of threatened and endangered  
17 birds with current accepted taxonomic nomenclature.  
18 This rulemaking is now before this Board for final  
19 approval.

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

22 COMMISSIONER SANKEY: So moved.

23 PRESIDENT SCHNEPP-GIGER: Do I have a  
24 second?

25 COMMISSIONER MITRICK: Second.

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

3                   COMMISSIONER KNICK: All in favor?  
4 AYES RESPOND

5                   COMMISSIONER KNICK: Opposed? Ayes  
6 have it.

7                   PRESIDENT SCHNEPP-GIGER: Thank you,  
8 Mr. Secretary.

9                   ATTORNEY MARTSON: The next item can  
10 be found on page 25 of your agendas. To effectively  
11 manage the wildlife resources of this Commonwealth,  
12 the Commission at its January 28th, 2023 meeting  
13 proposed to amend Section 135.37 to, number one,  
14 authorize a Statewide Chronic Wasting Disease  
15 cooperator program; number two, authorize any state-  
16 wide cooperator the ability to accept high-risk  
17 cervid parts imported into this Commonwealth from  
18 other states, Canadian provinces, or other locations,  
19 or exported from a disease management area, DMA; and  
20 number three, prohibit the placement high-risk cervid  
21 parts on the landscape anywhere within this  
22 Commonwealth that are derived from any cervid  
23 harvested, taken, or killed outside of this  
24 Commonwealth or within any DMA or established area.  
25 This rulemaking is now before this Board for final

1 approval.

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

4 COMMISSIONER KNICK: So moved.

5 COMMISSIONER FORADORA: Second.

6 MR. SCHNUPP: Commissioner, if I could  
7 before the vote. I would like to ask the Board to  
8 consider replacement page 27 and 28 as floor  
9 amendments for this regulation change. There were  
10 some questions raised by Attorney General's Office  
11 regarding the organization of Section 137.35B 3  
12 through 8. Pages 27 and 28 will address their  
13 questions as it relates to the reorganization of the  
14 affected paragraphs and the creation of a new  
15 subsection titled Additional Restrictions.

16 PRESIDENT SCHNEPP-GIGER: Thank you,  
17 Dr. Schnupp. Do I have a motion to move the floor  
18 amendment as proposed by Staff?

19 COMMISSIONER KNICK: So moved.

20 PRESIDENT SCHNEPP-GIGER: Second?

21 COMMISSIONER SCHWALM: Second.

22 PRESIDENT SCHNEPP-GIGER: Any  
23 discussion? Mr. Secretary, please call the vote on  
24 the floor amendment.

25 COMMISSIONER KNICK: All in favor?

1 AYES RESPOND

2 COMMISSIONER KNICK: Opposed? Ayes  
3 have it.

4 PRESIDENT SCHNEPP-GIGER: Thank you.  
5 And do I have a motion for the full package,  
6 including the floor amendment

7 COMMISSIONER KNICK: So moved.

8 COMMISSIONER SCHWALM: Second.

9 PRESIDENT SCHNEPP-GIGER: Do I have a  
10 second?

11 COMMISSIONER SCHWALM: Second.

12 PRESIDENT SCHNEPP-GIGER: Mr.

13 Secretary, please call the vote.

14 COMMISSIONER KNICK: All in favor?

15 AYES RESPOND

16 COMMISSIONER KNICK: Opposed? Ayes  
17 have it.

18 ATTORNEY MARTSON: The next item on  
19 your agenda can be found on page 29. To effectively  
20 manage the wildlife resources of this Commonwealth,  
21 the Commission at its January 28th, 2023 meeting  
22 proposed to amend Section 147.282 to classify  
23 wildlife into categories that match an associated  
24 level of exposure and public contact appropriate for  
25 that category of wildlife. This rulemaking is now

1 before this Board for final approval.

2 PRESIDENT SCHNEPP-GIGER: I understand  
3 there's a floor amendment associated with this  
4 rulemaking as well?

5 MR. DECOSKEY: That's correct, Madam  
6 President. I would like to ask the Board to consider  
7 replacement page 30 as a floor amendment for this  
8 regulation change. There were some questions raised  
9 by Staff regarding those species listed as Category 3  
10 Wildlife and public safety with certain species  
11 interaction with the public. These corrections and  
12 this floor amendment will answer their questions  
13 regarding public contact with non-human primates.

14 PRESIDENT SCHNEPP-GIGER: Thank you.  
15 Do I move a motion?

16 COMMISSIONER FORADORA: So moved.

17 PRESIDENT SCHNEPP-GIGER: Do I have a?

18 COMMISSIONER SCWALM: Second.

19 PRESIDENT SCHNEPP-GIGER: Any  
20 discussion?

21 COMMISSIONER PRIDE: Madam President,  
22 if this is the time? I'd like to make a motion that  
23 we table the decision on this amendment at this time  
24 for more time to study the impact of this proposal.

25 PRESIDENT SCHNEPP-GIGER: Okay.

1                   So Commissioner Pride would like to  
2 make a motion to table this item. Does he have a  
3 second?

4                   COMMISSIONER MITRICK: I have a  
5 question. Now, is it tabling just this amendment or  
6 is it tabling the actual proposal?

7                   PRESIDENT SCHNEPP-GIGER: Commissioner  
8 Pride, would you like to table everything or table  
9 the floor amendment?

10                  COMMISSIONER PRIDE: Tabling the floor  
11 amendment or the entire package, yes. The entire  
12 package.

13                  PRESIDENT SCHNEPP-GIGER : The entire  
14 package?

15                  COMMISSIONER PRIDE: Yes.

16                  PRESIDENT SCHNEPP-GIGER: Does he have  
17 a second?

18                  COMMISSIONER MITRICK: I'll second  
19 that.

20                  PRESIDENT SCHNEPP-GIGER: Mr.  
21 Secretary, please call a vote on tabling this adopted  
22 rulemaking.

23                  COMMISSIONER KNICK: All in favor of  
24 tabling it?

25 AYES RESPOND

1                   COMMISSIONER KNICK: Madam President,  
2 may I do a one-by-one vote?  
3                   PRESIDENT SCHNEPP-GIGER: Yes, please.  
4                   COMMISSIONER KNICK: Commissioner  
5 Schnepf-Giger?  
6                   PRESIDENT SCHNEPP-GIGER: No.  
7                   COMMISSIONER KNICK: Commissioner  
8 Foradora?  
9                   COMMISSIONER FORADORA: No.  
10                  COMMISSIONER KNICK: Commissioner  
11 Fredericks?  
12                  COMMISSIONER FREDERICKS: No.  
13                  COMMISSIONER KNICK: Commissioner  
14 DiMarco?  
15                  COMMISSIONER DIMARCO: No.  
16                  COMMISSIONER KNICK: Myself,  
17 Commissioner Knick, no.  
18 Commissioner Mitrick?  
19                  COMMISSIONER MITRICK: Yes.  
20                  COMMISSIONER KNICK: Commissioner  
21 Pride?  
22                  COMMISSIONER PRIDE: Yes.  
23                  COMMISSIONER KNICK: Commissioner  
24 Sankey?  
25                  COMMISSIONER SANKEY: No.

1                   COMMISSIONER KNICK: Commissioner  
2 Schwalm?

3                   COMMISSIONER SCHWALM: Yes.

4                   COMMISSIONER KNICK: I believe the  
5 no's have it.

6                   PRESIDENT SCHNEPP-GIGER: So with six  
7 no's, we will not table this rulemaking. Do I have a  
8 motion to accept the floor amendment as proposed?

9                   COMMISSIONER KNICK: So moved.

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

12                  COMMISSIONER SCHWALM: Second.

13                  PRESIDENT SCHNEPP-GIGER: Mr.  
14 Secretary, please call the vote individually on the  
15 floor amendment.

16                  COMMISSIONER KNICK: Commissioner  
17 Schnepf-Giger?

18                  PRESIDENT SCHNEPP-GIGER: Yes.

19                  COMMISSIONER KNICK: Commissioner  
20 Foradora?

21                  COMMISSIONER FORADORA: Yes.

22                  COMMISSIONER KNICK: Commissioner

23 Fredericks?

24                  COMMISSIONER FREDERICKS: Yes.

25                  PRESIDENT SCHNEPP-GIGER: Commissioner

1 DiMarco?

2 COMMISSIONER DIMARCO: Yes.

3 COMMISSIONER KNICK: Commissioner

4 Knick, myself, yes.

5 Commissioner Mitrick?

6 COMMISSIONER MITRICK: Yes.

7 COMMISSIONER KNICK: Commissioner

8 Pride?

9 COMMISSIONER PRIDE: No.

10 PRESIDENT SCHNEPP-GIGER: Commissioner

11 Sankey?

12 COMMISSIONER SANKEY: Yes.

13 COMMISSIONER KNICK: Commissioner

14 Schwalm?

15 COMMISSIONER SCHWALM: Yes.

16 COMMISSIONER KNICK: Madam Secretary,

17 it passes 8 to 1.

18 PRESIDENT SCHNEPP-GIGER: Thank you,

19 Mr. Secretary. Will you please call an individual

20 vote on the whole package, including the floor

21 amendment?

22 COMMISSIONER KNICK: Commissioner

23 Giger, Schnepf-Giger?

24 PRESIDENT SCHNEPP-GIGER: Yes.

25 COMMISSIONER KNICK: Commissioner

1 Foradora?

2 COMMISSIONER FORADORA: Yes.

3 PRESIDENT SCHNEPP-GIGER: Commissioner

4 Fredericks?

5 COMMISSIONER FREDERICKS: Yes.

6 PRESIDENT SCHNEPP-GIGER: Commissioner

7 DiMarco?

8 COMMISSIONER DIMARCO: Yes.

9 COMMISSIONER KNICK: Myself,

10 Commissioner Knick, yes.

11 Commissioner Mitrick?

12 COMMISSIONER MITRICK: No.

13 PRESIDENT SCHNEPP-GIGER: Commissioner

14 Pride?

15 COMMISSIONER PRIDE: No.

16 PRESIDENT SCHNEPP-GIGER: Commissioner

17 Sankey?

18 COMMISSIONER SANKEY: Yes.

19 PRESIDENT SCHNEPP-GIGER: Commissioner

20 Schwalm?

21 COMMISSIONER SCHWALM: No.

22 COMMISSIONER KNICK: Madam President,

23 it passes 7 to 2.

24 PRESIDENT SCHNEPP-GIGER: Thank you.

25 7 to 3, I believe.

1                   COMMISSIONER KNICK: 7 to 3.

2                   PRESIDENT SCHNEPP-GIGER: Or 6 to 3.

3                   COMMISSIONER KNICK: 6 to 3.

4                   PRESIDENT SCHNEPP-GIGER: There's my  
5 superior math skills. 6 to 3 has it.

6                   COMMISSIONER SCHWALM: 7 to 3 is 10.

7                   COMMISSIONER KNICK: 7 to 2. It's 7  
8 to 2. 7 to 2. I was right.

9                   COMMISSIONER SCHWALM: No, it's 6-3.

10                  COMMISSIONER KNICK: Who's the third  
11 one?

12                  COMMISSIONER SCHWALM: Me.

13                  COMMISSIONER KNICK: Oh, alright. I'm  
14 sorry. 6-3.

15                  ATTORNEY MARTSON: The next item for  
16 consideration can be found on page 31 of your  
17 agendas. To effectively manage the wildlife  
18 resources of this Commonwealth, the Commission at its  
19 January 28th, 2023 meeting proposed to amend Section  
20 141.4 to replace the current hunting hours table and  
21 migratory bird hunting hours table to accurately  
22 reflect the dates and hours of legal hunting for the  
23 2023-2024 hunting/trapping license year. This  
24 rulemaking is now before this Board for final  
25 approval.

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

3                   COMMISSIONER DIMARCO: So moved.

4                   COMMISSIONER SCHWALM: Second.

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

8                   COMMISSIONER KNICK: All in favor?

9 AYES RESPOND

10                   COMMISSIONER KNICK: Opposed? Ayes  
11 have it.

12                   PRESIDENT SCHNEPP-GIGER: Thank you,  
13 Mr. Secretary.

14                   ATTORNEY MARTSON: The next item can  
15 be found on page 35 of your agenda. To effectively  
16 manage the wildlife resources of this Commonwealth,  
17 the Commission at its January 28th, 2023 meeting  
18 proposed to amend Section 141.67 to expand the list  
19 of devices that are permitted to be used to hunt and  
20 take furbearers having an open falconry season. This  
21 rulemaking is now before this Board for final  
22 approval.

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

25                   COMMISSIONER KNICK: So moved.

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

3                   COMMISSIONER SCHWALM: Second.

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

6                   COMMISSIONER KNICK: All in favor?

7 AYES RESPOND

8                   MR. KNICK: Opposed? Ayes have it.

9                   PRESIDENT SCHNEPP-GIGER: Thank you,  
10 Mr. Secretary.

11                   ATTORNEY MARTSON: This next item  
12 comes from the Bureau of Wildlife Habitat Management  
13 and can be found on page 37 of your agendas. To  
14 effectively manage the wildlife resources of this  
15 Commonwealth, the Commission at its January 28th,  
16 2023 meeting proposed to amend Sections 135.101  
17 through 135.107 to simplify, reorganize, and  
18 modernize these special wildlife management area  
19 regulations. This rulemaking is now before this  
20 Board for final approval.

21                   PRESIDENT SCHNEPP-GIGER: I understand  
22 we have another floor amendment to discuss.

23                   JASON DECOSKEY: Yes, Madam President.  
24 I would like to ask the Board to consider  
25 replacement pages 40 and 41 as floor amendments for

1 this regulation. There were some questions raised by  
2 the Attorney General's Office regarding the lack of  
3 specifics in the language for the secondary drawings  
4 for unclaimed permits, which would be page 40, and  
5 how hunters would contact the appropriate staff to  
6 recover wounded game that enters a restricted area.  
7 That would be on page 41. These corrections will  
8 answer their questions regarding the lack of  
9 specifics.

10 PRESIDENT SCHNEPP-GIGER: Thank you.  
11 Do I have a motion on the floor amendment as proposed  
12 by Staff?

13 COMMISSIONER FORADORA: So moved.

14 COMMISSIONER DIMARCO: Second.

15 PRESIDENT SCHNEPP-GIGER: Any  
16 discussion? Mr. Secretary, please call the vote on  
17 the floor amendment.

18 COMMISSIONER KNICK: All in favor?

19 AYES RESPOND

20 COMMISSIONER KNICK: Opposed? Ayes  
21 have it.

22 PRESIDENT SCHNEPP-GIGER: And do I  
23 have a motion for the full package of adopted  
24 rulemaking as proposed, including the floor  
25 amendment?



1 therefore, the Commission may exceed \$400 per acre  
2 under Section 705B of the Game and Wildlife Code.  
3 The Stover's are excepting and reserving the oil and  
4 natural gas. Access is through existing State Game  
5 Land Number 330.

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

8 COMMISSIONER SANKEY: So moved.

9 PRESIDENT SCHNEPP-GIGER: Do I have a  
10 second?

11 COMMISSIONER DIMARCO: 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 Mr. Secretary.

20 ATTORNEY MARTSON: The next item can  
21 be found on page 46 of your agendas. Norman R. and  
22 Lilian R. Fenton are offering 50 acres of land in  
23 Graham Township, Clearfield County, adjoining State  
24 Game Land Number 78 found on Exhibit Red 2.

25

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1 (Whereupon, Exhibit Red 2, Land Offer by Norma  
2 and Lillian Fenton, was marked for  
3 identification.)

4 ---

5 ATTORNEY MARTSON: The option price is  
6 \$100,000 lump sum to be paid from the Game Fund. The  
7 parcel is an indenture to the State Game Land and  
8 therefore, the Commission may exceed \$400 per acre  
9 under Section 705B of the Game and Wildlife Code.  
10 The oil and gas rights have been excepted and  
11 reserved by prior owners. Access is through existing  
12 State Game Land Number 78.

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

15 COMMISSIONER KNICK: So moved.

16 PRESIDENT SCHNEPP-GIGER: Do I have a  
17 second?

18 COMMISSIONER SCHWALM: 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                    ATTORNEY MARTSON: The next item for  
2 consideration can be found on page 48 of your  
3 agendas. Thomas M. Rose, II, is offering 78.9 more  
4 or less acres of land Donegal Township, Washington  
5 County, adjoining State Game Land Number 232, Exhibit  
6 Red 3.

7

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8                    (Whereupon, Exhibit Red 3, Land Offer by Thomas  
9 Rose, was marked for identification.)

10

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11                    ATTORNEY MARTSON: The option price is  
12 \$250 lump sum to be paid from the Game Fund. The  
13 parcel is an indenture to the State Game Land, and  
14 therefore, the Commission may exceed \$400 per acre  
15 under Section 705B of the Game and Wildlife Code.  
16 The oil, gas, and mineral rights have been excepted  
17 and reserved by prior owners. Access is from State  
18 Route 231.

19

20                    PRESIDENT SCHNEPP-GIGER: Do I have a

21

COMMISSIONER FORADORA: So moved.

22

23                    PRESIDENT SCHNEPP-GIGER: Do I have a

24

COMMISSIONER PRIDE: Second.

25

PRESIDENT SCHNEPP-GIGER: Any

1 discussion? Mr. 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 can  
8 be found on page 50 of your agendas. Jeremy J. and  
9 Anna Marie Tomchick are offering 9.17 more or less  
10 acres of land in Snyder County, Snyder Township,  
11 excuse me, Blair County, an interior to State Game  
12 Land Number 158, Exhibit Red 4.

13 ---

14 (Whereupon, Exhibit Red 4, Land Offer by Jeremy  
15 and Anna Marie Tomchick, was marked for  
16 identification.)

17 ---

18 ATTORNEY MARTSON: The option price is  
19 \$90 lump sum to be paid from funds held by the  
20 Conservation Fund for a prior commitment under a  
21 timber for land exchange agreement. Access is from  
22 State Route 453.

23 PRESIDENT SCHNEPP-GIGER: Do I have a  
24 motion from the Board on this land acquisition for  
25 \$90,000?

1                   COMMISSIONER KNICK:   So moved.

2                   COMMISSIONER FORADORA:   Second.

3                   PRESIDENT SCHNEPP-GIGER:   Any

4 discussion?

5                   COMMISSIONER DIMARCO:   Madam

6 President?

7                   PRESIDENT SCHNEPP-GIGER:   Yes.

8                   COMMISSIONER DIMARCO:   Perhaps I

9 misunderstood.   What was the price of this parcel?

10                   PRESIDENT SCHNEPP-GIGER:   Option price

11 is \$90,000 lump sum to be paid from funds held by the

12 Conservation -.

13                   COMMISSIONER DIMARCO:   I believe it

14 was read as \$90 instead of \$90,000.

15                   ATTORNEY MARTSON:   I apologize.

16                   COMMISSIONER DIMARCO:   That's okay.

17                   ATTORNEY MARTSON:   It was my fault.

18 The option price is indeed \$90,000.

19                   COMMISSIONER DIMARCO:   Okay.   Just

20 wanted to be sure.   It was a pretty good buy.   I was

21 going to say maybe I could buy it instead.   I'll give

22 you a better deal.

23                   PRESIDENT SCHNEPP-GIGER:   Allen's

24 trying to negotiate.

25                   Motion to accept option price \$90,000

1 lump sum to be paid from funds held by the  
2 Conservation Fund?

3 COMMISSIONER KNICK: So moved.

4 PRESIDENT SCHNEPP-GIGER: Do I have a  
5 second?

6 COMMISSIONER SCHWALM: Second.

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

10 COMMISSIONER KNICK: All in favor?

11 AYES RESPOND

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

14 PRESIDENT SCHNEPP-GIGER: Thank you.

15 ATTORNEY MARTSON: The next item for  
16 consideration can be found on page 52 of your  
17 agendas. Chesapeake Appalachia, LLC of Oklahoma  
18 City, Oklahoma requested the Commission offer its oil  
19 and gas ownership under a portion of State Game Land  
20 Number 66. The proposed track containing  
21 approximately 1,350 more or less acres is located in  
22 Colley Township, Sullivan County and depicted on your  
23 Exhibit OGM-1.

24 ---

25 (Whereupon, Exhibit OGM-1, Document, was marked

1 for identification.)

2 ---

3 ATTORNEY MARTSON: The terms of the  
4 agreement are a paid-up five-year Non-Surface Oil and  
5 Gas Agreement, a \$1,500 per acre bonus payment, and  
6 an 18 percent royalty. Chesapeake Appalachia, LLC  
7 has a strong lease position surrounding this portion  
8 of State Game Land Number 66 and has initiated well  
9 drilling and development programs on adjacent private  
10 lands. Chesapeake Appalachia can unitize the  
11 Commission's Oil and Gas Reserve by horizontal  
12 drilling with no disturbance to the game land  
13 surface. PGC Staff has negotiated with Chesapeake  
14 Appalachia to ensure the prudent development of the  
15 Commission's Oil Gas Reserve and simultaneously  
16 protect the wildlife resources and recreational use  
17 of State Game Land Number 66.

18 The bonus payment of \$2,025,000 and  
19 any rental payments will be deposited into the Game  
20 Commission's restricted account for the future  
21 purchase of wildlife habitats, lands, or other uses  
22 incidental to hunting, furtaking, and wildlife  
23 resource management. Future royalties owed the  
24 Commission will be deposited into the Game Fund. Oil  
25 and gas development will be regulated by the

1 Commission's oil and gas regulations and the  
2 Commission's Non-Surface Use Oil and Gas Development  
3 Agreement.

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

6 COMMISSIONER KNICK: So moved.

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

9 COMMISSIONER SCHWALM: Second.

10 PRESIDENT SCHNEPP-GIGER: Any  
11 discussion? Mr. Gustafson, just a quick thank you  
12 from the Board of Commissioners and hunters of  
13 Pennsylvania for continuing to negotiate contracts  
14 like this with your non-surface disturbance on our  
15 game lands, while simultaneously working with the  
16 industry and working to utilize the natural resources  
17 that we have below the surface. So thank you very  
18 much for that.

19 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 -

1 excuse me. The next item for consideration can be  
2 found on page 54 of your agendas. Chesapeake  
3 Appalachia, LLC, Chesapeake, of Oklahoma City,  
4 Oklahoma has requested the Commission offer its oil  
5 and gas rights under portions of State Game Land  
6 Number 57 for non-surface use development. The  
7 proposed tract containing approximately 3,800 more or  
8 less gross acres is located in North Branch Township,  
9 Wyoming County and found on Exhibit OGM-2.

10

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11 (Whereupon, Exhibit OGM-2, Document, was marked  
12 for identification.)

13

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14 ATTORNEY MARTSON: Chesapeake will  
15 access the 3,800 acre reserves from its current and  
16 planned drilling operations on adjacent areas off  
17 SGL-57 by horizontal drilling with no additional  
18 surface use or disturbance to the game lands. OGM  
19 Staff has negotiated the proposed terms of the  
20 agreement with Chesapeake to prudently develop the  
21 Commission's Oil Gas Reserve and simultaneously  
22 protect the wildlife resources and recreational use  
23 of State Game Land Number 57. The terms of the  
24 agreement are a five-year paid-up Non-Surface Use Oil  
25 and Gas Agreement, a \$1,500 per-net oil and gas acre

1 bonus payment, and 18 percent royalty for all oil,  
2 gas, and other liquids or condensates produced and  
3 sold from the proposed tract.

4           The bonus payment of \$5,700,000 and  
5 any rental payments will be deposited into the Game  
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. The bonus payments will be made  
10 in two installments of \$2,850,000 each. The first  
11 payment will be due within 90 days of the execution  
12 of the agreement and the second will be due on the  
13 first anniversary of the agreement. Future royalties  
14 owed the Commission will be directly deposited into  
15 the Game Fund. Oil and gas development will be  
16 regulated by the Commission's oil and gas  
17 regulations, and the Commission's Restricted Surface  
18 Use Oil and Gas Cooperative Agreement.

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

21           COMMISSIONER FORADORA: So moved.

22           PRESIDENT SCHNEPP-GIGER: Do I have a  
23 second?

24           COMMISSIONER KNICK: Second.

25           PRESIDENT SCHNEPP-GIGER: Any

1 discussion? Mr. 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 56 of your  
9 agendas. STL Resources, LLC of Westfield,  
10 Pennsylvania has requested the Commission offer its  
11 oil and gas rights under portions of State Game Land  
12 Number 208 for non-surface use development. The  
13 proposed tract containing approximately 458.9 more or  
14 less gross acres is located in Gaines Township, Tioga  
15 County and depicted on Exhibit OGM-3.

16 ---

17 (Whereupon, Exhibit OGM-3, Document, was marked  
18 for identification.)

19 ---

20 ATTORNEY MARTSON: STL will access the  
21 458.9 acre reserves from its current and planned  
22 drilling operations on adjacent areas off SGL-208 by  
23 horizontal drilling with no surface use or  
24 disturbance to the game lands. OGM Staff has  
25 negotiated the proposed terms of the agreement with

1 STL to prudently develop the Commission's Oil and Gas  
2 Reserve and simultaneously protect the wildlife  
3 resources and recreational use of State Game Land  
4 Number 208. Under the proposed terms of this Non-  
5 Surface Use Oil and Gas Production Cooperative  
6 Agreement, STL will pay the Commission a bonus  
7 totaling \$1,000 per net mineral acre, paid  
8 incrementally over a ten-year primary term, and a  
9 royalty rate of 16 percent for all oil, gas, and  
10 liquid hydrocarbons produced and sold from the  
11 premises.

12                   The bonus payments will be made in  
13 annual installments at a rate of ten percent per year  
14 during the entire length of the primary term. The  
15 total bonus to be paid will be \$458,900 over the ten-  
16 year primary term. The first payment of \$45,890 will  
17 be due within 60 days of the execution of the  
18 agreement. The second and subsequent installments  
19 will be due annually on the anniversary dates of the  
20 agreement. All bonus and rental payments will be  
21 deposited into the Game Commission's restricted  
22 account for the future purchase of wildlife habitats,  
23 lands, or other uses incidental to hunting,  
24 furtaking, and wildlife resource management. Future  
25 royalties paid to the Commission will be deposited

1 into the Game Fund. STL's oil and gas development  
2 under this agreement will be regulated by the  
3 Commonwealth's oil and gas regulations and the  
4 Commission's Restricted Surface Use Oil and Gas  
5 Cooperative Agreement.

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

8 COMMISSIONER FORADORA: So moved.

9 PRESIDENT SCHNEPP-GIGER: Do I have a  
10 second?

11 COMMISSIONER MITRICK: 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: And the next item  
20 can be found on page 58 of your agendas. Range  
21 Resources Appalachia, LLC or Range, of Canonsburg,  
22 Pennsylvania has requested the Commission offer its  
23 oil and gas rights under portions of State Game Land  
24 Number 232 for non-surface use development. The  
25 proposed tract containing approximately 644.3 more or

1 less gross acres is located in Independence and  
2 Donegal Townships, Washington County, and depicted on  
3 Exhibit OGM-4.

4

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5 (Whereupon, Exhibit OGM-4, Document, was marked  
6 for identification.)

7

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8 ATTORNEY MARTSON: Range will access  
9 the 644.3 acre reserves from its current and planned  
10 drilling operations from areas adjacent to SGL 232 by  
11 horizontal drilling with no surface use or  
12 disturbance to the game lands. OGM Staff has  
13 negotiated the proposed terms of the agreement with  
14 Range to prudently develop the Commission's oil gas  
15 reserve and simultaneously protect the wildlife  
16 resources and recreational use of State Game Land  
17 Number 232. Under the proposed terms of this Non-  
18 Surface Use Oil and Gas Production Cooperative  
19 Agreement, Range will pay the Commission a bonus  
20 totaling \$3,000 per net mineral acre and a royalty  
21 rate of 19 percent for all oil, gas and liquid  
22 hydrocarbons produced and sold from the premises.  
23 The bonus payment of \$1,932,900 will be deposited  
24 into the Game Commission's Restricted Account for the  
25 future purchase of wildlife habitats, lands, or other

1 uses incidental to hunting, furtaking, and wildlife  
2 resource management. Future royalties owed the  
3 Commission will be directly deposited into the Game  
4 Fund. Range's oil and gas development under this  
5 agreement will be regulated by the Commission's oil  
6 and gas regulations and the Commission's Restricted  
7 Surface Use Oil and Gas Cooperative Agreement.

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

10 COMMISSIONER DIMARCO: So moved.

11 PRESIDENT SCHNEPP-GIGER: Do I have a  
12 second?

13 COMMISSIONER MITRICK: Second.

14 PRESIDENT SCHNEPP-GIGER: Any  
15 discussion? Mr. 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 Mr. Secretary.

22 I don't believe we have anything to  
23 cover under new business. Next Commission meeting  
24 will be held July 7th and 8th, 2023 in Harrisburg.  
25 With that, we conclude today's quarterly Commission

1 meeting.

2 \* \* \* \* \*

3 MEETING CONCLUDED AT 11:40 A.M.

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CERTIFICATE

1 I hereby certify that the foregoing proceedings,  
2 a hearing held before President Schnepf-Giger, was  
3 reported by me on 4/15/23 and that I, Derek Richmond,  
4 read this transcript, and that I attest that this  
5 transcript is a true and accurate record of the  
6 proceeding.

7

8 Date the 8th day of May, 2023

9

10

A handwritten signature in cursive script, appearing to read "Derek Richmond", is written over a horizontal line.

11

Derek Richmond,

12

Court Reporter

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