

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION**



**AGENDA  
HARRISBURG, PENNSYLVANIA  
September 23, 2014**

*R. Matthew Hough*

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R. Matthew Hough  
Executive Director

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DRAFT

Commonwealth of Pennsylvania  
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, September 23, 2014 at The Lamplighter Restaurant located at 6566 William Penn Highway, Delmont, PA 15626 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Robert W. Schlemmer, President  
David J. Putnam, Vice President  
Brian H. Hoover, Secretary  
James J. Delaney, Jr.  
Ronald A. Weaner  
Ralph A. Martone  
Charles E. Fox  
Timothy S. Layton

Approval of Minutes of Commission Meeting held June 10, 2014.

**BUREAU OF INFORMATION AND EDUCATION**

**PROPOSED RULE MAKING**

A. Amend 58 Pa. Code § 143.12.

Commentary: Hunter education delivery methods continue to evolve across the nation. The use of independent study is one delivery method which has been in use for nearly a decade in Pennsylvania. Students study the majority of the course on their own then attend an abbreviated two-hour class to meet their local WCO, who leads a lesson on hunting laws and regulations. At the conclusion of this lesson, students complete the certification exam and receive a training certificate.

Recently, online training programs have been developed to not only provide the training component, but also enable online testing and certification of students as well. Upon successful completion of the course of study, students can print a certificate of training and purchase a hunting license. This capability continues to improve customer service and convenience. Additionally, it removes any potential barrier for students who are unable to attend a traditional, instructor-led class or one of the agency's independent study classes. It provides another tool for the agency to reach a large audience of people interested in learning to hunt or trap.

Vendors who develop and manage online hunter education training and certification courses typically charge a user fee to recover the ongoing development and maintenance costs of the program. This proposed regulation enables the agency to offer a completely online HTE training and certification course while providing for a convenience fee to be paid by those students who choose this option. The Pennsylvania Game Commission will continue to offer nearly 1,000 instructor-led Hunter-Trapper Education classes each year. These classes will continue to meet the legislative mandate for HTE instruction to be free of charge.

**CHAPTER 143. HUNTING AND FURTKER LICENSES**

**Subchapter A. GENERAL**

§ 143.12. Hunter education training.

(a) \* \* \* \* \*

(a.1) *Online Hunter-Trapper Education Independent Study.* The Commission may develop and implement an online Hunter-Trapper Education course of study as a convenience to license buyers seeking first-time or supplemental training and certification. The Director shall establish the course of instruction and assess any vendor fees that may be incurred through this course of instruction and certification.

\* \* \* \* \*

Action:

**BUREAU OF WILDLIFE PROTECTION**

**ADOPTED RULE MAKING**

A. Adoption of proposed amendments to 58 Pa. Code § 141.42.

Commentary: To effectively manage the wildlife resources of this commonwealth, the Game Commission (Commission) at its June 10, 2014, meeting proposed to amend § 141.42 (relating to parties hunting big game) by deleting voided roster requirement text remaining in subsections (a)-(d) and (f).

Action:

DRAFT

**EXHIBIT "A"**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

§ 141.42. Parties hunting big game.

(a) Parties hunting deer, bear or elk shall be limited to 25 persons.

(b) Penalties in section 2324(c) of the act (relating to parties hunting big game) pertain to this section. Each person may be held liable for penalties in this section.

DRAFT

**ADOPTED RULE MAKING**

B. Adoption of proposed amendments to 58 Pa. Code §§ 147.101 and 147.103.

Commentary: To effectively manage the wildlife resources of this commonwealth, the Game Commission (Commission) at its June 10, 2014, meeting, proposed to amend §§ 147.101 and 147.103 (relating to the definitions; classes) to make it clear that "hybrid" applies to all offspring of species listed in 50 CFR 10.13 (relating to list of migratory birds).

Action:

DRAFT

ANNEX "A"

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Hybrid* - Any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13 (relating to list of migratory birds) and any progeny of those birds.

\* \* \* \* \*

§ 147.103. Classes.

\* \* \* \* \*

(b) *General*. Permittees of the general class shall be subject to the following requirements and limitations:

\* \* \* \* \*

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive bred and hybrid raptors shall be included in these quota limits.

\* \* \* \* \*

(c) *Master*. Permittees of the master class shall be subject to the following requirements and limitations:

\* \* \* \* \*

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit

year. Other permittees of this class may each possess a total of five raptors with two replacements during each permit year. Hybrid raptors shall be included in these quota limits. Captive-bred raptors not defined as hybrid will not be included in these quota limits.

DRAFT

**PROPOSED RULE MAKING**

C. Amend 58 Pa. Code § 147.726.

Commentary: The United States Fish and Wildlife Service has the authority to issue a Special Purpose-Abatement Using Raptors Permit. This permit generally allows qualified individuals to utilize raptors to handle nuisance wildlife issues for other persons. The Commission requires a person to obtain a Nuisance Wildlife Control Operators Permit if that person conducts nuisance wildlife control work for another person in Pennsylvania. In order for raptors to be utilized by properly permitted Nuisance Wildlife Control Operators in Pennsylvania, the Commission must amend its regulations. The Commission is proposing to amend § 147.726 to authorize the use of raptors for nuisance wildlife abatement by persons in possession of a Nuisance Wildlife Control Operator Permit and a Special Purpose-Abatement Using Raptors Permit.

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.726. Operation.

(a) Approved methods and devices are as follows:

\* \* \* \* \*

(5) Raptors may be utilized for nuisance wildlife abatement by a permitted nuisance wildlife control operator only when the permitted nuisance wildlife control operator possesses a valid Special Purpose-Abatement Using Raptors permit issued by the United States Fish and Wildlife Service. All other regulations pertaining to nuisance wildlife control operators shall apply to persons using this approved method and device.

\* \* \* \* \*

Action:

## PROPOSED RULE MAKING

D. Amend 58 Pa. Code §§ 133.21 and 147.101 and create 147.111b.

Commentary: The United States Fish and Wildlife Service has the authority to grant states within the Atlantic Flyway the ability to permit certain qualified Falconers the opportunity to take passage Peregrine Falcons (*Falco peregrinus tundrius*) for falconry purposes. Although various states within the Atlantic Flyway currently participate in the limited allowable take of passage Peregrine Falcons (*Falco peregrinus tundrius*), Pennsylvania does not.

In order for the Commission and this Commonwealth's qualified falconers to participate in this program, it must amend its regulations to distinguish between passage Peregrine Falcons (*Falco peregrinus tundrius*) and Peregrine Falcon (*Falco peregrines anatum*) which is currently listed as a Pennsylvania endangered species. Furthermore, the Commission must define the allowable take to establish limitations on the number of passage Peregrine Falcons (*Falco peregrinus tundrius*) that can be taken in any given permit year. Finally, the Commission must establish a special permit program that includes eligibility criteria as well as application and issuance standards.

Upon the establishment of this regulatory structure, the Commission will seek approval from the United States Fish and Wildlife Service for Pennsylvania and its qualified falconers to participate in the limited take of passage Peregrine Falcons (*Falco peregrinus tundrius*) within Pennsylvania. The Commission is proposing to amend §§ 133.21 (relating to classification of birds) and 147.101 (relating to definitions) and to create 147.111b (relating to passage peregrine limited take special permit) to authorize the limited take of Peregrine Falcons (*Falco peregrinus tundrius*) within Pennsylvania by qualified falconers.

### CHAPTER 133. WILDLIFE CLASSIFICATION

#### Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

(1) *Endangered.*

\* \* \* \* \*

(v) Peregrine Falcon (*Falco peregrines anatum*)

\* \* \* \* \*

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Allowable take—The total number of Passage Peregrine Falcons authorized by the United States Fish and Wildlife Service to be taken from the wild within Pennsylvania during a given permit year.

\* \* \* \* \*

§ 147.111b. Passage peregrine limited take special permit.

(a) Purpose. This permit is intended to permit the limited take of the Arctic Peregrine Falcon (*Falco peregrinus tundrius*) solely for use in the practice of falconry.

(b) Application.

(1) Applications for the passage peregrine limited take special permit issued under this section shall be made on a PGC-12 (Special Permit/Examination Request-Application).

(2) Applications must be completed in full and include a copy of the applicant's falconry permit, Pennsylvania hunting license and a nonrefundable application fee of \$25.00.

(3) Applications must be sent directly to the Special Permits Enforcement Division in Harrisburg.

(4) Applications will be accepted beginning May 1 and must be submitted no later than July 31 to be eligible for the drawing for that permit year.

(5) Only one application per eligible falconer may be submitted during each permit year. If more than one application is submitted by an eligible falconer, all applications submitted by the applicant will be rejected and the applicant will be ineligible for that years drawing.

(c) Eligibility.

(1) Applications will only be accepted from persons who possess a current and valid master class falconry permit issued under this subchapter and Pennsylvania resident hunting license.

(2) All applicants must be a resident of Pennsylvania.

(3) Applicants that were successfully drawn for a passage peregrine limited take special permit during the previous two (2) permit years are ineligible to make application.

(d) Drawing.

(1) Each year the Commission will determine the allowable take of Passage Peregrine Falcons for the season based on the guidelines provided by the United States Fish and Wildlife Service.

(2) If the allowable take authorized for Pennsylvania is one or greater in any given year, the Commission will hold a public drawing by August 15 at a location to be determined by the Commission to determine the successful applicant(s).

(3) The Commission will randomly draw the names of eligible applicants up to and including the total allowable take. The number of permits issued will be based solely on the total allowable take each year. When the total allowable take number is reached, the drawing will be closed and no additional permits will be issued.

(4) The Commission will issue a passage peregrine limited take special permit to successful applicants by August 31 each year.

(e) Authorized activities.

(1) Passage Peregrine Falcons (*Falco peregrinus tundrius*) may only be taken by persons in possession of a valid master class falconry permit, a resident Pennsylvania hunting license and a passage peregrine limited take special permit.

(2) Passage Peregrine Falcons (*Falco peregrinus tundrius*) may be taken only during the period of September 20 to October 20, inclusive.

(3) Banded Peregrine Falcons may not be taken under the authorizations of this section. Banded Peregrine Falcons must be released immediately upon capture and the band numbers of the released birds shall be reported to the Special Permits Enforcement Division within 24 hours.

(4) Passage Peregrine Falcons may only be captured by devices authorized under 147.105a(4).

(5) Persons issued a passage peregrine limited take special permit shall abide by all other applicable state and federal falconry laws and regulations.

(6) Upon successful capture of a Passage Peregrine Falcon the permittee shall notify the Special Permits Enforcement Division with 24 hours. The permittee shall present the Passage Peregrine Falcon to the Commission at the Harrisburg Headquarters for inspection within 3 days of the capture as directed by the Special Permits Enforcement Division.

(7) Upon presentation to the Commission as indicated, the Passage Peregrine Falcon shall be marked with a permanent, non-reusable numbered leg band provided by the Commission.

(f) Conformance with Federal regulations. If the Federal regulations regarding dates or times of application, drawing or take change, the Executive Director has the authority to conform Pennsylvania's dates to the Federal regulations for that year in which the dates under Federal regulations have changed.

(g) Violations. Violations of the requirements of this section are subject to the penalties in the act.

Action:

DRAFT

# BUREAU OF WILDLIFE HABITAT MANAGEMENT

## PROPOSED RULE MAKING

A. Amend 58 Pa. Code §§ 135.41, 135.181 and Chapter 147, Subchapter Z.

Commentary:

At the previous Board of Commissioners meeting conducted on June 10, 2014, the Bureau of Wildlife Habitat Management was directed to study the feasibility of the Game Commission enacting a permit requirement for all game lands users who are not currently in possession of a valid hunting or furtaking license or other permit or license signed by the Game Commission's appropriate authority. At the Commissioner's Working Group Meeting on August 11, 2014, a detailed briefing and course of action analysis was presented by the Bureau of Wildlife Habitat Management. A recommendation was made by the Bureau of Wildlife Habitat Management to the Working Group Committee members to limit such a permit requirement only to those designated trail users on State Game Lands. This allowed for certain criteria and exemptions to occur. The presentation included varied evidence of the most egregious adverse impacts occurring to existing game lands areas from unauthorized uses on designated trails that had been limited to horseback riders, snowmobile users and bicyclists. Supporting documentation of ongoing significant costs accrued by the Commission in order to manage, maintain, or otherwise assure compliance of these designated trail uses was also presented by the Bureau. In order to prudently manage the game lands for its intended use and further protect, minimize, and mitigate those lost recreational and wildlife functions and values which are adversely impacted do to these trail activities, the following proposed rulemaking is being offered for Board consideration.

### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

\* \* \* \* \*

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and §\_135.2, except with the written permission of the Director, it is unlawful to:

\* \* \* \* \*

(23) Utilize any rifle or handgun range or ride on designated bike trails, snowmobile trails or horse trails on any lands or waters designated as State game lands, unless

the person is in possession of a valid hunting or furtaker license or a valid SGL permit signed by its holder.

§ 135.181. Rifle and handgun ranges.

\* \* \* \* \*

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

\* \* \* \* \*

(8) Possess, load or discharge a firearm for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued [~~range~~] SGL permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaking license or a Commission-issued [~~range~~] SGL permit.

\* \* \* \* \*

## CHAPTER 147. SPECIAL PERMITS

### Subchapter Z. STATE GAME LANDS [~~RANGE~~] PERMIT[S]

§ 147.1001. Purpose and scope.

This subchapter provides for [~~range~~] SGL permits to be issued to eligible persons to authorize their holders to ride on designated bike trails, snowmobile trails or horse trails on lands and waters designated as State game lands or to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

§ 147.1002. Eligibility and application.

(a) [~~Range~~] SGL permits will only be issued to persons 16 years of age or older who do not possess a valid Pennsylvania hunting or furtaker license.

(b) Applications for [~~range~~] SGL permits issued under this subchapter shall be made on a form provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

(d) The fee for a [~~range~~] SGL permit will be \$30 for residents and nonresidents.

§ 147.1003. [~~Range~~] SGL permit.

(a) A [~~range~~] SGL permit issued under this subchapter authorizes the permittee to ride on designated bike trails, snowmobile trails or horse trails on lands and waters designated as State game lands or to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

(b) Permittees shall utilize designated bike trails, snowmobile trails or horse trails on lands and waters designated as State game lands and established rifle or handgun ranges or designated clay bird shooting areas located on State game lands in a manner consistent with applicable requirements, conditions and restrictions provided for in the act and §§ 135.2, 135.41 and 135.181 (relating to unlawful actions; State game lands; and rifle and handgun ranges).

Action:

DRAFT

**REAL ESTATE**

B. Donation

Contract No. L-3670, State Game Land No. 96, Venango County

Commentary: Lucy M. Daris is offering a donation of 6.6 +/- acres of land in Jackson and Plum Townships, Venango County which adjoins State Game Land No. 96 (Exhibit RED 1). The property is mostly forested with mixed hardwoods and has two small forest openings approximately one-half acre in size. The tract is accessed from Sunville Road.

Action:

DRAFT



C. Acquisition

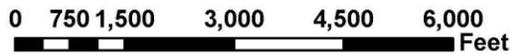
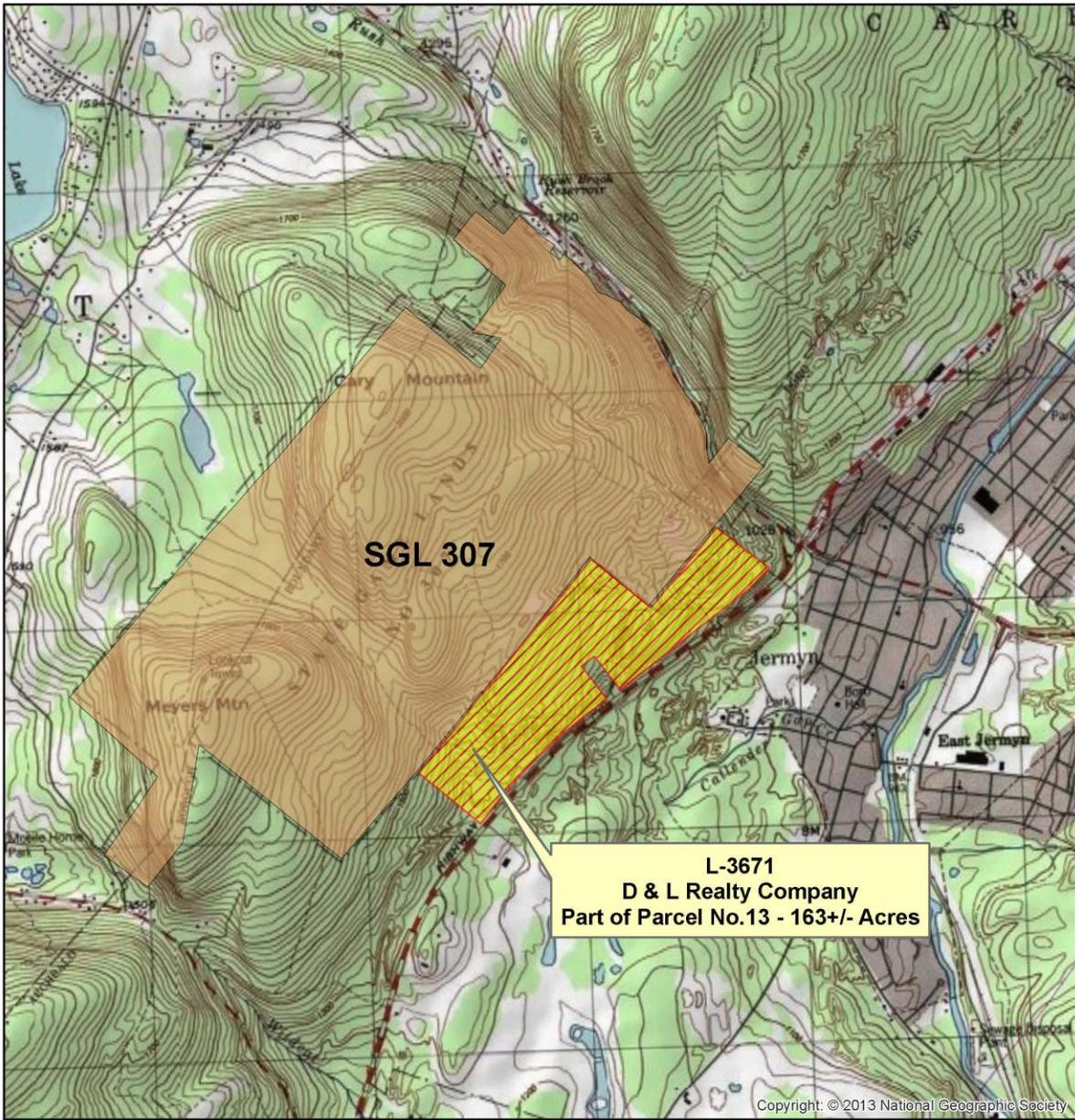
Contract No. L-3671, State Game Land No. 307, Lackawanna County

Commentary:

D & L Realty Company is offering for sale 163 +/- acres in Archbald Borough, Lackawanna County adjacent to State Game Land No. 307 (Exhibit RED 2). The option price is \$357,500 lump sum to be paid with funds from third party commitments for compensation of habitat and recreational losses which occurred on State Game Lands from previously approved projects. The tract is forested with mixed northern hardwoods. There is the presence of past mining activity on the property with multiple mine spoil banks located through the lower portion of the property which have become covered with forest growth. The seller is excepting and reserving the oil and gas together with the rights to explore for, develop, and produce said oil and gas. Acquiring this property will provide critical access into existing State Game Land No. 307 from Business Route 6.

Action:

DRAFT



**RED 2**  
**State Game Land No. 307**

**L-3671**  
**D & L Realty Company**  
**Part of Parcel No. 13 - 163+/- Acres**

Archbald Borough  
 Lackawanna County  
 Northeast Region

D. Settlement of Dispute

Contract No. L-3672, State Game Land No. 216, Lawrence County

Commentary: Before the Commission is a proposed settlement of a boundary dispute whereby Constance Feldman will convey to Commission .32 +/- acres situate in Slippery Rock Township, Lawrence County for the amount of \$155,000.00 (Exhibit RED 3). The two adult children of Mrs. Feldman shall have the right to occupy the house located on the premises for the duration of their natural lives or for so long as one or both utilize the house as their residence. This settlement stems from a dispute as to the property boundary and encroachment. The property is an indenture into State Game Land No. 216.

Action:

DRAFT



**RED 3**

**State Game Land No. 216**

**L-3672  
Boundary Dispute  
Constance Feldman to PGC  
Tract 0.32+/- Acre**

**Slippery Rock Township  
Lawrence County  
Northwest Region**



**0 25 50 100 150 200 Feet**

## OIL/GAS & MINERALS

### E. Oil and Gas Lease Amendment

Tract 223A-08, State Game Land No. 223, Greene County

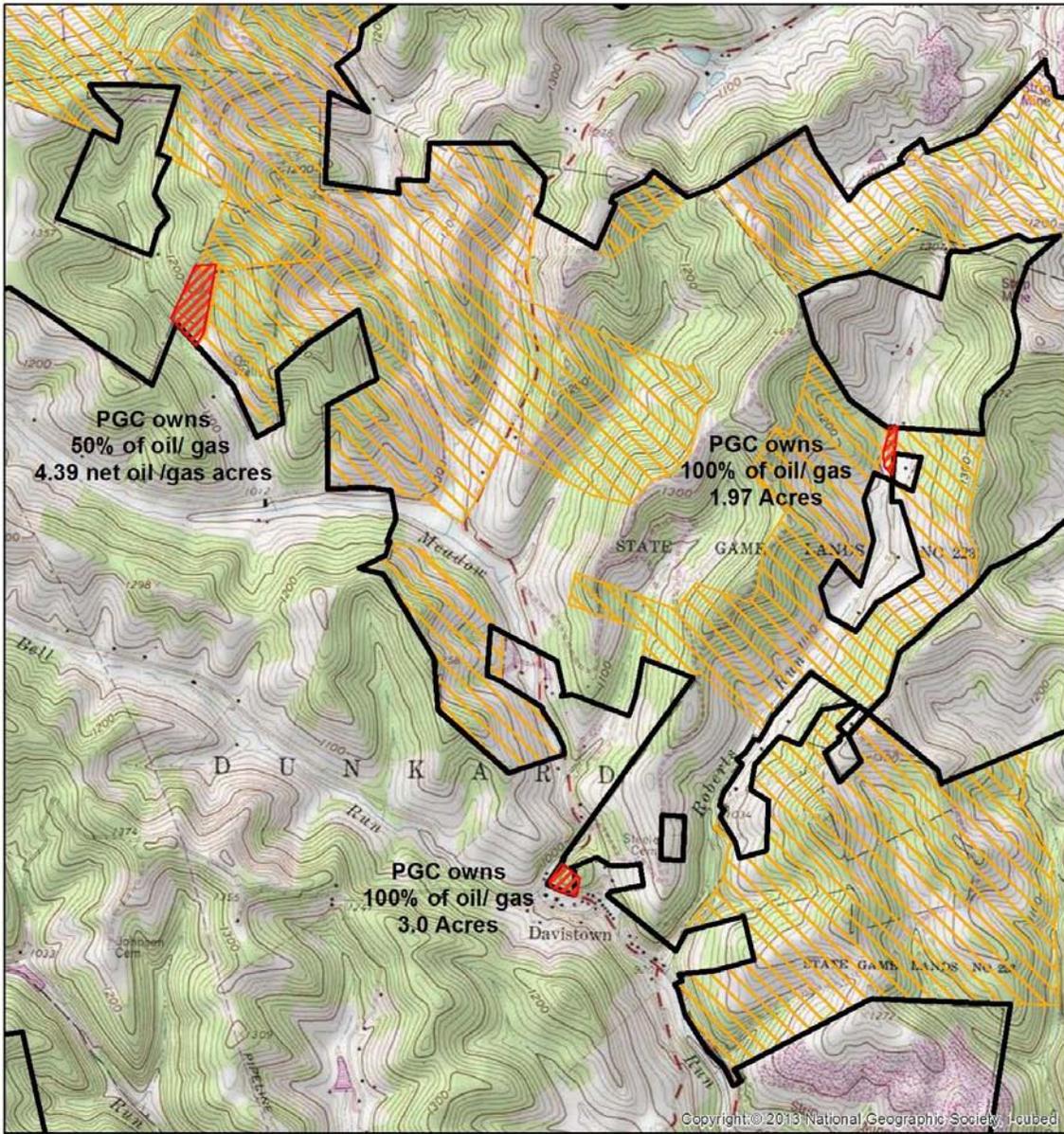
Commentary:

Chevron Appalachia, L.L.C. (Chevron) has requested to amend an existing Commission approved Oil and Gas Lease for Tract 223A-08 in Dunkard Township, Greene County. Tract 223A-08 is located on a portion of State Game Land No. 223 and currently consists of 2,064.98 acres. Chevron proposes to amend the lease by adding an additional three parcels totaling 13.75 surface acres to the agreement (OGM Exhibit 1). The Commission owns 100% of the surface and the underlying oil and gas rights on two of the parcels and owns 50% of the oil and gas rights on the third parcel. The net oil and gas acreage to be added to the lease is 9.36 acres. Chevron has leased the privately owned oil and gas rights and agreed to non-surface use on these portions of the game land.

The terms and conditions of the lease will remain consistent with the existing agreement, approved by the Commission in April 2008, except the bonus payment will be increased from \$125 per acre to \$1,500 per acre for the amended acreage. The bonus payment of approximately \$14,040 may be deposited into either the Game Fund or an interest bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Standard Oil and Gas Development Agreement which is currently in place.

Action:



-  LEASE AMENDMENT AREA
-  EXISTING LEASE AREA
-  SGL 223 BOUNDARY



0 1,000 2,000 Feet

**OGM EXHIBIT 1**  
**State Game Land No. 223**  
**OIL/GAS LEASE AMENDMENT**  
**Chevron Appalachia L.L.C.**  
**LEASE TRACT 223A-08**  
**13.75 Surface Acres**  
**9.36 Net Oil/Gas Acres**

Dunkard Township  
 Greene County  
 Southwest Region

F. Restricted Surface Use Oil and Gas Cooperative Agreement

Tract 302A-14, State Game Land No. 302, Greene and Washington Counties

Commentary:

Noble Energy (Noble) requested that the Commission offer its oil and gas ownership under a portion of State Game Land No. 302 for oil and gas development. The proposed tract, containing approximately 4.94 acres, is located in Richhill Township, Greene County and West Finley Township, Washington County (OGM Exhibit 2).

Noble has a strong privately owned oil/gas lease hold position surrounding this portion of State Game Land No. 302 and has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no disturbance to the Game Lands surface. The staff has negotiated the proposed terms of the agreement with Noble in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 302.

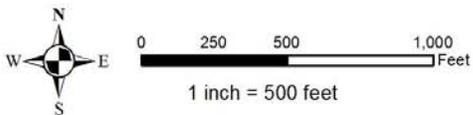
The terms of the agreement are a five year paid up non-surface use oil and gas agreement, a \$4,000 per acre bonus payment and 18.5% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract which are owned by the Commission. The bonus payment of \$19,736 may be deposited either into the Game Fund or an interest bearing escrow account to be used for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Standard Restricted Surface Use Oil and Gas Cooperative Agreement.

Action:



-  Tract 302A-14
-  State Game Land No. 302



**OGM EXHIBIT 2**  
**STATE GAME LAND NO. 302**  
**RESTRICTED SURFACE USE**  
**OIL & GAS COOPERATIVE AGREEMENT**  
**NOBLE ENERGY**  
**TRACT 302A-14 4.94 +/- ACRES**  
 Richhill Township  
 Greene County  
 West Finley Township  
 Washington County  
 Southwest Region

G. Restricted Surface Use Oil and Gas Cooperative Agreement

Tract 245A-14, State Game Land No. 245, Washington County

Commentary:

John M. Stillely d/b/a Patriot Exploration (Patriot) has requested the Commission offer its oil and gas ownership under a 358.7+/- portion of State Game Land No. 245 for oil and gas development (OGM Exhibit 3). The Game Commission owns 50% of the oil and gas rights under the proposed tract. The remaining privately held 50% oil and gas ownership has already been leased the from the private oil and gas owners.

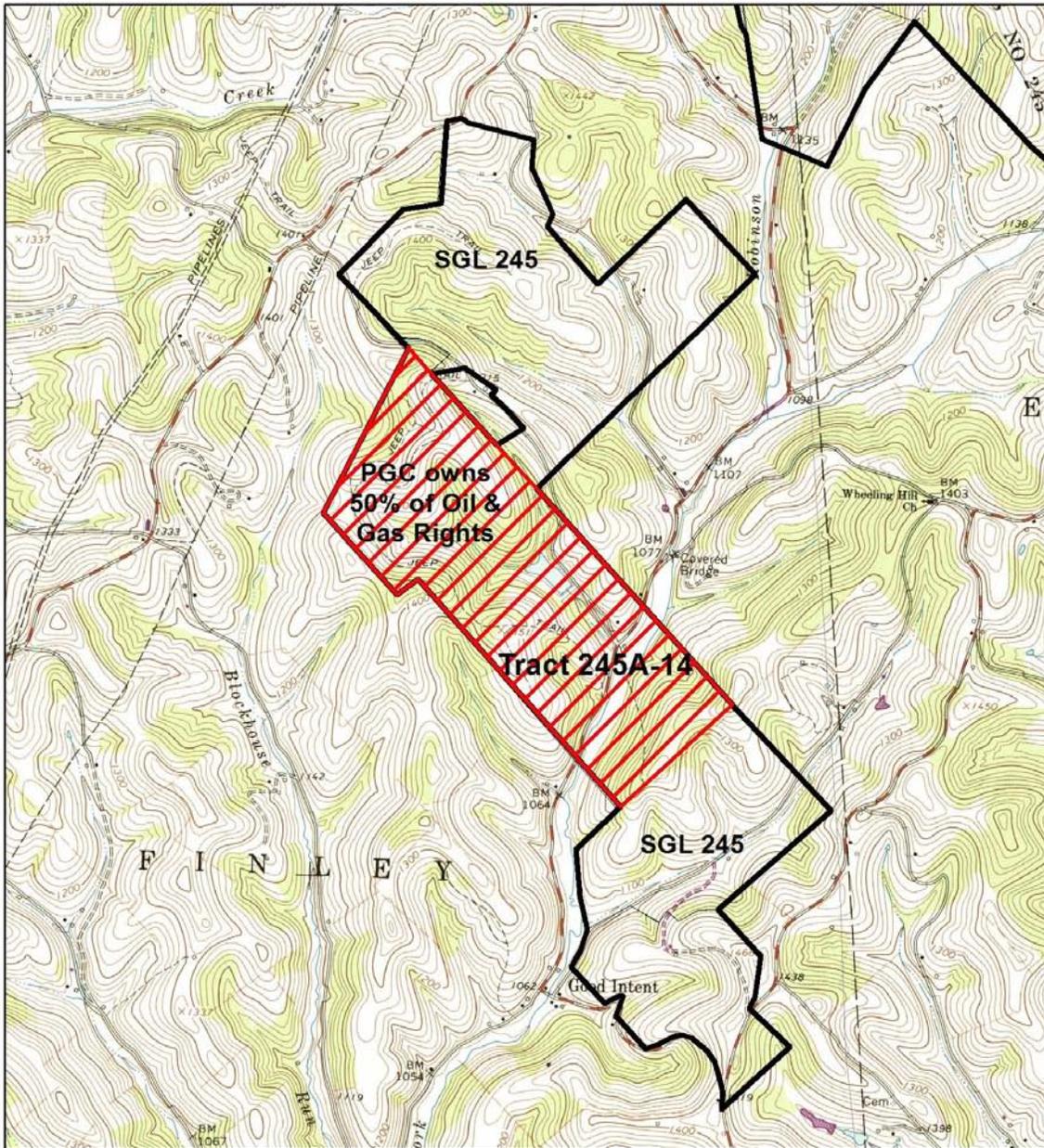
Patriot is an affiliate company of Amerikohl Mining Company, (Amerikohl) and this action will provide a means to provide a final resolution to a previously negotiated settlement agreement dated November 7, 2013 between Amerikohl, the USFWS and the Game Commission. Under the terms of the aforementioned settlement agreement, the Game Commission agreed to waive \$317,366 in lease value on a future leasing arrangement on an undetermined Game Lands. Amerikohl conducted an exhaustive coal exploration drilling program on several Game Lands and could not find a coal reserve in which the Commission and Amerikohl could agree to effectuate a coal mining lease. However, Amerikohl affiliate company Patriot has working interests in oil and gas development in several areas of the Commonwealth and this lease action will serve as a means to finalize the November 2013 settlement agreement with Amerikohl and ultimately result in no surface impact to the Game lands.

The staff has negotiated the proposed terms of the agreement with Amerikohl and Patriot in an effort to safeguard the prudent development of the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of State Game Land No. 245.

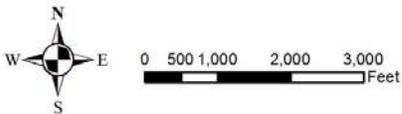
The terms of the agreement are a ten year paid up non-surface use oil and gas agreement, a \$3,000 per acre bonus payment, of which the agreed to waiver \$317,366 will be applied, and 19.0% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract which are owned by the Commission. The remaining bonus payment of \$220,714 due the Commission, may be deposited into the Game Fund or an interest bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future rentals and royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard restricted surface use oil and gas cooperative agreement.

Action:



-  Tract 245A-14
-  State Game Land No. 245



**OGM EXHIBIT 3**  
**STATE GAME LAND NO. 245**  
**RESTRICTED SURFACE USE**  
**OIL & GAS COOPERATIVE AGREEMENT**  
**JOHN M. STILLEY d/b/a PATRIOT EXPLORATION**  
**TRACT 245A-14**  
**358.72 +/- SURFACE ACRES**  
**179.36 +/- OIL/GAS ACRES**  
 West Finley Township  
 Washington County  
 Southwest Region

## H. Restricted Surface Use Oil and Gas Cooperative Agreement Amendment

Tract 12A-13, State Game Land No. 12, Bradford and Sullivan Counties

### Commentary:

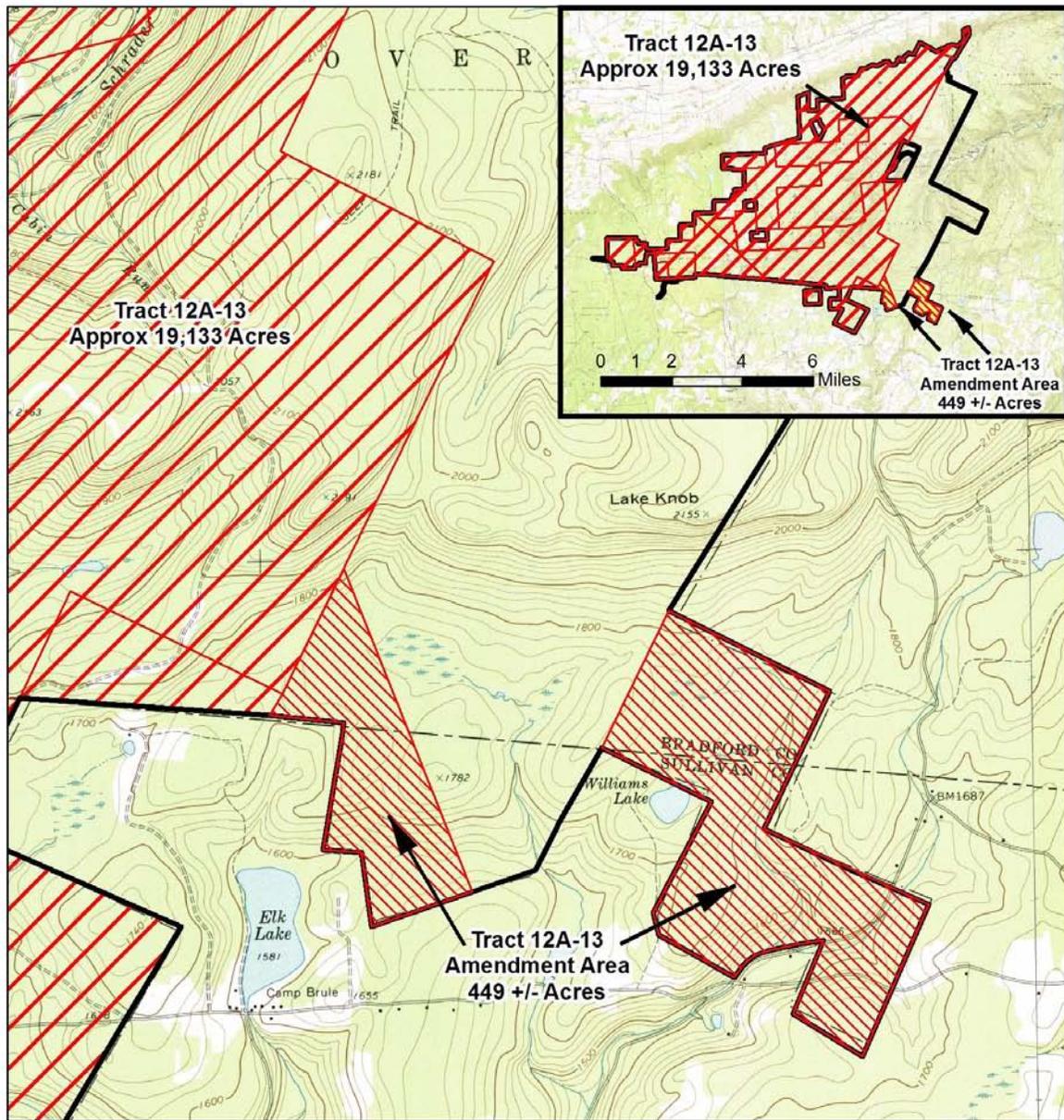
Chief Exploration & Development, LLC (Chief) of Dallas, Texas has requested to amend their existing 19,133 acre Commission approved Restricted Surface Use Oil and Gas Cooperative Agreement for Tract 12A-13 located in Bradford and Sullivan Counties. The proposed amendment consists of adding 449 +/- acres for non-surface use oil and gas development in Overton Township, Bradford County and Elkland Township, Sullivan County (OGM Exhibit 4).

Chief has a strong lease position surrounding the proposed amendment area, has initiated unconventional well drilling and development programs in the vicinity of the proposed amended acreage and has the ability to unitize and timely develop the Commission's oil and gas reserve with no additional surface use or disturbance.

The terms of the Amendment are consistent with the existing Agreement, approved by the Commission in September 2013. Chief has agreed to pay the Commission a bonus of \$2,000 per acre and 23% royalty for all oil/gas and other liquids or condensates produced and sold from the proposed tract. The bonus payment of approximately \$898,000 may be deposited into the Game Fund or an interest bearing escrow account for the future purchase of wildlife habitats, lands or other uses incidental to hunting, furtaking and wildlife resource management. Future royalties owed the Commission shall be directly deposited into the Game Fund.

Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's standard restricted surface use oil and gas cooperative agreement.

### Action:



-  State Game Land No. 12
-  Tract 12A-2013 Approx. 19,133 Acres
-  Amendment Area 449 +/- Acres

**OGM EXHIBIT 4**

**STATE GAME LAND NO. 12  
 AMENDMENT TO RESTRICTED SURFACE USE  
 OIL & GAS COOPERATIVE AGREEMENT  
 CHIEF EXPLORATION & DEVELOPMENT, LLC  
 Tract 12A-13 AMENDMENT 449+/- ACRES**

Overton Township  
 Bradford County  
 Elkland Township  
 Sullivan County  
 Northeast Region



## Other New Business

The January Commission Meeting will be held on January 25, 26 and 27, 2015. Does the Commission wish to proceed with these dates?

Executive Session, if necessary, will be held immediately following the close of the Commission Meeting.

## Adjournment

DRAFT