

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
SEVEN SPRINGS, PENNSYLVANIA
September 25, 2018**

Bryan Burhans

Bryan Burhans
Executive Director

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Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Tuesday, September 25, 2018, at Seven Springs Resort 777 Waterwheel Drive, Sevens Springs, PA 15622 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Timothy S. Layton, President
James R. Daley, Vice President
Stanley I. Knick, Jr., Secretary
Scott H. Foradora
Charlie E. Fox
Dennis R. Fredericks
Brian H. Hoover
Michael F. Mitrick

Approval of Minutes of Commission Meeting held July 31, 2018.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code §§ 133.21 and 133.41.

Commentary:

The Game Commission has a fiduciary duty to manage our wildlife and their habitat for present and future generations. With this trust comes tough decisions. Enhanced protection through listing of these species is the right decision for Pennsylvania's wildlife and the public we serve. Listing engages the PGC in decisions that help avoid, minimize, or mitigate impacts compounded by the primary causes of decline. The endangered/threatened classification recognizes the inherent value of each surviving member of the species. The Commission is proposing to amend §§ 133.21 and 133.41 to adjust the Commonwealth's threatened and endangered species list for the following species:

Peregrine falcon: Upgrading from 'Endangered' to 'Threatened' reflects steady statewide population recovery as specified in the Board-approved Peregrine Falcon Management Plan. The recovery metrics for upgrading species status to Threatened have been achieved.

Piping plover: Upgrading from 'Extirpated' to 'Endangered' recognizes the return of a breeding bird to Pennsylvania and follows the regulatory process in § 133.4. We are celebrating the return of a native bird species to our state after more than 60 years absence, in which pairs have successfully nested at Presque Isle State Park in 2017 and 2018, with reasonable expectation that they will return in the future. Presque Isle is the only regular location in which this species occurs in PA.

Red knot: Red knot subspecies *rufa* was classified as federally Threatened in 2014, with Pennsylvania listed in the historic migratory range. It was designated a Species of Greatest Conservation Need in the Pennsylvania Wildlife Action Plan because it is a rare migrant (found only at Presque Isle State Park and Conejohela Flats), due to its federally protected status, and because the population is highly vulnerable to further declines (PGC-PFBC 2015). Averting adverse impacts to the species during migration contributes to the range-wide conservation of this species. State listing follows Title 58 in response to federal listing in § 133.4.

Bats: All hibernating bat species are Species of Greatest Conservation Need in the Pennsylvania Wildlife Action Plan due to their catastrophic declines caused by White Nose Syndrome (PGC-PFBC 2015). State listing provides the best tool to protect the remaining maternity sites and hibernacula to thwart further declines and, hopefully, prevent federal listing through the environmental review process. Tri-colored bat was recently petitioned to be protected under the U.S. Endangered Species Act, with a 90-finding of "warranted." The U.S. Fish and Wildlife Service will evaluate all

information as part of the status review process. State listing of the northern long-eared bat follows federal listing in 2016 by regulation. Declines in the little brown bat and tri-colored bat are more severe in Pennsylvania than that of the long-eared bat, and therefore call for state listing. Protection of the few remaining populations of these bats is critical to their potential recovery. State listing triggers protections, through environmental review, and proactive measures to encourage recovery. Only recent occurrence sites will be regulated.

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

(1) *Endangered.*

(i) King Rail (*Rallus elegans*)

(ii) Short-eared Owl (*Asio flammeus*)

(iii) Black Tern (*Chlidonias niger*)

(iv) Least Bittern (*Ixobrychus exilis*)

(v) [~~Peregrine Falcon (*Falco peregrinus anatum*)~~] Piping Plover
(*Charadrius melodus*)

(vi) Loggerhead Shrike (*Lanius ludovicianus*)

(vii) American Bittern (*Botaurus lentiginosus*)

(viii) Great Egret (*Ardea alba*)

(ix) Yellow-crowned Night Heron (*Nycticorax violaceus*)

(x) Common Tern (*Sterna hirundo*)

(xi) Blackpoll Warbler (*Setophaga striata*)

(xii) Black-crowned Night-Heron (*Nycticorax nycti-corax*)

- (xiii) Dickcissel (*Spiza americana*)
- (xiv) Sedge Wren (*Cistothorus platensis*)
- (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
- (xvi) Upland Sandpiper (*Batramia longicauda*)

(2) *Threatened.*

- (i) Northern Harrier (*Circus cyaneus*)
- (ii) Long-eared Owl (*Asio otus*)
- (iii) Peregrine Falcon (*Falco peregrinus anatum*)
- (iv) Red Knot (*Calidris canutus rufa*)

§ 133.41. Classification of mammals.

The following mammals are classified:

(1) *Endangered.*

- (i) Indiana Bat (*Myotis sodalis*)
- (ii) Least Shrew (*Cryptotis parva*)
- (iii) Northern flying squirrel (*Glaucomys sabrinus macrotis*)
- (iv) Northern long-eared bat (*Myotis septentrionalis*)
- (v) Little brown bat (*Myotis lucifungus*)
- (vi) Tri-colored bat (*Perimyotis subflavus*)

(2) *Threatened.*

- (i) Small-footed Myotis (*Myotis leibii*)
- (ii) Allegheny Woodrat (*Neotoma magister*)
- (iii) West Virginia Water Shrew (*Sorex palustris punctulatus*)

Action:

BUREAU OF WILDLIFE PROTECTION

ADOPTED RULE MAKING

- A. Amend 58 Pa. Code §§ 147.901 – 147.905 and create 58 Pa. Code §§ 147.903.1 and 147.904.1.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its July 31, 2018, meeting to amend § 147.901 – 147.905 and create 147.903.1 and 147.904.1 to enhance and expand the scope of the guide permit program. These amendments will expand the scope of this program to cover all commercial guiding activities on State game lands and all commercial and noncommercial guiding activities for elk on all other lands and waters. This effort is intended to provide greater legitimacy to the holders of guiding permits within the Commonwealth by establishing minimum standards for the required knowledge base required to be a guide, including basic biology and identification of applicable game and wildlife species, methods of safe and ethical use of firearms, traps and other devices, applicable federal and state laws concerning hunting and trapping, land navigation, first-aid and CPR skills.

Action:

ANNEX A

TITLE 58: RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter Y. GUIDING PERMIT

§ 147.901. Purpose and scope.

The purpose of this subchapter is to provide for the issuance of guiding permits to authorize eligible applicants to serve as guides for persons hunting, trapping or otherwise taking game or wildlife.

§ 147.902. Definitions.

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

Commercial guiding activity—Any guiding activity provided by any person to another person for any fee, remuneration or other economic gain, including bartered goods or services.

Guide—A person who assists another person in any manner to hunt, trap or otherwise take game or wildlife, including the use of dogs. This definition does not include the use of leashed tracking dogs for deer, bear, and elk.

Guiding activity—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take game or wildlife by locating, calling or directing another person to the quarry, including the use of dogs. This definition does not include the use of leashed tracking dogs for deer, bear, and elk.

(ii) The term is not intended to include or authorize the assistance taking the form of any overt act directly connected with harvesting game or wildlife by discharging a firearm, bow or crossbow or setting or resetting a trap or cable restraints.

§ 147.903. Application.

(a) Applications for guiding permits issued under this subchapter shall be made through the Commission's Special Permit Enforcement Division on the appropriate form provided by the Commission.

(b) Each application must include the name, address, telephone number and date of birth of the applicant. In addition, applications shall be accompanied by copies of any license(s) or training certifications required under subsection (c).

(c) Applications for guiding permits will only be accepted from persons who possess a valid hunting or furtaking license, possess a valid first aid and CPR training certifications from a nationally recognized source(s) and have no prior record of violations of the act or this title or related license revocations within the previous 10 years.

(d) *Examination and permit fees.*

(1) *Examination fee.* Each new application shall be accompanied by a non-refundable \$50 examination fee and shall specify each applicable category of game and wildlife species the applicant is requesting certification to guide for. The eligible categories are big game, small game and furbearers.

(2) Permit fee.

i. *Commercial guiding permit.* After the required examination is passed successfully for each applicable category of game and wildlife species, the applicant shall submit a permit fee in the amount of \$100 for each applicable category of game and wildlife species the applicant is requesting certification to guide for.

ii. *Noncommercial elk guiding permit.* The permit applicant shall submit a permit fee in the amount of \$25.

(e) Any guide whose permit is not renewed for a period of 1 or more years shall reapply as a new applicant.

§ 147.903.1. Examination.

(a) Any new applicants for a commercial guiding permit issued under this subchapter are required to pass a supervised written, oral and practical examination approved by the director. The minimum score to achieve passage is 80% correct.

(b) Examinations for new applicants for a commercial guiding permit will include the following subject matter:

(1) Biology, life history and habits of each applicable category of game and wildlife species.

(2) Identification of each applicable category of game and wildlife species.

(3) State and Federal laws and regulations applicable to the hunting, trapping and taking of each applicable category of game and wildlife species.

- (4) Basic orienteering using map and compass.
- (5) Safe and ethical operation of firearms, traps, cable restraints and other devices.

(c) *Inapplicability.* The examination requirements of this section shall not be construed to apply to persons that held a guide permit, in good standing, issued by the commission, for the five (5) previous permit years preceding the effective date of this section. Nothing in this section shall be construed to require an examination for applicants for a noncommercial guiding permit.

§ 147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in either of the following activities:

- (1) Commercial guiding activities on lands and waters designated as State game lands.
- (2) Commercial or noncommercial guiding activities for elk.

(b) *Additional permits.* Possession of a guiding permit issued under this subchapter does not diminish an individual's obligation to obtain any other applicable Federal, State or local permits concerning the guiding activities.

(c) *Guiding on State game lands.* Notwithstanding the general prohibitions of § 135.41 (relating to state game lands), a guiding permit issued pursuant to this subchapter shall authorize its holder to engage in commercial guiding activities on State game lands.

(d) *Licenses, permits and stamps required.* A guide shall maintain valid licenses, permits and stamps for all of the species for which they are conducting guiding activities, excepting only elk licenses, if applicable. A guide shall carry the licenses, permits and stamps required by this subsection on their person while conducting any guiding activities and shall produce same, upon demand, to any officer whose duty it is to enforce the title.

§ 147.904.1. Records and reports.

(a) *Records.* A guide shall maintain legible, accurate and complete field records of all guiding activities conducted under the authority of the guiding permit on a form supplied by the Commission. These field records shall be maintained and made available for inspection in accordance with section 2906 of the act (relating to records). A guide shall complete the field records form according to the instructions on the form and must contain the following information for each guiding activity:

- (1) Name, address and C.I.D. number for each client.

- (2) Date of guided activity.
- (3) Quantity and species of game or wildlife harvested by each client.
- (4) Name and guide permit number of any accompanying guide permit holder for each guided activity.

(b) *Reports.* All field records shall be submitted to the Commission annually in accordance with section 2907 of the act (relating to reports).

§ 147.905. Violations.

Violations of this subchapter will be prosecuted under applicable provisions of the act, including section 2908 of the act (relating to violations). The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

B. Create 58 Pa. Code § 133.7 and amend 58 Pa. Code § 137.2.

Commentary:

To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its July 31, 2018, meeting to amend § 137.2 (relating to release of animals) to add the Hungarian partridge to the list of species that may be lawfully released on public or private lands for dog training or hunting purposes without first securing a permit. The Commission has also proposed to create § 133.7 (relating to Hungarian partridge) to reclassify the Hungarian partridge as a wild bird and not a game bird in an effort to treat this species in a similar manner to the chukar partridge.

Action:

ANNEX A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter A. GENERAL

§ 133.7. Hungarian partridge.

Notwithstanding the listing of the Hungarian partridge in the definition of a game bird in section 102 of the act (relating to definitions), the Hungarian partridge shall be reclassified as a wild bird generally and will no longer be classified as a game bird.

CHAPTER 137. WILDLIFE

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail, chukar partridge and Hungarian partridge may be released for dog training or hunting purposes.

* * * * *

C. Amend 58 Pa. Code § 147.322.

Commentary:

To effectively manage the wildlife resources of this Commonwealth, the Commission proposed at its July 31, 2018, meeting to amend § 147.322 to provide greater clarity of what circumstances will satisfy the ‘public hunting’ requirement. The Commission specifically intends with this action to reject hunting opportunity that is afforded to an individual or class of individuals solely by virtue of their public employment as satisfying the public hunting requirement. This action will improve the use and prominence of public hunting as the primary method of wild resource management without unduly restricting the purpose and ultimate goals of the deer control permit program. This action will formalize into the deer control permit regulations the current policy being used to evaluate and approve deer control permit applications.

Action:

ANNEX A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form and manner required by the Director.

(b) An application for a deer control permit must contain the following information:

(1) *Description.* A comprehensive description of the background and scope of the white-tailed deer population or damage problem, or both. The description must include a report of all alternative solutions or other steps taken by the applicant to mitigate the white-tailed deer population or damage problem, or both, prior to application for this permit and must specifically define how licensed public hunting for white-tailed deer has been utilized in the problem area and what results hunting activities have had on the population or damage problem, or both.

(2) *Deer management plan.* A comprehensive deer management plan which sets forth the applicant's white-tailed deer management goals, recommended implementation plan and a reference to the specific number of animals sought to be removed. The applicant shall specifically define how licensed public hunting for white-tailed deer will be utilized in the problem area during the term of the requested deer control permit.

(3) *Map.*

(i) A map or set of maps showing the proposed project area and its boundaries and clearly illustrating all of the following distinct features and areas within the proposed project area:

- (A) Land uses.
- (B) Cover types.
- (C) Areas open to public hunting for white-tailed deer.
- (D) Areas damaged by white-tailed deer.

(E) Areas of white-tailed deer congregation.

(F) Applicable safety zones.

(G) Proposed white-tailed deer control areas.

(ii) The map must indicate the individual acreage values for each of the listed features and acres.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

(d) For the purposes of this section, the term "public hunting" shall be defined as hunting opportunity that is available, in whole or in part, to members of the general public, but shall not include hunting opportunity that is afforded to an individual or class of individuals solely by virtue of their public employment.

PROPOSED RULE MAKING

D. Amend 58 Pa. Code § 135.103.

Commentary: This is a relatively minor, yet worthy, issue that will benefit a small number of disabled veteran hunters. Current regulations allow for special disabled veteran goose hunts at both the Pymatuning and Middle Creek Wildlife Management Areas. Section 135.103 currently identifies those eligible to participate in these special hunts as persons holding a resident disabled veterans license. When an eligible disabled veteran hunter reaches age 65 and purchases his/her senior lifetime license of either the regular or combination class, he becomes ineligible to participate in the special disabled veteran hunt because they possess the wrong base license. This can be easily corrected through a minor regulatory change.

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.

* * * * *

(ii) *Veterans with disabilities only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Persons who possess a senior lifetime resident hunting license or senior lifetime resident combination hunting license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license are also eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

Action:

E. Amend 58 Pa. Code §§ 147.802 – 147.804.

Commentary:

Currently the regulations provide for a mentor program for youth, defined as an individual under the age of 12, and adults, defined as an individual over the age of 18. There is currently no provision in the regulations for mentoring individuals between the ages of 12 and 16. This proposal would expand the mentored youth program to allow individuals between the ages of 12 and 16 to be eligible, thereby allowing them to participate in hunting without taking hunter-trapper education or purchasing a hunting license. The mentored youth program has been a very successful mechanism for introducing potential hunters to the sport. A recent survey showed that individuals who participate in the mentored youth program were more likely to purchase hunting licenses in the future, compared to individuals who had not participated in the program. Expanding upon the program to allow individuals between the ages of 12 and 16 to participate, would allow the agency to recruit non-traditional potential hunters, who did not have access to someone who could take them hunting on a consistent basis, or shepherd them through hunter-trapper education, but yet have developed an interest in hunting and would like to participate before making the commitments necessary to become a license buyer. The Commission is proposing to amend §§ 147.802 – 147.804 to: 1) expand the mentored youth program to include youth up to 16 years of age; 2) expand the mentored adult program to include persons 17 years of age or older; 3) limit participation in the mentored junior and mentored adult program to three years total; and 4) set mentored junior permit fees at \$5 for resident applicants and \$40 for non-resident applicants, plus any applicable transactional and issuing agent fees.

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.802. Definitions.

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

Lawful hunting device--Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor--A licensed person, 21 years of age or older who is serving as a guide to a mentored youth or mentored adult while engaged in hunting or related activities.

Mentored adult--An unlicensed person, [48] 17 years of age or older, who is accompanied by a mentor while engaged in hunting or related activities.

Mentored youth--An unlicensed person, under [42] 17 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary--The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§ 147.803. Application.

(a) *Form and content.* Applications for mentored hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, telephone number, date of birth, Social Security number of the applicant and any other information required by the Commission.

(b) *Eligibility.*

(1) Mentored youth hunting permits are available to youth applicants under 12 years of age or 12 years of age or older, but under 17 years of age, who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored youth hunting permits are available to eligible youth applicants ~~[until they reach 12 years of age, after which a junior hunting license is required]~~ under 12 years of age for an unrestricted number of license years. Mentored youth hunting permits are available to eligible junior applicants 12 years of age or older, but under 17 years of age, except when the applicant has previously held a mentored youth permit for a total of three license years, including years when under the age of 12. In these circumstances, an applicable junior hunting license is required.

(2) Mentored adult hunting permits are available to adult applicants [48] 17 years of age or older who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored adult hunting permits are available to eligible adult applicants for a total of ~~[3 consecutive, unbroken]~~ three license years, including years when under the age of 17 ~~[after which an applicable adult hunting license is required].~~ In these circumstances, an applicable adult hunting license is required.

(c) *Minors.* Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(d) *Fee.*

(1) The fee for a mentored youth hunting permit will be:

(i) \$1, plus any applicable transactional and issuing agent fees, for resident and nonresident applicants under 12 years of age.

(ii) \$5, plus any applicable transactional and issuing agent fees, for resident applicants 12 years of age or older, but under 17 years of age.

(iii) \$40, plus any applicable transactional and issuing agent fees, for nonresident applicants 12 years of age or older, but under 17 years of age.

(2) The fee for a mentored adult hunting permit will be:

(i) For residents, \$19, plus any applicable transactional and issuing agent fees.

(ii) For nonresidents, \$100, plus any applicable transactional and issuing agent fees.

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

* * * * *

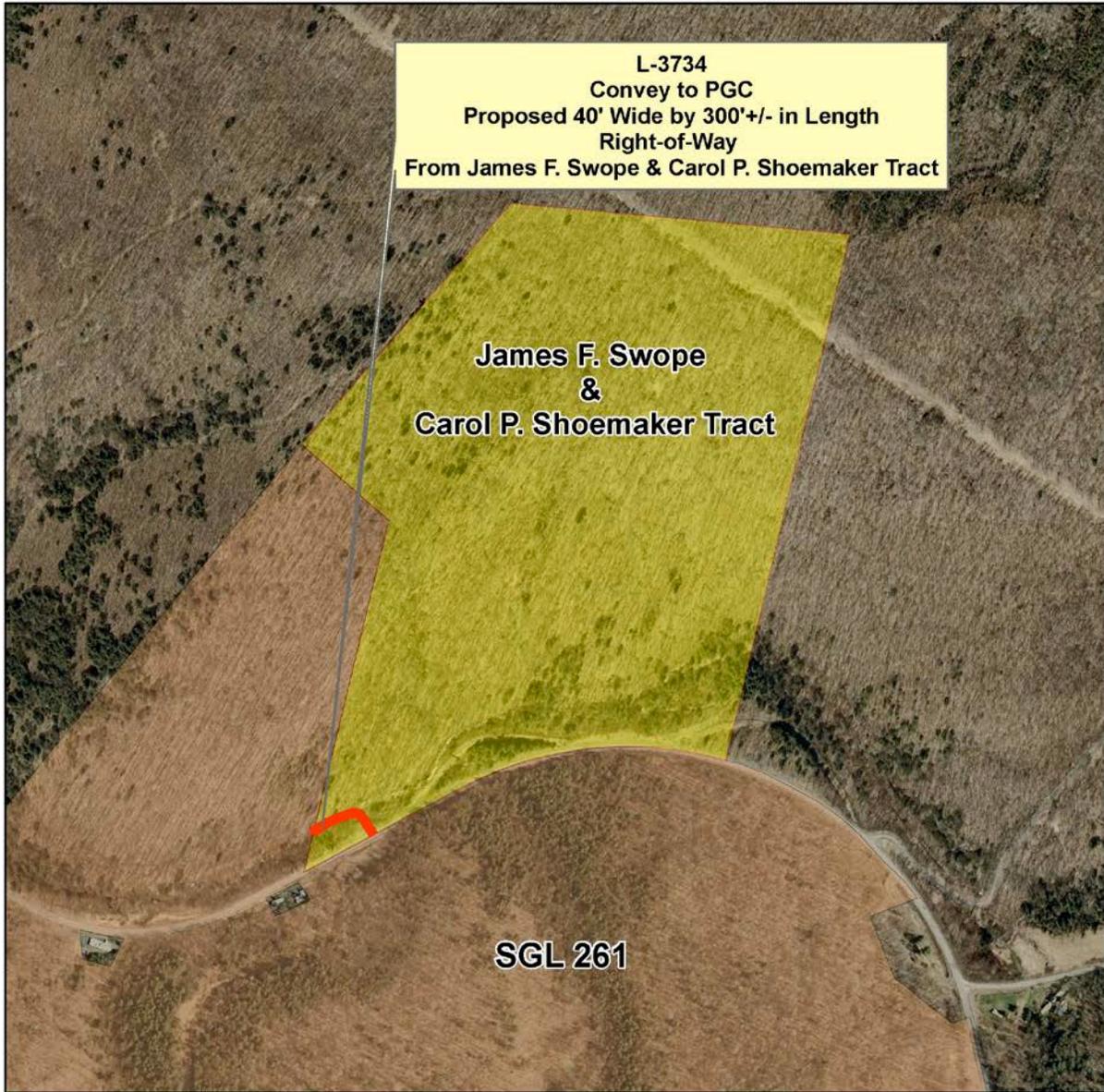
BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

- A. Donation
Contract No. L-3734, State Game Land No. 261, Bedford County

Commentary: James F. Swope (Swope) and Carol P. Shoemaker (Shoemaker) are offering to donate a right-of-way across their property for access into State Game Land No. 261 (Exhibit RED 1). Swope and Shoemaker own property located in Broad Top Township, Bedford County, adjacent to State Game Land No. 261. Swope and Shoemaker are willing to convey a 40-foot wide right-of-way approximately 300 feet in length along their southwest boundary line. Swope and Shoemaker have reserved the right to use the right-of-way, which the Commission will use for administrative purposes only. No public access will be provided. Access to the right-of-way will extend from State Route 915 to the State Game Land No. 261 boundary.

Action:



L-3734
Convey to PGC
Proposed 40' Wide by 300'+/- in Length
Right-of-Way
From James F. Swope & Carol P. Shoemaker Tract

James F. Swope
&
Carol P. Shoemaker Tract

SGL 261



0 250 500 1,000 1,500 2,000
Feet

Exhibit RED 1
State Game Land No. 261
L-3734
Convey to PGC
Proposed 40' Wide by 300'+/- in Length
Right-of-Way
From James F. Swope & Carol P. Shoemaker Tract
Broad Top Township
Bedford County
Southcentral Region

Contract No. L-3735, State Game Land No. 264, Dauphin County

Commentary: Ladnar, Inc. is offering to donate 0.36+/- acres of land in Wiconisco Township, Dauphin County, an interior on State Game Land No. 264 (Exhibit RED 2). The property is forested with mixed northern hardwoods. Access is through existing State Game Land No. 264.

Action:

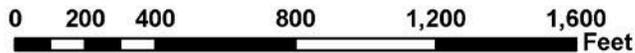


Exhibit RED 2

State Game Land No. 264

**L-3735
Ladnar, Inc. Tract
0.36+/- Acres**

**Wiconisco Township
Dauphin County
Southeast Region**

OIL/GAS & MINERALS

B. Non-Surface Use Oil and Gas Cooperative Agreement Tract 117A-18, State Game Land No. 117, Washington County

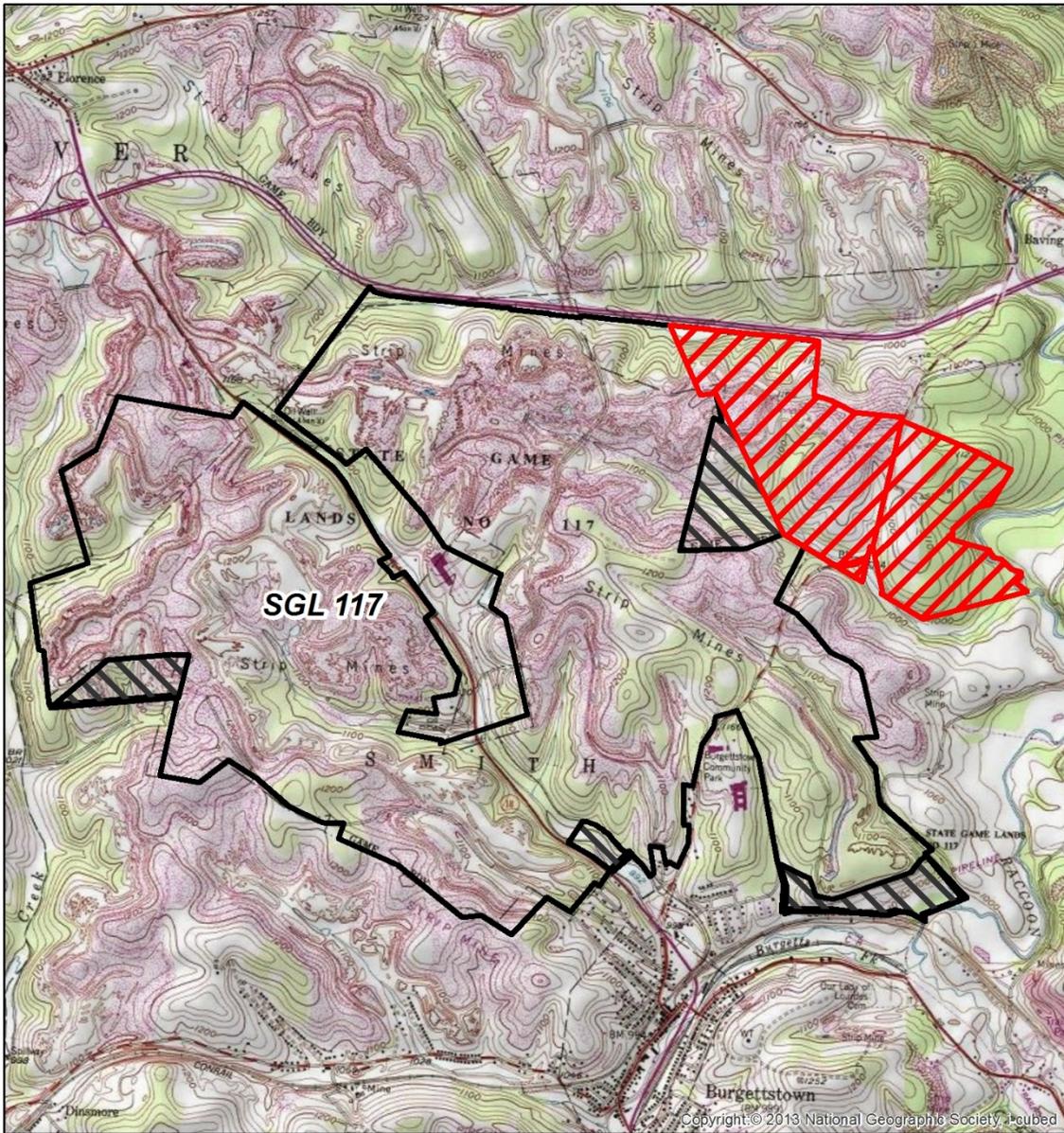
Commentary: Range Resources Appalachia, LLC (Range) requested the Commission offer its oil and gas ownership under a 354.02 +/- surface acre (352.16 +/- net oil/gas acres) portion of State Game Land No. 117 for oil and gas development. The proposed tract is located in Hanover and Smith Townships, Washington County (Exhibit OGM 1).

Range has a strong privately owned oil/gas lease hold position in and around the majority of State Game Land No. 117. Range has also initiated unconventional well drilling and development programs in the vicinity of the proposed tract and has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no surface disturbance to the proposed State game lands tract. The staff has negotiated the terms of the proposed agreement with Range 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. 117.

The terms of the agreement are a five-year paid up Non-Surface Use Oil and Gas Agreement, a \$3,500 per acre bonus payment and 20% 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 \$1,232,560 may be deposited into the Game Fund or into 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 Non-Surface Use Oil and Gas Cooperative Agreement.

Action:



-  Existing Tracts 117A-13 (+ Amendments)
Agreement Area (146.8 +/- Acres)
-  Proposed Tract 117A-18
(354.02 +/- Surface Acres)
(352.16 +/- Oil/Gas Acres)
-  State Game Land No. 117

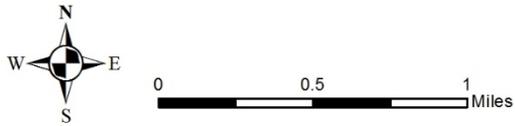


EXHIBIT OGM 1
State Game Land No. 117
Non-Surface Use
Oil & Gas Cooperative Agreement
Range Resources Appalachia, LLC
Tract 117A-18
354.02 +/- Acres
 Hanover/Smith Twps, Washington County

C. Non-Surface Use Oil and Gas Cooperative Agreement
Hillman Tract, formerly State Game Land No. 117, Washington County

Commentary:

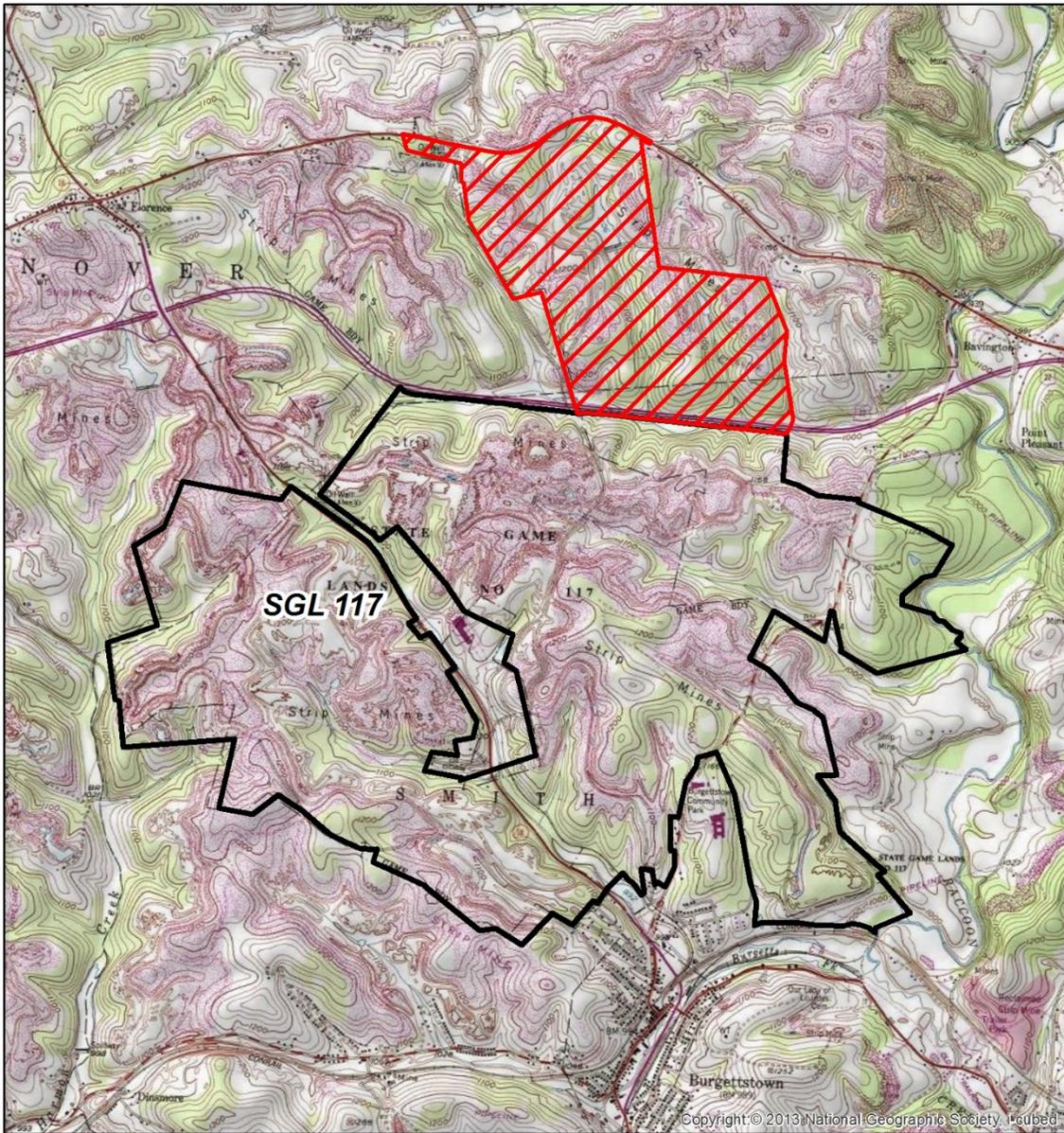
Range Resources Appalachia, LLC (Range) requested the Commission offer its oil and gas ownership under a 607 +/- acre tract oil/gas in which the Commission owns the oil and gas rights but does not own the surface. The proposed tract is located in Hanover and Smith Townships, Washington County (Exhibit OGM 2).

Range has a strong privately-owned oil/gas lease hold position in and around the majority of State Game Land No. 117. Range has also initiated unconventional well drilling and development programs in the vicinity of the proposed tract and has the ability to unitize the Commission's oil and gas reserve by horizontal drilling with no surface disturbance to the current surface owners. The staff has negotiated the terms of the proposed agreement with Range in an effort to safeguard the prudent development of the Commission's oil/gas reserve.

The terms of the agreement are a five-year paid up Non-Surface Use Oil and Gas Agreement, a \$3,500 per acre bonus payment and 20% 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 \$2,124,500 may be deposited into the Game Fund or into 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 Non Surface Use Oil and Gas Cooperative Agreement.

Action:



 Proposed Tract 117B-18
607 +/- Acres PGC owned oil/gas rights

 State Game Land No. 117

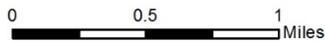


EXHIBIT OGM 2
State Game Land No. 117
Non- Surface Use
Oil & Gas Cooperative Agreement
Range Resources Appalachia, LLC
Tract 117B-18
607 +/- Acres

Hanover/Smith Twps, Washington County

OTHER NEW BUSINESS

Next Working Group Meeting – December 17, 2018

Next Commission Meeting – January 27 – 29, 2019

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

Adjournment