

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**



**AGENDA
HARRISBURG, PENNSYLVANIA
September 16, 2023**

Bryan Burhans

Bryan Burhans
Executive Director

Table of Contents

Call to Order1

Pledge of Allegiance.....1

Roll Call of Commissioners.....1

Approval of Minutes of Meeting held July 8, 20231

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 133.21.2

PROPOSED MANAGEMENT PLAN

B. American Marten Reintroduction4

BUREAU OF ADMINISTRATION

ADOPTED RULE MAKING

A. 58 Pa. Code §§ 143.21, 143.23, 143.24, 143.27, and 143.30 and remove §§ 143.22, 143.25, 143.26, and 143.28.....5

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. 58 Pa. Code § 141.18.8

B. 58 Pa. Code § 135.29

C. 58 Pa. Code § 141.6711

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

 Contract No. L-3840, State Game Land No. 339, Philadelphia County.....14

 Contract No. L-3841, State Game Land No. 100, Clearfield County.....16

B. Acquisition

 Contract No. L-3836, State Game Land No. 313, Tioga County18

 Contract No. L-3837, State Game Land No. 134, Lycoming County20

 Contract No. L-3838, State Game Land No. 168, Northampton County22

 Contract No. L-3839, State Game Land No. 57, Wyoming County.....24

OIL/GAS & MINERALS

C. Exchange / Restricted Surface Use Oil and Gas Cooperative Agreement
Tract 75A-23, State Game Land No. 75, Lycoming County26
Tract 134A-23, State Game Land No. 134, Lycoming and Sullivan Counties30

D. Non-Surface Use Oil and Gas Cooperative Agreement
Tract 57A-23, State Game Land No. 57, Wyoming County34
Tract 57B-23, State Game Land No. 57, Wyoming County.....36

Other New Business.....38

Executive Session, if necessary, will be held immediately following the close of the Commission Meeting38

Adjournment38

Commonwealth of Pennsylvania
Pennsylvania Game Commission

Agenda

The Commission Meeting of the Pennsylvania Game Commission will be held on Saturday, September 16, 2023, at 301 Peninsula Drive, Erie, PA 16505 beginning at 8:30 a.m.

Call to Order

Pledge of Allegiance

Roll Call of Commissioners

Kristen Schnepp-Giger, President
Scott H. Foradora, Vice President
Dennis R. Fredericks, Secretary
Allen J. DiMarco
Stanley I. Knick, Jr.
Michael F. Mitrick
Todd A. Pride
Haley J. Sankey
Robert C. Schwalm

Approval of Minutes of Commission Meetings held July 8, 2023.

BUREAU OF WILDLIFE MANAGEMENT

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 133.21.

Commentary: Black Rails are the smallest rail species in North America and the most secretive in behavior and habitat. Although this species is considered uncommon in Pennsylvania, strong evidence indicates territories have been established and nesting may have been attempted. In 2020, the U. S. Fish and Wildlife Service classified the Eastern Black Rail subspecies *Laterallus jamaicensis jamaicensis* as Threatened under the Endangered Species Act of 1973, indicating between 0 to 5 breeding pairs currently occur in Pennsylvania. The Commission is proposing to amend § 133.21 (relating to classification of birds) to add the Black Rail (*Laterallus jamaicensis*) to the Commonwealth's list of threatened birds due to its Federally protected status and small, sporadic state population.

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) Piping Plover (*Charadrius melodus*)
 - (vi) Loggerhead Shrike (*Lanius ludovicianus*)
 - (vii) American Bittern (*Botaurus lentiginosus*)
 - (viii) Great Egret (*Ardea alba*)
 - (ix) Yellow-crowned Night Heron (*Nyctanassa violacea*)
 - (x) Common Tern (*Sterna hirundo*)

- (xi) Blackpoll Warbler (*Setophaga striata*)
 - (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
 - (xiii) Dickcissel (*Spiza americana*)
 - (xiv) Sedge Wren (*Cistothorus stellaris*)
 - (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
 - (xvi) Upland Sandpiper (*Batramia longicauda*)
 - (xvii) Northern Goshawk (*Accipiter gentilis*)
- (2) Threatened.
- (i) Northern Harrier (*Circus hudsonius*)
 - (ii) Long-eared Owl (*Asio otus*)
 - (iii) (Reserved)
 - (iv) Red Knot (*Calidris canutus rufa*)
 - (v) Black Rail (*Laterallus jamaicensis*)

Action:

PROPOSED MANAGEMENT PLAN

B. American Marten Reintroduction

Commentary: The American marten (*Martes americana*) is a furbearer once commonly found in portions of Pennsylvania but extirpated from the Commonwealth in the early 1900s due to deforestation and unregulated harvest.

In accordance with Goal 1.3b of the Pennsylvania Game Commission Strategic Plan 2020-2023 and as authorized by the Commission at its July 9, 2022 meeting, the Bureau of Wildlife Management completed an American Marten Reintroduction and Management Plan for Pennsylvania. The plan outlines a long-term, 10-year strategy, to translocate the species back to the state and then conduct long-term monitoring to evaluate the reintroduction. Important aspects of the plan include release locations and source locations as well as partnering organizations to provide martens and reintroduction locations. It also discusses methodology on capture, transport, health evaluations, and release. Finally, the plan provides a timeline and cost estimate for the project.

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

Action:

BUREAU OF ADMINISTRATION

ADOPTED RULE MAKING

- A. Amend 58 Pa. Code §§ 143.21, 143.23, 143.24, 143.27, and 143.30 and delete §§ 143.22, 143.25, 143.26, and 143.28.

Commentary: To effectively manage the wildlife resources of this Commonwealth, the Game Commission at its July 8, 2023, meeting amended §§ 143.21, 143.23, 143.24, 143.27, and 143.30 and deleted §§ 143.22, 143.25, 143.26, and 143.28 to reduce issuing agent application fees, minimum annual sales quotas, and annual bonding rates.

Action:

ANNEX “A”

Chapter 143. HUNTING AND FURTKER LICENSES

Subchapter B. APPOINTMENT OF AGENTS

§ 143.21. Appointment of agents.

A person desiring appointment as an agent shall apply to the Commission on the form provided. An application fee of \$200 is required for each location, in the form of a negotiable check or money order payable to “Pennsylvania Game Commission.” The completed application, along with the application fee, shall be forwarded to: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

§ 143.22. [Reserved].

§ 143.23. Minimum sales requirement.

To continue as an agent, a minimum of 25 license or permit products shall be sold each license year. Qualifying licenses, for the purpose of calculating 25 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses and mentored hunting permits. Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included as qualifying licenses. In addition, an agent shall continue to meet the requirements in § 143.27 (relating to conditions for appointment).

§ 143.24. Fee for reapplication.

If an agent sells less than the required 25 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws, a subsequent reapplication requires payment of the application fee.

§ 143.25. [Reserved].

§ 143.26. [Reserved].

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

(1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.

(2) Operate a bona fide sporting goods sales outlet where the public expects to find this service.

(3) Be open to the public during reasonable daylight and evening hours.

(4) Not operate on a seasonal or part-time basis.

(5) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.

(6) Provide security to the Commission in an amount of at least \$11,000.

§ 143.28. [Reserved].

§ 143.30. Notice of disapproved applications.

The Commission will provide prompt written notice of its disapproval of an application submitted under this subchapter and return the application fee to the applicant.

BUREAU OF WILDLIFE PROTECTION

PROPOSED RULE MAKING

A. Amend 58 Pa. Code § 141.18.

Commentary: The Commission recently conducted a formal review of the use of electronic devices intended to maintain open water, frequently referred to as “ice-eaters.” Ice-eaters can come in a variety of forms, such as fountains, propellers, and bubblers, all with the intention of disturbing water to prevent ice formation or melt ice that has already formed. Waterfowl hunters use these devices in other jurisdictions where their use is lawful to maintain open water and entice waterfowl to remain in the area for hunting opportunities. When considering electronic devices, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase, or public safety. The Commission’s review of these devices determined that their use would have insignificant negative impacts to the previously mentioned principles. Therefore, the Commission is proposing to amend § 141.18 (relating to permitted devices) to authorize electronic devices used to disturb water with the purpose of preventing ice formation.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.18. Permitted devices.

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

* * * * *

(11) Electronic hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

(12) Electronic devices used to disturb water for the purpose of preventing ice formation.

Action:

B. Amend 58 Pa. Code § 135.2.

Commentary: State Game Wardens (SGWs) and Deputy State Game Wardens (DSGWs) are more frequently encountering individuals who are in possession of controlled substances and/or drug paraphernalia on Hunter Access Program (HAP) properties than ever before. While § 141.41(c)(10) (relating to State game lands) currently states it is unlawful to “[u]se or possess any controlled substance or drug paraphernalia” as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-143), this section’s applicability is limited to State game lands and does not extend to HAP properties. Furthermore, § 135.2 (relating to unlawful actions), while applicable to HAP properties, does not provide similar language to address these violations on HAP properties.

SGWs currently possess the authority to address controlled substances and/or drug paraphernalia violations on HAP properties directly under the Controlled Substance, Drug, Device and Cosmetic Act. DSGWs do not possess this same authority. Without an applicable regulation to address controlled substances and drug paraphernalia violations on HAP properties, DSGWs must request assistance from a SGW, a local police department, or State Police. When these options are not available in a timely fashion, these violations will often go unaddressed. The Commission is proposing to amend § 135.2 to prohibit any person from using or possessing a controlled substance or drug paraphernalia on HAP properties. A violation of this provision will be graded as a summary offense of the fifth degree carrying a potential fine penalty of \$100-\$200.

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).
- (4) Swim in a dam, pond, lake or stream.

- (5) Injure, destroy or cause damage to property--real, personal or mixed.
- (6) Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.
- (7) Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).
- (8) Kindle, use or maintain an open fire.
- (9) Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).
- (10) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.
- (11) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.
- (12) Possess, maintain, operate, occupy or travel by snowmobile or ATV in a manner not in accordance with the standards in 75 Pa.C.S. Chapter 77 (relating to Snowmobile and All-Terrain Vehicle Law).
- (13) Construct, place, maintain, occupy, use, leave or abandon structures or other tangible property, except in the manner otherwise authorized and limited by § 135.41(c)(11) (relating to State game lands).
- (14) Use or possess any controlled substance or drug paraphernalia as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101-780-143).

Action:

C. Amend 58 Pa. Code § 141.67.

Commentary: Over the past several years, the Commission received an increasing number of complaints relating to hunters who are using dogs to hunt coyotes during the regular firearms deer and bear seasons. The Commission determined that the act of using dogs to hunt coyotes during the regular firearms deer and regular firearms bear seasons has resulted in both intentional and unintentional pushing, driving, or killing of these big game species. The use of dogs to hunt big game is generally unlawful within the Commonwealth. Moreover, the Commission observed that the use of dogs to hunt coyotes during the regular firearms deer and regular firearms bear seasons has frequently caused interference with hunters who were lawfully hunting deer or bear on properties where these activities coincided. The Commission is proposing to amend § 141.67 (relating to furbearer seasons) to prohibit the hunting of any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.67. Furbearer seasons.

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(7) A leg-hold trap, except as prohibited under section 2361(a)(8) of the act (relating to unlawful acts concerning taking of furbearers).

(8) A body-gripping trap, except as prohibited under section 2361(a)(11) of the act.

(9) A cable restraint device authorized by § 141.66 (relating to cable restraints).

(10) A snare, except as prohibited under § 141.62(b) (relating to beaver and otter trapping).

(11) A cage or box trap, except as prohibited under section 2361(a)(17) of the act.

(12) *A raptor.* The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(4) Hunt any furbearer using a dog during the overlap with any regular firearms deer season or regular firearms bear season.

Action:

PAGE INTENTIONALLY LEFT BLANK

BUREAU OF WILDLIFE HABITAT MANAGEMENT

REAL ESTATE

A. Donation

Contract No. L-3840, State Game Land No. 339, Philadelphia County

Commentary: Westrum Byberry, LP is offering to donate 17.88+/- acres of land in the City of Philadelphia, Philadelphia County (Exhibit RED 5). This will be the first game land in Philadelphia County. Access is from Southampton Road.

Action:



Exhibit RED 5
State Game Land No. 339

L-3840
Donation
Westrum Byberry, LP Tract
17.88+/- Acres

City of Philadelphia
Philadelphia County
Southeast Region

Contract No. L-3841, State Game Land No. 100, Clearfield County

Commentary: Basin Run Quarry I, Ltd. is offering to donate 245+/- acres of land in Cooper Township, Clearfield County (Exhibit RED 6). The access that this parcel provides will allow for the repair of a game land road that will restore access to 500 acres of the game land. The parcel is completely encompassed by the Susquehanna Headwaters Important Bird Area. Access is from Shady Lane.

Action:

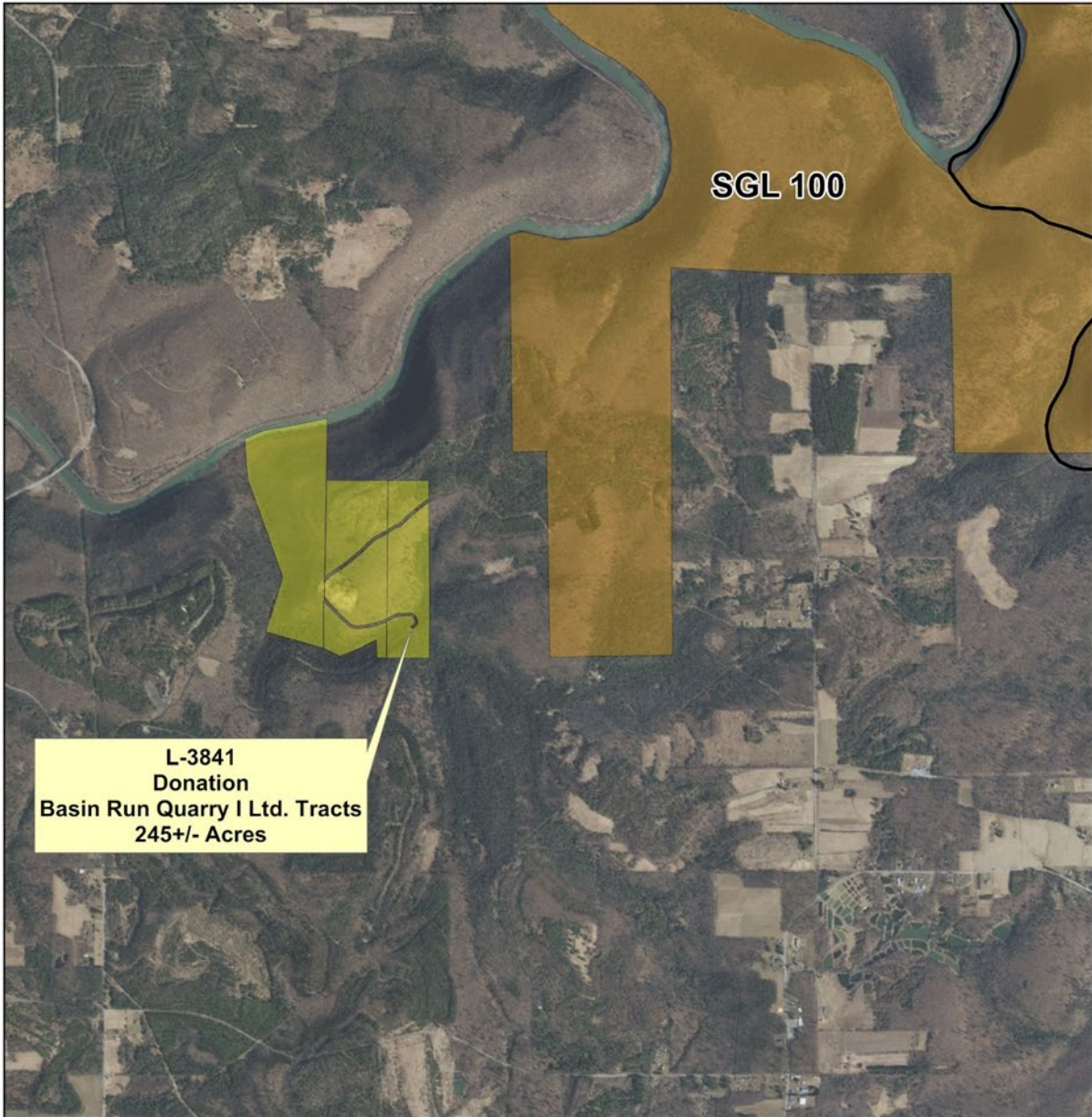
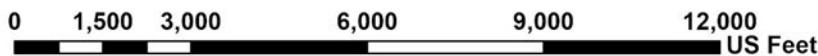


Exhibit RED 6
State Game Land No. 100

L-3841
Donation
Basin Run Quarry I Ltd. Tracts
245+/- Acres



Cooper Township
Clearfield County
Northcentral Region

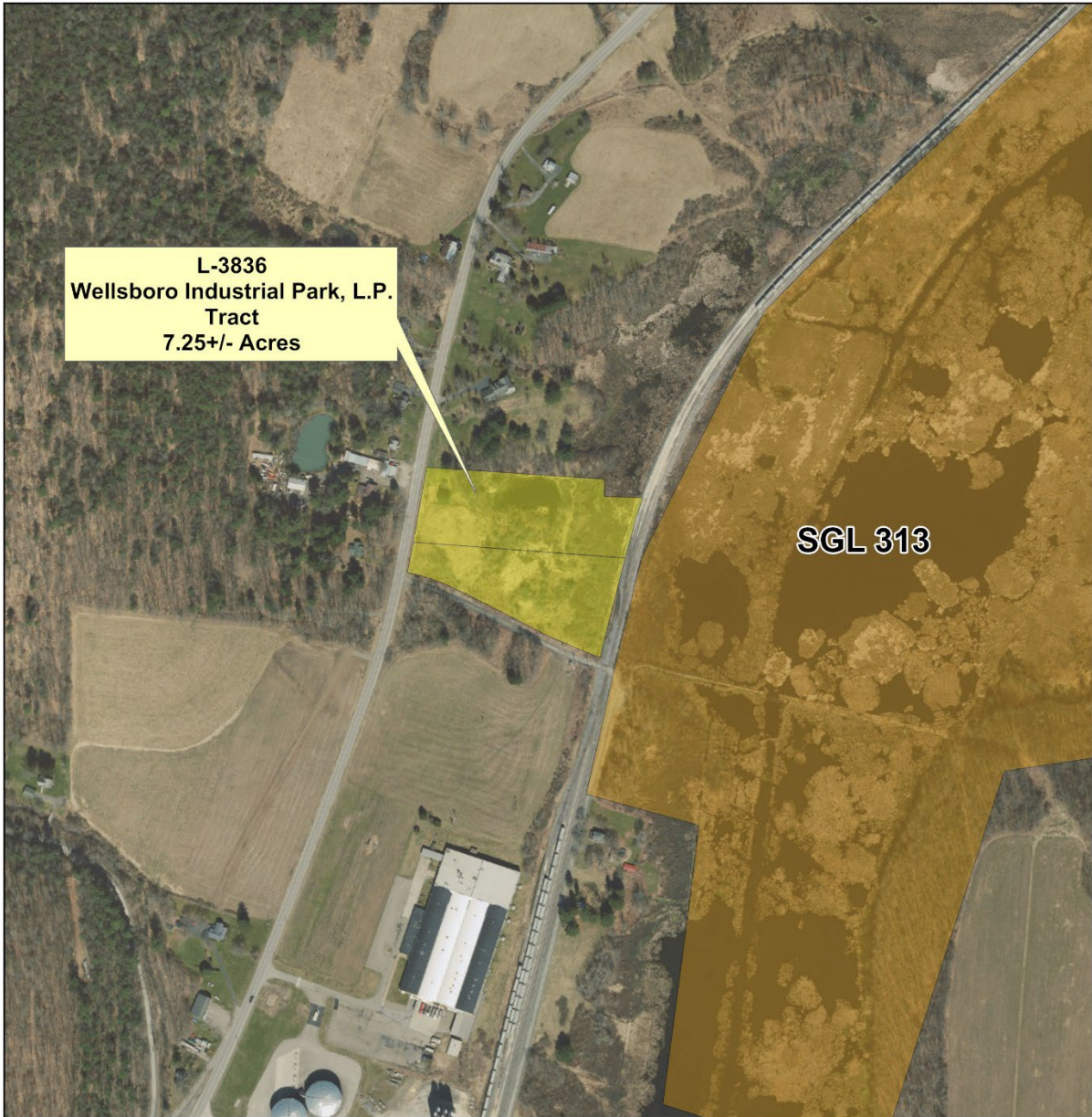
B. Acquisition

Contract No. L-3836, State Game Land No. 313, Tioga County.

Commentary:

Wellsboro Industrial Park, L.P. is offering 7.25+/- acres of land in Delmar Township, Tioga County, near State Game Land No. 313 (Exhibit RED 1). The option price is \$55,000 lump sum to be paid from the Commission's restricted account, representing funds from third party commitments for compensation of habitat and recreational losses which occurred on State game lands from previously approved projects. Acquisitions using this account may exceed \$400 per acre. The parcel will expand the Commission's ownership of the emergent wetland called "The Muck," an Important Bird Area known to provide habitat and breeding grounds for migratory birds. Wellsboro Industrial Park will retain the oil and gas rights. Access is from State Route 287.

Action:



0 125 250 500 750 1,000
US Feet

Exhibit RED 1

State Game Land No. 313

L-3836
Wellsboro Industrial Park, L.P. Tract
7.25+/- Acres

Delmar Township
Tioga County
Northcentral Region

Contract No. L-3837, State Game Land No. 134, Lycoming County.

Commentary: Thomas G. and Beth B. Stubler are offering 53.3+/- acres of land in Plunketts Creek Township, Lycoming County, adjoining State Game Land No. 134 and Loyalsock State Forest (Exhibit RED 2). The option price is \$212,000 lump sum to be paid from the Commission's restricted account, representing funds from third party commitments for compensation of habitat and recreational losses which occurred on State game lands from previously approved projects. Acquisitions using this account may exceed \$400 per acre. The Stublers will retain the oil and gas rights. Access is from Hoppestown Road.

Action:

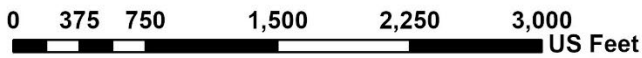


Exhibit RED 2

State Game Land No. 134

**L-3837
Thomas G. & Beth B. Stubler Tract
53.3+/- Acres**

**Plunketts Creek Township
Lycoming County
Northcentral Region**

Contract No. L-3838, State Game Land No. 168, Northampton County.

Commentary: The Frank W. Rossi Revocable Living Trust is offering 3.4+/- acres of land in Moore Township, Northampton County, adjacent to State Game Land No. 168 (Exhibit RED 3). The option price is \$1,200 lump sum to be paid from the Game Fund. Access is through existing State Game Land No. 168.

Action:



0 125 250 500 750 1,000
US Feet

Exhibit RED 3

State Game Land No. 168

**L-3838
Frank W. Rossi Revocable Trust Tract
3.44+/- Acres**

**Moore Township
Northampton County
Southeast Region**

Contract No. L-3839, State Game Land No. 57, Wyoming County.

Commentary: The Heirs of Sherwood B. Davidge (Linda P. Davidge and Louise Davidge Raimondi) are offering their one-half (1/2) interest in 15,000+/- acres of subsurface oil, gas, and mineral real estate located in and under State Game Land No. 57 (Exhibit RED 4). The option price is \$1,687,500 lump sum to be paid from the Game Fund. At present, the Commission has no ownership interest in the offered subsurface estate. State Game Land No. 57 is notable for its scenic and ecological diversity. By acquiring this interest in the subsurface estate, the Commission will have greater control over any possible future extractive efforts that would impact the unique habitat on the game land.

Action:

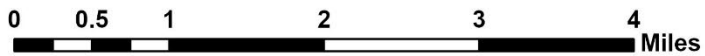


Exhibit RED 4
State Game Land No. 57

L-3839
Davidge Heirs Tract
15,000+/- Sub-surface Acres

Noxen & Forkston Townships
Wyoming County
Northeast Region

OIL/GAS & MINERALS

C. Exchange / Restricted Surface Use Oil and Gas Cooperative Agreement

Tract 75A-23, State Game Land No. 75, Lycoming County.

Commentary:

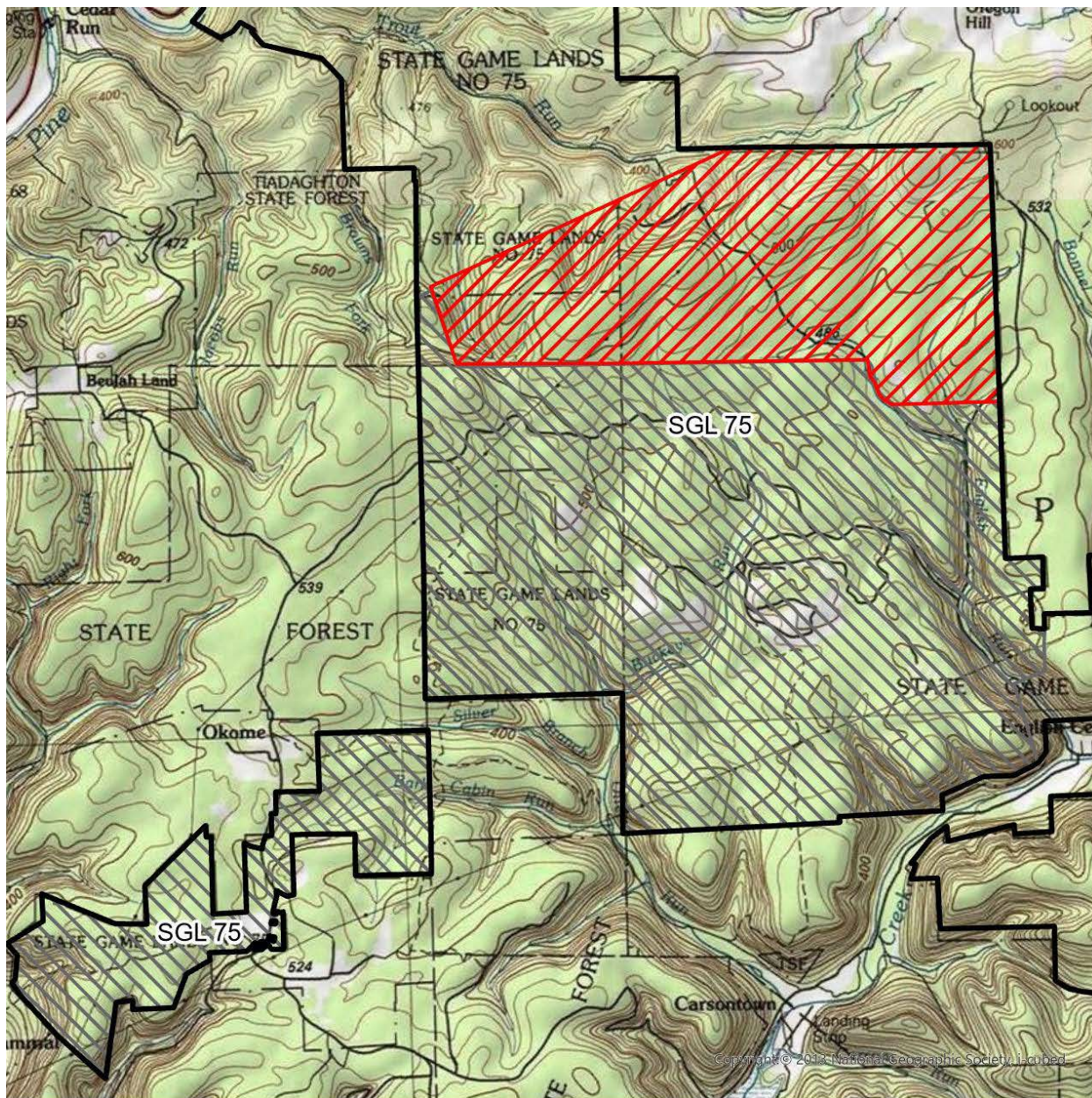
Pennsylvania General Energy Company, LLC (PGE) of Warren, PA requested the Commission offer its oil and gas ownership under a portion of State Game Land No. 75 for oil and gas development. The proposed tract 75A-23 contains 4,325+/- acres and is located in Brown and Pine Townships, Lycoming County (Exhibit OGM 1). In addition to the requested acreage, PGE requested an amendment to existing Agreement Tract 75A-13 to change the royalty percentage due the Commission to 16%.

PGE is currently developing oil and gas rights on the Commission tracts south of the proposed tract and has infrastructure in place that will ease the surface burden of developing the additional acreage. In exchange for the new oil and gas agreement and the royalty percentage adjustment, PGE will cause to be conveyed to the Commission the Spring Creek Tract, a 2,195+/- acre tract of land in Spring Creek Township, Warren County including all owned OGM rights (Exhibit OGM 1A), and the South Fork Tract, a 943+/- acre tract of land in East Taylor & Croyle Townships in Cambria County (Exhibit OGM 1B).




The additional lease acreage will be considered held by production as development will occur in conjunction with the Agreement for Tract SGL 75A-13. The royalty rate for each well will be 16%. The agreement will provide PGE with the right to use the surface of State Game Land No. 75 for drilling pads, access roads and pipelines to transport Commission owned gas reserves at locations approved by the Commission, but will not cause a net increase in disturbance acreage as already provided for in the Tract 75A-13 Agreement. PGE will adhere to the reclamation and revegetation requirements as specified by the Agreement and Department of Environmental Protection regulations. PGE also agreed to meet annually to discuss development and to solicit input and suggestions to protect wildlife and wildlife habitat.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Restricted Surface Use Oil and Gas Development Agreement protection provisions. The agreement will include the Commission's standard wildlife and environmental protection measures.

Action:



Legend

-  Restricted Surface Use Agreement Area 4,325 +/- Acres
-  Original Tract 75A-13 Agreement Area
-  State Game Land No. 75

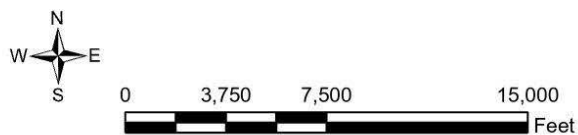


Exhibit OGM 1

**State Game Land No. 75
 Restricted Surface Use
 Oil & Gas Cooperative Agreement
 Pennsylvania General Energy Company, LLC
 Tract 75A-23
 4,325 +/- Acres**

Pine & Brown Townships, Lycoming County
 Northcentral Region

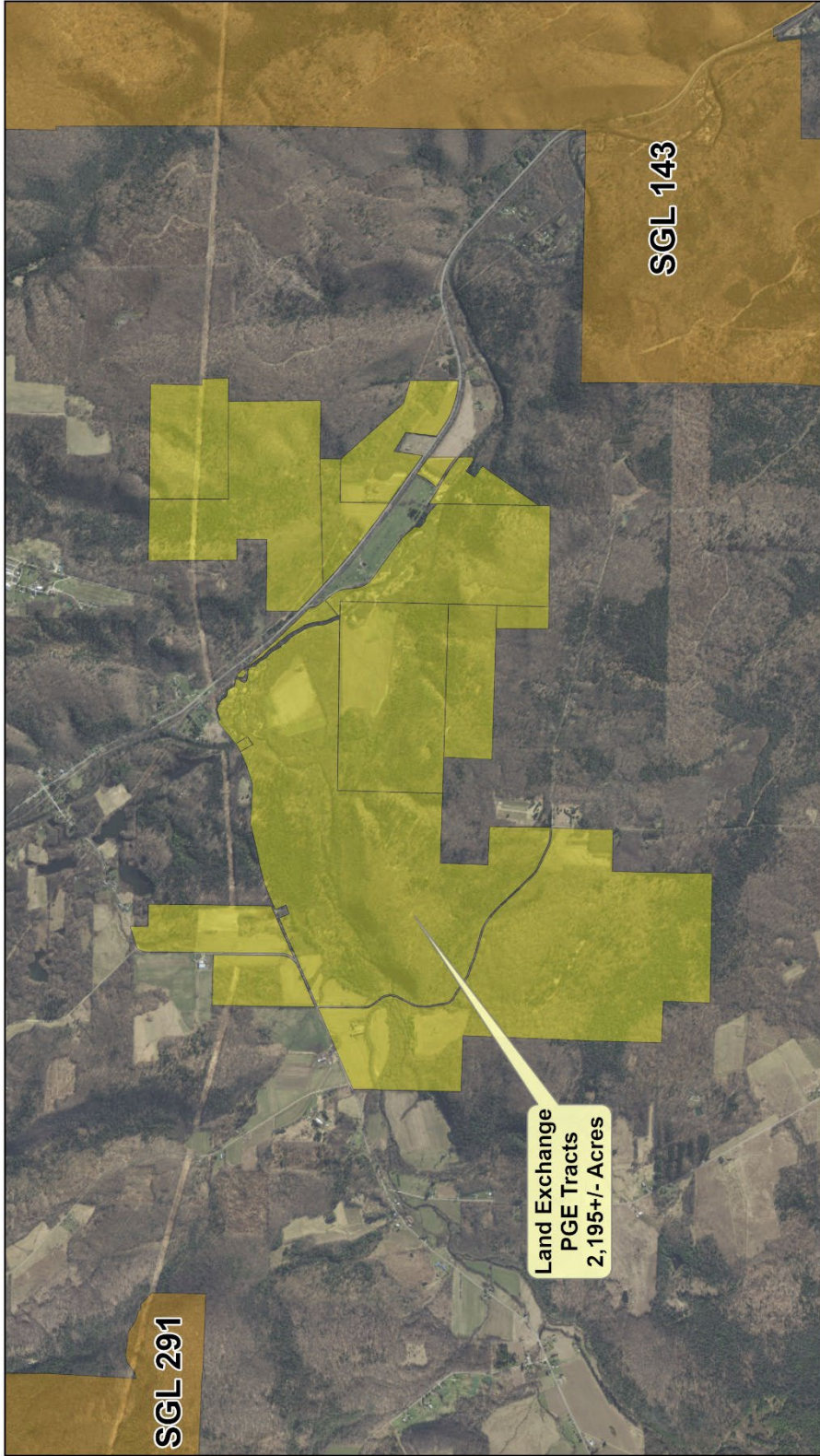
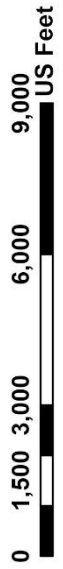


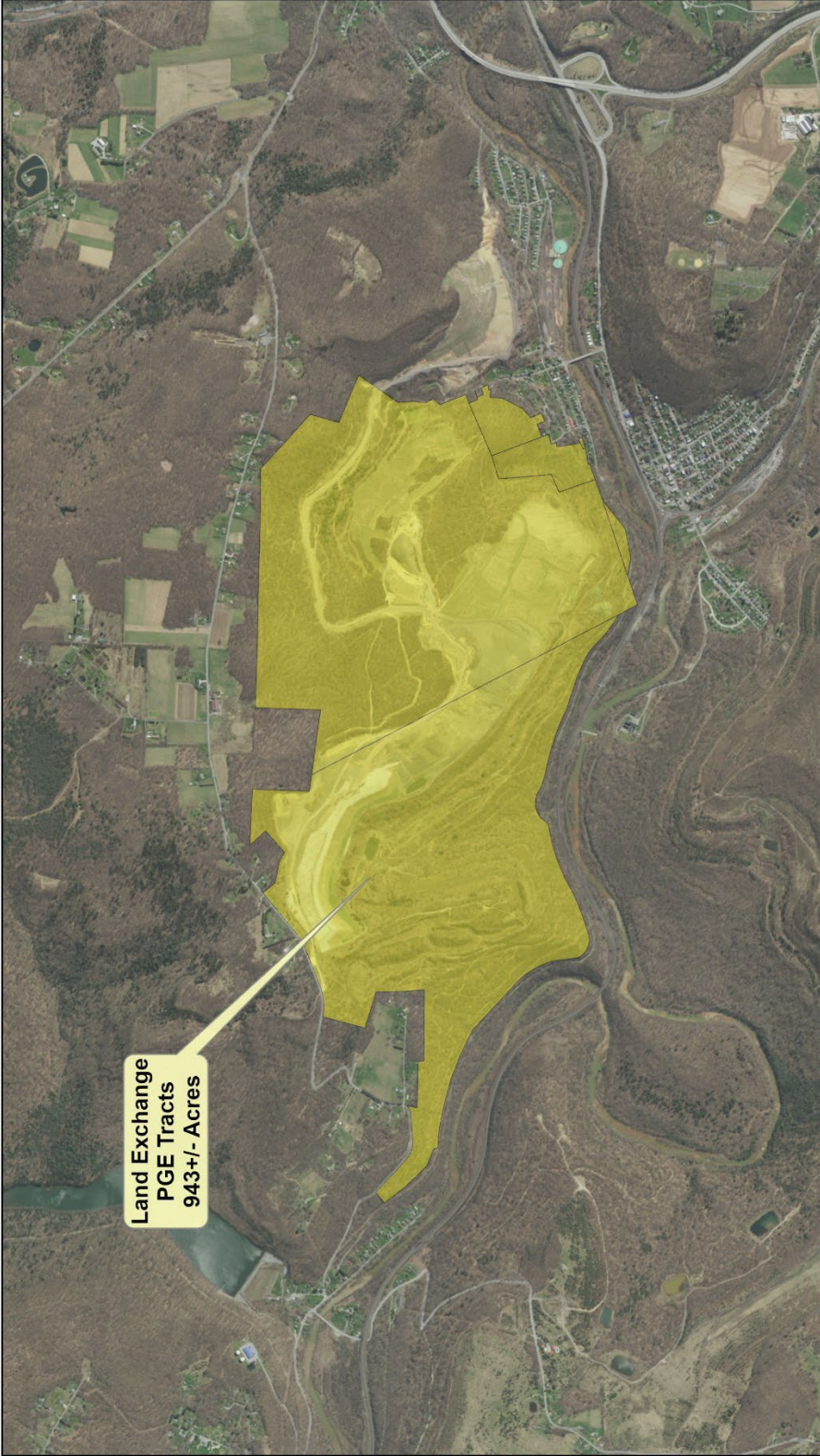
Exhibit OGM 1A

State Game Land No. 337

Land Exchange
 PGE Tracts
 2,195+/- Acres

Spring Creek Township
 Warren County
 Northwest Region





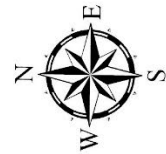
Land Exchange
PGE Tracts
943+/- Acres

Exhibit OGM 1B

State Game Land No. 79

Land Exchange
PGE Tracts
943+/- Acres

East Taylor & Croyle Townships
Cambria County
Southwest Region



Tract 134A-23, State Game Land No. 134, Lycoming and Sullivan Counties.

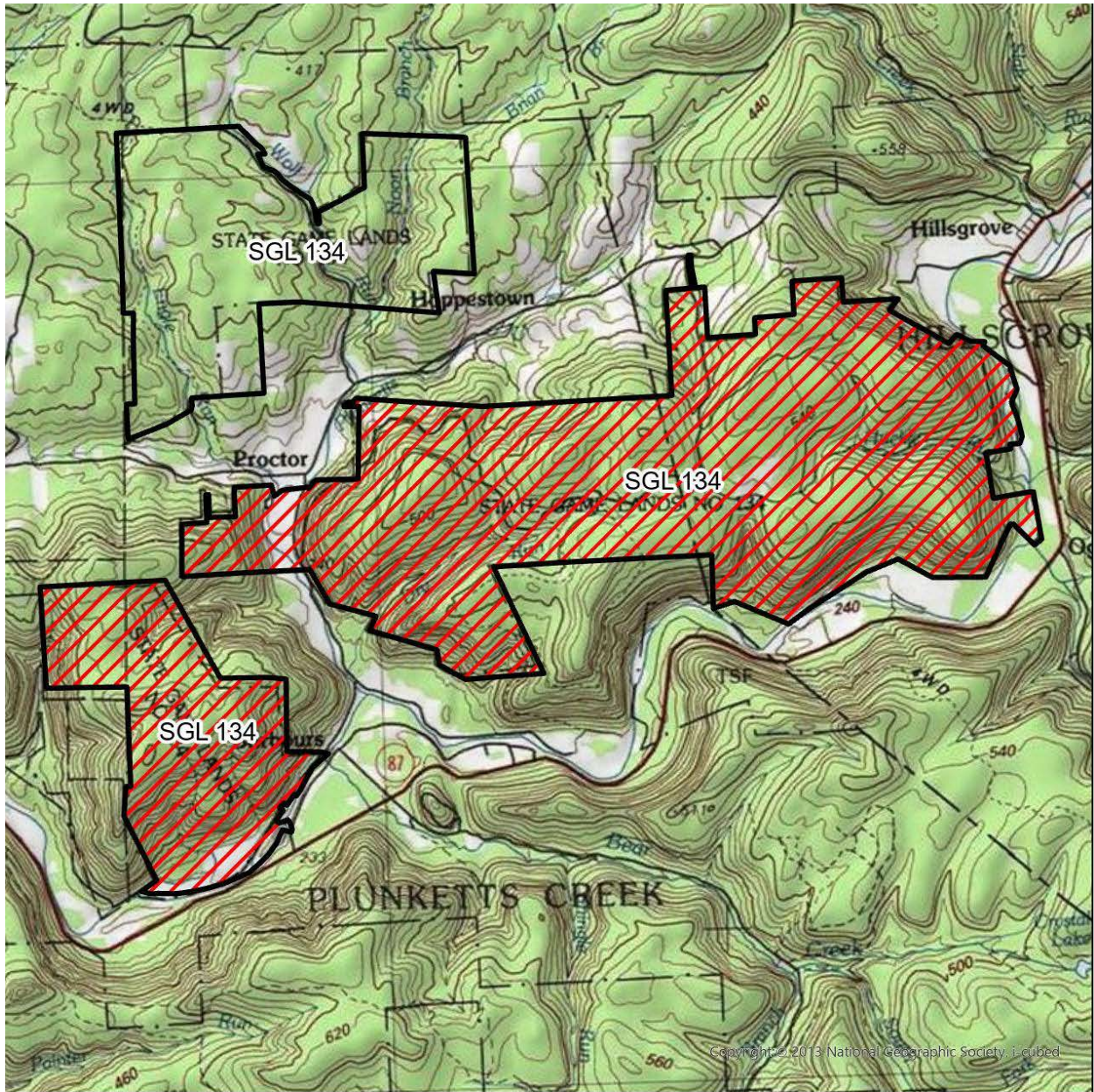
Commentary: Pennsylvania General Energy Company, LLC (PGE) of Warren, PA requested the Commission offer its oil and gas ownership under a portion of State Game Land No. 134 (SGL 134) for oil and gas development. The proposed tract 134A-23 contains 6,404+/- acres and is located in Gamble and Plunketts Creek Townships, Lycoming County and Hillsgrove Township, Sullivan County (Exhibit OGM 2).

PGE is currently developing oil and gas rights on private lands in the vicinity of the proposed tract and has infrastructure in place that will ease the surface burden of developing the additional acreage. In exchange for the oil and gas agreement, PGE will cause to convey to the Commission the Caledonia Tract, a 3,931+/- acre tract of land in Jay Township, Elk County (Exhibit OGM 2A). Coal rights will convey, however, oil and gas rights to this tract have been previously reserved. As further consideration, PGE will also make a \$500,000 contribution to the Rocky Mountain Elk Foundation that will be directed for use in elk habitat management with the Commission. The terms of the agreement are a paid up 15-year restricted-surface use oil and gas agreement and a 16% royalty.

The proposed agreement will allow PGE limited use of the surface of SGL 134 for construction, operation and maintenance of pipelines, electric lines, communication lines, and appurtenant equipment necessary for prudent development of the Commission's oil and gas under this agreement. This use will require review and written approval by the Commission. To ensure minimization of the footprint of disturbance, all lines and equipment will be consolidated into one single right-of-way across SGL 134 and the lines will be collocated with existing disturbances where available. Surface use for drilling pads, access roads, other infrastructure or facilities, or lines or equipment that only support development of non-Commission oil and gas will not be authorized under this agreement. PGE will adhere to the reclamation and revegetation requirements as specified by the Agreement and Department of Environmental Protection regulations.

Oil and gas development will be regulated by the Commonwealth's Oil and Gas Regulations and the Commission's Restricted Surface Use Oil and Gas Development Agreement protection provisions. The agreement will include the Commission's wildlife and environmental protection measures.

Action



Legend



-  Non-Surface Use Agreement Area 6,406 +/- Acres
-  State Game Land No. 134



Exhibit OGM 2

**State Game Land No. 134
 Non-Surface Use
 Oil & Gas Cooperative Agreement
 Pennsylvania General Energy Company, LLC
 Tract 134A-23
 6,406 +/- Acres**

Gamble & Plunketts Creek Townships, Lycoming County
 Hillsgrove Township, Sullivan County
 Northcentral Region

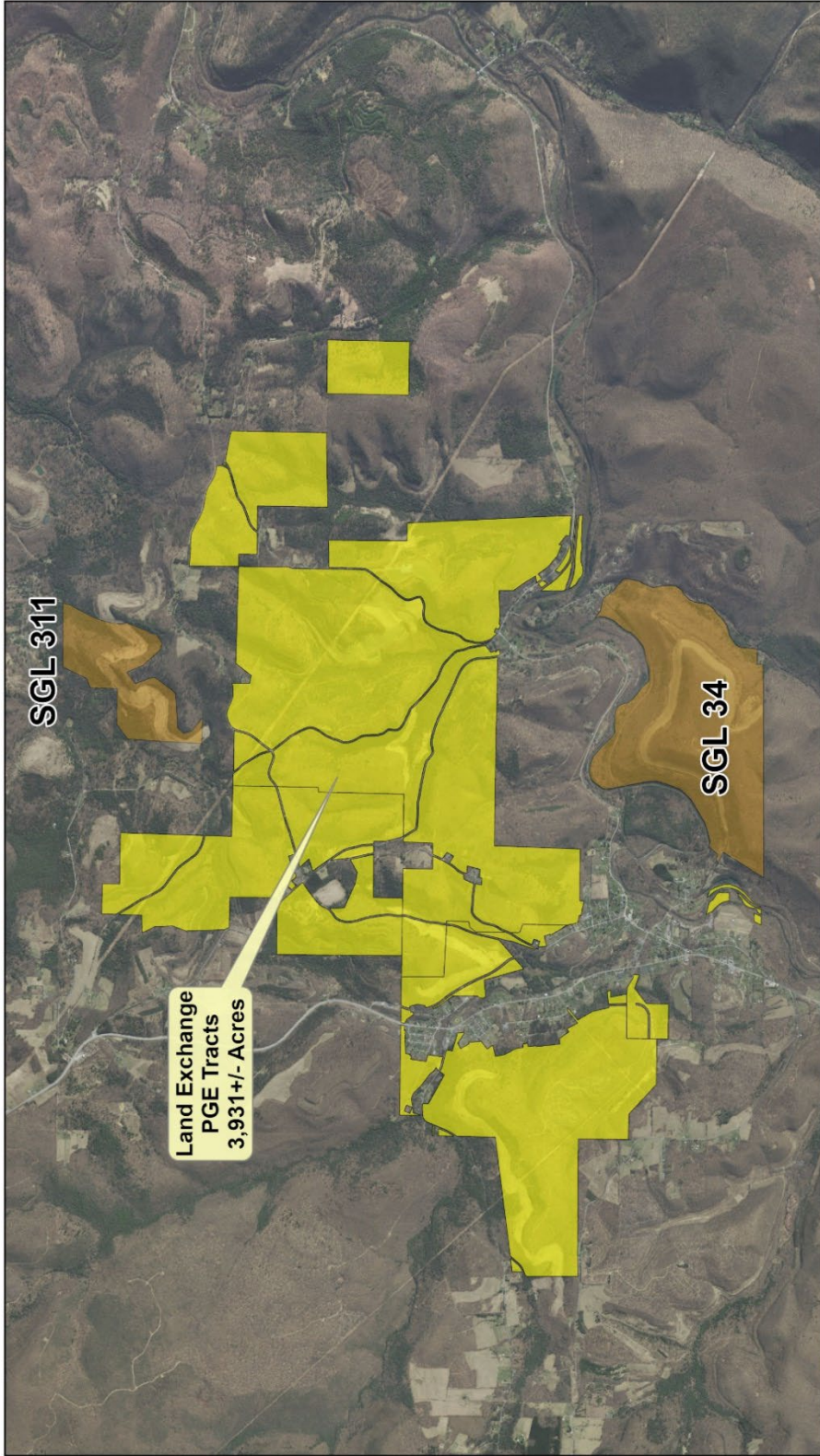
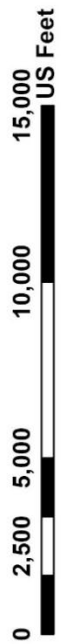
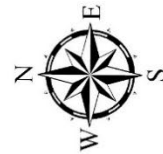


Exhibit OGM 2A

State Game Land No. 338

Land Exchange
PGE Tracts
3,931 +/- Acres

Jay Township
Elk County
Northcentral Region



PAGE INTENTIONALLY LEFT BLANK

D. Non-surface use Oil & Gas Cooperative Agreement

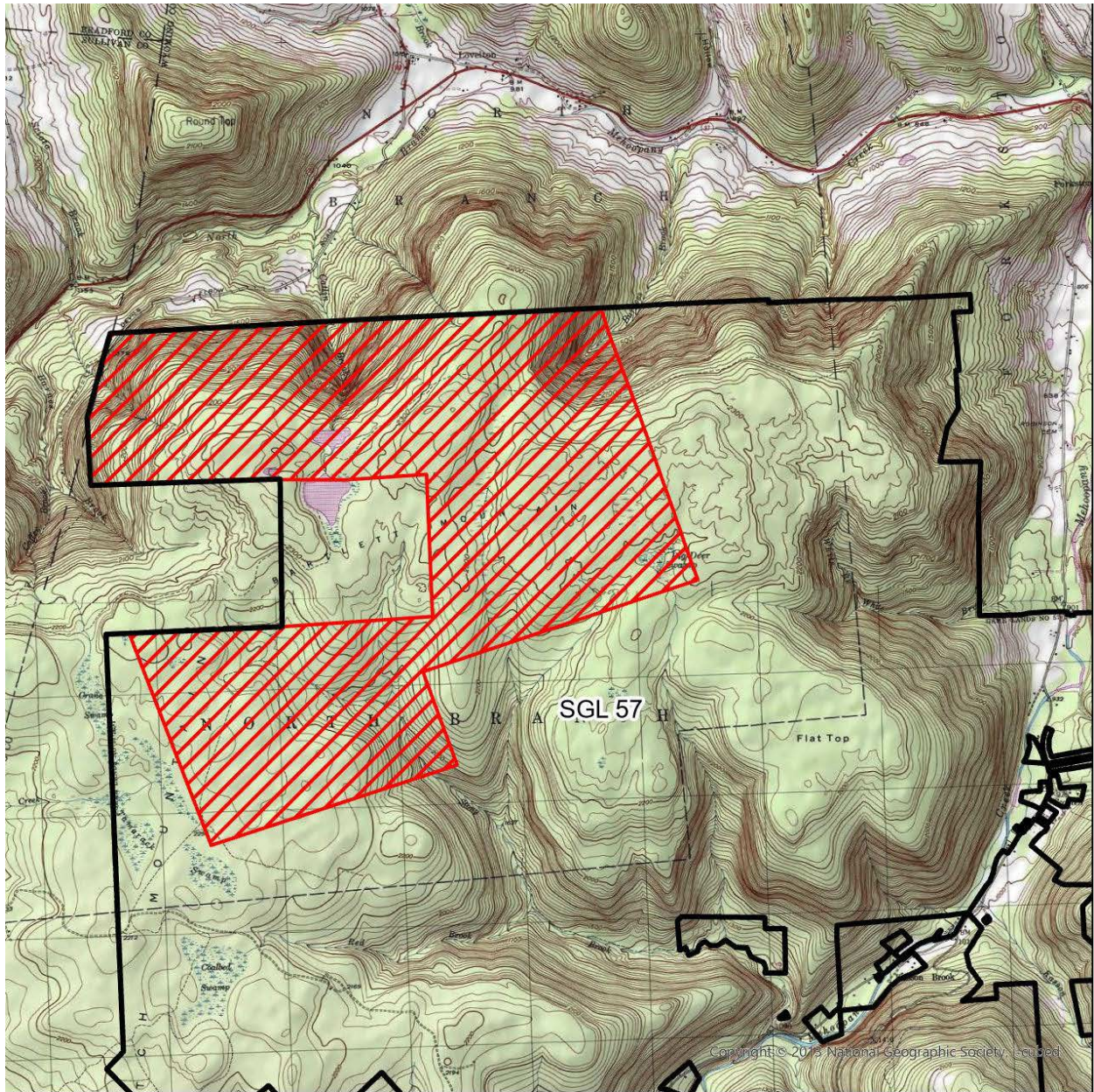
Tract 57A-23, State Game Land No. 57, Wyoming County.

Commentary:

Chesapeake Appalachia LLC (Chesapeake) of Oklahoma City, OK requested the Commission offer its oil and gas rights under portions of State Game Land No. 57 (SGL 57) for non-surface use development. The proposed tract contains 2,885+/- net acres and is located in North Branch Township, Wyoming County (Exhibit OGM 3). Chesapeake will access the 2,885-acre reserves from its current and planned drilling operations on adjacent areas off SGL 57 by horizontal drilling with no additional surface use or disturbance to the game lands. OGM staff negotiated the proposed terms of the agreement with Chesapeake to prudently develop the Commission's oil/gas reserve and simultaneously protect the wildlife resources and recreational use of SGL 57.

The terms of the Agreement are a five (5) year paid up non-surface use oil and gas agreement, a \$1,500 per net oil and gas acre bonus payment and 18% royalty for all oil, gas, and other liquids or condensates produced and sold from the proposed tract. The bonus payment of \$4,327,500 and any rental payments will be deposited into the Commission's restricted 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 will 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 non surface use oil and gas cooperative agreement. This item would supersede the non-surface use oil and gas cooperative agreement previously approved by this Board in April 2023.

Action:



Legend



-  Non-Surface Use Agreement Area 2,885 +/- Acres
-  State Game Land No. 57



Exhibit OGM 3
State Game Land No. 57
Non-Surface Use
Oil & Gas Cooperative Agreement
Chesapeake Appalachia, LLC
Tract 57A-23
2,885 +/- Acres

North Branch Township, Wyoming County
 Northeast Region

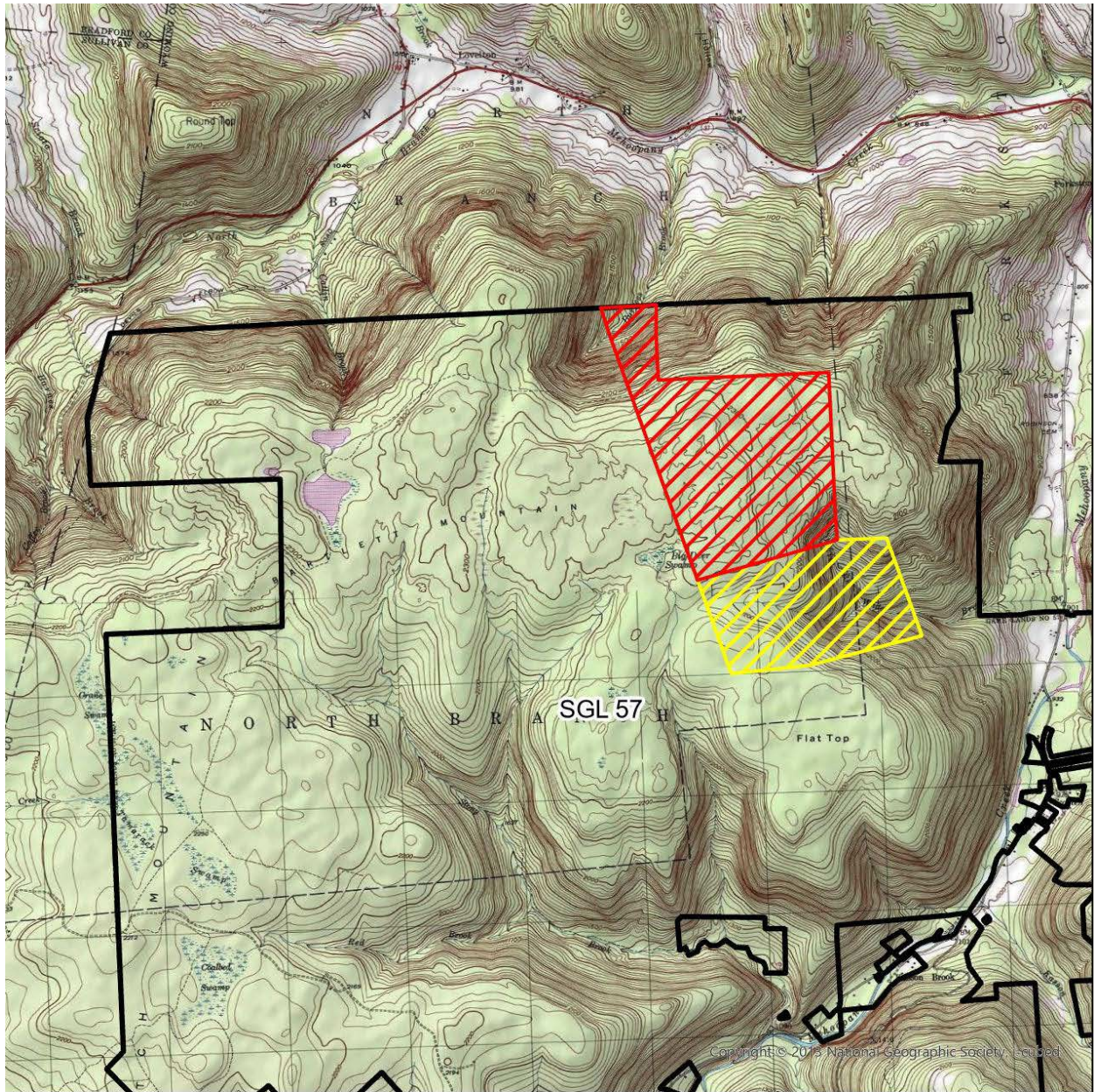
Tract 57B-23, State Game Land No. 57, Wyoming County.

Commentary:

SWN Production Company, LLC (SWN) of Spring, TX requested the Commission offer its oil and gas rights under portions of State Game Land No. 57 (SGL 57) for non-surface use development. The proposed tract contains 607+/- gross acres and is located in North Branch Township, Wyoming County (Exhibit OGM 4). The Commission determined that SWN has exclusive access to the subject acreage and will access the 607-acre reserves from its current and planned drilling operations on adjacent areas off SGL 57 by horizontal drilling with no additional surface use or disturbance to the game lands. The Commission negotiated the proposed terms of the agreement with SWN to prudently develop its oil/gas reserve and simultaneously protect the wildlife resources and recreational use of SGL 57.

The terms of the Agreement are a five (5) year paid up non-surface use oil and gas agreement, a \$1,500 per net oil and gas acre bonus payment and 18% royalty for all oil, gas, and other liquids or condensates produced and sold from the proposed tract. Additional terms include an exclusive option for SWN to develop an additional 360 acres under the same terms herein. Said option will expire two years after the effective date of the non-surface use agreement. The bonus payment of \$910,500 and any rental payments will be deposited into the Game Commission's restricted 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 will be directly deposited into the Game Fund. Should SWN exercise their option on the additional acreage, a bonus payment of \$540,000 will be due 90 days thereafter and will be deposited into the Commission's restricted account for the future purchase of wildlife habitats, lands, or other uses incidental to hunting, furtaking, and wildlife resource management. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's non surface use oil and gas cooperative agreement.

Action:



Legend




-  Non-Surface Use Agreement Area 607 +/- Acres
-  Non-Surface Use Agreement Area Option 360 +/- Acres
-  State Game Land No. 57



Exhibit OGM 4

**State Game Land No. 57
 Non-Surface Use
 Oil & Gas Cooperative Agreement
 SWN Production Company, LLC
 Tract 57B-23
 607 +/- Acres
 Option 360 +/- Acres**

North Branch Township, Wyoming County
 Northeast Region

OTHER NEW BUSINESS

Next Commission Meeting – TBD in Harrisburg, PA

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

Adjournment