



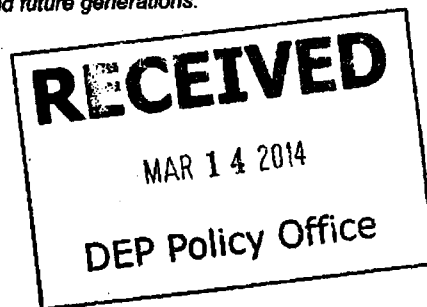
Division of Environmental
Planning and Habitat Protection
717-783-6967

March 12, 2014

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

3042 -
COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission
2001 ELMERTON AVENUE
HARRISBURG, PA 17110-9797

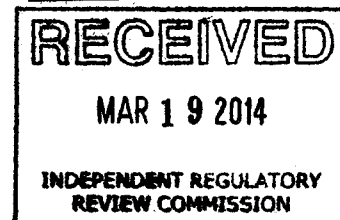
*"To manage all wild birds, mammals and their habitats
for current and future generations."*



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RE: Proposed Rulemaking
Environmental Protection Performance Standards at Oil and Gas Well Sites
(25 Pa Code Chapter 78, Subchapter C)

To whom it may concern:

Thank you for allowing for comment on the above referenced proposed rulemaking. Overall, the proposed rulemaking is well encompassing with the intent to alleviate many environmental concerns and avoid potential adverse impacts to the environment. Based on the review of this document, the Pennsylvania Game Commission (PGC) offers the following comments for consideration.

Section 78.15f

Comment #1: The term critical communities needs to be better defined. The PGC currently lists species of special concern, threatened species, and endangered species which all should be considered critical communities and covered under a Pennsylvania Natural Diversity Inventory (PNDI) review which is already required by Department of Environmental Protection (DEP) for permitting purposes and mentioned in 78.15d. A critical community should also refer to any critical and unique habitats that support threatened and endangered species along with species of special concern or at a minimum the critical communities currently have these species present.

Comment #2: The majority State Game Lands (SGLs) were purchased by sportsmen for hunting, trapping, and furtaking opportunities which mineral development activities could represent a recreational loss, especially during the hunting seasons. Specific wildlife and associated habitats are maintained on SGLs to promote wildlife use, by both game and non-game species. Would the Department consider impacts to sportsmen during the hunting seasons from mineral extraction activities?

Comment #3: The public resource is proposed to be contacted at least 15 days prior to submitting a well permit application to the DEP. Is this 15 calendar days or business days? Additionally, the PGC requests notification at least 30 calendar days prior to submittal in order to properly review the well permit application for potential impacts to a public resource.

Section 78.52a

Comment #1: The proposed regulation would require the operator to identify orphaned or abandoned wells within 1,000 feet measured horizontally from the vertical well bore and 1,000 feet measured from the surface above the entire length of a horizontal well bore for a gas well or horizontal oil well. The proposed regulation should clarify if it applies to any gas well, such as coal bed methane (CBM) wells.

Comment #2: Information obtained by the operator regarding orphaned wells and subsequent monitoring reports of those wells should also be provided to the landowner as part of the proposed regulation.

Comment #3: Consideration must be taken into account for those landowners within the defined search radius who refuse to provide orphaned well location information to an operator and/or allow access to orphaned wells on their property.

Comment #4: Consideration must be given to special circumstances in which an orphaned well is utilized for a certain purpose. For example, the PGC utilizes an artesian orphaned oil and gas well to supply wetlands that were created on SGLs to improve wildlife habitat. Should drilling operations negatively impact the water quality or quantity from this well, would the operator be responsible for replacing the use? Operators should be required to evaluate the functions and values, if any, of any identified abandoned or orphaned wells prior to drilling.

Section 78.56

Comment #1: Consideration should be given on the type of fencing utilized around impoundments to prevent unauthorized access to third parties and wildlife. Some operators utilize four foot high orange plastic snow fencing around impoundments which does not effectively deter public and wildlife access. The PGC has developed best management practices to help operators deter wildlife use of impoundments on State Game Lands.

Should you have any questions in regard to this matter, please feel free to contact me at (717) 787-4250 extension 3604.

Sincerely,



Kerry Speelman

Oil/Gas and Mineral Section
Division of Environmental Planning & Habitat Protection
Bureau of Wildlife Habitat Management

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Cc (via e-mail): DiMatteo (PGC)