

PENNSYLVANIA LAWS

UAPPEAL

CERTAIN WILDLIFE (GAME)

BANS import, possession, sale and release of certain wild mammals and birds and eggs and hybrids similar in appearance.

- EXEMPT:
 - Bobcat, coyote and red and gray fox imported or possessed by propagators for fur farming
 - EXEMPT: from import permit
 - BANS including progeny as pets or for release
 - Nationally recognized circus temporarily in state
 - Zoological gardens (import)
 - Menagerie permit with USDA Class C
 - Exotic wildlife permit

LIST:

- Felidae – all felines except house cats
- Canidae – coyotes, red and gray foxes, wolves, wolf hybrids not regulated by Agriculture
- Bears
- Raccoon
- Nutria
- Skunks
- Nonhuman primates
- State and federal threatened, endangered, injurious birds and mammals
- Monk parakeet
- Game (wild-caught, captive, captive bred)

(58 Pa. Code Ch. 137.1)

EXOTIC WILDLIFE (GAME)

PERMIT required for exotic wildlife (birds and mammals only).

- Exotic Wildlife Dealer (import, possess, buy, sell, locate for fee, barter, donate, give away >1 exotic wildlife in §2961)
 - EXEMPT: menagerie permit if to stock menagerie

- 3rd person who trades, sales or purchases for fee also needs permit

- Exotic Wildlife Possession (possess exotic wildlife for personal use)
 - ALLOWS: purchase, receipt, possession from lawful source

- Menagerie (exhibit 1 or more exotic wildlife in §2961 or wildlife)
 - INCLUDES: all native and exotic species
 - EXEMPT:
 - Public zoological garden receiving government grants or appropriations
 - AZA private zoological park or garden open to public
 - Nationally recognized circus that submits lists of acts and dates

REQUIREMENTS:

- BANS release, failing to safeguard public from attack and recklessly engaging in conduct that places person in danger
- Document from local governmental body showing compliance with their laws
- 2 years hands-on experience at a recognized/approved facility and caging requirements
- BANS exhibiting except to clients and removing from cages or directly expose to public (excludes menagerie)
- Allows public contact with ruminant animals along with organ grinder monkeys, trained performing chimps and elephants under control (menagerie only)
- Allows removing from cage for stage and area performances except bears, felines, canines (menagerie only)
- US citizen (menagerie only)

DEFINITIONS:

Statutes - § 2961:

"Exotic wildlife." The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

Rules - § 147.2:

§ 147.2. General. (a) In addition to definitions in sections 102 and 2961 of the act (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Exotic wildlife—Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Department of Agriculture.

(34 PA Statutes §2961 to 2965; 58 PA Code Ch. 147, Subch A, M – O)

NATIVE SPECIES (GAME)

- Bird Banding Permit
 - Must release after banding or send injured to rehabilitator or dispose of it

- Scientific Collecting Permits (collect birds and mammals for public museum exhibition or scientific study or school instruction) – BANS sale or barter
 - Need project outline

- Falconry Permits

- Regulated Hunting Grounds Permit

- Propagation Permit (propagate captive bred game and wild birds and animals for sale)
 - INCLUDES: pheasants ordinarily for stocking or shooting including Chinese, Japanese, Formosan and Mongolian Ringneck, English Blackneck, Melanistic Mutant and Versi color
 - EXCLUDES: pheasants not above
 - BANS exhibiting except to show buyers
 - Must mark and have shipping receipt

- Raptor Propagation Permit (propagate raptors)

- Wildlife Rehabilitation Permit
 - New applicants after 1/1/2009 BANNED from exotic wildlife dealer, exotic wildlife possession, menagerie, or propagation permit

- Educational Use of Rehabilitation Wildlife Permit (nonreleaseable animals used for education)
- Nuisance Wildlife Control Operator Permit (take, transport or release nuisance animals for another or for hire)

(34 PA Statutes § 2102, 2921-2922, 2925, 2930; 58 PA Code 147, Subch C-D, F, I, K & P)

PROTECTED BIRDS AND MAMMALS (GAME)

- Protected Mammals – wild mammals not furbearers (includes coyote and porcupine) or game
- Protected Birds – all birds not game
- Game Birds – includes Eurasian collared-dove

BANS killing, taking or possessing protected birds or take and possession of eggs or nests.

- EXEMPT: take and possession for falconry (BANS purchase, sale, barter)

(34 PA Statutes § 2164 to § 2166; 58 Pa. Code 138.1 to 138.7)

BUYING AND SELLING GAME (GAME)

BANS buying, selling and bartering of game unless allowed.

- EXEMPT:
 - propagating permit
 - capture and sale of game or wildlife under permit
 - sale of the tanned, cured or mounted heads or skins of game or wildlife not killed in wild
 - sale or purchase of inedible part within 90 days after season close
 - sale mounted specimens by auctioneer

(34 PA Statutes § 2312)

WILD-CAUGHT SPECIES (GAME)

PERMIT required to possess live furbearers from the wild.

BANS possession of wild-caught wildlife.

- EXEMPT:
 - Permit to collect wild fox urine (must be euthanized after)
 - Other permit issued
 - Must meet sanitation and housing for foxes

(34 PA Statutes § 2361; 58 Pa. Code 137.31)

ENDANGERED/THREATENED BIRDS & MAMMALS (GAME)

BANS import, export, sale, resale, exchange, take or possession of federal and state endangered and threatened wild birds and animals.

- PERMIT (Threatened or Endangered Species Permits) issued for certain purposes
 - Must enhance species overall

LIST: See 58 Pa. Code 133.21 & 133.41 for official lists

Endangered:

- Birds:
 - King Rail
 - Short-eared Owl
 - Black Tern
 - Least Bittern
 - Piping Plover
 - Loggerhead Shrike
 - American Bittern
 - Great Egret
 - Yellow-crowned Night Heron
 - Common Tern
 - Blackpoll Warbler
 - Black-crowned Night-Heron

- Dickcissel
- Sedge Wren
- Yellow-bellied Flycatcher
- Upland Sandpiper
- Northern Goshawk

- Mammals:
 - Indiana Bat
 - Least Shrew
 - Northern flying squirrel
 - Northern long-eared bat
 - Little brown bat
 - Tri-colored bat

Threatened:

- Birds:
 - Northern Harrier
 - Long-eared Owl
 - Red Knot

- Mammals:
 - Small-footed Myotis
 - Allegheny Woodrat
 - West Virginia Water Shrew

(34 PA Statutes § 2167, 2924; 58 Pa. Code 133.21, 133.41, 147.81)

IMPORT, TRANSFER AND RELEASE (GAME)

Bans import of game or wildlife prohibited from import.

PERMIT (Import Permit) required to import mammals and birds.

- EXEMPT:
 - Nationally recognized circus temporarily in state
 - Zoological gardens (import)
- ALSO NEED: certificate of veterinary inspection

PERMIT (Transfer Permit) required to transfer imported wild birds and mammals to 2nd party for sale, trade, barter or gift.

BANS release of Suidae.

PERMIT required for approved release of captive game or wildlife.

- EXEMPT: mallard ducks, ringneck pheasant, bobwhite quail, chukar partridge and Hungarian partridge for dog hunting or training

(34 PA Statutes § 2163; 58 Pa. Code 137.1, 137.2)

AQUATIC ANIMALS (AGRICULTURE)

PERMIT required for artificial propagation of fish (game fish, fish bait, baitfish, amphibians, reptiles and aquatic organisms).

- TYPES:
 - Aquaculture Propagator (fish)
 - Reptile Propagator (reptiles, amphibians, other)
- EXEMPT: hobby breeders (gross annual sales <\$1000)
- LIMITED TO: approved species under the Bureau of Fisheries
- Sales require receipt - lasts 15 days except stocking in regulated fishing area along with ornamental, aquarium and baitfish which can be held by dealers until disposed of

PERMIT required for those who deal in but do not propagate aquatic animals.

- TYPES:
 - Aquaculture Dealer (fish)
 - Reptile Dealer (reptiles, amphibians, other)
- EXEMPT: those registered for artificial propagation
- Need buying and selling records

(3 PA Statutes Ch. 42; Pa. Code 71.2)

FISH DEFINITIONS (FISH & BOAT)

Fish - game fish, fish bait, baitfish, amphibians, reptiles and aquatic organisms

- Game fish - Brook, brown, and rainbow trout; salmon family (Salmonidae); walleye; chain pickerel; northern pike; muskellunge; fallfish; smallmouth, largemouth, rock and striped bass; crappies (Pomoxis); yellow perch; suckers (Catostomidae); eels; chubs (Semotilus and Nocomis) at least 8"; sturgeon; white perch; and others except bait fish
- Fish bait - crayfish or crabs, mussels, clams and nymphs, larvae and pupae of all insects with all or part life cycle in the water
- Bait fish – minnows (Cyprinidae) except carp and goldfish; Suckers, chubs, fallfish, lampreys and eels less than 8"; darters, killifishes and madtoms
- Amphibians - frogs, toads and salamanders and others
- Reptiles – all reptiles
- Aquatic organism - plant or animal that grows or lives in or upon the water

(30 PA Statutes § 102)

SALE FISH, REPTILES, AMPHIBIANS (FISH & BOAT)

Purchase, sale, barter and trade of along with the take, catch, possession for sale of fish, reptiles and amphibians LIMITED TO those species specifically authorized for sale.

- EXEMPT:
 - approved fish species from propagator or dealer of live aquatic animals if captive born
 - fish from commercial fishing license
 - mounted fish
 - non-flesh fish parts or roe from cleaning station
 - hobby breeders
 - retail sale by pet shops or dealers if captive bred

(30 PA Statutes § 2507; 58 Pa. Code 63.19)

TRANSPORT, IMPORT, EXPORT, SELL FISH (FISH & BOAT)

Department regulates transport, introduction, import, export and sale of fish.

BANS the following activities:

- import, sale and purchase of weakfish less than 13” and tautog less than 15”
- import and transport of horseshoe crab for wholesale or retail sale
- sale or purchase of horseshoe crabs
- sale or purchase of tautogs without tag
- possess, propagate, transport and introduce grass carp into state waters except triploid
- introduce tilapia into state waters

PERMIT (Lake Erie commercial fishing license) required to take, catch and kill fish from Lake Erie waters and sell them.

PERMIT required to possess, introduce into state waters, import and transport triploid grass carp. Must be USFWS certified and have bill of sale or bill of origin.

WRITTEN PERMISSION required to import fish and liberate in watershed of state or transferred.

- EXEMPT:
 - import of tropical fish not considered dangerous to native or people
 - stocking farm ponds or licensed fee fishing ponds from commercial fishery stock except goldfish, golden orfe or nonnative

REQUIREMENTS:

- dealers of American eels must report numbers bought and sold
- sale of VHS-susceptible species of fish from portion of Lake Erie watershed to another one AND from VHS-affected or VHS-at risk state must meet sale requirements in section above and must be from group with negative test or artificial propagation facility with negative test
- sale of VHS-susceptible species from VHS-affected or VHS-at risk region must meet 73.3(d)
- purchase of fish taken from Lake Erie waters must come from commercial license

(30 PA Statutes § 2102; 58 Pa. Code 63.30-63.31, 63.49-63.52, 69.3, 69.17, 71, 73)

REPTILES AND AMPHIBIANS (FISH & BOAT)

TAKE

BANS take and possession of reptile eggs.

BANS reptile and amphibian species with no open season or in excess of limits.

- GRANDFATHERED: ones owned 1/1/07 in excess of new limits if permit obtained
 - EXEMPT: those with other permission or permit
 - Permit transferred to any new owner

- EXCEPTIONS TO SEASON/LIMIT:
 - sponsors of organized reptile/amphibian hunt with permit – if total number held in possession during each hunt does not exceed the daily limit x registered participants (possess only – take limits still apply)
 - zoos and other accredited institutions for scientific, educational or research purposes, taxidermists, recognized rehabilitators, licensed pest control agents with written permission (possession)
 - Need inventory and annual change report in numbers
 - Artificially propagated by propagators and dealers registered with Department of Agriculture (possession)
 - Killing venomous reptiles to protect people from immediate harm or death (BANS possession)
 - must report to Natural Diversity Section Chief in 5 business days

BANS sacking contests including importing timber rattlesnakes for one.

BANS take, capture or kill of species within natural areas.

- EXEMPT: scientific collector's permit

PERMITS issued:

- Snapping Turtle Permit (take snapping turtles for sale, trade or barter)

- Venomous Snake Permit (hunt, take, catch, kill or possess timber rattlesnakes or Eastern copperheads)
 - Report required within 10 days of capture or kill or 10 days after season if none
 - Must complete tag attached to permit and fill out and keep with snake after take or kill

- Organized Reptile and Amphibian Hunt Permit (sponsors of hunt events)
 - Need report filled out for each reptile and amphibian presented for entry and submitted within 10 days after event

- Provisional Timber Rattlesnake Permit (take or possess 1 timber rattlesnake without tagging it during hunt)
 - LIMITED TO: venomous snake permits registered in hunt
 - Must return by sunset of final day of hunt

LEGAL METHODS:

- hand, hook and line, snake hook or tongs, turtle hook, trap/net < 4' square or 4' diameter
- Frogs – also allows long bows and arrow, including compound bows, crossbows, spears or gigs

ILLEGAL METHODS: firearm, chemicals, smoke, explosive, winch, jack, other devices that destroy habitat

SEASONS AND LIMITS:

- Closed: BANNED
 - Blanding's turtle
 - Spotted turtle
 - Wood turtle
 - Woodland box turtle
 - Broad-headed skink
 - Northern coal skink
 - Common Mudpuppy
 - Eastern hellbender
 - Marbled salamander
 - Jefferson salamander
 - Four-toed salamander
 - Northern ravine salamander
 - Northern cricket frog
 - Mountain chorus frog
 - Upland chorus frog
 - Western chorus frog
 - Northern fence lizard
 - Queensnake
 - Short-headed Gartersnake
 - Eastern Ribbonsnake
 - Mountain Earthsnake
 - Eastern Smooth Earthsnake
 - Smooth Greensnake
 - Eastern Hog-nosed Snake
 - Eastern wormsnake
- Jul 1 to Oct 31:
 - American Bullfrog and green frog (10 combined/day and possess 20 combined)
 - Common snapping turtle (take 15/day and possess 30)

- 2nd Saturday June to Jul 31:
 - Timber rattlesnake (1 rattlesnake or copperhead/year except hunts)
 - must be 42"+ long excluding rattle and 21+ subcaudal scales
 - BANNED: west of Route 15 and south of Interstate 81 to MD line
 - Eastern Copperhead (1 rattlesnake or copperhead/year except hunts)

- Year-round:
 - Unlisted species other than threatened and endangered (take 1/day and possess 1)

PROPAGATORS AND DEALERS

REGISTRATION with Department of Agriculture required to artificially propagate or deal in reptiles and amphibians.

- EXEMPT: hobby breeders and pet stores
- Must be on approved list (1 for open systems and 1 for closed systems)

CLOSED SYSTEM REQUIREMENTS:

- constructed and operated to prevent escape (usually indoors)
- water disposal prevents escape
- no escapes allowed
- allow inspections by Fish & Boat
- written plan for containing or recovering escapees in case of failure
- notify both departments immediately of escape

SALE, TRANSPORT, IMPORT, INTRODUCTION

BANS sale and purchase of wild-caught reptiles and amphibians taken within state.

BANS transport and import of native species.

- EXEMPT: zoos or other accredited institutions for scientific, educational or research purposes and recognized rehabilitators with written permission

BANS introduction of nonnative species into environment.

BANS introduction of native species.

- EXCEPTIONS:
 - released within 30 days at point of capture from May 1 to Sep 1 and in good health and no contact with others
 - release of approved species artificially propagated by registered propagator with open system

PERMIT (Reptile and Amphibian Rehabilitation Permit) required to rehabilitate native species.

COLOR MORPHS

LEGAL to propagate and sell captive born color morphs on approved list by propagators and dealers in unlimited numbers.

LEGAL to sell normal color ones from captive breeding of color morphs by propagator or dealers in closed system.

- NEED initial inventory for numbers of 12/31/06 by 1/31/07 and current inventory sent by annual report

(58 Pa. Code 79)

SCIENTIFIC AND EDUCATIONAL FISH COLLECTING (FISH & BOAT)

PERMIT (Scientific Collector's Permit) issued to collect fish in state waters for scientific and educational research and collecting activities.

- ALSO NEED: fishing license
- TYPES:
 - Type I (Nonprofit Research & Education)
 - Type II (Governmental)
 - Type III (Consulting)

(30 PA Statutes § 2905; 58 Pa. Code 51.71)

ENDANGERED/THREATENED FISH (FISH & BOAT)

BANS catch, take, killing, possession, import and export, sale and purchase of endangered and threatened fish, reptiles, amphibians, and invertebrates.

- PERMIT issued for special purposes if no adverse impacts on wild species populations, is in best interest to protect, conserve and manage the species, AND necessary and appropriate for public health or safety OR promotes essential research or public education and information

REGULATES candidate species with bag limits, seasons and more.

LIST: See 58 Pa. Code 75.1 to 75.3 for official list

Endangered:

- Fish:
 - Northern brook lamprey
 - Shortnose sturgeon
 - Lake sturgeon
 - Atlantic sturgeon
 - Spotted gar
 - Hickory shad
 - Cisco
 - Northern redbelly dace
 - Blacknose Shiner
 - Bridle shiner
 - River shiner
 - Ghost shiner
 - Ironcolor shiner
 - Blackchin shiner
 - Redfin shiner
 - Longnose sucker
 - Bigmouth buffalo
 - Black bullhead
 - Mountain madtom
 - Tadpole madtom
 - Northern madtom
 - Burbot (inland populations)
 - Threespine stickleback
 - Pugnose Minnow
 - Warmouth
 - Longear sunfish
 - Iowa darter
 - Eastern sand darter
 - Hornyhead chub

- Reptiles and Amphibians:
 - Bog Turtle
 - New Jersey Chorus Frog
 - Coastal Plain Leopard Frog complex
 - Eastern Massasauga
 - Kirtland's Snake
 - Eastern Mud Salamander
 - Northern Rough Greensnake
 - Eastern Cricket Frog
 - Blue-spotted Salamander
 - Southeastern Mud Turtle

- Invertebrates:
 - Northern riffleshell mussel
 - Clubshell mussel
 - Dwarf wedgemussel
 - Eastern pearlshell mussel
 - Rabbitsfoot mussel
 - Snuffbox mussel
 - Salamander mussel
 - Round hickorynut mussel
 - Pistolgrip mussel
 - Rayed bean mussel

Threatened:

- Fish:
 - Bigmouth shiner
 - Southern redbelly dace
 - Spotted sucker
 - Brindled madtom
 - Chesapeake Logperch

- Amphibians and reptiles:
 - Green Salamander
 - Northern Red-bellied Cooter
 - Eastern Spadefoot Toad

- Invertebrates:
 - Sheepnose mussel

Candidate:

- Fish:
 - Least brook lamprey
 - Brook stickleback

- Amphibians and reptiles:
 - Blandings Turtle
 - Broad-headed Skink

(30 PA Statutes § 2305; 58 Pa. Code 75)

INJURIOUS SPECIES (FISH & BOAT)

BANS sale, purchase, barter, possession, introduction into waters of state or transport into or through state of live injurious species.

LIST:

- Snakehead
- Black carp
- Bighead carp
- Silver carp
- Zebra mussel
- Quagga mussel
- Round goby
- Tubenose goby
- European rudd
- Crayfish except for use as bait on waters taken or testing, scientific purposes, or restaurant consumption with escape preventions and documentation of point of origin and destination
- Ruffe

(58 Pa. Code 63.46, 71.6, 73.1)

CERVIDAE LIVESTOCK OPERATION (AGRICULTURE)

PERMIT required for Cervidae livestock operation (privately owned cervids for breeding, using, harvesting, transporting, exporting, importing or marketing except slaughter facilities).

- ALSO NEED: Importation Permit to import

Game Commission has NO authority to regulate them.

(3 PA Statutes Ch. 23, SubCh. G.1)

DISEASE CONTROL (AGRICULTURE)

- Domestic animal - equine animal, bovine animal, sheep, goat, pig, dog or cat
- Wild animal – any animal other than domestic animal

Wild animals in wild or captivity that bite, scratch or expose humans to saliva must be euthanized for rabies testing.

- INCLUDES: bats, foxes, skunks, raccoons and rodents and any animal other than domestic animals (equine, bovine, sheep, goat, pig, dog or cat)

(3 PA Statutes § 2305, § 2311; 7 Pa. Code 16.24)

IMPORT AND INTRASTATE MOVEMENT (AGRICULTURE)

- Animal = equine or bovine animal, sheep, goat, pig, dog or cat and any wild animal under domestication
- Wild animal = mammal or bird other than domestic animal

PERMIT required to import feral swine.

Interstate health certificate required to import animals.

REQUIREMENTS:

- Wild animals under domestication or in custody - report of number and species within 10 days and available for inspection
- Game preserve sheep need dipping slip 10 days prior unless from scabies-free areas

- Birds (i.e. parrots, parakeets, finches, canaries, mynahs or wild fowl) for domestication, confinement or sale as pets or for zoological or menagerie collections - out-of-state consignor to mail copy of shipping invoice or single report to department within 14 days after export
- Birds must be free of laryngotracheitis, duck virus enteritis, Newcastle disease, plague-like avian influenza, fowl cholera, fowl or bird pox, chlamydiosis, tuberculosis, mycoplasmosis, pullorum disease and fowl typhoid for import AND be free of laryngotracheitis, duck virus enteritis, velogenic Newcastle disease, plague-like avian influenza, avian tuberculosis, chlamydiosis, pullorum disease and fowl typhoid

CAMELIDS AND CERVIDS TEMPORARY

Import requires identification (ear tag, permanent tag, unique mark or other approved method) and written certification from USDA vet at least 30 days prior with required brucellosis and TB testing.

In state movement of ones for exhibit, sale or comingling with domestic animals requires identification and written certification from USDA vet of being negative for brucellosis and TB at least 180 days prior.

- EXEMPT: movement in state for slaughter, hunting preserve for shooting or exhibition with no other hoofstock.

(3 PA Statutes § 2323; 7 Pa. Code Ch. 3 &3A)