

CHAPTER 137. WILDLIFE

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§ 137.1. Importation, possession, sale and release of certain wildlife.

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following wild animals or wild birds or the eggs of the birds or a crossbreed or hybrid of the wild animals or wild birds, which are similar in appearance:

- (1) *In the family Felidae*. Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farm-

ing purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) *In the family Canidae.* Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

(3) *In the family Ursidae.* All species of the bears.

(4) *In the family Procyonidae.* All species of raccoons.

(5) *In the family Capromyidae.* The nutria.

(6) *In the family Mustelidae.* All species of the skunks.

(7) The order Primates. All families of nonhuman primates.

(8) An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.

(9) The Monk Parakeet, *Myiopsitts monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(10) Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of this Commonwealth's wild fauna.

(11) *Game or wild held captive.* Game or wildlife held in captivity or captive bred in another state or nation.

(b) Nothing in this section prevents a Nationally recognized circus from temporarily bringing wildlife into this Commonwealth in connection with presenting circus performances.

(c) Nothing in this section prevents zoological gardens from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, shall first obtain an importation permit from the Commission subject to the following:

(1) Importation permits will be issued for a fee of \$50 for each transaction.

(2) A person wishing to import wildlife for a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation purposes shall be in possession of a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

(3) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the wildlife, the common and scientific name and the number of wildlife to be covered by the permit, the purpose for which the wildlife is being imported, the quali-

fications of the applicant to use the wildlife for the stated purpose and the location where the wildlife will be housed or retained.

(e) Transfer of wildlife imported under subsection (d), or its progeny, or parts thereof, to a second party by sale, trade, barter or gift may only be done subject to the following:

(1) A permit issued by the Commission is required to transfer by sale, trade, barter or gift, wildlife or its progeny, or a part thereof.

(2) The fee for a transfer permit is \$50.

(3) Transfer is limited to persons authorized to lawfully import wildlife.

(f) Live wildlife imported for any reason shall be accompanied by a certificate of veterinary inspection signed by an accredited veterinarian.

Authority

The provisions of this § 137.1 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and (c), 2163(a), and 2901(b).

Source

The provisions of this § 137.1 adopted June 8, 1953; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended July 22, 1988, effective upon publication and applies retroactively to July 1, 1988, 18 Pa.B. 3213; amended December 8, 1989, effective December 9, 1989, 19 Pa.B. 5215; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 21, 2003, effective March 22, 2003, 33 Pa.B. 1471; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1310; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3499. Immediately preceding text appears at serial pages (319699) to (319700) and (328387).

§ 137.2. Release of animals.

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

(b) It is unlawful to release any animal that is a member of the *suidae* family into the wild.

(c) A person violating this section is subject to the penalties provided in the act.

Authority

The provisions of this § 137.2 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(9) and 2101(a) and (c).

Source

The provisions of this § 137.2 adopted January 9, 1947; amended December 18, 1958; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5155; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2948. Immediately preceding text appears at serial page (326579).

§ 137.3. [Reserved].**Source**

The provisions of this § 137.3 adopted January 8, 1948; amended April 23, 1976, effective April 24, 1976, 6 Pa.B. 961; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (63565).

§ 137.4. [Reserved].**Source**

The provisions of this § 137.4 amended November 23, 1973, effective November 24, 1973, 3 Pa.B. 2728; amended November 28, 1980, effective November 29, 1980, 10 Pa.B. 4468; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2491; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (63565) and (83613) to (83614).

§ 137.5. [Reserved].**Source**

The provisions of this § 137.5 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83614) and (51542).

§ 137.6. [Reserved].**Source**

The provisions of this § 137.6 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (51542).

§ 137.7. [Reserved].**Source**

The provisions of this § 137.7 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (51542) to (51543).

§ 137.8. [Reserved].**Source**

The provisions of this § 137.8 adopted October 19, 1971, effective November 6, 1971, 1 Pa.B. 2080; reserved June 19, 1987, July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (51543).

§ 137.9. [Reserved].**Source**

The provisions of this § 137.9 adopted November 23, 1979, effective November 24, 1979, 9 Pa.B. 3875; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (51543) and (71035).

§ 137.10. [Reserved].**Source**

The provisions of this § 137.10 adopted April 10, 1966; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (71035) to (71036).

§ 137.11. [Reserved].**Source**

The provisions of this § 137.11 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1314; corrected August 14, 1981, effective April 25, 1981, 11 Pa.B. 2854; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1394; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (71036).

§ 137.12. [Reserved].**Source**

The provisions of this § 137.12 adopted October 12, 1967; reserved December 10, 1982, effective December 11, 1982, 12 Pa.B. 4249. Immediately preceding text appears at serial page (71037).

§ 137.14. [Reserved].**Source**

The provisions of this § 137.14 adopted June 2, 1970, effective June 3, 1970, 1 Pa.B. 84; amended July 5, 1974, effective July 6, 1974, 4 Pa.B. 1375; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83615) to (83616).

§ 137.15. [Reserved].**Source**

The provisions of this § 137.15 adopted June 3, 1971, effective July 3, 1971, 1 Pa.B. 1474; amended July 6, 1979, effective September 1, 1979, 9 Pa.B. 2264; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2491; amended September 17, 1982, effective September 18, 1982, 12 Pa.B. 3295; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2839; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83616) to (83620).

§ 137.16. [Reserved].**Source**

The provisions of this § 137.16 adopted June 1, 1972, effective June 2, 1972, 2 Pa.B. 1075; amended June 27, 1980, effective June 28, 1980, 10 Pa.B. 2599; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1394; amended September 17, 1982, effective September 18, 1982, 12 Pa.B. 3295; amended September 16, 1983, effective September 17, 1983, 13 Pa.B. 2840; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83620) to (83625).

§ 137.17. [Reserved].**Source**

The provisions of this § 137.17 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1318; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (83625) and (56184).

§ 137.18. [Reserved].**Source**

The provisions of this § 137.18 adopted June 22, 1963; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (56184).

§ 137.19. [Reserved].**Source**

The provisions of this § 137.19 adopted April 4, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (56184) to (56185).

§ 137.21. [Reserved].**Source**

The provisions of this § 137.21 adopted December 18, 1958; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (56185) and (66953).

§ 137.23. [Reserved].**Source**

The provisions of this § 137.23 adopted April 27, 1971, effective May 29, 1971, 1 Pa.B. 1317; amended June 27, 1980, effective June 28, 1980, 10 Pa.B. 2599; amended December 4, 1981, effective December 5, 1981, 11 Pa.B. 4193; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (66953) to (66954).

§ 137.24. [Reserved].**Source**

The provisions of this § 137.24 adopted October 21, 1960; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (66954) and (110909).

§ 137.25. [Reserved].**Source**

The provisions of this § 137.25 adopted June 1, 1972, effective June 24, 1972, 2 Pa.B. 1075; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110909).

§ 137.26. [Reserved].**Source**

The provisions of this § 137.26 adopted October 9, 1972, effective October 28, 1972, 2 Pa.B. 2079; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110909).

§ 137.27. [Reserved].**Source**

The provisions of this § 137.27 adopted November 15, 1974, effective November 16, 1974, 4 Pa.B. 2379; amended November 14, 1975, effective November 15, 1975, 5 Pa.B. 2981; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1777; amended January 23, 1981, effective January 10, 1981, 11 Pa.B. 419; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110909) to (110910).

§ 137.28. [Reserved].**Source**

The provisions of this § 137.28 adopted June 30, 1978, effective July 1, 1978, 8 Pa.B. 1765; amended April 6, 1979, effective April 7, 1979, 9 Pa.B. 1174; amended July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (110910) to (110911).

§ 137.29. [Reserved].**Source**

The provisions of this § 137.29 adopted April 4, 1958; reserved July 11, 1986, effective July 12, 1986, 16 Pa.B. 2527. Immediately preceding text appears at serial page (110911).

§ 137.30. [Reserved].**Source**

The provisions of this § 137.30 adopted May 2, 1980, effective May 3, 1980, 10 Pa.B. 1777; corrected January 23, 1981, effective January 10, 1981, 11 Pa.B. 419; reserved June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial page (110911).

§ 137.31. Possession of live wildlife.

(a) It is unlawful for a person to possess live wildlife taken from a wild state within this Commonwealth except:

(1) A permit to possess no more than five live foxes may be issued to a person for the sole purpose of collecting fox urine. The permit to possess live fox will expire on the last day of the fox-trapping season. Any foxes held under the authority of this permit shall be euthanized and may be pelted and the pelt may be sold. No fox held under the authority of this permit may be released into the wild.

(2) A person lawfully operating under the authority of a permit issued in accordance with the act is excluded from this section.

(3) Sanitation and housing specifications for foxes held under authority of this permit shall be in accordance with §§ 147.283 and 147.285(4)(xvii) (relating to sanitation; and specifications).

(b) A person violating this subchapter will be subject to the penalties provided in section 2307 of the act (relating to unlawful taking or possession of game or wildlife).

Authority

The provisions of this § 137.31 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 137.31 adopted August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6051. Immediately preceding text appears at serial page (202755).

§ 137.32. [Reserved].

Source

The provisions of this § 137.32 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; reserved June 16, 2006, effective June 17, 2006, 36 Pa.B. 2972. Immediately preceding text appears at serial page (316094).

§ 137.33. Feeding of certain wildlife prohibited.

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear or elk, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear or elk to congregate or habituate an area. If otherwise lawful feeding is attracting bear or elk, the Commission may provide written notice prohibiting the activity.

Authority

The provisions of this § 137.33 issued under the Game and Wildlife Code, 34 Pa.C.S. § 103; and amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a) and 2102(a).

Source

The provisions of this § 137.33 adopted March 21, 2003, effective March 22, 2003, 33 Pa.B. 1470; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5154; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2972. Immediately preceding text appears at serial pages (316094) to (316095).

§ 137.34. Chronic Wasting Disease and emergency authority of Director.

(a) The Director has emergency authority to remove protection on cervids, prohibit any new permits to possess live cervids in containment areas, and order the disposal of certain cervids or their parts in containment areas, if the Director determines the spread of Chronic Wasting Disease (CWD) poses a threat to

human safety, farm animals, pets or other cervids within or adjacent to this Commonwealth in accordance with the CWD response plan.

- (1) If the Director removes the protection on cervids in containment areas, except for animals or their parts submitted for laboratory analysis, it is unlawful to:
 - (i) Remove any cervid carcasses or certain parts from the containment areas.
 - (ii) Possess or transport any live cervids contrary to 3 Pa.C.S. Chapter 23, Subchapter C (relating to detection, containment or eradication of certain diseases) within the containment areas.
- (2) Nothing in this subsection prevents removal of dried or cured skins of cervids from the areas where the protection has been removed, only if removal poses no threat to other areas of this Commonwealth.
- (b) The Director has emergency authority to control the spread of CWD by banning the importation of certain cervid parts from other states or nations.
- (c) The Director has emergency authority to ban the feeding of cervids within the containment area to prevent the congregation or habituation to an area by cervids that could spread CWD.

Authority

The provisions of this § 137.34 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a) and 322(c)(9).

Source

The provisions of this § 137.34 adopted December 2, 2005, effective December 3, 2005, 35 Pa.B. 6526.

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(326586) No. 391 Jun. 07

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