

CHAPTER 147. SPECIAL PERMITS

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Cross References

This chapter cited in 58 Pa. Code § 137.1 (relating to importation, sale and release of certain wild-life).

Subchapter A. GENERAL PROVISIONS

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§ 147.1. Scope.

(a) This chapter regulates the activities of persons who apply for, receive or conduct activities under the authority of a permit issued under the act or this part and of persons who are excluded from basic permit requirements under section 2965 of the act (relating to exclusions), but who shall comply with animal care and public safety requirements of the act and this part.

(b) A holder of a permit shall keep a record of transactions on a form provided by the Commission in accordance with the instructions provided. A permittee shall answer, without evasion, questions that may be asked by a representative or officer of the Commission relative to ownership of a bird or mammal or part thereof, found in the permittee's possession or under the permittee's control, or which has passed through the permittee's hands.

Source

The provisions of this § 147.1 adopted June 17, 1983, effective June 18, 1983, 13 Pa.B. 1944; amended November 23, 1984, effective November 24, 1984, 14 Pa.B. 4285; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316. Immediately preceding text appears at serial pages (236623) to (236624).

Notes of Decisions*Constitutionality*

A summary judgment based on qualified immunity was improvidently granted in favor of an officer and his co-defendants, who were all officers or officials of the Pennsylvania Game Commission, because an objectively reasonable law enforcement officer in the defendant's position would know that searches such as the warrantless home and business search made in this case may only be carried out under a properly executed warrant. *Showers v. Spangler*, 182 F.2d 165 (3d Cir. Pa. 1999); affirmed in part reversed in part 182 F.165 (1999).

Officers of the Game Commission are still entitled to qualified immunity for their conduct during an inspection conducted pursuant to this regulation; despite the fact that the premises inspection provisions of this regulation are inconsistent with the inspection language of the authorizing statute, which render the regulation language invalid; despite the fact that this regulation fails to limit the inspecting officer's discretion through careful limitations of place and scope, rendering it unconstitutional, and; despite the fact that the inspection more closely resembled a search than an inspection. *Showers v. Spangler*, 957 F. Supp. 584 (M. D. Pa. 1997).

Search and Seizure

This regulation is insufficient to grant officers of the Pennsylvania Game Commission the type of sweeping search power the defendant/officer claims (a search for criminal physical evidence and not an inspection of a taxidermist's records), where, at best, the regulation confers a limited power to search the transaction records of permittees—albeit under all too generous terms of time (on demand) and place (the premises). *Showers v. Spangler*, 182 F.3d 165 (3d Cir. 1999).

§ 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.

Field trial/hunt test—A club, group or organization of ten or more dog owners/handlers participating in the actual performance of sporting dogs in one of the following events advertised and registered with AKC, UKC, NAHRA or the NAVHDA:

- (i) Member trial.
- (ii) Licensed trial.
- (iii) Sanctioned trial.

Nationally recognized circus—A large public entertainment, typically presented in one or more very large tents or in an outdoor or indoor arena, featuring a number of acts including exhibitions of pageantry, feats of skill and dar-

ing, performing animals and clowns and performing on a regular basis throughout, at a minimum, a region of the United States.

Propagate—Causing game or wildlife to reproduce under captive conditions.

Zoological park or garden—A park-like arena in which live animals are kept in cages or large enclosures for public exhibition.

(b) The following letter symbols, when used in this chapter, have the following meanings:

H—Height.

L—Length.

W—Width.

(c) Persons desiring to be formally recognized by the Commission as being within the exclusions provided in section 2965 of the act (relating to exclusions) shall apply to the Commission in writing and furnish the following information:

(1) *Public zoological garden*. Evidence of having received during the past calendar year a government grant or appropriation.

(2) *Private zoological park or garden*. Evidence of accreditation by the American Association of Zoological Parks and Aquariums.

(3) *Nationally recognized circus*. A list of acts or displays included in the circus together with a current itinerary of performance dates and locations.

(d) Applications for permits issued under this part and Chapter 29 of the act (relating to special licenses and permits) shall be accompanied by written documentation from the applicant's local governmental body where the activity will take place, that the privilege granted by the permit does not violate any enacted zoning, ordinance or other local rule. Documentation shall be provided in writing by official correspondence from an authorized officer of the municipality involved.

Authority

The provisions of this § 147.2 amended under 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.2 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended December 3, 1999, effective December 4, 1999, 29 Pa.B. 6112. Immediately preceding text appears at serial pages (242884) to (242885).

§ 147.3. Reinspection fee.

If equipment or a facility fails to meet the standards required in this chapter, a fee of \$50 will be charged for a subsequent inspection.

Source

The provisions of this § 147.3 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.4. Penal provisions.

A person who fails or neglects to conform with this chapter, or violates a provision of this chapter, is subject to penalties in the act. Each infraction constitutes a separate offense.

Source

The provisions of this § 147.4 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter B. BIRD BANDING

Sec.

147.21. General.

§ 147.21. General.

(a) When conducting activities granted by a bird banding permit, it is unlawful to fail or neglect to:

- (1) Transfer injured birds to a licensed rehabilitator or dispose of the bird as directed by an officer of the Commission.
- (2) Report dead birds to an officer of the Commission within 72 hours for disposition as directed.
- (3) Mark a trap, net or device with the bander's name, address and permit number.
- (4) Release birds as soon as they have been identified and banded and the required data is recorded.
- (5) Remove birds from the trapping site except as provided in paragraphs (1) and (2).

(b) Bird banding permits may be issued to a nonresident of this Commonwealth.

Source

The provisions of this § 147.21 adopted June 17, 1983, effective June 18, 1983, 13 Pa.B. 1944; amended June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464. Immediately preceding text appears at serial pages (104984) to (104985).

Subchapter C. COLLECTING

Sec.

147.41. General.

§ 147.41. General.

When conducting activities granted by a collecting permit, it is unlawful to fail or neglect to:

- (1) Mark a trap or device with the permittee's name, address and permit number.

- (2) Transfer injured, nontargeted wildlife to a licensed rehabilitator or a Commission officer for disposition.
- (3) Report dead nontarget wildlife within 72 hours to a Commission officer for disposition.

Source

The provisions of this § 147.41 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter D. DISABLED PERSONS

Sec.

147.61. Permits for certain disabled persons to use a vehicle.

§ 147.61. Permits for certain disabled persons to use a vehicle.

When exercising the privileges granted by a permit issued under authority of section 2923(a) of the act (relating to disabled person permits), it is unlawful to fail or neglect to comply with the following:

- (1) If the firearm is loaded, the vehicle shall be off the right-of-way of a public highway and shall be at a complete stop with the motor turned off.
- (2) No more than one firearm may be loaded in either chamber or magazine at one time.
- (3) Only the permittee may discharge the firearm.
- (4) Other provisions of the act and this part, including license requirements, that apply to hunting in general apply to hunting under this permit.
- (5) This permit is subject to Federal regulations which prohibit taking migratory game birds—waterfowl, woodcock, snipe, rails, doves and gallinules—from or by use of a sinkbox, motor-driven conveyance, motor vehicle or aircraft.
- (6) This permit does not authorize possession of a pistol or revolver contrary to 18 Pa.C.S. §§ 101—9183 (relating to the Crimes Code).
- (7) This permit is valid to hunt only during established hunting hours.

Source

The provisions of this § 147.61 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter E. ENDANGERED OR THREATENED SPECIES

Sec.

147.81. Scope.

§ 147.81. Scope.

- (a) The permit will only be issued if it can be established that the possession of the endangered species will enhance the species as a whole.
- (b) It is unlawful to fail or neglect to follow instructions or directions given on the permit.

Source

The provisions of this § 147.81 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter F. FALCONRY

Sec.

- 147.101. Definitions.
- 147.102. Examination and fees.
- 147.103. Classes of permits.
- 147.104. Facilities.
- 147.105. Equipment.
- 147.106. Maintenance.
- 147.107. Transportation-temporary holding.
- 147.108. Inspection.
- 147.109. Restrictions on taking raptors.
- 147.110. Marking of certain raptors.
- 147.110a. Raptor acquisition, transfer or disposition reporting.
- 147.111. Hunting with raptors.
- 147.112. Nonresident falconers.
- 147.113. Miscellaneous.
- 147.114. Annual report.

§ 147.101. Definitions.

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

Facilities—Equipment and shelters necessary to protect and train raptors.

Falconry—The sport of hunting with trained raptors—including the training of raptors.

Nestlings or *eyases*—Young raptors not yet capable of flight.

Passage birds—Raptors in their first year of life.

Raptors—Live migratory birds of the order *Falconiformes* or the order *Strigiformes* other than the Bald Eagle—*Haliaeetus leucocephalus*—or the Golden Eagle—*Aquila chrysaetos*, wherever its place of origin, whether or not raised in captivity or a hybrid of those species.

Sponsor—The holder of a general or master falconry permit who has accepted the responsibility for the conduct and training of an apprentice falconer.

Take—In addition to the definition in section 102 of the act (relating to definitions), the term also includes the purchase or acquisition of a raptor for the purpose of falconry.

Transfer—The term includes barter, sale, purchase, loan or gift, of a raptor excluding the temporary holding as provided in this subchapter.

Source

The provisions of this § 147.101 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020. Immediately preceding text appears at serial page (118752).

§ 147.102. Examination and fees.

(a) New falconers shall begin at the apprentice class and are required to pass a supervised examination with a grade of 80%. Falconry examinations will be provided or approved by the United States Fish and Wildlife Service. Examinations will be given from January 1 to June 30 of each year at each regional headquarters building. The examination may relate to basic biology, care and handling of raptors, literature, regulations and other appropriate subject matter.

(b) The basic permit fee—whether a raptor is possessed or not—is \$25, which authorizes the permittee to possess one raptor. Each additional raptor held shall require an extra fee of \$25. A raptor acquired during the permit year requires an added fee of \$25 payable within 10 days after receipt of the falconry bird.

Authority

The provisions of this § 147.102 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.102 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2978. Immediately preceding text appears at serial page (304161).

§ 147.103. Classes of permits.

(a) *Apprentice*. A permittee shall be 16 years of age or older.

(1) A sponsor, who is the holder of a valid Federal and Pennsylvania general or master falconry permit, is required for a permittee in the apprentice class. An apprentice permittee shall notify the Commission in writing within 5 days after sponsorship has been withdrawn.

(2) A permittee may not possess more than one raptor and may not obtain more than one raptor for replacement during a permit year. A first year permittee may take only one raptor with no replacement.

(3) A permittee shall possess only an American Kestrel—*Falco sparverius*—a Red Tailed Hawk—*Buteo jamaicensis*—or a Red Shouldered Hawk—*Buteo lineatus*.

(4) The raptor held by an apprentice shall be taken from the wild.

(b) *General*. A permittee shall be at least 20 years of age.

(1) A permittee who has been licensed at least 2 years as an apprentice falconer and has had a raptor in possession for at least 12 months of that time may be moved to the next higher classification. A sponsor for an apprentice shall certify in writing that the apprentice is qualified to become a general falconer.

(2) A permittee may not have more than two raptors in his possession and may not take more than two raptors for replacement birds during a permit year. For the first permit year at the general class, a permittee may take one raptor in addition to the one possessed as an apprentice and also take one replacement.

(3) A permittee may not take, transport or possess a Golden Eagle or a species listed as endangered or threatened by the United States Department of Interior or the Commission.

(c) *Master.* A permittee shall be at least 25 years of age.

(1) A permittee who has at least 5 years of falconry experience in the practice of falconry at the general class and had a raptor in possession for 30 months of this time may be moved to the master classification.

(2) A permittee may not possess more than three raptors, and may not take more than two raptors for replacements during a permit year. For the first permit year at the master class, one raptor may be taken in addition to the two which may be possessed as a general falconer and one raptor may be taken as a replacement.

(3) A permittee may not take, transport or possess a species listed as endangered on a United States Department of Interior or Commission list.

(4) A permittee may not take, transport or possess a Golden Eagle for falconry purposes unless authorized in writing by both the United States Fish and Wildlife Service and the Commission.

(5) A permittee may not take, transport or possess as part of the three bird limitation, more than one raptor listed as threatened on United States Department of Interior or Commission lists and then only in compliance with Federal requirements and written permission of the Commission.

Authority

The provisions of this § 147.103 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.103 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743; amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2927. Immediately preceding text appears at serial pages (230317) to (230318).

§ 147.104. Facilities.

(a) The primary consideration for raptor housing facilities, whether indoors or outdoors, is protection from the environment, predators and undue disturbance. Each falconer or applicant shall have indoor or outdoor facilities, or both, as described in paragraphs (1) and (2). The facilities shall be constructed so that the raptor being housed is provided with adequate protection at all times.

(1) *Indoor facilities.* Mews shall be sufficient to allow easy access for caring for the raptors in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered, or separated by partitions, and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The mews floor shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) *Outdoor facilities.* Weathering areas shall be fenced and covered with netting or wire, or roofed to protect birds from disturbance and attack by predators. Perches more than 6 1/2 feet high need not be covered or roofed. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(b) If a falconer has only a single facility of an outdoor type where the bird is kept permanently tied, the facility shall be entirely enclosed with fencing material, regardless of the height of the perch, and the facility shall be constructed so that the raptor is able to seek refuge from extreme climatic conditions and disturbance. If a falconer has only a single facility of the indoor type, the raptors may not be weathered unless the bird is weathered on the fist.

Authority

The provisions of this § 147.104 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.104 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020. Immediately preceding text appears at serial pages (118754) to (118755).

§ 147.105. Equipment.

The following items shall be in the possession of the applicant before a permit or license will be granted:

(1) *Jesses.* At least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material shall be used when a raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown.

(2) *Leashes and swivels.* At least one flexible weather-resistant leash and one strong swivel.

(3) *Bath container.* At least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for a raptor.

(4) *Outdoor perches.* At least one weathering area perch of an acceptable design shall be provided for a raptor.

(5) *Weighing device.* A reliable scale or balance suitable for weighing the raptor held and graduated in increments of not more than 1/2 ounce—15 grams—shall be provided.

Authority

The provisions of this § 147.105 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.105 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.113 (relating to miscellaneous).

§ 147.106. Maintenance.

Facilities and equipment shall be kept at or above standards in this subchapter.

Authority

The provisions of this § 147.106 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.106 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.107. Transportation-temporary holding.

A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

Authority

The provisions of this § 147.107 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.107 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.108. Inspection.

Falconry equipment shall be inspected and certified annually by a representative of the Commission. Equipment shall meet or exceed standards in this subchapter.

Authority

The provisions of this § 147.108 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.108 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.109. Restrictions on taking raptors.

(a) Taking restrictions for residents are as follows:

- (1) A valid falconry permit is required prior to obtaining a raptor.
- (2) Young wild birds not yet capable of flight—eyases—may only be taken by a general or master falconer, and only during the period April 1 to April 7 inclusive and May 8 to July 15 inclusive. Great Horned Owl eyases may be taken from March 15 to March 21 inclusive. No more than two wild eyases may be taken by the same permittee during specified periods.
- (3) First year wild—passage—birds may be taken during the period September 19 to December 31, inclusive.
- (4) Adult American Kestrels (*Falco sparverius*) and Great Horned Owls (*Bubo virginianus*) may be taken during the period September 19 to December 31, inclusive.
- (5) A raptor, other than an endangered or threatened species, taken under a depredation permit or rehabilitated by a licensed rehabilitator determined to be unfit for return to the wild may, with written authorization of the Commission, be used by falconers as long as they do not exceed limits set by its classification and this subchapter.
- (6) A bal-chatri type live trap, other live traps and nets may be used for taking raptors if they are used in a manner which minimizes the danger of injuring the raptor.
- (7) Owners of escaped raptors which are banded as required by the United States Fish and Wildlife Service may recapture the banded raptors.

(b) Taking restrictions for nonresidents are as follows:

- (1) A nonresident possessing a current and active falconry permit in the General or Master Classification in a state listed in 50 CFR 21—29(k) (relating to Federal falconry standards), may apply for a special permit to take a raptor in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.
- (2) The fee for a permit to take a raptor is \$100 and is not refundable.
- (3) Applications for this permit shall be submitted directly to the Commission's Bureau of Law Enforcement and shall state the applicants name, address, date of birth, telephone number and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" shall accompany the application.

(4) Applications may only be submitted between January 1 and August 15 annually.

(5) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15 inclusive for nestling (eyas) birds or September 19 to December 31, inclusive for passage birds.

(6) A permittee may not take the last remaining nestling—eyas—from a nest.

(7) The number of permits issued annually will not exceed:

<i>Number</i>	<i>Type</i>
5	Nestling (Eyas)
15	Passage

(8) Eyas Goshawk birds may not be taken.

(9) Permits will be issued under a first-come-first-served procedure until the annual allocation is exhausted.

(10) The acquisition of a raptor taken from the wild as authorized by the take permit shall be immediately reported to the Commission by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Law Enforcement, Technical Services Division.

(11) Marking of certain raptors shall be as directed in 50 CFR 21.28(d)(7) (relating to falconry permits).

(12) Raptors taken under the authority of this permit shall be used for falconry purposes only.

Authority

The provisions of this § 147.109 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.109 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488; amended October 8, 1993, effective October 9, 1993, 23 Pa.B. 4793; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1071; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2978. Immediately preceding text appears at serial pages (253863) to (253864).

§ 147.110. Marking of certain raptors.

Marking of certain raptors shall be as follows:

(1) No Peregrine Falcon, Gyrfalcon or Harris Hawk may be taken, possessed or transported for falconry purposes unless the raptor is banded by either a seamless numbered band or by a permanent, numbered, nonreusable band supplied by the United States Fish and Wildlife Service. Permanent, numbered, nonreusable bands may be obtained by directing a written request to the Har-

risburg headquarters of the Commission. The band shall be attached to the raptor immediately upon capture. A band is not transferable.

(2) A band which is required for Peregrine Falcons, Gyrfalcons, Harris Hawks and captive bred raptors that has been mutilated, become illegible or lost shall be reported within 72 hours to the Harrisburg headquarters of the Commission. A band which is mutilated or no longer legible shall be returned with the request for replacement. Replacement bands will be issued only for Peregrine Falcons, Gyrfalcons, Harris Hawks and captive bred raptors. A rebanding shall be reported to the United States Fish and Wildlife Service on a Form 3-186A, submitted within 5-calendar days from the date of the rebanding.

(3) A United States Fish and Wildlife Service Form 3-186A shall be completed for each other raptor which no longer requires banding when the presently attached band becomes mutilated, illegible or lost. The Form 3-186A shall be submitted directly to the United States Fish and Wildlife Service within 5-calendar days of the mutilation, illegibility or loss of the band. Bands removed as a result of mutilation or illegibility shall be returned to the Harrisburg headquarters of the Commission within 5-calendar days following their removal.

(4) It is unlawful for a person to alter or deface a band. A permittee may remove the rear tab and smooth an imperfect surface, if the integrity of the band and numbering is not affected. It is unlawful to use or possess a counterfeit band.

(5) A band shall be removed from a raptor which dies or is intentionally released into the wild and shall be forwarded to the Harrisburg headquarters of the Commission, within 5-calendar days, along with a report of the probable cause of death or the area of release.

(6) Unused bands in possession on July 16 or January 1 shall be returned to the Harrisburg headquarters of the Commission within 72 hours.

Authority

The provisions of this § 147.110 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.110 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488. Immediately preceding text appears at serial pages (135251) to (135252).

§ 147.110a. Raptor acquisition, transfer or disposition reporting.

A United States Fish and Wildlife Service Form 3-186A (migratory bird acquisition and disposition report) shall be completed and submitted directly to the United States Fish and Wildlife Service within 5-calendar days following the date of a transaction as follows:

- (1) The acquisition of a raptor taken from the wild or received by transfer from another person.
- (2) The loss of a raptor held through its release, escape, theft or death.
- (3) The transfer of a raptor to another person.
- (4) The rebanding of a raptor which requires banding.
- (5) The loss, mutilation or illegibility of a previously attached band for a raptor held which does not presently require banding.

Authority

The provisions of this § 147.110a issued under 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.110a adopted August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488.

§ 147.111. Hunting with raptors.

(a) Wild birds and animals may be hunted only in accordance with the act and this part.

(b) The training of raptors by holders of valid falconry permits on liberated propagated game birds during the period August 1 to March 31, inclusive, is permitted, subject to the following conditions:

- (1) Quarry shall be released either by hand or by means of electronic, spring or box holding devices.
- (2) Game birds released shall be obtained from a licensed propagator.
- (3) Released game birds which escape shall be considered wild birds, and no further attempt shall be made to pursue them except during the open season for hunting small game.
- (4) Raptors may be used to take game birds on a licensed regulated hunting ground.

Authority

The provisions of this § 147.111 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.111 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.112. Nonresident falconers.

(a) A nonresident of this Commonwealth who possesses Federal falconry permits or falconry permits issued by states designated as participants in a joint Federal/state falconry permit system may bring a raptor legally possessed by the nonresident under authority of the falconry permit into this Commonwealth to attend falconry meets or to hunt if:

- (1) No laws or regulations of other states are violated.

- (2) No Federal laws are violated.
- (3) A nonresident Pennsylvania hunting license is obtained and hunting regulations are observed.
- (b) A nonresident of this Commonwealth who possesses Federal falconry permits or falconry permits issued by states designated as participants in a joint Federal/State falconry permit system who moves into this Commonwealth for the purpose of becoming a resident may bring legally possessed raptors if required facilities are constructed within 30 days, and the nonresident applies for a Pennsylvania falconry permit no later than 60 days after moving to this Commonwealth. A permit in the same classification as held in the previous state of residence may be issued without a written examination. The falconry permit issued by the former state of residence will be authority to possess and exercise raptors until a Pennsylvania permit is obtained, if no raptors are taken from the wild and raptors are not used to take quarry without a valid Pennsylvania hunting license.

Authority

The provisions of this § 147.112 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.112 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.113. Miscellaneous.

- (a) A person holding raptors under authority of a falconry permit shall possess a current hunting license. The hunting license shall be displayed while hunting wildlife with raptors. The falconry permit, or a facsimile thereof, shall be carried by the permittee when engaged in the sport of falconry.
- (b) Captive breeding attempts, using raptors held under authority of falconry permits, are prohibited unless otherwise permitted under Federal law and then only under authority of a joint Federal/State permit.
- (c) No permit will be renewed if the facilities do not meet the requirements of § 147.105 (relating to equipment).
- (d) A person having a raptor in his possession whose falconry permit is not renewed or is revoked with cause has 30 days to return the birds to the wild by hacking-back or shall forfeit the raptors to the Commission. A raptor not indigentous to this Commonwealth shall be transferred to a licensed falconer or forfeited to the Commission.
- (e) A permittee may not sell, purchase, barter or offer to sell, purchase or barter a raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the United States Fish and Wildlife Service.
- (f) If a person, while engaged in the sport of falconry, unintentionally injures or kills wildlife which could not legally be killed at that time, the person shall notify the regional office servicing the area within 12 hours of the injury or kill-

ing. The wildlife injured or killed shall be put in a place of safe keeping and may be disposed of only as specified by a Commission officer.

(g) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by a properly completed United States Fish and Wildlife Service Form 3-186A designating the permittee as the possessor of record and by a signed, dated statement from the permittee. If the period of care will exceed 30 days, written permission shall be obtained from the Commission. Illness, disability or death of the permittee would be cause for temporary transfer of the raptors of the permittee to another authorized person for care. The Commission shall be notified of this action within 5-calendar days following the temporary transfer. Final disposition of the raptors will be at the discretion of the Commission.

(h) Molted feathers, or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only.

(i) A permittee may transfer a raptor to another permittee if the transfer occurs entirely within this Commonwealth and a properly completed Form 3-186A is submitted to the United States Fish and Wildlife Service by each permittee as required.

(j) A permittee may transfer a raptor to or receive a raptor from another permittee in an interstate transaction if the prior written approval of both states is obtained and a properly completed Form 3-186A is submitted to the United States Fish and Wildlife Service by each permittee as required.

(k) Raptors which die shall be reported on a properly completed Form 3-186A submitted to the United States Fish and Wildlife Service as required. Carcasses of dead raptors shall be buried unless otherwise authorized by the Commission.

(l) A raptor which is not indigenous to the Commonwealth may not be intentionally released to the wild without prior written approval of the Commission.

(m) Captive bred and hybrid raptors used for falconry shall be included as part of the permittee's possession limit.

(n) Raptors held under authority of a falconry permit may be used for falconry. They cannot be used for another purpose except falconry demonstrations, which shall include the actual flying of the raptor. A notice of scheduled falconry demonstrations shall be submitted in writing to the regional office in charge of that area at least 5 days prior to the event. The notice shall set forth the location, date and time of the falconry demonstration.

(o) A permittee who refuses sponsorship of an applicant shall report the reasons for refusal to the Commission in writing within 10 days upon written request of the Commission.

(p) A sponsor may not have more than three apprentices at one time.

(q) This subchapter does not prohibit activities which are otherwise permitted.

Authority

The provisions of this § 147.113 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965; amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.113 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended December 11, 1987, effective December 12, 1987, 17 Pa.B. 5129; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended August 24, 1990, effective September 24, 1990, 20 Pa.B. 4488. Immediately preceding text appears at serial pages (135253) to (135255).

§ 147.114. Annual report.

An annual report shall be submitted on forms supplied by the Commission and approved by the United States Fish and Wildlife Service by July 31 of each year whether or not renewal is requested. A similar report is required upon termination of the permit. This report shall be an accurate account of activities carried on under authority of the permit.

Authority

The provisions of this § 147.114 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.114 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter G. [Reserved]**§ 147.121. [Reserved].****Source**

The provisions of this § 147.121 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (230320) and (315261).

§ 147.122. [Reserved].**Source**

The provisions of this § 147.122 adopted May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839; amended March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; amended November 11, 2005, effective November 12, 2005, 35 Pa.B. 6240; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (315261) to (315262).

§ 147.123. [Reserved].**Source**

The provisions of this § 147.123 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; amended September 17, 2004, effective September 18, 2004, 34 Pa.B. 5157; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (315262) and (306267).

§ 147.124. [Reserved].**Source**

The provisions of this § 147.124 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (306267).

§ 147.125. [Reserved].**Source**

The provisions of this § 147.125 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (306267) to (306268).

§ 147.126. [Reserved].**Source**

The provisions of this § 147.126 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (306268).

§ 147.127. [Reserved].**Source**

The provisions of this § 147.127 adopted March 15, 1996, effective March 16, 1996, 26 Pa. B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (306268) and (324241).

§ 147.128. [Reserved].**Source**

The provisions of this § 147.128 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial page (324241).

§ 147.129. [Reserved].**Source**

The provisions of this § 147.129 adopted March 15, 1996, effective March 16, 1996, 26 Pa.B. 1131; amended May 23, 1997, effective May 24, 1997, 27 Pa.B. 2550; reserved March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (324241) to (324242).

Subchapter H. PROTECTED SPECIMEN

Sec.

- 147.141. Sale of wildlife and wildlife parts.
- 147.142. Possession of wildlife accidentally killed by a motor vehicle.
- 147.143. Transfer of lawful possession of abandoned venison.
- 147.144. Transfer of lawful possession of abandoned venison to food banks.
- 147.145. Unlawful acts.
- 147.146. Sale of inedible wildlife parts.

§ 147.141. Sale of wildlife and wildlife parts.

(a) Wildlife or parts of wildlife accidentally killed on the highway or by other causes, illegally taken, shot for crop damage or live deer removed from the wild, may be sold to a person under the following minimum fee schedule:

- (1) Deer antlers—\$10 per point.
- (2) Deer cape—to include entire hide—\$25.
- (3) Doe or spike buck head and hide—\$25.
- (4) Fawn deer—\$75.
- (5) Any live deer—\$150.
- (6) Deer hide only—\$5.
- (7) Pheasant, grouse, quail, squirrel, rabbit, hare, woodchuck, mink, muskrat, opossum, skunk, weasel and raccoon—\$25.
- (8) Other small mammals—\$25.
- (9) Turkey, beaver and fox—\$50.
- (10) Bobcat, otter and fisher—\$100.
- (11) Bears—minimum of \$100.
- (12) Cow or spike elk head and hide—\$100.
- (13) Elk cape—to include entire head—\$100 plus \$20 per point.
- (14) Elk antlers—\$20 per point.
- (15) Elk hide—\$25.
- (16) Live elk—minimum of \$100.
- (17) Any other species may be sold at public auction or through sealed bid.

(b) An official Commission receipt shall serve as a person's permit to possess and retain the wildlife sold under authority of subsection (a).

(c) Live deer may only be sold to persons holding an existing and current Wildlife Propagation or Wildlife Menagerie Permit.

(d) Except those accidentally killed by a vehicle, sales of wildlife or wildlife parts may not be made to the person who caused the death or removal from the wild of the bird or animal or a member of the immediate household, or a person acting on their behalf.

Authority

The provisions of this § 147.141 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a) and 2102(a).

Source

The provisions of this § 147.141 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 10, 1989, effective March 11, 1989, 19 Pa.B. 1020; amended June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743; amended September 27, 2002, effective September 28, 2002, 32 Pa.B. 4715. Immediately preceding text appears at serial pages (285092) and (242891).

Cross References

This section cited in 58 Pa. Code § 147.42 (relating to possession of deer accidentally killed by a motor vehicle).

§ 147.142. Wildlife disposition.

(a) *Consumption permit.* The Commission, in its sole discretion, may issue a consumption permit to a resident of this Commonwealth to authorize the possession and consumption of the edible portions of any wildlife carcass. A permit issued under this subsection will be valid for a period not to exceed 120 days from the date of issuance. The whole, or any part of any wildlife possessed under this subsection, may not be transferred to another person nor may any edible portion be removed from the possessor's place of residence for any purpose other than processing. Inedible portions of any wildlife possessed under this subsection shall be surrendered to the Commission or disposed of in a manner directed by the Commission.

(1) *General procedures.* Except as otherwise provided in paragraph (2), a person shall contact the Commission to obtain a paper consumption permit prior to taking possession of the carcass of any wildlife.

(2) *Special procedures for deer and turkey accidentally killed by a motor vehicle.* A person is authorized to take immediate possession of the carcass of a deer or turkey evidently killed accidentally by a motor vehicle and transport it to a place of safekeeping within this Commonwealth. A person taking possession of a deer or turkey carcass under this paragraph shall contact the Commission to obtain a permit number within 24 hours after having taken possession of the deer or turkey carcass. The issued permit number itself shall be considered a valid permit for the purposes of authorizing the continued possession of the edible portions of the deer or turkey carcass.

(b) *Furbearing species accidentally killed by a motor vehicle.* A person holding a valid Pennsylvania furtaker's license is authorized to take immediate possession of and utilize the edible and inedible portions of any furbearer, except river otters, bobcats and fishers, evidently killed accidentally by a motor vehicle. Any person taking possession of any furbearer under this subsection during the

closed season for the taking of the same shall contact the Commission to make notification of the possession within 24 hours.

(c) *Unlawful acts.* It is unlawful to:

(1) Possess the whole or any part of any wildlife without receiving any required permit, making any required notification or meeting any applicable eligibility standards within any applicable time restrictions.

(2) Fail to surrender the inedible portions of any wildlife possessed under the authorizations of subsection (a) to the Commission or to dispose of the same in the manner directed by the Commission.

(3) Violate any other provisions of this section.

(d) *Inapplicability.* This section does not limit the lawful possession of the whole or any part of any wildlife that is otherwise authorized by § 147.141 (relating to the sale of wildlife and wildlife parts).

Authority

The provisions of this § 147.142 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 103(a), 2102(a) and 2901(b).

Source

The provisions of this § 147.142 adopted November 15, 1991, effective January 1, 1992, 21 Pa.B. 5344; amended April 15, 2005, effective April 16, 2005, 35 Pa.B. 2306; corrected January 13, 2006, effective June 4, 2005, 36 Pa.B. 194; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2979; amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7453; amended August 28, 2009, effective August 29, 2009, 39 Pa.B. 5123. Immediately preceding text appears at serial pages (326593) to (326594).

§ 147.143. Transfer of lawful possession of abandoned venison.

(a) *Definition.*

Abandoned venison—Venison which remains unclaimed by the lawful owner at a butcher shop for longer than 10 days after the lawful owner has been notified by the butcher or an employe that the venison is dressed and ready to be picked up.

(b) *Procedure for transfer of lawful possession of abandoned venison.*

(1) Lawful possession of abandoned venison may be transferred to any resident of this Commonwealth who is in possession of a valid permit to possess deer (PGC-90-LE) provided that:

(i) Prior to a transfer of possession of abandoned venison the butcher or an employe has notified the lawful owner of the venison in the butcher shop by United States registered mail to the person's last known address of the intent to dispose of the venison.

(ii) The notification gives the lawful owner of the venison 30 days to claim the venison and pay to the butcher the standard labor fee for preparing the venison for consumption.

(2) After the 30-day period has expired, the butcher may transfer the lawful possession of abandoned venison to a resident of this Commonwealth who presents a valid permit to possess deer (PGC-90-LE) and if required by the butcher pays the standard labor fee for preparing the venison for consumption.

(3) The butcher shall, within 24 hours of transferring possession of abandoned venison, send by United States mail a report setting forth the date of transfer and the name, address and telephone number of the person or organization that received the venison to the wildlife conservation officer in charge of the district where the butcher shop is located.

Source

The provisions of this § 147.143 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

Cross References

This section cited in 58 Pa. Code § 147.144 (relating to transfer of lawful possession of abandoned venison to food banks).

§ 147.144. Transfer of lawful possession of abandoned venison to food banks.

Lawful possession of abandoned venison may be transferred to a food bank by a butcher after proper notification to the lawful owner of the venison as set forth in § 147.143(b) (relating to transfer of lawful possession of abandoned venison). Food banks or persons who receive venison from a food bank are not required to possess a permit to possess deer (PGC-90-LE), however, the report to the wildlife conservation officer as set forth in § 147.143(b) shall be made.

Source

The provisions of this § 147.144 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

Cross References

This section cited in 58 Pa. Code § 147.145 (relating to unlawful acts).

§ 147.145. Unlawful acts.

A person who transfers possession or takes possession of abandoned venison from a butcher shop contrary to §§ 147.143(b) and 147.144 (relating to transfer of lawful possession of abandoned venison; and transfer of lawful possession of abandoned venison to food banks) shall be subject to the penalties in section 2312(d) of the act (relating to buying and selling game).

Source

The provisions of this § 147.145 adopted March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316.

§ 147.146. Sale of inedible wildlife parts.

(a) Wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures may be sold if one of the following conditions is met:

- (1) The original owner is deceased.
- (2) The original owner's assets are being liquidated.
- (3) The original owner's specimen is determined to be unclaimed as provided for in subsection (b).

(b) A specimen will be considered unclaimed when the following conditions are met:

- (1) The specimen was lawfully possessed when originally deposited with the taxidermist.

- (2) The specimen was mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures.
- (3) The taxidermist has made a reasonable effort to contact the original owner or depositor through any means generally available to inform the owner or depositor that the specimen is complete and should be picked up within a certain time period.
- (4) The owner, or the original depositor of the specimen, has been notified by certified, first-class mail and has failed to contact the taxidermist within 30 days of receipt of the notice; or the taxidermist is notified by the postal authorities the certified mail is unclaimed or undeliverable. The specimen will be considered unclaimed after 30 days from the date the taxidermist was notified.
- (c) Before selling a specimen, a permit shall be obtained from a Commission officer.
- (d) An executed copy of the permit application (PGC-12) shall list the items to be sold. The permit is valid for 120 days.
- (e) The fee for a permit issued under this section is \$5.
- (f) The original owner of a specimen may donate the specimen to a wildlife conservation organization, which may then sell the specimen without a permit for fund raising purposes.
- (g) Second and subsequent owners of wildlife parts acquired in accordance with section 2312(c)(1) of the act (relating to buying and selling of game) may sell the parts if included as part of a manufactured or finished product.
- (h) Second and subsequent owners of deer hides acquired in accordance with section 2312(c)(1) of the act may buy and sell the deer hides. Deer capes may only be sold by the original owner.
- (i) A person violating this section shall be subject to the penalties provided in section 2312 of the act.

Authority

The provisions of this § 147.146 issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2312(c)(2); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2312(c)(2) and 2901(b).

Source

The provisions of this § 147.146 adopted November 2, 2001, effective November 3, 2001, 31 Pa.B. 6052; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1312. Immediately preceding text appears at serial pages (285093) to (285094).

Subchapter I. REGULATED HUNTING GROUNDS

Sec.
147.161. General.

§ 147.161. General.

(a) Hungarian Partridges may be released on regulated hunting grounds under the same restrictions and conditions as those species named in section 2928 of the act (relating to regulated hunting grounds permits).

(b) Signs required in section 2928(c) of the act shall:

- (1) Set forth the purpose for which the area is intended.
- (2) Warn the intruder that hunting without proper permission is prohibited.
- (3) Contain other pertinent information the permittee deems necessary.
- (4) Be displayed so they are visible to an intruder.

Source

The provisions of this § 147.161 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter J. FUR DEALER

Sec.

147.181. General.

§ 147.181. General.

(a) A shipment of furs exported from this Commonwealth shall have a tag or label attached in accordance with instructions given with or on the tag or label.

(b) A copy of the tag or label shall be submitted to the Commission's Harrisburg Office within 5 working days of the shipment.

(c) A shipment of furs not in compliance with this subchapter constitutes a separate offense.

Source

The provisions of this § 147.181 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter K. PROPAGATING

Sec.

147.201. General.

147.202. Marking.

147.203. Pens, shelters and enclosures.

147.204. Raptor propagation permits.

147.205. Stock used for propagation.

§ 147.201. General.

(a) The Commission will not exercise its powers to impose propagating permit restrictions upon the breeders of purely aviary species of pheasants, since the birds are not found in a wild state in this Commonwealth.

(b) A propagating permit is required to cover pheasants ordinarily used for shooting and restocking purposes, including all breeds of Chinese, Japanese, Formosan and Mongolian Ringneck pheasant, the English Blackneck, Melanistic Mutant and the Versi color pheasants. Other pheasants may be propagated for commercial purposes without a propagating permit.

Source

The provisions of this § 147.201 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.202. Marking.

Marking shall be in compliance with section 2930(d) of the act (relating to propagating permits).

Source

The provisions of this § 147.202 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.203. Pens, shelters and enclosures.

- (a) Pens, shelters and enclosures must be:
- (1) Adequate to contain the wildlife to be enclosed.
 - (2) Covered and completely surrounded by appropriate materials to confine the species being propagated and exclude surrounding wildlife.
 - (3) Large enough to provide the comfort and health of species held.
- (b) Enclosures containing burrowing or digging wildlife shall be constructed to prevent escape by tunneling.
- (c) Wildlife may not be exhibited to, or handled by the public. Private showings are permitted for prospective buyers.
- (d) Wildlife which requires protection from the elements shall be provided adequate shelter or dens.
- (e) Enclosures for birds not covered on July 1, 1987 are exempt from covering. New construction or rebuilding shall be covered.

Source

The provisions of this § 147.203 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 23, 2007, effective March 24, 2007, 37 Pa.B. 1310. Immediately preceding text appears at serial pages (285095) and (300833).

§ 147.204. Raptor propagation permits.

- (a) *Scope.* The Director may issue raptor propagation permits to individuals who meet the requirements in 16 U.S.C.A. §§ 703—711 (relating to migratory bird treaty) and 50 CFR 21.30 (relating to raptor propagation permits).
- (b) *Privileges authorized under permit.* Permittees may perform all activities under the conditions set forth in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30.
- (c) *Application for permit.* When the Director of the United States Fish and Wildlife Service has approved an application for the issuance of a raptor propa-

gation permit, the approval, along with copies of documents submitted by the applicant, shall be forwarded to the Director for review and approval. If it is determined by the Director that the applicant meets the requirements in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30, and the issuance of the permit will not adversely affect the wildlife resources of the Commonwealth, a raptor propagation permit may be issued to the applicant.

(d) *Permit fee.* The permit fee is \$100 annually.

(e) *Permit period.* Permits shall be issued for the time period designated as the fiscal year for the Commonwealth. There is no reduced fee for a permit issued for less than 1 year.

(f) *Reports required by permittee.* Copies of reports required of the permittee in 16 U.S.C.A. §§ 703—711 and 50 CFR 21.30 shall be forwarded to the Director.

(g) *Permit renewal.* Application for the renewal shall be made on a form furnished by the Commission. The renewal application, along with the prescribed fee in the form of a check or money order made payable to the Game Commission, shall be forwarded to the Director at least 2 weeks in advance of the expiration date of the existing permit.

(h) *Penalties.* A person violating this section shall, upon conviction, be sentenced to the penalty prescribed in the act.

Source

The provisions of this § 147.204 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.205. Stock used for propagation.

Stock used for the propagation of wild birds and wild animals, except raptors, may not be birds or animals which have been removed from the wild. Parent birds and animals shall be secured from a person holding a valid wildlife propagation permit, the Commission or be legally imported into this Commonwealth.

Source

The provisions of this § 147.205 adopted July 7, 1989, effective July 8, 1989, 19 Pa.B. 2956.

Subchapter L. PERMITS RELATING TO DOGS

Sec.

147.221. General.

147.222. Permits for dog trials on Commission controlled lands.

147.223. Permits for dog trials on privately-owned lands.

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§ 147.221. General.

(a) Signs required in sections 2941(e) and 2942(h) of the act (relating to dog training areas; and special retriever training areas) shall be displayed so they are visible to an intruder and shall:

- (1) Set forth the purpose for which the area is intended.
- (2) Warn an intruder that hunting without proper permission is prohibited.
- (3) Contain other pertinent information the permittee deems necessary.

(b) [Reserved].

(c) If applicable, each casting point shall be set forth on every application for a permit.

(d) During field trials/hunt tests for which a permit has been issued, a firearm normally fired from the shoulder may be used with blank ammunition, if no live ammunition is possessed.

(e) No more than ten persons may be listed on the permit as “official guns.”

Source

The provisions of this § 147.221 adopted 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 March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316. Immediately preceding text appears at serial pages (230330) to (230331).

§ 147.222. Permits for dog trials on Commission controlled lands.

(a) A request for permission to hold a trial for dogs on lands under the control of the Commission shall be made in writing, at least 30 days in advance of the requested trial date, to the regional office under whose jurisdiction the lands are located.

(b) Upon approval of an applicant's request, permission to hold a trial may be granted by the issuance of a permit under the signature of the Executive Director or a designee. The permit shall list regulations governing the conduct of the trial and the use of the grounds for those purposes.

(c) A field trial may be held only during the period August 1 to April 30, excepting the regular open season for hunting small game, antlered and antlerless deer. Dates for national or State championship trials may be considered by the regional director during closed periods.

(d) A retriever trial will be permitted between June 1 and October 1 and January 15 until April 30 of each year. Dates for national or State championship trials may be considered by the regional director during closed periods.

(e) An applicant or a designee shall meet with appropriate field officers of the Commission at least 10 days prior to the date of a trial to review the regulations and to assure an understanding of the course location and layout.

(f) A field trial shall be conducted through the use of a predetermined course approved by a Commission representative.

(g) Unless otherwise approved by the Executive Director or a designee, a permittee shall provide temporary, portable headquarters for conducting the trial, including portable toilet facilities. The facilities shall be removed upon conclusion of the event.

(h) A permittee is responsible for the cleanup and removal of litter upon conclusion of the trial.

(i) Horses shall be tethered at a designated area; otherwise pasturing is prohibited. Stable facilities will not be furnished.

(j) Vehicles shall be parked only at a designated area.

(k) Riders on horseback, including officials and gallery, may not exceed 15 persons. Dependent upon ground conditions, the number of riders on horseback may be further restricted.

(l) For the appropriate conduct of the trials, marshals shall be required to keep the gallery in line and on course. Horses with riders may not be permitted outside the marked or otherwise designated trial areas.

(m) The permittee shall be wholly and solely responsible for loss or damage to property, bodily injury or death arising out of an operation conducted and agree to hold harmless the Commission for damage, loss, claims, demands, suits, costs and expenses which may be suffered by the Commission directly or indirectly by reason of the use of these lands by the permittee or its agent.

(n) After having been advised of an infraction of the regulations governing the conduct of the trial, and if the person in charge of the trial fails to correct the infractions, the Executive Director or a Commission officer will have the authority to cause the trial to terminate and to order the participants, with associated equipment, to immediately vacate the area.

Authority

The provisions of this § 147.222 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.222 adopted March 9, 1990, effective March 10, 1990, 20 Pa.B. 1404; amended March 13, 1998, effective March 14, 1998, 28 Pa.B. 1316; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5320. Immediately preceding text appears at serial pages (242897) to (242898).

§ 147.223. Permits for dog trials on privately-owned lands.

(a) Applications for permits to hold dog trials or meets on privately-owned lands shall be made in writing on Commission forms at least 30 days in advance of the requested trial dates to the regional office under whose jurisdiction the lands are located.

(b) Applications for permits to hold trial for retrieving dogs on privately-owned land shall be made in writing on Commission forms at least 30 days in advance of the requested trial dates to the regional office under whose jurisdiction the lands are located.

(c) Applications for permits for dog trials not received at least 30 days in advance of the trial dates are subject to disapproval.

Source

The provisions of this § 147.223 adopted June 6, 1997, effective June 7, 1997, 27 Pa.B. 2743.

Subchapter M. EXOTIC WILDLIFE DEALER

Sec.

- 147.241. Scope.
- 147.242. Safety.
- 147.243. Sanitation.
- 147.244. Housing.
- 147.245. Acquisition and disposal.
- 147.246. Health and welfare.

§ 147.241. Scope.

(a) *General.* This subchapter relates to the housing and care of exotic wildlife, as defined in section 2961 of the act (relating to definitions), and public protection from wildlife which is being held or transported by exotic wildlife dealers.

(b) *Confinement.* It is unlawful to maintain exotic wildlife in confinement in an unsanitary or unsafe condition, or in a manner which results in maltreatment, mistreatment or neglect. No species of exotic wildlife may be confined in a pen, cage or enclosure which does not meet minimum specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within an enclosure unless otherwise indicated on the permit.

(c) *Housing.* Exotic wildlife maintained under section 2962 of the act (relating to exotic wildlife dealer permits) shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings or failure to adequately protect the public from exotic wildlife is a violation of this subchapter.

(d) *Bill of sale.* It is unlawful for a person to deal in exotic wildlife, except as provided in this subchapter, without a bill of sale or other documentary evidence showing the name and address of the supplier.

(e) *Permit required.* It is unlawful for a dealer to sell exotic wildlife to a person who does not have a permit required in Subchapter N (relating to exotic wildlife possession).

(f) *Permit.* A separate exotic wildlife dealer permit shall be required for each business location or facility.

(g) *Experience required.* A new applicant for an exotic wildlife dealer permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.241 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.241 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial pages (242898) to (242899) and (202833).

§ 147.242. Safety.

(a) Cage construction shall be sufficiently strong to contain exotic wildlife and protect the animals from injury from other specimens held. A cage considered unsafe by Commission personnel shall be reconstructed as directed. Reconstruction shall be completed and approved within 10 days after official notification, or before new animals are placed in the cage.

(b) It is unlawful to exhibit exotic wildlife to the public, except a private showing for prospective customers or personal friends.

(c) Exotic wildlife may not be removed from cages or directly exposed to the public.

Authority

The provisions of this § 147.242 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.242 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.243. Sanitation.

(a) *Sanitation.* Exotic wildlife maintained under this section shall be kept in a sanitary manner.

(b) *Water.* Clean, fresh water shall be provided daily. Water containers shall be cleaned and disinfected daily.

(c) *Food.* Food shall be kept in a manner to prevent spoilage or contamination.

(d) *Waste.* Fecal and food waste shall be removed from cages and dens daily, and disposed of or stored in a manner to prevent noxious odors or attraction of insects or vermin. Hard floors shall be scrubbed and disinfected, at least weekly. Large pens with dirt floors shall be raked every 3 days, and the waste removed.

(e) *Drainage and pools.* Cages and pens shall be designed to provide adequate drainage of the enclosure. Standing water may not be allowed except in the case of species requiring water for wading, submersing or swimming. Pools provided for exotic wildlife shall be cleaned as often as needed to ensure good water quality.

(f) *General requirements.* Procedures for sanitation, water disposal and proper disposition of feces and other waste material shall be in compliance with the requirements of local, State or Federal authorities.

Authority

The provisions of this § 147.243 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.243 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.244. Housing.

(a) *Specifications.* Minimum pen specifications and caging requirements for captive exotic wildlife are as follows:

(1) A cage or enclosure shall be covered at the top to prevent escape.

(2) A cage or enclosure shall be provided with bedding required for the animal's comfort and to protect them from inclement weather. A suitable shield for protection against the hot rays of the sun shall be provided on outside enclosures. If the natural climate of wildlife held differs from the climate of the area where the dealer's facility is located, provisions shall be made to adjust holding conditions to natural habitat.

(3) A cage shall have a secure locking device and shall be key locked or padlocked.

(b) *Permanent housing.* The following are required when exotic wildlife is held more than 10 days:

(1) *Bears.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 25'L by 12'W by 12'H. For a pair, the cage shall be 30'L by 15'W by 12'H.

(iii) *Accessories.* A pool 6'W by 10'L by 4' deep is mandatory for polar bears. Either the large pool or a freshwater drinking pool 2'W by 2'L by 18"

deep with facilities for spraying or wetting the animals during hot weather periods is required for other bears.

(2) *Lions and tigers.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 15'L by 10'W by 8'H. For a pair, the cage shall be 20'L by 10'W by 8'H.

(iii) *Accessories.* At least two claw logs, one shelf 30"W, 10'L at one end and 40"H off the floor level.

(3) *Leopards, jaguars and cougars.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 10'L by 8'W by 8'H. For a pair, the cage shall be 15'L by 8'W by 8'H.

(iii) *Accessories.* At least two claw logs and one shelf 24"W, 8'L and 40"H off the floor level.

(4) *Cheetahs.*

(i) *Number or size.* Up to three animals.

(ii) *Cage size.* 40'L by 20'W by 8'H.

(iii) *Accessories.* A shelf 30"W by 6'L and 36" off the floor level is required for a single animal. For one pair, lengthen the shelf to 10 feet.

(5) *Lesser cats. Bobcats, lynx, serval, caracal, ocelots and the like.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 8'L by 4'W by 6'H. For each additional animal, increase cage length 2 feet.

(iii) *Accessories.* At least two claw logs and a shelf 14"W by 4'L and 36" off the floor level are required. A den or retreat area is also required.

(6) *Geoffroy's cats, leopard cats, margay and other wild cats up to 10 pounds adult weight.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 4'L by 4'W by 6'H. For each additional animal, increase cage length by 1 foot.

(iii) *Accessories.* At least two claw logs and one shelf 6"W by 3'L and 36" off the floor level are required. A den or retreat area is also required.

(7) *Foxes, jackals and the like.*

(i) *Number or size.* One pair.

(ii) *Cage size.* 8'L by 4'W by 6'H.

(iii) *Accessories.* One shelf 18"W by 4'L and 36" off the floor level is required in addition to a den or retreat area.

(8) *Coyotes, cape hunting dogs, dingos and the like.*

(i) *Number or size.* Single animal.

(ii) *Cage size.* 10'L by 8'W by 6'H. For each additional animal, increase cage length by 10 feet.

(iii) *Accessories.* A secluded den area that is 4'W by 4'L for a single animal is required. Add 3 feet in length for each additional animal.

- (9) *Wolves, hyenas.*
- (i) *Number or size.* Single animal.
 - (ii) *Cage size.* 15'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal after two, add 10 feet to the cage length.
 - (iii) *Accessories.* A secluded den area 4'W by 4'L is required for a single animal. Add 3 feet in length for each additional animal.
- (c) *Temporary housing.* Required when exotic wildlife is held 10 days or less.
- (1) *Number or size.* Single animal.
 - (2) *Cage size.* Cage length shall be at least double the animal's body length, excluding tail. Cage width shall equal or exceed body length. Cage height shall extend at least 2 feet above the standing animal's head to ensure proper ventilation. For two or more animals kept together, add 1/3 more cage length for each additional animal.
 - (3) *Accessories.* The cage shall be constructed of steel or case-hardened aluminum. The cage shall have a secure locking device and shall be key locked or padlocked. The cage shall be well ventilated.
 - (d) *Traveling cage.* A traveling cage shall be used only in the actual transportation of exotic wildlife.
 - (1) *Number or size.* Single animal.
 - (2) *Cage size.* The size of traveling cages for wildlife in transit shall be as follows: the animal shall be able to turn around and stand up on all fours with head clearance.
 - (3) *Accessories.* The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor with wood surface suitable for drainage of urine is necessary. A cage shall have a secure locking device and shall be key locked or padlocked. The cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1 1/2 inches apart.
 - (4) *Ventilation.* Exotic wildlife shall travel in air conditioned or well ventilated vehicles that may be adjusted to weather conditions. Animals shall be provided fresh water while in transit twice in 24 hours and be fed at least once every 24 hours.

Authority

The provisions of this § 147.244 issued under the act of June 3, 1937 (P. L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.244 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended May 26, 1995, effective May 27, 1995, 25 Pa.B. 2072. Immediately preceding text appears at serial pages (118769) to (118770) and (186919).

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.245. Acquisition and disposal.

(a) Exotic wildlife shall have been lawfully taken, exported, imported, transported, retained and possessed.

(b) Records shall be maintained of acquisitions and disposals of exotic wildlife as well as exotic wildlife born on the premises. Records shall be in ink, written in English and include the full name and address of the person with whom a transaction is conducted. Records shall be available for inspection by Commission personnel at reasonable hours. Entries shall be made on the day of transaction.

Authority

The provisions of this § 147.245 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.245 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

§ 147.246. Health and welfare.

Exotic wildlife shall be kept free from parasites, sickness or disease. If sick or diseased, exotic wildlife shall immediately be given professional medical attention, or destroyed in a humane manner.

Authority

The provisions of this § 147.246 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.246 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Cross References

This section cited in 58 Pa. Code § 147.262 (relating to restrictions).

Subchapter N. EXOTIC WILDLIFE POSSESSION

Sec.

147.261. Scope.

147.262. Restrictions.

Cross References

This subchapter cited in 58 Pa. Code § 147.241 (relating to scope).

§ 147.261. Scope.

(a) *General.* This subchapter relates to the housing and care of exotic wildlife, and public protection from exotic wildlife held or transported by a person under the act or this part.

(b) *Confinement.* It is unlawful to maintain exotic wildlife, in confinement, in unsanitary or unsafe condition, or in a manner which results in maltreatment, mistreatment or neglect. No exotic wildlife may be confined in a pen, cage or enclosure which does not meet the minimum pen specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within a cage or enclosure unless otherwise indicated on the permit.

(c) *Housing.* Exotic wildlife shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings for exotic wildlife or failure to adequately protect the public from exotic wildlife possessed under the act and this subchapter is a violation of this subchapter.

(d) *Bill of sale.* It is unlawful for a person to possess exotic wildlife, except as provided in this subchapter, without having a bill of sale or other documentary evidence showing the name and address of the supplier of the exotic wildlife.

(e) *Permit.* A separate exotic wildlife possession permit is required for each animal.

(f) *Experience required.* A new applicant for an exotic wildlife possession permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.261 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901.

Source

The provisions of this § 147.261 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial page (202838).

§ 147.262. Restrictions.

Sections 147.242—147.246 (relating to safety; sanitation; housing; acquisition and disposal; and health and welfare) pertain to all exotic wildlife possession permits.

Authority

The provisions of this § 147.262 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.262 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter O. MENAGERIES

Sec.

- 147.281. Scope.
- 147.282. Safety.
- 147.283. Sanitation.
- 147.284. Housing.
- 147.285. Specifications.
- 147.286. Acquisition and disposal.
- 147.287. Health and welfare.

§ 147.281. Scope.

(a) *General and definitions.* This subchapter relates to safeguards for public safety, humane care and treatment, adequate housing and nutrition, sanitation, safety, acquisition and disposal of wildlife and exotic wildlife held as part of a menagerie under the act or this part. Definitions contained in section 2961 of the act (relating to definitions) apply to this subchapter.

(b) *Confinement.* It is unlawful to maintain wildlife, in confinement, in an unsanitary or unsafe condition or in a manner which results in maltreatment, mistreatment or neglect. No wildlife may be confined in a pen, cage or enclosure which does not meet minimum pen specifications in this subchapter. An animal may not be chained or tethered, or otherwise impeded from moving freely within a cage or enclosure unless otherwise indicated on the permit.

(c) *Housing.* Wildlife maintained under section 2964 of the act (relating to menagerie permits) shall be housed in a safe and sanitary manner. Failure to provide sanitary surroundings for wildlife, or failure to adequately protect the public from wildlife possessed under this subchapter is a violation.

(d) *Bill of sale.* It is unlawful for a person to possess wildlife, for the purpose of exhibition, except as provided in this subchapter, without having a bill of sale or other documentary evidence showing the name and address of the supplier of the wildlife.

(e) *Permit.* The menagerie permit shall be produced upon demand of an officer of the Commission.

(f) *Citizenship.* Menagerie permits may be issued to a person who is a citizen of the United States.

(g) *Experience required.* A new applicant for a menagerie permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

Authority

The provisions of this § 147.281 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.281 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582; amended April 4, 2003, effective April 5, 2003, 33 Pa.B. 1714. Immediately preceding text appears at serial page (202839).

§ 147.282. Safety.

(a) Cage construction shall be sufficiently strong to contain the wildlife and to protect the animal from injury from other specimens on exhibit. Caging determined unsafe by Commission personnel shall be reconstructed as directed.

Reconstruction shall be completed and approved within 30 days after official notification from the Commission.

(b) Except as provided in subsections (c) and (d), wildlife may not be removed from cages or directly exposed to the public. Safety barriers shall be present to adequately prevent wildlife from touching, grasping or biting visitors. Barriers, such as walls, fences, moats, retaining rails and other necessary devices shall be present to prevent the public from approaching the cages, pens, enclosures or areas near enough to contact the wildlife.

(c) Public human contact with the following designated animals is permitted under the specified conditions:

(1) Ruminant animals.

(2) Organ grinder monkeys, trained performing chimpanzees and elephants if under the immediate control of the handler to preclude danger to the public.

(d) Wildlife other than members of the families Ursidae, Felidae and wild Canidae when exhibited on a stage or in an arena, may be removed from their cage by the exhibitor in a manner precluding danger to the public. Other human contact with the wildlife is prohibited.

Authority

The provisions of this § 147.282 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.282 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.283. Sanitation.

(a) *Sanitation.* Wildlife maintained under this subchapter shall be kept in a sanitary manner.

(b) *Water.* Clean, fresh water shall be provided daily. Water containers shall be cleaned and disinfected daily.

(c) *Food.* Food shall be kept in a manner to prevent spoilage or contamination.

(d) *Waste.* Fecal and food waste shall be removed from cages and dens daily and disposed of or stored in a manner to prevent noxious odors or attraction of insects or vermin. Hard floors shall be scrubbed and disinfected at least weekly. Large pens and paddocks with dirt floors shall be raked every 3 days and the waste removed.

(e) *Drainage and pools.* Cages, pens and paddocks shall be designed to provide adequate drainage of the enclosure. Standing water is not allowed except in

the case of animals requiring water for wading, submersing or swimming. Pools provided for wildlife shall be cleaned as often as needed to ensure good water quality.

(f) *General requirements.* Procedures for sanitation, water disposal and proper disposition of feces and other waste material shall be in compliance with the requirements of local, State or Federal authorities.

Authority

The provisions of this § 147.283 issued under the act of June 3, 1937 (P.L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.283 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.284. Housing.

(a) Cages or enclosures except paddocks, corrals, islands or grotto-type exhibits shall be covered at the top to prevent escape.

(b) A cage or enclosure shall have bedding required for the comfort and protection from inclement weather. A suitable shield for protection against the hot sun rays shall be provided on outside enclosures. If the natural climate of the wildlife being held differs from the climate of the area where the menagerie is located, provisions shall be made to adjust holding conditions to the natural habitat.

(c) Signs shall be conspicuously posted on cages or enclosures prohibiting the public from feeding, except food obtained from the permittee, or annoying the wildlife. The owner or operator is responsible for enforcement.

(d) A cage or enclosure shall be labeled in English with the proper common name of the wildlife confined. The letters shall be at least 1 inch in height.

(e) A cage shall have a secure locking device and shall be key locked or padlocked.

Authority

The provisions of this § 147.284 issued under the act of June 3, 1937 (P.L. 1225, No. 316) (34 P. S. §§ 1311.101—1311.1502) (Repealed); and 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.284 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

§ 147.285. Specifications.

It is unlawful for a permit holder to confine wildlife in a pen, cage or enclosure which does not meet minimum specifications or caging requirements. Except as otherwise provided in this section, minimum specifications and caging requirements for captive wildlife shall comply with the following:

(1) *New World Monkeys.*

- (i) *Marmosets.*
 - (A) Number or size: One adult pair.
 - (B) Cage size: 3'L by 2'W by 4'H.
 - (C) Accessories: Two or more branch limbs for perching and a nest box.
- (ii) *Squirrel monkeys, titis, owls and other similar-sized monkeys.*
 - (A) Number or size: One to three animals.
 - (B) Cage size: 4'L by 5'W by 5'H. For colonies of up to 15 monkeys, the cage shall be 12'L by 8'W by 6'H.
 - (C) Accessories: Two or more branch limbs for perching and a nest box.
- (iii) *Medium-sized South American monkeys.* Capuchins, sakis, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 5'L by 5'W by 6'H. For groups of four or more, the cage shall be 10'L by 5'W by 6'H.
 - (C) Accessories: Three parallel bars for swinging.
- (iv) *Large South American monkeys.* Spiders, wooleys, howlers, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 6'L by 6'W by 8'H. For two pairs, the cage shall be 10'L by 6'W by 8'H.
 - (C) Accessories: Three parallel bars in upper part of cage for swinging, plus two or more perching areas.
- (2) *Old World Monkeys.*
 - (i) *Macaques, guenons, mangabys, langurs, and the like.*
 - (A) Number or size: One pair.
 - (B) Cage size: 6'L by 5'W by 6'H. For groups of four to six animals, the cage shall be 12'L by 8'W by 6'H.
 - (C) Accessories: Three or more perches.
 - (ii) *Baboons, mandrills, dog-faces, and the like.*
 - (A) Number or size: One pair.
 - (B) Cage size: 10'L by 6'W by 6'H. For groups of three to six animals, the cage shall be extended 3 feet in length for each additional animal.
 - (C) Accessories: Two shelves 10 inches to 12 inches wide are necessary for sleeping and resting.
- (3) *Apes.*
 - (i) *Gibbons.*
 - (A) Number or size: One pair, plus one or two offspring.
 - (B) Cage size: 12'L by 6'W by 8'H.
 - (C) Accessories: Three parallel bars at least 4 feet apart shall be provided in the top 1/3 of cage along the length of enclosure for swinging.

- (ii) Chimpanzees and orangutans.
 - (A) Number or size: Young, single animals—20 to 50 pounds.
 - (B) Cage size: 8'L by 6'W by 6'H. For adults, 50 pounds or over, the cages shall be 10'L by 6'W by 8'H. For two or three adults, double the floor area.
- (iii) Gorillas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 14'L by 12'W by 8'H. For two animals, double the floor area.
- (4) *Carnivores and certain omnivores with similar requirements.*
 - (i) African lions and Asian tigers.
 - (A) Number or size: Single animal.
 - (B) Cage size: 15'L by 10'W by 8'H. For a pair, the cage shall be 20'L by 10'W by 8'H.
 - (C) Accessories: At least two claw logs, one shelf 30"W, 10'L and 40"H off the floor level.
 - (ii) Jaguars, leopards, pumas, cougars.
 - (A) Number or size: Single animal.
 - (B) Cage size: 10'L by 8'W by 8'H. For a pair, the cage shall be 15'L by 8'W by 8'H.
 - (C) Accessories: At least two claw logs and one shelf 24"W, 8'L and 40"H off the floor level.
 - (iii) Lesser cats. Bobcats, lynx, ocelots, margay, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 8'L by 4'W by 6'H. For a pair, the cage shall be 10'L by 4'W by 6'H.
 - (C) Accessories: At least two claw logs and one shelf 14"W, 4'L and 36"H off the floor level. A den or retreat area is also required.
 - (iv) Geoffroy's cats, leopard cats and other wild cats. Average 5 pounds adult weight.
 - (A) Number or size: Single animal.
 - (B) Cage size: 4'L by 4'W by 6'H.
 - (C) Accessories: At least two claw logs and one shelf or perch 6"W, 3'L and 36"H off the floor level.
 - (v) Cheetahs.
 - (A) Number or size: Up to three animals.
 - (B) Cage size: 40'L by 20'W by 8'H.
 - (C) Accessories: A shelf 30"W by 6'L by 36"H off the floor level is required for a single animal. For one pair, lengthen the shelf to 10 feet.
 - (vi) Bears. Six feet or more from rump to snout.
 - (A) Number or size: Single animal.
 - (B) Cage size: 25'L by 12'W by 12'H. For a pair, the cage shall be 30'L by 15'W by 12'H.

- (C) Accessories: A pool 6'W by 10'L by 4' deep is mandatory for polar bears.
- (vii) Bears. Up to 6 feet from rump to snout.
- (A) Number or size: Single animal.
- (B) Cage size: 20'L by 10'W by 10'H. For a pair, 30'L by 10'W by 10'H.
- (viii) Sun bears.
- (A) Number or size: Single animal.
- (B) Cage size: 12'L by 8'W by 6'H. For a pair, the cage shall be 15'L by 8'W by 6'H.
- (ix) Raccoons, coati-mundi, sloth, tayra and others of similar size and habitat, including North and South American porcupines and hyraxes.
- (A) Number or size: Single animal.
- (B) Cage size: 6'L by 5'W by 6'H. For two or three animals, cages shall be 8'L by 5'W by 6'H. Add 2 feet in length for each additional animal over three animals.
- (C) Accessories: One shelf per animal plus at least two limbs for climbing are also required. Sloths require upright tree trunk with lateral branches of adequate size and strength to comfortably support the animal in normal posterial modes.
- (x) Kinkajous, opossums, pottos, grissons, gallagos, tamanduas, slow loris, genets, and the like. Small climbing animals.
- (A) Number or size: Single animal.
- (B) Cage size: 4'L by 4'W by 6'H. For a pair, cages shall be 6'L by 4'W by 6'H. For additional animals, add 1 foot more of length per animal.
- (C) Accessories: At least three limbs for climbing are required.
- (xi) Squirrels, tree shrews, and the like.
- (A) Number or size: One to two animals.
- (B) Cage size: 3'L by 2'W by 4'H. Add 6 inches more in length for each additional animal.
- (C) Accessories: At least three limbs and a nest box.
- (xii) Agouti, pacas, wild rabbits, acushi, skunks and other rabbit-sized ground animals.
- (A) Number or size: Single animal.
- (B) Cage size: 6'L by 3'W by 3'H. For a pair or more, add 1 foot in length for each additional animal.
- (C) Accessories: Two or more gnawing logs are required.
- (xiii) Badger, woodchuck, large-crested porcupine and similar-sized ground animals.
- (A) Number or size: Single animal.
- (B) Cage size: 8'L by 6'W by 4'H. Add 3 feet in length for each additional animal.

- (C) Accessories: Two or more gnawing logs are required for porcupines. Nest box or retreat is required for all animals.
- (xiv) Beavers, muskrats and other semiaquatic small animals.
 - (A) Number or size: One to three animals.
 - (B) Cage size: 8'L by 4'W by 5'H. Add 2 feet in length for each additional animal.
 - (C) Accessories: A pool 4'W by 4'L by 24" deep. Two or more gnawing logs, nest box or retreat.
- (xv) Otter.
 - (A) Number or size: One pair.
 - (B) Cage size: 10'L by 6'W by 6'H.
 - (C) Accessories: A pool 4'W by 6'L by 3' deep at one end. Increase cage and pool by 25% in horizontal dimensions for each additional animal. A slide and a dry place for a sleeping retreat are required. A safety guard rail with posted signs saying "No Molesting, Extremely Dangerous" is required.
- (xvi) Pygmy hippopotamus, tapirs, capybaras, giant anteaters, and the like.
 - (A) Number or size: Single adult animal.
 - (B) Cage size: 24'L by 15'W.
 - (C) Accessories: A stepped or nonskid pool 6'W by 8'L by 4' deep—not necessary for anteaters. Increase the horizontal dimension in cage and pool size by 30% for each additional animal.
- (xvii) Foxes, jackals, and the like.
 - (A) Number or size: One pair.
 - (B) Cage size: 8'L by 4'W by 6'H.
 - (C) Accessories: One shelf 18"W by 3'H by 4'L. A den or nest box area is also required.
- (xviii) Wolves, hyenas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 15'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal—after two—add 10 feet to the cage length.
 - (C) Accessories: A secluded den area 4'W by 4'L is required for a single animal; add 3 feet in length for each additional animal.
- (xix) Coyotes, cape hunting dogs, dingos, wolverines, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 10'L by 8'W by 6'H. For a pair, double the cage length. For each additional animal after two, add 10 feet in length to the cage.
 - (C) Accessories: A secluded den area that is 4'W by 4'L for a single animal is required; add 3 feet in length for each additional animal.
- (xx) Weasels, martens, polecats, ferrets.

- (A) Number or size: One pair.
 - (B) Cage size: 6'L by 3'W by 3'H.
 - (C) Accessories: A den is required.
- (5) *Marsupials and others.*
- (i) *Kangaroos.* Large wallaby, wallaroo, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 20'L by 12'W by 8'H. For each additional animal add 25% surface area to cage.
 - (C) Accessories: A refuge area and shade are required. The ideal situation is an open paddock. If surface is of an artificial material, it shall be a nonskid surface.
 - (ii) *Small wallaby.*
 - (A) Number or size: One to two animals.
 - (B) Cage size: 12'L by 4'W by 6'H. Each additional animal requires a 25% increase in surface area.
 - (C) Accessories: Refuge area and shade are required. If surface is of an artificial material, it shall be a nonskid surface.
 - (iii) *Hedgehogs.*
 - (A) Number or size: One to two animals.
 - (B) Cage size: 2'L by 2'W by 2'H.
 - (C) Accessories: Cage shall be constructed with a dirt floor over a wire bottom.
 - (iv) *Armadillos.*
 - (A) Number or size: Single animal.
 - (B) Cage size: A 6-foot circular cage—if not circular, the cage shall have the same area with rounded corners having a minimum radius of 2 feet. Add 2 feet in diameter for each additional animal.
 - (C) Accessories: The cage shall be constructed with a dirt floor over a wire bottom.
- (6) *Odd- and even-toed animals, ostriches and other large running birds.*
- (i) *Large-sized.* Zebras, elk, giraffes, asses, wildebeests, camels, elands, buffaloes, bison, and the like.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,000 square foot paddock or corral. Each additional animal requires 25% more area.
 - (C) Accessories: Barn or shaded or protected area attached to or adjoining the paddock or corral.
 - (ii) *Medium-sized.* Ostriches, whitetailed deer, fallow deer, llamas, aoudads, wild goats and sheep-type animals, emus, cassowarys and rheas.
 - (A) Number or size: Single animal.
 - (B) Cage size: 500 square foot paddock or corral. Increase horizontal dimensions by 25% for each additional animal.
 - (C) Accessories: A shelter is required.

- (iii) *Small-sized*. Dikdiks, small gazelles, peccary.
 - (A) Number or size: Single animal.
 - (B) Cage size: 300 square foot paddock or corral. Increase horizontal dimension by 25% for each additional animal.
 - (C) Accessories: A shelter is required.
- (iv) *Rhinoceros*.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,500 square foot paddock or corral is required. Each additional animal requires 50% increase in horizontal dimension.
 - (C) Accessories: A heated barn or shelter and shade are required.
- (v) *Elephants*.
 - (A) Number or size: Single animal.
 - (B) Cage size: 1,500 square foot paddock or corral. Whether chained or unchained, each animal shall be able to utilize the entire 1,500 square foot area. Each additional animal requires a 50% increase in horizontal dimension.
 - (C) Accessories: A heated barn or shelter and shade are required.
- (vi) *Hippopotamus*. Nile.
 - (A) Number or size: Single animal.
 - (B) Cage size: 600 square foot plus 300 square foot pool.
 - (C) Accessories: 300 square foot nonskid ramped pool with a 5-foot depth. Each additional animal requires a 25% increase in pool and land area.
- (7) *Birds*.
 - (i) *General requirements*. Enclosures for flying birds shall either be small enough to inhibit flying altogether or large enough to permit aerial maneuvering within the enclosure. An enclosure not sufficiently large may result in injuries from birds flying into the side of the enclosure. Raptors and members of the parrot family may be caged in conformity with this subparagraph or securely tethered to a suitable perch in a manner to preclude danger to the public.
 - (ii) *Parrot-type*. Macaws, large cockatoos.
 - (A) Number or size: Single specimen.
 - (B) Cage size: Adequate room for turning and sitting on a perch without touching its tail against sides or bottom of cage is required.
 - (C) Accessories: Suitable perch that is large enough so that the claws do not meet on the underside.
 - (iii) *Medium-sized parrots*. Small cockatoos, yellow-heads, grays, Amazons.
 - (A) Number or size: Up to two specimens.
 - (B) Cage size: 18"L by 18"W by 24"H.
 - (C) Accessories: One suitable perch per bird; diameter of perch shall be large enough so that claws do not meet on the underside.

- (iv) *Small parrots*. Lovebirds, parakeets, and the like.
- (A) Number or size: One or two birds.
 - (B) Cage size: 12"L by 24"W by 10"H. Community cages shall provide flight space.
 - (C) Accessories: One or more suitable perches—diameter shall be large enough so that claws do not meet on the underside.
- (v) *Waterfowl*.
- (A) Number or size: Not more than two pairs of adults or one pair with offspring of the year.
 - (B) Cage size: 100 square feet of area with 25% consisting of water area.
- (vi) *Eagles, hawks, owls, vultures, toucans and toucanets*.
- (A) Number or size: Single bird.
 - (B) Cage size: Cage shall be wide enough for the bird to spread its wings and fly-hop from floor to perch. Width shall be two times greater than wingspread. Perch to ground shall be twice as long as its body. Length of cage shall be five times the body length. Increase cage size 50% in length and 25% in width for each additional bird.
 - (C) Accessories: At least one suitable perch per bird—the diameter of the perch shall be large enough that talons do not meet on the underside. For large birds of prey, a stump high enough that when a bird is perched, the tail feathers are 6 inches off the floor. Roof of the cage shall be of sufficient height to permit the bird to rest erect on the perches.
- (vii) *Wild turkeys, peafowl and curassows*.
- (A) Number or size: One to three birds.
 - (B) Cage size: 144 square feet of horizontal space. Male peafowl shall have adequate turning room for its tail. Enclosures shall be at least 6 feet high.
 - (C) Accessories: The cage shall have at least one roost perch approximately 4 feet from the floor.
- (viii) *Lesser game birds, pheasants, and the like*.
- (A) Number or size: One to five birds.
 - (B) Cage size: One hundred square feet of horizontal space. Enclosures shall be at least 6 feet high. Each additional bird requires an additional 20 square feet.
 - (C) Accessories: At least one roost perch approximately 30 inches from the floor.
- (ix) *Community groups of finches and seedeaters*.
- (A) Number or size: Community group of 25 or less.
 - (B) Cage size: 4'W by 8'L by 8'H.
- (x) *Medium-sized flight birds. Jays, starlings, doves, pigeons, and the like*.
- (A) Number or size: One to two birds.

- (B) Cage size: 3'L by 2'W by 5'H. For a community group the cage shall be large enough to allow flying and be at least 8 feet in diameter. The birds may be kept in a parrot-style cage.
- (xi) *Wading birds*. Flamingos, ibises, spoonbills, herons, egrets, and the like.
- (A) Number or size: One to five birds.
- (B) Cage size: 144 square feet of horizontal space. Birds in open, fenced areas shall be pinioned.
- (C) Accessories: Shallow pools for wading plus dry land areas.
- (xii) *Storks and cranes*.
- (A) Number or size: One pair.
- (B) Cage size: 144 square feet of horizontal space.
- (xiii) *Pelicans, cormorants and swans*.
- (A) Number or size: Two birds.
- (B) Cage size: 144 square feet of horizontal space. Fifty percent of the area shall be water at least 18 inches deep. Add 25% more area in land and pool for each additional bird.
- (C) Accessories: Pool is required.
- (xiv) *Penguins*.
- (A) Number or size: One pair.
- (B) Cage size: 100 square feet of horizontal space of which 50% is water at least 36 inches deep. Add 10% area in water and land for each additional bird.
- (C) Accessories: Water shall be cooled to 55° Fahrenheit and be flowing. Chilled waters are not required for Humboldt's penguins.
- (8) *Traveling wildlife*.
- (i) *Large cats*. Lions, tigers, jaguars, leopards, pumas and hybrids.
- (A) Number or size: Single animal.
- (B) Cage size: The size of traveling cages for wildlife on the road shall be as follows: animals shall be able to turn around and stand up on all fours with head clearance.
- (C) Accessories: The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor with wood surface suitable for drainage of urine is necessary. A cage shall have a secure locking device and shall be key locked or padlocked. A cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1-1/2 inch apart.
- (ii) *Bears and hyenas*.
- (A) Number or size: Single animal.
- (B) Cage size: The animal shall be able to turn around and stand up on all fours with head clearance.

(C) Accessories: The cage shall be constructed of steel or case-hardened aluminum with one solid side or portable divider panel so that no animal can harm another. A steel floor suitable for drainage of urine is necessary. A cage shall be well ventilated. A cage exposed directly to the public shall be constructed of steel or alloy bars no more than 1-1/2 inch apart.

(iii) *Primates.*

(A) Number or size: Single animal.

(B) Cage size: Primates shall be able to stand up and turn around.

(C) Accessories: The cage shall be constructed of steel bars no more than 1 inch apart and sufficiently well constructed to be escape proof. Padlocks shall be used at the top and bottom of door.

(iv) *Elephants.*

(A) Number or size: Single animal.

(B) Cage size: While on the road, elephants shall be chained by front and back legs.

(v) *Other wildlife.* Other traveling wildlife shall be transported in cages large enough to permit the wildlife to stand up and turn around.

(vi) *General.* Traveling wild animals shall travel in air conditioned or well-ventilated vehicles that may be adjusted to weather conditions. Animals shall be provided with fresh water while in transit twice in 24 hours and be fed at least once every 24 hours.

(9) *Temporary housing.* Wildlife may be housed for a period of not more than 10 consecutive days at the same location in cages meeting the minimum size specifications in subparagraphs (i)—(viii). If wildlife is displayed for more than 10 consecutive days at the same location, the wildlife shall be placed in cages meeting minimum size specifications in paragraphs (1)—(8). The minimum size specifications for temporary housing are as follows:

(i) *Large carnivores.* Lions, tigers, jaguars, leopards, pumas, wolves, bears and hybrid cats.

(A) Number or size: Single animal.

(B) Cage size: Cage length shall be at least double the body length—excluding tail—of the animal. Cage width shall equal or exceed body length. Cage height shall extend at least 2 feet above the standing animal's head to ensure proper ventilation. For two or more animals kept together, add 1/3 more cage length for each additional animal.

(ii) *Large primates.* Gorillas.

(A) Number or size: Single animal.

(B) Cage size: 8'W by 8'L. Height shall extend at least 2 feet over the standing height of the animal.

(C) Accessories. Overhead pull bar and seat.

(iii) *Adult orangutan.*

(A) Number or size: Single animal.

(B) Cage size: 7'W by 7'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(iv) *Adult chimpanzee.*

(A) Number or size: Single animal.

(B) Cage size: 6-1/2'W by 6-1/2'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(v) *Young chimpanzee.* Up to 50 pounds.

(A) Number or size: Single animal.

(B) Cage size: 5'W by 5'L. Height shall extend at least 2 feet over standing height of the animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(vi) *Macaques.*

(A) Number or size: Single animal.

(B) Cage size: 5'W by 5'L. Height shall extend at least 2 feet over standing height of animal.

(C) Accessories: The cage shall be equipped with overhead pull bar and seat.

(vii) *Primates—general.* Cages shall be well ventilated and have secure locking devices. Cages exposed directly to the public shall be constructed of steel or alloy bars not more than 1 inch apart.

(viii) *Other wildlife.* Cage length shall be at least double the body length—excluding tail—of the animal. Cage width shall equal or exceed body length. Cage height shall extend at least 1 foot above the standing animal's head. For two or more animals kept together, add 1/3 more cage length for each additional animal.

Authority

The provisions of this § 147.285 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.285 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended March 25, 1994, effective March 26, 1994, 24 Pa.B. 1582. Immediately preceding text appears at serial page (118776).

§ 147.286. Acquisition and disposal.

(a) Wildlife at a menagerie shall have been lawfully taken, exported, imported, transported, retained and possessed.

(b) The acquisition or disposal of wildlife shall be for the sole purpose of maintaining stock for the menagerie. Disposal or transfer for any reason is limited to persons who may lawfully import the wildlife being transferred.

(c) The Commission officer approving the menagerie permit shall be notified, in writing, within 10 days after receipt of additional wildlife.

(d) The Commission officer approving the menagerie permit shall be notified, in writing, 10 days prior to disposal of wildlife when feasible.

(e) Records shall be maintained of acquisitions and disposals of wildlife as well as wildlife born or hatched at the menagerie. Records shall be in ink and written in plain English. Records shall be available for inspection by Commission personnel at any reasonable hour.

Authority

The provisions of this § 147.286 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(c) and 2901(b).

Source

The provisions of this § 147.286 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 355. Immediately preceding text appears at serial pages (202851) to (202852).

§ 147.287. Health and welfare.

Wildlife shall be kept free from parasites, sickness or disease. If sick or unsightly, wildlife shall be removed from public display and immediately given professional medical attention, or be destroyed in a humane manner.

Authority

The provisions of this § 147.287 issued under The Game Law (34 P. S. §§ 1311.101—1311.1502) (Repealed); and the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965.

Source

The provisions of this § 147.287 adopted June 19, 1987, effective July 1, 1987, 17 Pa.B. 2464.

Subchapter P. WILDLIFE REHABILITATION

Sec.

- 147.301. Definitions.
- 147.302. General.
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- 147.304. Wildlife rehabilitation permits.
- 147.305. Wildlife capture and transportation permits.
- 147.306. Endangered, threatened or RVS certification.
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- 147.312. Unlawful acts.

Authority

The provisions of this Subchapter P issued under the authority of the Game and Wildlife Code, 34 Pa.C.S. §§ 101—2965, unless otherwise noted.

Source

The provisions of this Subchapter P adopted May 29, 1992, effective July 1, 1992, 22 Pa.B. 2839.

§ 147.301. Definitions.

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

Assistant—Individuals appointed by the wildlife rehabilitator to provide food and housing for wildlife being rehabilitated.

Council—The Wildlife Rehabilitation and Education Council as appointed by the Director under § 147.311 (relating to Council).

Facilities—Equipment or housing used in, or necessary for, the rehabilitation of wildlife.

RVS—Rabies vector species—All raccoons, skunks, foxes, bats, coyotes, groundhogs and other species designated by the Director.

Wildlife rehabilitation—The treatment and temporary care of injured, diseased and displaced wildlife, and the subsequent release of healthy wildlife to appropriate habitats in the wild.

Wildlife rehabilitator—A person permitted under the applicable law and this subchapter to conduct wildlife rehabilitation.

Authority

The provisions of this § 147.301 amended under the Game and Wildlife Code 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.301 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287499).

§ 147.302. General.

(a) The Director may issue a permit to an individual who meets the requirements of 34 Pa.C.S. § 2901(a) (relating to authority to issue permits) and this subchapter for the purpose of wildlife rehabilitation, wildlife capture and transportation, and educational use of rehabilitation wildlife.

(1) A rehabilitation permittee may receive and possess wildlife for care and rehabilitation.

(2) A capture and transportation permittee may capture or receive injured or displaced wildlife for transportation to a wildlife rehabilitator.

(3) Educational use of rehabilitation wildlife permittees may utilize specified nonreleasable wildlife for educational programs or exhibits.

(4) A rehabilitation assistant may be appointed by each wildlife rehabilitator to provide care for wildlife as necessary within the established limits for each class of permit.

(5) Permitted wildlife rehabilitators may use unlicensed volunteers under their supervision, at their facility, provided that they maintain current records including name, address and phone number.

(b) A licensed veterinarian may accept injured wildlife for emergency treatment without a permit, if the wildlife is not held for more than 48 hours before contacting the Commission or a wildlife rehabilitator. Wildlife shall be transferred to a properly permitted rehabilitator as soon as specialized veterinarian care is not required. This period may be extended by the district wildlife conservation officer if necessary for completion of the emergency treatment.

(c) Rehabilitated wildlife shall be returned to the wild as soon as feasible at a suitable location agreed upon by the wildlife conservation officer having jurisdiction facility location.

(d) Releasable wildlife may not be intentionally tamed or kept longer than necessary for restoration of its health.

(e) Except as provided in subsections (f) and (g), wildlife may not be kept alive when it becomes evident that rehabilitation and release is impossible.

(f) Nonreleasable wildlife, which visibly appears to be in good condition, may be held by authority of an educational use of rehabilitation wildlife permit or transferred to a zoological park or garden which is open to the public or to the holder of a wildlife menagerie permit. Raptors may additionally be transferred to holders of falconry or raptor propagation permits. A wildlife transfer permit, available from the Bureau of Wildlife Protection, shall be obtained for each specimen prior to any transaction.

(g) Nonreleasable wildlife may be held, with the approval of the Bureau of Wildlife Protection, for cross-fostering purposes.

(h) Wildlife may be transferred to other rehabilitation permittees within this Commonwealth if better care is required and facilities are available.

(i) Wildlife may be transferred to or from properly permitted facilities outside of this Commonwealth only upon issuance of a wildlife importation or exportation permit by the Bureau of Wildlife Protection.

(j) Wildlife which is terminated shall be surrendered to the Commission as required, or disposed of in an appropriate manner.

(k) Records shall be kept by the permittee on forms supplied by the Commission and a copy shall be submitted annually with the application for permit renewal by July 30.

(1) A wildlife rehabilitation facility and its records shall be available for inspection by an officer of the Commission at any reasonable hour. These officers may remove wildlife from the custody of the permittee if it is deemed necessary for the welfare of the wildlife. During an inspection, members of the Council may accompany these officers to act in an advisory capacity.

(1) *Caging.* Cages used for the rehabilitation of wildlife must be of adequate size, design and strength to provide for the good health, comfort and secure containment of the animal.

(2) *Sanitation.* Wildlife held under this subchapter shall be kept in a sanitary manner consistent with the standards in § 147.283 (relating to sanitation).

(3) *RVS.* RVS shall be housed in a manner to prevent escape of the animal and exposure to people, pets, livestock and other captive or free-ranging wildlife. Exterior caging must be locked and improved by double fencing or solid wall barrier of adequate design and strength to ensure proper containment and exclusion of animals. RVS may not be removed from their containment except for their treatment, destruction, rrelease or maintenance of the facility.

(m) The Director may restrict the rehabilitation of certain species of wildlife, either Statewide or in specific areas as required, due to disease, over-population or other limiting factors.

(n) The Commission, its employees, the Council or the Council members will not be responsible for costs involved in the treatment of wildlife unless specifically agreed to in writing.

(o) The renewal of a permit is contingent upon the permittee's compliance with relevant State and Federal statutes and this subchapter. Failure to comply with one or more conditions of the permit or this subchapter will be sufficient cause for recall of permit.

(p) A permitted wildlife rehabilitation facility shall be active and open to receive wildlife from the public and the Commission, unless the facility has either exceeded its capacity or otherwise provided the Commission with reasonable justification for inactivity or closure. An inactive or closure period deemed unreasonable may result in suspension, denial or recall of permit privileges.

(q) As of January 1, 2009, a new wildlife rehabilitator may not possess a menagerie, propagation, exotic wildlife possession or exotic wildlife dealer permit.

Authority

The provisions of this § 147.302 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.302 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287499) to (287501).

§ 147.303. Permit applications.

(a) Written application shall be made to the Director through the wildlife conservation officer in charge of the district in which the rehabilitation facilities are to be established.

(b) Each application must include the following:

(1) The name, address, telephone number and date of birth of the applicant.

(2) The location of the proposed facilities, which shall include the address, township or borough, and county.

- (3) Related educational background.
 - (4) Experience and training.
 - (5) The permit type desired. (Capture and transportation, wildlife rehabilitation or educational use of rehabilitation wildlife).
 - (6) The type of wildlife. (Mammals, nonraptor avian species, raptors of all species).
 - (7) The permit class. (Novice or general—wildlife rehabilitation only).
 - (8) A letter from a sponsoring wildlife rehabilitator. The letter must include the name, address and permit number of the sponsoring wildlife rehabilitator. (Capture and transportation and novice wildlife rehabilitation permits only).
 - (9) A letter from a sponsoring veterinarian. The letter must include the name and address of the veterinarian who will be assisting and advising the applicant (required for wildlife rehabilitation permit only).
- (c) A wildlife rehabilitator whose permit lapses for 2 or more years shall apply as a new applicant.
- (d) A wildlife rehabilitator whose permit was recalled shall be ineligible for reapplication for a minimum period of 2 years and shall be required to retest.

Authority

The provisions of this 147.303 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.303 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287501).

§ 147.304. Wildlife rehabilitation permits.

- (a) *Wildlife rehabilitation permits.* Wildlife rehabilitation permits will be limited as follows:
- (1) A maximum of two permits, including all classes, covering all species may be issued for each county with the following exceptions:
 - (i) The estimated population of the county exceeds 300,000.
 - (ii) The land area of the county exceeds 1,000 square miles.
 - (iii) Unusual circumstances exist which create a specific recommendation from the Council for an increase in the limitation.
 - (iv) Due to the issuance of permits which limit rehabilitation to specific types of wildlife (mammals, nonraptor avian species or raptors), the number of permits issued would not exceed two of any specific species listed in this subparagraph, unless excepted by subparagraph (i), (ii) or (iii).
 - (2) Permit limits for counties excepted in subsection (a) may be increased as follows:
 - (i) One permit for each additional 300,000 in the estimated population.
 - (ii) One permit where land area exceeds 1,000 square miles.

- (iii) One permit for unusual circumstances, when specifically recommended by the Council.
- (3) Exceptions will be recommended by the Council and approved by the Bureau of Wildlife Protection.
- (b) *Novice class wildlife rehabilitation permits.*
 - (1) *Qualifications.*
 - (i) New applicants shall successfully pass a supervised examination with a minimum score of 80%.
 - (ii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall submit photographs or videotape with commentary of their facility for review.
 - (2) *Permit conditions.*
 - (i) The permittee shall have facilities established which are adequate for the proper care and rehabilitation of the wildlife types listed on the permit. These facilities shall be inspected and approved by the district wildlife conservation officer prior to accepting wildlife for rehabilitation.
 - (ii) The permittee may not hold endangered or threatened species for rehabilitation. An endangered or threatened species received shall immediately be transferred to the nearest properly permitted wildlife rehabilitator.
 - (iii) Educational use of rehabilitation wildlife permits will not be issued to novice wildlife rehabilitators unless specifically recommended by the Council and approved by the Bureau of Wildlife Protection.
 - (iv) A novice wildlife rehabilitator may list no more than five capture and transportation permittees on its permits.
 - (v) A novice wildlife rehabilitator may appoint no more than five responsible individuals to assist in providing food and housing for wildlife being rehabilitated. It is the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.
 - (vi) A novice wildlife rehabilitator shall only renew his permit for 1 permit year at a time.
 - (vii) A novice wildlife rehabilitator may only remain as a novice for a period not to exceed 2 years. After the second year is reached, the permit will be voided and game or wildlife held under that permit shall be removed and relocated to another permitted facility, unless the novice has applied for an upgrade or as otherwise directed by the Director.
 - (viii) A novice wildlife rehabilitator shall have outside conditioning or prerelease cages established before an upgrade to a general class will be approved.
 - (ix) A novice wildlife rehabilitator request for upgrade to the class of general shall be reviewed and considered during the month of April only.
- (c) *General class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) The applicant shall have actively rehabilitated wildlife for a minimum of 2 years as a novice wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of Wildlife Protection.

(ii) [Submit photographs or videotape with commentary of the permittee's facility to the Bureau of Law Enforcement for review by the Council.

(iii)] The applicant shall appear for and successfully pass an oral examination/interview conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall also submit photographs or videotape with commentary of his facility for review.

(2) *Permit conditions.*

(i) A permittee claiming equivalent experience under qualifications may not accept wildlife for rehabilitation prior to a facility's inspection and approval by the district wildlife conservation officer.

(ii) A permittee may accept endangered, threatened or RVS for rehabilitation following proper additional certification under § 147.306 (relating to endangered, threatened RVS certification).

(iii) A general class wildlife rehabilitator may list no more than ten capture and transportation permittees in its permit.

(iv) A general class wildlife rehabilitator may appoint no more than ten responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It shall be the permittee's responsibility to notify the Bureau of Wildlife Protection in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of Wildlife Protection. A request must be in writing with justification for an increase.

Authority

The provisions of this § 147.304 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.304 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287502) to (287503).

§ 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

- (1) The applicant shall be sponsored by a wildlife rehabilitation permittee.
 - (2) The applicant shall successfully pass a Council-approved wildlife capture and transport written examination with a minimum score of 80%.
 - (3) The applicant, upon completion of testing, shall obtain a certificate from the Council approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.
- (c) Permit conditions are as follows:
- (1) A permittee may capture and transport injured or displaced wildlife when necessary.
 - (2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.
 - (3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

Source

The provisions of this § 147.305 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287503) to (287504).

§ 147.306. Endangered, threatened or RVS certification.

- (a) A written request for the endangered, threatened or RVS certification examination shall be made to the Bureau of Wildlife Protection.
- (b) The request shall include:
 - (1) The name, address and permit number of the applicant.
 - (2) The wildlife species to be included in certification.
 - (3) Related education, training and experience of the applicant.
 - (4) A description and photograph or videotape of facilities available.
- (c) Attend a certification workshop or seminar as established by the Council and the Bureau of Wildlife Protection.
- (d) RVS-certified permittees shall operate their facilities in accordance with the guidelines in the RVS protocol established by the Council, the Commission and the Department of Health.

Authority

The provisions of this § 147.306 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.306 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287504).

Cross References

This section cited in 58 Pa. Code § 147.304 (relating to wildlife rehabilitation permits).

§ 147.307. Areas of service.

(a) The area serviced by wildlife rehabilitators will be restricted to the county or portion of a county in which facilities are established unless otherwise approved by the Bureau of Wildlife Protection.

(b) Capture and transportation permittees will be restricted to the area serviced by their sponsoring permittee unless otherwise approved by the Bureau of Wildlife Protection.

Source

The provisions of this § 147.307 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (287504).

§ 147.308. Training and education requirements.

(a) A wildlife rehabilitator and capture and transportation permittee will be required to attend a minimum of one training program or symposium conducted by the Council or the Commission within a 2-year period when this training is made available, or an equivalent training as approved by the Council.

(b) The failure to meet training and education requirements will result in permit recall.

Authority

The provisions of this § 147.308 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.308 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307. Immediately preceding text appears at serial page (202858).

§ 147.309. Educational use of rehabilitation wildlife permits.

(a) Wildlife native to this Commonwealth which is held under the authority of a wildlife rehabilitation permit may be utilized for educational programs or exhibits by wildlife rehabilitators or their designated assistants only when in the possession of a valid educational use of rehabilitation wildlife permit.

(b) Permit applications must be made in writing to the Bureau of Wildlife Protection and include the following:

- (1) The name, address and permit number of the applicant.
- (2) The name, address and telephone number of designated assistants, if any.
- (3) A list of wildlife species to be utilized.
- (4) The area, county or counties, in which the programs will be conducted.
- (5) The educational experience or background of the applicant and the designated assistants.
- (6) A general outline setting forth program goals and objectives.

(c) Permit applications will be approved by the Council and the Bureau of Wildlife Protection.

(d) Permit conditions are as follows:

(1) Only nonreleasable wildlife which visibly appears to be in good condition may be utilized.

(2) Not more than ten specimens of wildlife which are determined to be nonreleasable may be used by the permittee for educational exhibits or programs held away from the established rehabilitation facility, unless further restricted by State or Federal permits.

(3) Human contact may not be permitted with the wildlife and the wildlife shall be restrained to preclude danger to the public or injury to the specimen. Free flying of any species is prohibited.

(4) RVS may not be used for educational programs or exhibits.

(e) Records shall be maintained by the permittee and include the date, location and listing of wildlife used for each exhibit or program conducted. These records shall be retained for 2 years and be available for inspection by the wildlife conservation officer or other officers of the Commission at any reasonable hour. A copy of these records shall be made available to the Bureau of Wildlife Protection upon request.

(f) Educational use of rehabilitation wildlife permit holders may apply for salvage permits.

(g) Failure to comply with one or more conditions of the permit will be reason for suspension, denial or recall of the permit.

Authority

The provisions of this § 147.309 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.309 amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (287505) to (287506).

§ 147.310. United States Fish and Wildlife Service permits.

(a) A wildlife rehabilitation permittee authorized to rehabilitate migratory birds shall be in possession of a valid United States Fish and Wildlife Service special purpose rehabilitation permit.

(b) A capture and transportation permittee who handles migratory birds shall be listed as a subpermittee on the sponsoring wildlife rehabilitator's United States Fish and Wildlife Service permit.

(c) An educational use of rehabilitation wildlife permittee utilizing migratory birds shall have their United States Fish and Wildlife Service permit amended to authorize educational use of nonreleasable wildlife. A designated assistant shall be listed as a subpermittee.

§ 147.311. Council.

The Director may appoint up to seven competent citizens of this Commonwealth to serve as members of the Council. Members of the Council shall serve as advisers to the Director on matters relating to wildlife rehabilitation and public education associated with this activity, assist the Bureau of Law Enforcement in devising tests to be administered under this subchapter and conduct other activities associated with wildlife rehabilitation as the Director may request. Members of the Council will not receive compensation for services rendered.

Source

The provisions of this § 147.311 amended July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716. Immediately preceding text appears at serial page (169585).

Cross References

This section cited in 58 Pa. Code § 147.301 (relating to definitions).

§ 147.312. Unlawful acts.

It is unlawful for a person to accept, possess, transport or display wildlife contrary to this subchapter or the act.

Subchapter R. DEER CONTROL**POLITICAL SUBDIVISIONS**

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POLITICAL SUBDIVISIONS

§ 147.321. Scope.

This subchapter regulates the activities of persons, as defined in section 102 of the act (relating to definitions), who apply for, receive or conduct activities under a deer control permit issued under the authority of section 2902 of the act (relating to general categories of permits) or this part.

147-54.1

Source

The provisions of this § 147.321 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.322. Application for deer control permit.

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

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

(1) A complete map showing the boundaries of the area being considered and indicating the land use within the area, cover types, huntable areas, damage areas, deer concentration areas, all safety zones and proposed control areas within the proposed boundaries.

(2) A deer management plan shall be submitted with each application which provides deer management goals and requesting the number of animals to be removed.

(3) Each application shall substantiate the background and scope of the deer problem and include alternative approaches to the problem and propose what action is recommended to be taken under the permit.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized 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.

Source

The provisions of this § 147.322 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (320730) and (297379).

§ 147.323. Permit.

An application shall show the name, address, date of birth and telephone number for each permittee and subpermittee.

Source

The provisions of this § 147.323 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.324. Privileges authorized under the permit.

Deer shall be taken:

(1) Regardless of age or sex.

(2) From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.

- (3) At any hour, day or night, and with or without an artificial light.
- (4) With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods) or other device authorized by the Director and listed on the permit.
- (5) Only in areas designated by the political subdivision, homeowners association or nonprofit land-holding organization.

Source

The provisions of this § 147.324 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial page (297379).

§ 147.325. Special conditions of permit.

- (a) Special conditions specific to the applicant's area will be listed on the permit.
- (b) Permits shall list the applicant's name, who shall be an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization responsible for the activities conducted under this permit and list all subpermittees.
- (c) A copy of the permit shall be carried by the permittee and subpermittees when engaged in activities granted by the permit. The permit shall be shown to any officer of the Commission or person empowered to enforce the act or this part.
- (d) Unless otherwise exempted under this title, a permittee or subpermittee who engages in the taking of deer shall first apply for and receive a nuisance wildlife control operator permit as provided in Chapter 147, Subchapter T (relating to nuisance wildlife control operator).

Source

The provisions of this § 147.325 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6928. Immediately preceding text appears at serial pages (297379) to (297380).

§ 147.326. Carcass handling.

- (a) Each deer harvested shall have the entrails removed at a suitable location away from where the animal was taken.
- (b) Each deer shall be tagged or marked with a tag supplied by the Commission.

(c) Due care shall be taken with each carcass to preserve the meat for human consumption.

(d) Deer suitable for human consumption shall be utilized through a food bank or needy family or as otherwise determined by the Director.

(e) Antlers from deer taken under the authority of this permit shall be submitted to the Commission for disposal by the Director.

Source

The provisions of this § 147.326 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.327. Reports.

(a) Deer taken under the authority of this permit shall be reported to the Director on forms supplied by the Commission.

(b) Reports shall be submitted on a monthly basis when deer are taken.

Source

The provisions of this § 147.327 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.328. Permit renewal.

(a) Permits will be issued on a fiscal basis of July 1 to June 30 next following.

(b) Renewal of the permit will be subject to the review of progress towards deer management plan objectives.

Source

The provisions of this § 147.328 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

§ 147.329. Violations.

The Director may revoke a permit for a violation of this subchapter, conditions of a permit, or if a report is not received, as required, upon written notice to the permittee.

Source

The provisions of this § 147.329 adopted July 29, 1994, effective July 30, 1994, 24 Pa.B. 3716.

MILITARY INSTALLATIONS

§ 147.441. General.

Sections 147.442—147.448 provide for permits to be issued to Department of Defense installations or other military installations for the purpose of deer control in the confines of the specific reserve.

Source

The provisions of this § 147.441 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

§ 147.442. Application on military installations.

The application shall provide technical and historical data on the installation to include the following:

- (1) A complete map showing the boundaries of the installation and indicating the areas to be hunted.
- (2) Information to show that the areas to be hunted are completely fenced so that public access is restricted.
- (3) Information that estimates herd size within the enclosure.
- (4) Previous harvest data in relation to herd size, if applicable.
- (5) The proposed hunting dates and a projected harvest.
- (6) A deer management plan which provides deer density estimates and what the desired tolerable level should be for the land area.
- (7) A Memorandum of Understanding (MOU) or cooperative management plan, or both, between each installation applying for a permit and the Commission which is in effect at the time of application.

Source

The provisions of this § 147.442 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.443. Special conditions for military installations.

Special conditions for permits to be granted on military installations are as follows:

- (1) Pennsylvania licensed hunters are eligible to apply to hunt on the installation.
- (2) A public lottery shall be conducted by the installation to determine the subpermittees.
- (3) The military installation shall be in charge of issuance of the subpermits.
- (4) The number of subpermits will be based on the number of deer that are needed to be removed formulated with a hunter success ratio and approved by the Commission.
- (5) Only antlerless deer may be taken under the authority of this permit.
- (6) If the number of subpermits is not exhausted at a public lottery, names may be drawn until the allotment is filled, allowing for more than one subpermit to be issued to an individual.

(7) The hunting areas shall be open to Commission wildlife conservation officers for enforcement activities in accordance with the Memorandum of Understanding or cooperative plan agreement.

Source

The provisions of this § 147.443 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.444. Permit fee.

A charge will not be made for the permit. A \$5 fee will be assessed for every subpermit requested and remitted to the Commission with the application.

Source

The provisions of this § 147.444 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.445. Carcass tagging.

Each deer carcass removed from the installation shall have attached a deer carcass tag.

(1) Carcass tags will be provided by the Commission.

(2) The tag shall be completed and attached to the head of the animal in accordance with the tagging requirements in section 2323(b) of the act (relating to tagging and reporting big game kills), except the reporting shall be done by the installation at the completion of the hunting.

Source

The provisions of this § 147.445 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.446. Reports.

(a) Deer taken under the authority of this permit shall be reported to the Director on forms supplied by the Commission. Each report shall be completed with the required information and be submitted within 30 days after the hunt.

(b) The installation is required to submit a list of the subpermittees on forms supplied by the Commission.

Source

The provisions of this § 147.446 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.447. Renewal.

(a) Permits will be issued on a fiscal basis of July 1 to June 30 next following.

(b) Renewal of permit will be subject to the review of progress towards the deer management plan goals.

Source

The provisions of this § 147.447 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

§ 147.448. Violations.

The Director may revoke a permit for a violation of this subpart, conditions of the permit or if a report is not received as required, upon written notice to the permittee.

Source

The provisions of this § 147.448 adopted August 19, 1994, effective August 20, 1994, 24 Pa.B. 4197.

Cross References

This section cited in 58 Pa. Code § 147.441 (relating to general).

AGRICULTURE**§ 147.551. General.**

This section and §§ 147.552—147.559 (relating to agriculture) provide for permits to be issued to a qualified person as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property) to remove deer by shooting on lands under their ownership or control, or both.

Source

The provisions of this § 147.551 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611.

§ 147.552. Application.

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Except in wildlife management units 5C and 5D, applications will only be accepted from persons who have been enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program.

(c) A copy of a deed or lease showing the applicant to be the owner or have control, or both, of the hunting rights of the land to be permitted shall accompany the application.

Authority

The provisions of this § 147.552 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2102.

Source

The provisions of this § 147.552 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 26, 1999, effective February 27, 1999, 29 Pa.B. 1072; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251. Immediately preceding text appears at serial page (287511).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 28 each calendar year, excluding Sundays, during the hours of dawn to dusk only.

(2) *Exceptions.* The permit is not valid from May 16 to June 30 during peak fawning season.

(3) *Posting.* Except in wildlife management units 5C and 5D, deer control permit signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting shall be completed prior to February 1.

(4) *Fee for permit.* There is no fee for the issuance of the deer control permit.

Authority

The provisions of this § 147.553 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102 and 2901(b).

Source

The provisions of this § 147.553 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767; corrected June 1, 2001, effective February 12, 2000, 31 Pa.B. 2798; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended March 8, 2002, effective March 9, 2002, 32 Pa.B. 1307; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251; amended September 28, 2007, effective September 29, 2007, 37 Pa.B. 5255. Immediately preceding text appears at serial page (320731).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general); and 58 Pa. Code § 147.554 (relating to subpermit).

§ 147.554. Subpermit.

The permittee may acquire from the Commission subpermits, not to exceed the number provided for in § 147.553 (relating to permit) to be issued to qualified individuals of the permittee's choosing for the purpose of removing deer from the permittee's property by shooting. There is no fee charged for the subpermit. Qualifications are as follows:

(1) A subpermit will only be issued to residents of this Commonwealth who possess a valid resident hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(2) A person issued a subpermit will be required to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so it is visible in a 360° arc when involved in taking deer under this subchapter.

(3) A permittee may not issue more than one subpermit to a person to take deer on the permittee's land enrolled in the Agricultural Deer Control Program, except in wildlife management units 5C and 5D, where a permittee may not issue more than two subpermits to a person.

(4) Each deer taken under the permit shall be tagged with a tag provided by the Commission.

(5) Each person issued a subpermit shall report each deer taken to the permittee.

(6) Deer taken under the permit may be utilized by the person with the subpermit or donated to a valid food bank.

(7) Unused subpermits shall be returned to the district wildlife conservation officer within 5 days of the expiration of the permit.

Authority

The provisions of this § 147.554 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102 and 2901(b).

Source

The provisions of this § 147.554 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767; amended August 24, 2001, effective August 25, 2001, 31 Pa.B. 4650; amended June 30, 2006, effective July 1, 2006, 36 Pa.B. 3251. Immediately preceding text appears at serial page (287512).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.555. Antlerless deer only.

Only antlerless deer may be taken under this subchapter unless otherwise authorized by the Director. For the purposes of enforcing this chapter, the term "antlerless deer" has the meaning as defined in § 139.2 (relating to definitions).

Source

The provisions of this § 147.555 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611.

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.556. Lawful devices.

A permittee may restrict the type of firearm or bow used to take deer on lands under the permittee's ownership or control, or both. Devices used shall be in compliance with the act and this title as applicable.

Source

The provisions of this § 147.556 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611.

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.557. Reporting of deer taken.

The permittee shall report, on a form provided by the Commission, the number of deer killed and other information the Commission deems necessary. The completed report shall be submitted to the district wildlife conservation officer within 5 days after the end of each month while the permit is valid. If no deer are killed, a negative report shall be submitted.

Authority

The provisions of this § 147.557 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.557 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611; amended February 11, 2000, effective February 12, 2000, 30 Pa.B. 767. Immediately preceding text appears at serial page (253869).

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.558. Tagging of deer taken.

Deer taken under the authority of the permit shall immediately be tagged with a tag provided by the Commission. The tag shall be attached to the head of the deer and may not be removed. Unused tags shall be returned to the district wildlife conservation officer within 5 days of the expiration of the permit.

Source

The provisions of this § 147.558 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611.

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.559. Violations.

The Director may revoke a permit for a violation of this subchapter, conditions of a permit or for failing to submit a report as required, upon written notice to the permittee.

Source

The provisions of this § 147.559 adopted October 27, 1995, effective October 28, 1995, 25 Pa.B. 4611.

Cross References

This section cited in 58 Pa. Code § 147.551 (relating to general).

§ 147.661. General.

This section and §§ 147.662—147.668 (relating to forestry) provide for permits to be issued to qualified persons to remove deer by shooting on lands under their ownership or control or both if the lands are contained within a properly maintained fence designed to exclude deer.

Authority

The provisions of this § 147.661 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.661 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

§ 147.662. Application.

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Applications will only be accepted from persons who have been enrolled in the Commission's Forest Game Program for at least two hunting seasons immediately preceding their applications; or from persons who have been enrolled in one of the other Commission public access programs (Farm Game Project or Safety Zone - P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program. Applications will also be made available to Managers of Department of Conservation and Natural Resources Lands and Allegheny National Forest Lands, which are open to public deer hunting.

(c) An application for a deer control permit shall contain the following information:

(1) A copy of a deed, lease or legal agreement showing the applicant to be the owner or have control, or both, of the land to be permitted shall accompany the application.

(2) A complete map showing the boundaries of the entire property and the location and boundaries of the fenced enclosure being considered.

(3) A statement from the applicant that the land within the enclosure is being managed on a sustained yield basis as defined in § 131.2 (relating to definitions).

(4) The names of all individuals who may act under authority of this permit.

(5) Certification that the fence will be properly maintained to exclude deer, as designed and intended, for the full length of the permit period.

Authority

The provisions of this § 147.662 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.662 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.663. Fencing.

Fences shall be inspected and approved by a Commission officer as part of the application.

(1) The fence shall form a complete enclosure. Buildings may form a part of the enclosure provided there are no gaps.

(2) The fence shall be constructed of woven wire according to the design and specifications approved by the Director, or high tensile electrified wire at least 5 feet high. Woven wire fencing may not have openings larger than 6 inches square. Individual wires on electrified fencing may not be spaced greater than 10 inches apart. Other designs of barrier-type fencing enclosures may be acceptable if the Commission is satisfied the design will exclude deer. Fences constructed after April 4, 2000, shall be woven wire as described in this paragraph to be eligible for a deer control forestry permit.

(3) The Commission officer will examine the entire perimeter of the enclosure. If the basic design of the fence, or its state of maintenance, is such that deer can enter the enclosure, the Commission officer will not approve the permit.

(4) Gates shall be closed except during actual times of ingress and egress.

(5) The applicant shall have made a reasonable effort to drive deer from the enclosure.

(6) There shall be a reasonable number of hunter access points along the enclosure. "Reasonable" means a minimum of one point for every 4,000 feet of fenceline or part thereof. Gates used as hunter access points shall have a self-closing mechanism.

Authority

The provisions of this § 147.663 amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a) and 2901(b).

Source

The provisions of this § 147.663 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 356. Immediately preceding text appears at serial pages (267241) to (267242).

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.664. Permit.

(a) The deer control permit is subject to annual renewal and shall authorize the permittee or the permittee's legitimate employees to remove deer from the enclosed property by shooting:

(1) Any time between February 1 and September 30, outside the established deer hunting seasons as set by the Commission in § 139.4 (relating to seasons and bag limits for the license year).

(2) With any lawful firearm for big game as described in section 2322 (a) of the act (relating to prohibited devices and methods).

(3) At any time of the day or night with, or without, an artificial light.

(b) The appropriate Commission regional office shall be notified of the date and time of anticipated deer removal.

(c) Deer killed shall be reported to the appropriate Commission regional office immediately after killing.

(d) For the purposes of this section, "legitimate employee" means an employee of record, one for which the employer deducts taxes or other fees required by any local, state or Federal government and is listed on the permit.

(e) A copy of the permit shall be carried by an authorized person when engaged in activities described and presented upon request of an officer of the Commission or person empowered to enforce the act or this part.

Authority

The provisions of this § 147.664 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.664 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general); and 58 Pa. Code § 147.665 (relating to reporting of deer taken).

§ 147.665. Reporting of deer taken.

In addition to the requirements of § 147.664(c) (relating to permit), the permittee shall report on a form provided by the Commission, the number of deer killed and other information the Commission deems necessary. The completed report shall be submitted to the district wildlife conservation officer within 5 days after

the end of each month while the permit is valid. If no deer are killed, a negative report shall be submitted. Copies of all completed reports shall be forwarded to all Commissioners.

Authority

The provisions of this § 147.665 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.665 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.666. Tagging of deer taken.

Deer taken under the authority of the permit shall immediately be tagged with a tag provided by the Commission. The tag shall be attached to the head of the deer and may not be removed. Unused tags shall be returned to the district wildlife conservation officer within 5 days of the expiration of the permit.

Authority

The provisions of this § 147.666 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.666 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.667. Carcass handling.

(a) The Commission will determine the disposition of all deer killed. Disposition shall be through a food bank, to a needy family, proper disposal by the permittee, or turned over to a Commission officer.

(b) Each deer harvested shall have the entrails removed and due care shall be taken with each carcass to preserve the meat for human consumption.

(c) Antlers from deer taken under the authority of this permit shall be submitted to the Commission for disposal by the Director.

Authority

The provisions of this § 147.667 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.667 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

§ 147.668. Violations.

In addition to penalties provided in the act, the Director may revoke a permit for a violation of this subchapter, conditions of a permit or failure to maintain the enclosure fence.

Authority

The provisions of this § 147.668 issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.668 adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2479.

Cross References

This section cited in 58 Pa. Code § 147.661 (relating to general).

**DEER MANAGEMENT ASSISTANCE
PROGRAM PERMITS****§ 147.671. Purpose and scope.**

Sections 147.672—147.676 establish rules for application and issuance of DMAP harvest permits for use on lands enrolled in a DMAP.

Authority

The provisions of this § 147.671 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b).

Source

The provisions of this § 147.671 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754.

Cross References

This section cited in 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.672. Definitions.

The following words and terms, when used in this section and §§ 147.671 and 147.673—147.676, have the following meanings unless the context clearly indicates otherwise:

Coupon—The coupon issued by the Commission to approved DMAP areas entitling the holder to one DMAP harvest permit for the DMAP area indicated on the coupon.

DMAP—Deer Management Assistance Program.

DMAP harvest permit—The numbered permit which is issued through the Commission's PALS, authorizing the holder thereof to hunt antlerless deer in a specific DMAP area in accordance with provisions in the act and this part as they pertain to lawfully hunting deer. Each DMAP harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested.

Hunting club—A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

Private land—Land not defined as public land where the hunting rights are not leased or there is no fee charged for hunting.

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

Authority

The provisions of this § 147.672 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.672 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial pages (297382) and (328435).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.673. Eligibility and application for DMAP.

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies shall apply for the DMAP in a manner and on a form required by the Director. Separate applications for DMAP areas will not be accepted for areas that are within 1 air mile of another area that is owned, leased or controlled by the same person, political subdivision or government agency without an approved management plan.

(1) Where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented, one DMAP harvest permit may be allocated for every 5 acres of land enrolled in the DMAP. On other lands one DMAP harvest permit will be allocated for every 50 acres enrolled in the DMAP. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(b) Applications shall be submitted to a regional office by July 1 immediately preceding the first fall deer hunting season and shall include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the person who will be the contact person for the DMAP as well as other information required on the application.

(1) An application for approval of a management plan that will allow the use of additional DMAP harvest permits on a designated land area shall contain the following information:

- (i) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.
 - (ii) A description of the management area delineated on the map in subparagraph (i) including the size in acres, cover types (forested, nonforested), principle land uses, huntable areas and safety zones.
 - (iii) An explanation of deer management goals and objectives for the area.
 - (iv) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of DMAP on the area. Area specific information shall be provided that supports the deer management goals and objectives.
- (c) Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.
- (d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.

Authority

The provisions of this § 147.673 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.673 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial pages (328435) to (328436).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.674. Issuance of DMAP harvest permits.

- (a) DMAP harvest permits will be made available without regard to quota limitations and will be issued through the Commission's PALS.
- (b) Two harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license.
- (c) Coupon holders shall submit the completed coupons and remittance as determined by the Director. The fee for the harvest permit is \$10 for residents and \$35 for nonresidents. A fee of \$6 will be assessed for the replacement of any DMAP harvest permit.
- (d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

(e) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

Authority

The provisions of this § 147.674 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a), 2722(g) and 2901(b).

Source

The provisions of this § 147.674 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended January 14, 2005, effective January 15, 2005, 35 Pa.B. 357; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976; amended June 29, 2007, effective June 30, 2007, 37 Pa.B. 2959; amended March 20, 2009, effective March 21, 2009, 29 Pa.B. 1388. Immediately preceding text appears at serial pages (328436) and (335723).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.675. Validity of permit.

- (a) DMAP harvest permits are valid during open seasons for hunting antlered or antlerless deer.
- (b) DMAP harvest permits are valid only on the DMAP area indicated on the permit.
- (c) DMAP harvest permits are valid only to harvest antlerless deer.

Authority

The provisions of this § 147.675 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b).

Source

The provisions of this § 147.675 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended August 15, 2008, effective August 16, 2008, 38 Pa.B. 4512; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial page (335723).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); 58 Pa. Code § 147.672 (relating to definitions); and 58 Pa. Code § 147.676 (relating to unlawful acts).

§ 147.676. Unlawful acts.

It is unlawful to:

- (1) Use, possess or attempt to use or possess more than two DMAP harvest permits for a specific DMAP area in any license year.
- (2) Use or possess or attempt to use or possess a DMAP harvest permit that was issued to another person.
- (3) Lend or transfer in any manner whatsoever a DMAP harvest permit to any other person regardless of the purpose.

- (4) Issue more than two coupons to any person for a specific DMAP area in any license year.
- (5) Fail to tag any deer taken with a DMAP harvest permit in accordance with provisions of this part and the act relating to tagging big game.
- (6) Fail to submit harvest report and survey information in accordance with instructions provided.
- (7) Charge or accept any fee or consideration for a DMAP coupon.
- (8) Apply for, receive or possess a resident DMAP permit if you are a nonresident.
- (9) Fail to comply with any other provisions of §§ 147.672—147.675.

Authority

The provisions of this § 147.676 issued under the Game and Wildlife Code, 34 Pa. Code § 2910(b); amended under the Game and Wildlife Code, 34 Pa.C.S. §§ 322(c)(4), 2102(a) and 2901(b).

Source

The provisions of this § 147.676 adopted June 13, 2003, effective June 14, 2003, 33 Pa.B. 2754; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3716; amended July 15, 2005, effective July 16, 2005, 35 Pa.B. 3936; amended March 20, 2009, effective March 21, 2009, 39 Pa.B. 1388. Immediately preceding text appears at serial pages (335723) to (335724).

Cross References

This section cited in 58 Pa. Code § 147.671 (relating to purpose and scope); and 58 Pa. Code § 147.672 (relating to definitions).

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

Sec.

- 147.701. General.
147.702. Unlawful acts.

Authority

The provisions of this Subchapter S issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2901(b), 2902(c) and 2904(18), unless otherwise noted.

Source

The provisions of this Subchapter S adopted May 19, 2000, effective May 20, 2000, 30 Pa.B. 2477, unless otherwise noted.

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

- (1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.
- (2) Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide

their Social Security number or hunter ID number on the application. A nonrefundable \$5 application fee shall accompany the application.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Only one application per person may be submitted. Anyone submitting more than one application for a permit will have all applications rejected.

(5) Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit. The selection of additional permit applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and will be open to the public.

(6) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits will be mailed by the first Friday in October. The total number of permits issued for the license year will be set by the Director no later than the first day of June.

(7) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.

(ii) A permitted person taking a bobcat shall report the harvest to the Commission within 48 hours of the taking by telephoning the number specified on the permit.

(iii) A permanent tag for a bobcat taken under authority of a special permit shall be in the persons' possession and locked immediately upon receipt of the tag.

(iv) The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(8) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. Applications from current applicants who have applied in the 2003-2004 license year and preceding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

(9) A bobcat guide permit will be issued as follows:

- (i) A person who assists another person to hunt or take bobcats in any manner shall first secure a bobcat guide permit from the Commission.
- (ii) The fee for a bobcat guide permit is \$10 for residents and \$25 for nonresidents.

Authority

The provisions of this § 147.701 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102(a), 2722(g)(2), 2901(b), 2902 and 2904.

Source

The provisions of this § 147.701 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2926; amended November 2, 2001, effective November 3, 2001, 31 Pa.B. 6054; amended June 13, 2003, effective June 14, 2003, 33 Pa.B. 2748; corrected June 20, 2003, effective June 21, 2003, 33 Pa.B. 2871; amended October 24, 2003, effective October 25, 2003, 33 Pa.B. 5314; amended April 15, 2005, effective April 16, 2005, 35 Pa.B. 2304; amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2976; amended June 27, 2008, effective June 28, 2008, 38 Pa.B. 3497. Immediately preceding text appears at serial pages (328438) and (319761) to (319762).

§ 147.702. Unlawful acts.

A person who fails or neglects to conform with or violates this subchapter or a permit issued under this subchapter shall be subject to penalties provided in the act.

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

Sec.

- 147.721. General.
- 147.722. Definitions.
- 147.723. Application.
- 147.724. Nuisance wildlife control operator examination.
- 147.724a. Nuisance deer control examination.
- 147.725. Records and reports.
- 147.726. Operation.
- 147.727. Humane methods.
- 147.728. Unlawful acts.

Authority

The provisions of this Subchapter T issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter T adopted November 2, 2001, effective November 3, 2001, 31 Pa.B. 6054, unless otherwise noted.

§ 147.721. General.

A nuisance wildlife control operator permit is required for any resident or non-resident person to take, harass, transport, release or dispatch designated wildlife for another person or to solicit or offer his services to another to take, harass, transport or dispatch designated wildlife that is creating a nuisance, causing dam-

age to property or is a risk to human health or safety. This permit authorizes the agent to control designated wildlife for another at any time of the year.

Authority

The provisions of this § 147.721 amended under the Game and Wildlife Code, 34 Pa.C.S. § 2901(b).

Source

The provisions of this § 147.721 amended May 28, 2004, effective May 29, 2004, 34 Pa.B. 2827; amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial pages (335342) and (304165).

§ 147.722. Definitions.

In addition to the definitions contained in the act and § 131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—A holder of a valid Nuisance Wildlife Control Operator Permit or a legitimate employee.

Humane manner—When dispatching an animal, death shall be induced as quickly and painlessly as possible by any of the methods in § 147.727 (relating to humane methods).

Legitimate employee—An employee of record, one for which the employer deducts or pays taxes or other fees required by any local, state or the Federal government and is listed on the permit.

Source

The provisions of this § 147.722 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304165).

Cross References

This section cited in 58 Pa. Code § 147.728 (relating to unlawful acts).

§ 147.723. Application.

(a) An application for examination shall be submitted on a form supplied by the Commission. A nonrefundable fee of \$25 for each test shall be submitted with the application for new agents only. An additional \$50 shall be submitted for each permit if the examination is passed.

(b) Experience and qualifications shall be listed on the application. If applicable, the business name shall also be included.

(c) Conviction of a violation of the act within 5 years of the date of application shall preclude the issuance of a permit.

(d) An agent whose permit lapses for 2 or more years shall apply as a new applicant.

Source

The provisions of this § 147.723 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304165).

§ 147.724. Nuisance wildlife control operator examination.

(a) New agents shall be required to obtain a minimum score of 80% on a supervised written examination approved by the Director.

(b) The examination shall include the following subject matter:

- (1) Biology, life history and habits of pertinent wildlife.
- (2) Control methods, care and handling and euthanasia.

- (3) Laws and regulations.
- (4) Diseases and parasites.

Source

The provisions of this § 147.724 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304165).

§ 147.724a. Nuisance deer control examination.

- (a) New agents shall be required to obtain a minimum score of 80% on a supervised written examination approved by the Director.
- (b) The examination must include the following subject matter:
 - (1) Biology, life history and habits of white-tailed deer.
 - (2) Control methods, care and handling and euthanasia.
 - (3) Laws and regulations.
 - (4) Diseases and parasites.
 - (5) Public relations.

Source

The provisions of this § 147.724a adopted December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930.

§ 147.725. Records and reports.

- (a) A record of all activities conducted under authority of the permit shall be kept on a form supplied by the Commission according to instructions on the form. The records shall be kept for 3 years and shall be the basis of any reports required by the Commission.
- (b) Records shall be available for inspection during normal business hours at the request of a wildlife conservation officer.
- (c) A report of activities shall be submitted, on a form supplied by the Commission, to the district wildlife conservation officer by the tenth day of each month. The report shall list the number of each species taken and the disposition of the wildlife.
- (d) Nonresidents shall submit their report forms directly to the Bureau of Wildlife Protection.

Source

The provisions of this § 147.725 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial pages (304165) to (304166).

§ 147.726. Operation.

- (a) Approved methods and devices are as follows:
 - (1) Foot hold traps, body gripping traps, box traps, clover traps, cage traps, nets and snares.
 - (2) Agents who are certified pesticide applicators may take vertebrate species with pesticides in accordance with the regulations of the Department of Agriculture. See 7 Pa. Code Chapter 128 (relating to pesticides).
 - (3) Shooting with a firearm that will induce death as quickly and painlessly as possible.

- (4) Dogs used to harass nuisance geese. The authorization to harass geese with dogs is prohibited at any time when goslings are present at the site and during the period from June 16 to July 20, when the majority of adult birds are flightless.
- (b) The agent shall have the approval of the property owner or lessee and confine all activities to that property.
- (c) The permit shall be carried at all times and presented upon the request of any officer whose duty it is to enforce this part.
- (d) Except as otherwise provided, it is unlawful to sell, trade, barter or transfer to another person any live or dead animal or parts taken under authority of this permit. Furbearer pelts are excluded from this provision provided the particular species is taken during the hunting or trapping season by the holder of a valid hunting or furtaking license as required.
- (e) Devices shall be tagged or labeled with the permit number, or trapper I.D. number.
- (f) Devices shall be checked by the agent or property owner at least once each calendar day, but only the agent may remove an animal from a trap.
- (g) Nuisance wildlife captured alive shall within 24 hours be dispatched in a humane manner or released in an area open to hunting or trapping. Nontarget animals may be released at the site of capture[.], with the following exceptions:
- (1) Except as provided in paragraph (2), rabies vector species (RVS), as defined in § 147.301 (relating to definitions) shall be euthanized in a humane manner rather than released.
- (2) An agent may not, without special written permission from the director, destroy or euthanize five or more bats at any one location.
- (h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the district wildlife conservation officer, unless alternative arrangements are accepted by the district wildlife conservation officer.

Source

The provisions of this § 147.726 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (304166).

§ 147.727. Humane methods.

Animals shall be dispatched using the following methods:

- (1) Birds shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot, cervical dislocation, decapitation.
- (2) Furbearers, small game and other small mammals shall be dispatched through the use of: inhalant anesthetics, carbon monoxide, carbon dioxide, barbiturates, gunshot or penetrating captive bolt.

(3) Big game shall be dispatched through the use of: barbiturates, gunshot, penetrating captive bolt or chloral hydrate.

Cross References

This section cited in 58 Pa. Code § 147.722 (relating to definitions).

§ 147.728. Unlawful acts.

It is unlawful to:

(1) Control any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

(2) Control any migratory birds unless the agent has the appropriate valid United States Fish and Wildlife Service depredation permit.

(3) Control any threatened or endangered species without proper permits and approval of the Commission.

(4) Fail to list or delete an employee from the permit.

(5) Dispatch any animal in any manner not defined as a humane manner in § 147.722 (relating to definitions).

(6) Conduct roundups or gather large numbers of resident Canada geese for removal from an area without prior approval from the Bureau of Wildlife Protection. Prior to authorization of a roundup, an applicant shall have conducted at least 2 consecutive years of nonlethal harassment techniques.

(7) Violate other provisions of this subchapter.

Source

The provisions of this § 147.728 amended December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930. Immediately preceding text appears at serial page (326601).

§ 147.729. Exemptions.

(a) A nuisance wildlife control operator permit will not be required for municipal, State or Federal employees conducting animal control activities if the following conditions are met:

(1) The municipal, State or Federal employee has agreed, in writing, to conduct animal control in accordance with this subchapter. However, permit testing and permit possession requirements do not apply.

(2) Written request for exemption shall be made to the district wildlife conservation officer on letterhead from the municipal, State or Federal entity. The request must state that the employee is a legitimate employee of the entity, is employed as an animal control officer and that the entity has accepted responsibility for the employee's training and supervision as it relates to this subchapter.

(3) This exemption is valid only if an animal control officer is acting within his scope of duty.

Source

The provisions of this § 147.729 adopted December 19, 2008, effective December 20, 2008, 38 Pa.B. 6930.

Subchapter U. DEPREDATION

Sec.

- 147.741. Definitions.
147.742. Depredation permits for migratory birds other than waterfowl.
147.743. Disposition of birds destroyed.
147.744. Depredation permits for migratory waterfowl.
147.745. Exclusions.
147.746. Exceptions for resident Canada geese.

Authority

The provisions of this Subchapter U issued under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102(a), 2103(a) and 2901(b), unless otherwise noted.

Source

The provisions of this Subchapter U adopted April 30, 2004, effective May 1, 2004, 34 Pa.B. 2329, unless otherwise noted.

§ 147.741. Definitions.

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

Applicant—The owner or principal officer of an aquaculture facility, which is suffering severe economic loss, or a person suffering property damage from migratory birds.

Aquaculture—The controlled culture of aquatic organisms, particularly fin-fish, under artificial circumstances—that is, ponds, raceways—for economic profit or by the Fish and Boat Commission. Net pens are excluded for the purpose of this definition.

WCO—Wildlife Conservation Officer.

WS—United States Department of Agriculture Wildlife Services.

§ 147.742. Depredation permits for migratory birds other than waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed under the following circumstances:

(1) A visit to the applicant's facility has been made by a WCO or the WS representative and a problem is verified to exist. A copy of WS Migratory Bird Damage Project Report will be furnished to the Commission by the WS investigator before submitting the form to the United States Fish and Wildlife Service.

(2) The applicant has exhausted all recommendations for reasonable non-lethal control methods provided by the Commission and the WS representative.

(3) The applicant agrees to implement WS/Commission recommendations for working towards a permanent solution within a period of time agreed to by the applicant, if economically feasible for the facility.

(b) Upon receipt of an application for a United States Fish and Wildlife Service depredation permit that meets the requirements of subsection (a)(1)—(3), the Commission will review the application and if approved forward the application to the United States Fish and Wildlife Service Migratory Bird Permit office.

§ 147.743. Disposition of birds destroyed.

Unless otherwise specified in a particular permit, the following apply:

- (1) Within 48 hours of killing birds, the permittee shall notify the Commission by phone of the killing and of the number of birds killed and the species of birds killed.
- (2) Birds shall be disposed of as specified in the permit or as directed by the Commission.

§ 147.744. Depredation permits for migratory waterfowl.

(a) A depredation permit issued by the United States Fish and Wildlife Service to an applicant may be co-signed by the Commission when the following criteria are met:

- (1) Subsequent to a complaint, the site has been visited by a WCO to verify that a problem exists. A Commission waterfowl complaint form will be furnished to the Commission by the WCO. A copy of the Federal depredation permit application will be furnished to the complainant by the WCO.
- (2) The applicant has demonstrated the site is open to hunting and hunting has been ineffective or hunting is impractical.

- (3) The applicant shall demonstrate that reasonable nonlethal control methods have been attempted. Nonlethal control methods shall include the following:
- (i) Feeding of waterfowl is prohibited. The applicant shall address this issue and include evidence of the enforcement of a “no feeding” policy.
 - (ii) Exclusion and harassment measures (fencing, repellents, scare devices, and the like).
 - (iii) Habitat manipulation (eliminate feeding areas, resting and breeding habitat).
- (b) The following control methods are approved for population reduction and will be specifically identified in the depredation permit:
- (1) Oiling, addling or freezing of eggs.
 - (2) Shooting may be used to reinforce nonlethal measures according to the following guidelines:
 - (i) The permit will specify the number of birds to be shot with no more than 10% of the nuisance flock to be killed except on airports covered by Airport Safety Control permits issued by the Commission.
 - (ii) Waterfowl may only be taken with shotgun using nontoxic shot no larger than size T.
 - (iii) The use of blinds, bait, decoys and calls is prohibited.
 - (3) Depopulation of waterfowl by the applicant, its employees, wildlife control agents, WS or authorized Federal or State wildlife agency personnel will be specified in the permit under the following guidelines:
 - (i) The number of birds to be killed may not exceed that specified in the permit.
 - (ii) Killing will be conducted only by persons specified in the permit by shooting with shotguns using nontoxic shot no larger than size T, or capturing birds and euthanasia by chemical or mechanical devices approved for use by the Executive Director or a designee.
- (c) Waterfowl carcasses taken under depredation permits will be used according to the following guidelines:
- (1) Care will be taken to preserve carcasses for human consumption and shall be made available to food banks or others specified in the permit. Birds euthanized by chemical means will not be utilized for human consumption.
 - (2) When the condition of the birds is unsuitable for human consumption or food banks, or individuals are not available to accept carcasses, the birds may be disposed of in a sanitary method by burying, incineration or depositing in approved landfills or refuse facilities.

Cross References

This section cited in 58 Pa. Code § 147.746 (relating to exceptions for resident Canada geese).

§ 147.745. Exclusions.

(a) A permit is not required for red winged and rusty blackbirds, cowbirds and grackles which are listed in the United States Fish and Wildlife Service's standing depredation order (50 CFR 21.43 (relating to depredation order for blackbirds, cowbirds, grackles, crows and magpies)).

(b) A depredation permit will not be issued for the taking of any endangered or threatened species, as defined in 50 CFR Part 17 (relating to endangered and threatened wildlife and plants).

(c) Depredation permits for waterfowl will only be issued during the waterfowl hunting season, where hunting cannot be used as a control method.

(d) A depredation permit will not be renewed if the permittee has not made a good faith effort to implement nonlethal control recommendations by the Commission or WS.

Source

The provisions of this § 147.745 amended June 16, 2006, effective June 17, 2006, 36 Pa.B. 2977. Immediately preceding text appears at serial pages (303771) to (303772).

§ 147.746. Exceptions for resident Canada geese.

(a) *Egg addling and nest destruction.* Private landowners and managers of public lands and their employees or agents may destroy the nests and eggs of resident Canada geese on lands under their jurisdiction when necessary to resolve or prevent injury to people or damage to property or agricultural crops between March 1 and June 30 without the need for a joint state/Federal permit when the following conditions have been met:

(1) Private landowners or managers of public land have registered with the United States Fish and Wildlife Service at www.fws.gov/permits/mbpermits/gooseeggregistration.html. Each person who will be conducting the activity shall be registered at this site prior to implementing control activities.

(i) Eggs may be addled by shaking, freezing with CO₂ or oiling. If addled by oil, only 100% corn oil may be use.

(ii) Nests and eggs may be disposed of by burying or burning.

(2) Persons exercising privileges authorized by this subchapter shall file a report with the United States Fish and Wildlife Service at www.fws.gov/permits/mbpermits/gooseeggregistration.html no later than October 31 of each year. Failure to file a report may result in the denial of permission to addle the eggs or destroy the nests of resident Canada geese in subsequent years.

(3) It shall be unlawful to interfere with the nest or eggs of resident Canada geese without first registering with the United States Fish and Wildlife Service as required by this subchapter.

(b) *Agricultural facilities.*

(1) *Commercial agricultural production.* Persons actively engaged in commercial agriculture production may apply for a State-issued resident Canada goose depredation permit. This permit allows a commercial agricultural producer and its legitimate employees and agents to engage in the shooting or capture of resident Canada geese when necessary to prevent damage to agricultural crops and other interests by resident Canada geese. The permit will prescribe the method of taking and the number of resident Canada geese that may be taken. The permit will be valid from May 1—August 31 of the year in which the permit was issued. The permittee shall file a written report on a form provided by the Commission, regarding the activities authorized by the permit no later than October 31 of the year in which the permit was issued. Failure to file the report as required may result in future applications being denied.

(2) *Application fee.* An application fee of \$50 in the form of check or money order shall be remitted to the Commission by the applicant at the time of application.

(c) *Airports and military airfields.*

(1) *Federal requirement.* Airports that are part of the National Plan of Integrated Airport Systems and have received Federal grant-in aid assistance and military airfields may control resident Canada geese on property that is under their jurisdiction without the need for a State or joint state/Federal depredation permit if they comply with 50 CFR 21.49 (relating to control order for resident Canada geese at airports and military airfields).

(2) *Unlawful acts.* It shall be unlawful to control resident Canada geese on airport or military airfield property through lethal control or to destroy eggs and nests of resident Canada geese unless the participants are in compliance with 50 CFR 21.49 or are in possession of a joint state/Federal Canada goose depredation permit as prescribed in § 147.744 (relating to depredation permits for migratory waterfowl).

Source

The provisions of this § 147.746 adopted March 23, 2007, effective March 24, 37 Pa.B. 1311.

**Subchapter V. AGRICULTURAL DAMAGE
DEPREDATION PERMIT**

- Sec.
147.761. Purpose and scope.
147.762. Application.
147.763. Permit.
147.764. Subpermittee.
147.765. Violations.

Authority

The provisions of this Subchapter V adopted under the Game and Wildlife Code, 34 Pa.C.S. §§ 2121 and 2901.

Source

The provisions of this Subchapter V adopted March 28, 2008, effective March 29, 2008, 38 Pa.B. 1473, unless otherwise noted.

§ 147.761. Purpose and scope.

The purpose of this subchapter is to provide for depredation permits to be issued to qualified agricultural landowners to authorize them to secure the assistance of subpermittees, not otherwise individually qualified by section 2121 of the act (relating to killing game or wildlife to protect property) themselves, to destroy game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the agricultural landowners.

§ 147.762. Application.

(a) Applications for depredation permits issued under this subchapter shall be made through the district wildlife conservation officer on the appropriate form provided by the Commission.

(b) Applications must identify the name and contact information of the permit applicant, the names and contact information of the subpermittees, the specific location of the subject property owned, leased or otherwise controlled by the applicant, the species of game or wildlife causing damage, the specific nature and extent of the damage caused by the game or wildlife and any additional information the Commission may require.

(c) Applications will only be accepted from persons meeting the following criteria:

(1) The permit applicant meets the definition of a qualified "person," as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property).

(2) Except in Wildlife Management Units 5C and 5D, the permit applicant is currently enrolled in one of the Commission public access programs (Farm Game or Safety Zone) for a minimum of 2 years.

(3) The permit applicant possesses a valid agriculture deer control permit if the species sought to be destroyed is white-tailed deer.

(d) Applications shall be accompanied by a copy of the deed, lease or other legal document evidencing the permit applicant to be the owner, lessor or the person in control of the lands to be permitted, including the hunting rights thereon.

§ 147.763. Permit.

A depredation permit issued under this subchapter authorizes the permittee to enlist the aid of a limited number of subpermittees for the purpose of destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

- (1) The maximum number of subpermittees listed may not exceed two per permit, unless the district wildlife conservation officer recommends an increase due to warranted circumstances.
- (2) A depredation permit issued under this subchapter is valid at any hour, day or night, but only for the duration of the current permit year.
- (3) An annual report shall be submitted on forms supplied by the Commission by July 31 of each permit year.

§ 147.764. Subpermittees.

A depredation permit issued under this subchapter authorizes a limited number of subpermittees, selected by the permittee, to act on behalf of the permittee by destroying game or wildlife causing agricultural damage on lands owned, leased or otherwise controlled by the permittee.

- (1) *Qualifications.* A subpermittee shall be a resident of this Commonwealth, possess a valid resident hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) and have no prior record of violations of the act or related license revocations within the previous 10 years.
- (2) *Eligibility.* A subpermittee may destroy game or wildlife upon lands owned, leased or otherwise controlled by the permittee only when the game or wildlife is either actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives, immediately following the destruction or when there is just cause for reasonable apprehension of additional imminent destruction.
- (3) *Lawful devices and methods.* A subpermittee shall comply with the arms, ammunition and method restrictions located in section 2126 of the act (relating to unlawful activities) and § 141.19 (relating to killing game or wildlife to protect property). A permittee may further restrict or limit the usage of specific arms, ammunition or methods of destruction as deemed appropriate.
- (4) *Reporting.* A subpermittee shall report all wildlife destroyed within 24 hours to the Commission in the manner required by section 2122 of the act (relating to report to commission officer).
- (5) *Surrender of carcass.* The allowances of section 2124 of the act (relating to retention of edible carcass for food) do not extend to subpermittees. A subpermittee shall surrender the entire carcass, including the head and hide, of all game or wildlife destroyed under this subchapter to the Commission in the manner provided by sections 2123 and 2125 of the act (relating to safekeeping

edible carcass pending disposition; and surrender of carcass to commission officer). A subpermittee who surrenders the entire carcass of any game or wildlife destroyed under this subchapter to a food bank or a butcher operating on behalf of a food bank, at the express direction of the district wildlife conservation officer, shall be deemed to have met the surrender requirement.

§ 147.765. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter, specifically including violations of the conditions of the permit or reporting requirements, upon written notice to the permittee.

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

Sec.

147.781. Purpose and scope.

147.782. Application.

147.783. Permit.

147.784. Violations.

Authority

The provisions of this Subchapter W adopted under the Game and Wildlife Code, 34 Pa.C.S. §§ 2102 and 2901.

Source

The provisions of this Subchapter W adopted March 28, 2008, effective March 29, 2008, 38 Pa.B. 1473, unless otherwise noted.

§ 147.781. Purpose and scope.

The purpose of this subchapter is to provide for snow goose conservation hunt permits to be issued to licensed migratory bird hunters. This permit will authorize migratory bird hunters to harvest snow geese during a time specified by the Director when all waterfowl seasons are closed and require hunter activity and harvest reporting carried out under the permit.

§ 147.782. Application.

(a) A permit will only be issued to persons who possess a valid hunting license, a valid migratory game bird license and, if the applicant is 16 years of age or older, a valid Federal duck stamp.

(b) Applications for snow goose conservation hunt permits issued under this subchapter shall be made on the form and in a manner provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

§ 147.783. Permit.

(a) A snow goose conservation hunt permit issued under this subchapter authorizes the permittee to harvest snow geese within this Commonwealth during a period of time when all waterfowl seasons are closed.

(b) The permittee is required to maintain records specifying hunting activity and harvest by day, time of day, and any other detail required by the Commission. An annual report of this hunting record shall be submitted in a manner specified by the Commission within 30 days of the last hunting day of the conservation hunt period.

(c) Except as otherwise provided in this subchapter, all State and Federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions apply:

(1) *Hunting hours.* All hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit shall be conducted in accordance with the adjusted hunting hours authorized for the snow goose conservation season provided in § 141.4 (relating to hunting hours).

(2) *Electronic calling.* Notwithstanding the general prohibition against the use of electronic calls found in section 2308 of the act (relating to unlawful devices and methods), the limited use of electronic calls shall be authorized for all hunting and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

Source

The provisions of this § 147.783 amended March 6, 2009, effective March 7, 2009, 39 Pa.B. 1205. Immediately preceding text appears at serial page (333685).

§ 147.784. Violations.

The Director may deny permit applications received from persons who failed to complete and submit harvest reports and survey information from the prior season.

Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT

Sec.

- 147.801. Purpose and scope.
- 147.802. Definitions.
- 147.803. Application.
- 147.804. General.
- 147.805. Safety.
- 147.806. Liability.
- 147.807. Violations.

Authority

The provisions of this Subchapter X issued under 34 Pa.C.S. § 2701(a), unless otherwise noted.

Source

The provisions of this Subchapter X adopted June 5, 2009, effective June 6, 2009, 39 Pa.B. 2802, unless otherwise noted.

§ 147.801. Purpose and scope.

(a) The purpose of this subchapter is to define and implement the Mentored Youth Hunting Program and provide for the issuance of hunting permits to eligible youths.

(b) The Mentored Youth Hunting Program is intended to provide mentors who are dedicated to promoting and sharing this Commonwealth's hunting heritage with interested youths, the opportunity to provide these younger unlicensed youths with one-on-one, hands-on experience and in-field training on the mechanical, ethical, safety, responsibility and enjoyment aspects of the hunting experience.

§ 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 while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 12 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) Applications for mentored youth 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 and Social Security number of the applicant.

(b) 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.

(c) The fee for a mentored youth hunting permit will be \$1, plus any applicable transactional and issuing agent fees.

§ 147.804. General.

(a) 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 youth hunting activities.

(b) A mentored youth shall possess a valid mentored youth hunting permit prior to engaging in any mentored youth hunting activities.

(c) A mentored youth's hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. A mentored youth's hunting eligibility is further limited to:

(i) Spring gobbler season only for turkey.

(ii) Antlered deer only during any applicable deer seasons. However, mentored youth hunters are subject to the same antler restrictions that apply to junior license holders as provided in the definition of antlered deer in § 131.2 (relating to definitions).

(d) A mentored youth's hunting eligibility is further constrained by applicable hunting seasons, daily limits, field possession limits and season limits provided in § 139.4 (relating to seasons and bag limits for the license year).

(e) A mentored youth is eligible to hunt during any special youth hunting seasons that apply to any species specified in subsection (c).

(f) A mentored youth shall tag and report all big game harvested in the manner provided in section 2323 of the act (relating to tagging and reporting big game kills).

§ 147.805. Safety.

While engaged in mentored youth hunting activities:

(1) A mentored youth shall be stationary, within arms reach and subject to the immediate control of the mentor at all times while in possession of any lawful hunting device.

(2) A mentor may not accompany more than one youth, including junior hunters, at any given time.

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time.

(4) A mentor and mentored youth shall both comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

§ 147.806. Liability.

A mentor is responsible and accountable for all actions of the mentored youth occurring while engaged in mentored youth hunting activities. A mentor who causes or allows a mentored youth to engage in an unlawful act shall be punishable as the principal offender as provided in section 924 of the act (relating to liability for actions of others).

§ 147.807. Violations.

It is unlawful for a mentor or mentored youth to fail to comply with any of the requirements, standards or limitations of this subchapter. A person violating this subchapter shall, upon conviction, be sentenced to pay the fine prescribed in the act. The Director may additionally deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

Subchapter Y. GUIDING PERMIT

- Sec.
147.901. Purpose and scope.
147.902. Definitions.
147.903. Application.
147.904. Permit.
147.905. Violations.

Authority

The provisions of this Subchapter Y issued under the Game and Wildlife Code, 34 Pa.C.S. § 2901 (b), unless otherwise noted.

Source

The provisions of this Subchapter Y adopted August 28, 2009, effective August 29, 2009, unless otherwise noted.

§ 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 certain designated species of wildlife.

§ 147.902. Definitions.

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

Guide—A person who assists another person in any manner to hunt, trap or otherwise take certain designated species of wildlife.

Guiding—

(i) The act of assisting or conspiring to assist another person in any manner to hunt, trap or otherwise take certain designated species of wildlife by locating, calling or directing another person to the quarry.

(ii) The term is not intended to include or authorize the assistance taking the form of any overt act directly connected with harvesting 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 applicants' local district wildlife conservation officers 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, as well as the specific eligible species of wildlife sought to be covered by the permit.

(c) Applications for guiding permits will only be accepted from persons who possess a valid hunting license or qualify for license and fee exemptions under

section 2706 of the act (relating to license and fee exemptions) and have no prior record of violations of the act or this title or related license revocations within the previous 10 years.

(d) The fee for a guiding permit will be \$25 for residents and \$50 for non-residents for each respective eligible species of wildlife to be covered by the permit.

§ 147.904. Permit.

(a) *General rule.* A guiding permit issued under this subchapter is required for any person to engage in any guiding activities for the following designated species of wildlife: elk and bobcat.

(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 for an eligible species of wildlife.

(d) *Orientation.* In any year the Commission establishes an orientation program for an eligible species of wildlife, the continuing validity of any guiding permit issued under this subchapter covering the eligible species, is premised upon the permit holder's completion of the orientation program prior to engaging in any guiding activities for the eligible species of wildlife.

§ 147.905. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

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