

CHAPTER 75. ENDANGERED SPECIES

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Source

The provisions of this Chapter 75 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted.

Cross References

This chapter cited in 7 Pa. Code § 128.102 (relating to protected designated areas).

§ 75.1. Endangered species.

(a) *General.* The species of fish, amphibians and reptiles and invertebrates listed in subsections (b)—(d) are classified endangered. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish.* The following species are endangered:

- (1) Northern brook lamprey, *Ichthyomyzon fossor*.
- (2) Shortnose sturgeon, *Acipenser brevirostrum*.
- (3) Lake sturgeon, *Acipenser fulvescens*.
- (4) Atlantic sturgeon, *Acipenser oxyrhynchus*.
- (5) Spotted gar, *Lepisosteus oculatus*.
- (6) Hickory shad, *Alosa mediocris*.
- (7) Cisco, *Coregonus artedi*.
- (8) Silver chub, *Macrhybopsis storeriana*.
- (9) Gravel chub, *Erimystax x-punctatus*.
- (10) Bridle shiner, *Notropis bifrenatus*.
- (11) River shiner, *Notropis blennius*.
- (12) Ghost shiner, *Notropis buechanani*.
- (13) Ironcolor shiner, *Notropis chalybaeus*.
- (14) Blackchin shiner, *Notropis heterodon*.
- (15) Redfin shiner, *Lythrurus umbratilis*.
- (16) Longnose sucker, *Catostomus catostomus*.
- (17) Bigmouth buffalo, *Ictiobus cyprinellus*.
- (18) Black bullhead, *Amerius melas*.
- (19) Mountain madtom, *Noturus eleutherus*.
- (20) Tadpole madtom, *Noturus gyrinus*.
- (21) Northern madtom, *Noturus stigmosus*.
- (22) Burbot, *Lota lota* (inland populations only).
- (23) Threespine stickleback, *Gasterosteus aculeatus*.

- (24) Banded sunfish, *Enneacanthus obesus*.
- (25) Warmouth, *Lepomis gulosus*.
- (26) Longear sunfish, *Lepomis megalotis*.
- (27) Iowa darter, *Etheostoma exile*.
- (28) Eastern sand darter, *Etheostoma pellucida*.
- (c) *Reptiles and amphibians*. The following species are a endangered:
 - (1) Bog Turtle, *Glyptemys muhlenbergii*.
 - (2) New Jersey Chorus Frog, *Pseudacris triseriata kalmi*.
 - (3) Coastal Plain Leopard Frog, *Rana sphenoccephala*.
 - (4) Massasauga Rattlesnake, *Sistrurus catenatus*.
 - (5) Kirtland's Snake, *Clonophis kirtlandii*.
 - (6) Eastern Mud Salamander, *Pseudotrion m. montanus*.
 - (7) Eastern Spadefoot Toad, *Scaphiopus holbrookii*.
 - (8) Rough Green Snake, *Opheodrys aestivus*.
- (d) *Invertebrates*. The following species are endangered:
 - (1) Northern riffleshell mussel, *Epioblasma torulosa rangiana*.
 - (2) Clubshell mussel, *Pleurobema clava*.
 - (3) Dwarf wedgemussel, *Alasmidonta heterodon*.
 - (4) Eastern pearlshell mussel, *Margaritifera margaritifera*.
 - (5) Rabbitsfoot mussel, *Quadrula cylindrica cylindrical*.
 - (6) Snuffbox mussel, *Epioblasma triquetra*.

Authority

The provisions of this § 75.1 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305.

Source

The provisions of this § 75.1 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; amended April 15, 1994, effective April 16, 1994, 24 Pa.B. 1958; amended September 17, 1999, effective September 18, 1999, 29 Pa.B. 4869; amended July 18, 2003, effective July 19, 2003, 33 Pa.B. 3496; amended September 9, 2005, effective September 10, 2005, 35 Pa.B. 5010; amended July 10, 2009, effective July 11, 2009, 39 Pa.B. 3442. Immediately preceding text appears at serial pages (342301) to (342302).

§ 75.2. Threatened species.

(a) *General*. The species of fish, amphibians, reptiles and invertebrates listed in subsections (b)—(d) are classified as threatened. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing, of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

- (b) *Fish*. The following species are threatened:
 - (1) Mountain brook lamprey, *Ichthyomyzon greeleyi*.
 - (2) Skipjack herring, *Alosa chrysochloris*.
 - (3) Goldeye, *Hiodon alosoides*.
 - (4) Mooneye, *Hiodon tergisus*.

- (5) Bigmouth shiner, *Notropis dorsalis*.
- (6) Southern redbelly dace, *Phoxinus erythrogaster*.
- (7) Spotted sucker, *Minytrema melanops*.
- (8) Brindled madtom, *Noturus miurus*.
- (9) Bluebreast darter, *Etheostoma camurum*.
- (10) Spotted darter, *Etheostoma maculatum*.
- (11) Tippecanoe darter, *Etheostoma tippecanoe*.
- (12) Gilt darter, *Percina evides*.
- (c) *Amphibians and reptiles*. The following species are threatened:
 - (1) Green Salamander, *Aneides aeneus*.
 - (2) Red-bellied Turtle, *Pseudemys rubriventris*.
- (d) *Invertebrates*. The following species are threatened:
 - (1) Sheepnose mussel, *Plethobasus cyphus*.

Authority

The provisions of this § 75.2 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305.

Source

The provisions of this § 75.2 adopted February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; amended November 7, 1997, effective November 8, 1997, 27 Pa.B. 5779; amended September 17, 1999, effective September 18, 1999, 29 Pa.B. 4869; amended September 9, 2005, effective September 10, 2005, 35 Pa.B. 5010; amended March 6, 2009, effective March 7, 2009, 39 Pa.B. 1202; amended July 10, 2009, effective July 11, 2009, 39 Pa.B. 3442. Immediately preceding text appears at serial pages (342302) and (342745).

§ 75.3. Candidate species.

(a) *General*. The species listed in subsections (b) and (c) are considered candidate species which could achieve endangered or threatened status in the future. They are subject to seasons, size, creel—bag—and possession limits specified in this subpart. A person who catches these species is encouraged to release them immediately and unharmed to the waters or other area from which they were taken.

- (b) *Fishes*.
 - (1) Ohio lamprey, *Ichthyomyzon bdellium*.
 - (2) Least brook lamprey, *Lampetra aepyptera*.
 - (3) American brook lamprey, *Lampetra appendix*.
 - (4) Bowfin, *Amia calva*.
 - (5) Central mudminnow, *Umbra limi*.
 - (6) Eastern mudminnow, *Umbra pygmaea*.
 - (7) Hornyhead chub, *Nocomis biguttatus*.
 - (8) Brook silverside, *Labidesthes sicculus*.
 - (9) Brook stickleback, *Culaea inconstans*.
- (c) *Amphibians and reptiles*.
 - (1) Blandings Turtle, *Emys blandingii*.

- (2) Broad-headed Skink, *Eumeces laticeps*.
- (3) Timber Rattlesnake, *Crotalus horridus*.

Authority

The provisions of this § 75.3 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305.

Source

The provisions of this § 75.3 adopted February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; amended April 15, 1994, effective April 6, 1994, 24 Pa.B. 1958; amended September 17, 1999, effective September 18, 1999, 29 Pa.B. 4869; amended September 9, 2005, effective September 10, 2005, 35 Pa.B. 5010; amended March 6, 2009, effective March 7, 2009, 39 Pa.B. 1202. Immediately preceding text appears at serial pages (313253) to (313254).

§ 75.4. Special permits.

The Executive Director, or a designee, may issue special permits under section 2305 of the code (relating to threatened and endangered species) to take, catch, kill or possess threatened or endangered species upon written application on forms provided by the Commission.

(1) Special permits will be issued only upon a showing of unique or extraordinary circumstances justifying the permit and the applicant shows that the permitted action does one of the following:

- (i) Has no demonstrable adverse impacts on the population of the species in this Commonwealth.
- (ii) Is in the best interest of the protection, conservation and management of the species.
- (iii) Is necessary and appropriate in the interests of public health and safety or promotes essential research or public education and information.

(2) Persons and institutions requesting special permits shall apply before taking, catching, killing, possessing or acquiring the threatened or endangered species. Application forms and information are available from the Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616.

Authority

The provisions of this § 75.4 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

Source

The provisions of this § 75.4 adopted February 8, 1991, effective February 9, 1991, 21 Pa.B. 498; amended April 10, 2009, effective April 11, 2009, 39 Pa.B. 1860. Immediately preceding text appears at serial page (342304).

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