

CHAPTER 75. ENDANGERED SPECIES

- Sec.
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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.

§ 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) Northern redbelly dace, *Phoxinus eos*.
 - (9) Gravel chub, *Erimystax x-punctatus*.
 - (10) Bridle shiner, *Notropis bifrenatus*.
 - (11) River shiner, *Notropis blennioides*.
 - (12) Ghost shiner, *Notropis bethlemi*.
 - (13) Ironcolor shiner, *Notropis chalybaeus*.
 - (14) Blackchin shiner, *Notropis heterodon*.
 - (15) Redfin shiner, *Lythrurus umbratilis*.
 - (16) Longnose sucker, *Catostomus commersoni*.
 - (17) Bigmouth buffalo, *Ictiobus cyprinellus*.
 - (18) Black bullhead, *Ameiurus 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*.
 - (29) Hornyhead chub, *Nocomis biguttatus*.
- (c) *Reptiles and amphibians*. The following species are endangered:
- (1) Bog Turtle, *Glyptemys muhlenbergii*.
 - (2) New Jersey Chorus Frog, *Pseudacris kalmi*.
 - (3) Southern Leopard Frog, *Lithobates sphenoccephalus utricularius*.
 - (4) Massasauga Rattlesnake, *Sistrurus catenatus*.
 - (5) Kirtland's Snake, *Clonophis kirtlandii*.
 - (6) Eastern Mud Salamander, *Pseudotrion m. montanus*.
 - (7) Rough Green Snake, *Opheodrys aestivus*.
 - (8) Northern Cricket Frog, *Acris crepitans*.
 - (9) Blue-spotted Salamander, *Ambystoma laterale*.
 - (10) Eastern Mud Turtle, *Kinosternon subrubrum subrubrum*.
- (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*.
 - (7) Salamander mussel, *Simpsonaias ambigua*.
 - (8) Round hickorynut mussel, *Obovaria subrotunda*.
 - (9) Pistolgrip mussel, *Quadrula verrucosa*.
 - (10) Rayed bean mussel, *Villosa fabalis*.

Authority

The provisions of this § 75.1 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

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; amended January 29, 2010, effective January 30, 2010, 40 Pa.B. 620; amended March 19, 2010, effective March 20, 2010, 40 Pa.B. 1500; amended July 3, 2010, effective July 3, 2010, 40 Pa.B. 3664; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7684; amended December 6, 2013, effective December 7, 2013, 43 Pa.B. 7085; amended September 2, 2016, effective September 3, 2016, 46 Pa.B. 5731. Immediately preceding text appears at serial pages (369389) to (369390).

Cross References

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

§ 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) Bigmouth shiner, *Notropis dorsalis*.
- (2) Southern redbelly dace, *Phoxinus erythrogaster*.
- (3) Spotted sucker, *Minytrema melanops*.
- (4) Brindled madtom, *Noturus miurus*.
- (5) Chesapeake Logperch, *Percina bimaculata*.

(c) *Amphibians and reptiles.* The following species are threatened:

- (1) Green Salamander, *Aneides aeneus*.
- (2) Eastern Redbelly Turtle, *Pseudemys rubriventris*.
- (3) Eastern Spadefoot Toad, *Scaphiopus holbrookii*.

(d) *Invertebrates.* The following species are threatened:

- (1) Sheephnose mussel, *Plethobasus cyphus*.

Authority

The provisions of this § 75.2 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102, 2305 and 2307; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

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; amended March 19, 2010, effective March 20, 2010, 40 Pa.B. 1500; amended July 2, 2010, effective July 3, 2010, 40 Pa.B. 3664; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7684; amended December 6, 2013, effective December 7, 2013, 43 Pa.B. 7085; amended July 17, 2015, effective July 18, 2015, 45 Pa.B. 3841; amended September 2, 2016, effective September 3, 2016, 46 Pa.B. 5731. Immediately preceding text appears at serial pages (369390) and (377795).

Cross References

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

§ 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) *Fish.*

- (1) Least brook lamprey, *Lampetra aepyptera*.
 - (2) Central mudminnow, *Umbra limi*.
 - (3) Eastern mudminnow, *Umbra pygmaea*.
 - (4) Brook stickleback, *Culaea inconstans*.
- (c) *Amphibians and reptiles.*
- (1) Blandings Turtle, *Emydoidea blandingii*.
 - (2) Broadhead Skink, *Plestiodon laticeps*.

Authority

The provisions of this § 75.3 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

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; amended March 19, 2010, effective March 20, 2010, 40 Pa.B. 1500; amended July 2, 2010, effective July 3, 2010, 40 Pa.B. 3664; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7684; amended September 2, 2016, effective September 3, 2016, 46 Pa.B. 5731. Immediately preceding text appears at serial pages (377795) to (377796).

§ 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, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823.

Authority

The provisions of this § 75.4 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102; amended under the Fish and Boat Code, 30 Pa.C.S.; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

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; amended March 23, 2018, effective March 24, 2018, 48 Pa.B. 1672. Immediately preceding text appears at serial pages (382894) and (368703).

Cross References

This section cited in 58 Pa. Code § 75.5 (relating to qualified surveyors for endangered and threatened species and their habitat).

§ 75.5. Qualified surveyors for endangered and threatened species and their habitat.

(a) *Requirement.* To conduct surveys for endangered or threatened species or their habitat in connection with an application for a proposed or planned development activity, a surveyor shall be deemed qualified by the Commission.

(b) *Qualification.* An individual who wishes to be qualified by the Commission to conduct surveys for endangered or threatened species shall demonstrate to the Commission's satisfaction that he meets the qualified surveyor requirements as approved by the Executive Director and published in the *Pennsylvania Bulletin*. The individual shall demonstrate his qualifications by submitting the completed application provided by the Commission. Individuals on existing Commission lists as of January 5, 2013, will be deemed qualified for purposes of this section provided they submit the completed application provided by the Commission.

(c) *List.* Upon qualification, the Commission will place the names of the individuals meeting these requirements on its qualified surveyor list for the species described in the application. The Commission will make these lists available to the public on its web site at www.fishandboat.com.

(d) *Duration.* The Commission's qualification of a surveyor is valid for 10 calendar years and expires on December 31 of the 10th year for which it was granted.

(e) *Renewal.* A qualified surveyor shall apply for renewal of the Commission's qualification every 10 years by submitting the completed renewal application provided by the Commission within 90 days prior to the qualification's expiration.

(f) *Denial and revocation.* The Commission may deny qualification of a surveyor who does not meet the requirements of this section. The Commission may revoke the qualification of a surveyor when the surveyor no longer meets the requirements of this section. A person aggrieved under this subsection may appeal to the Executive Director in accordance with 1 Pa. Code § 35.20 (relating to

appeals from actions of the staff). Part II of 1 Pa. Code (relating to General Rules of Administrative Practice and Procedure) applies.

(g) *Other requirements.* When applicable, a qualified surveyor shall meet the requirements of §§ 51.71 and 75.4 (relating to scientific collectors' permits; and special permits).

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