

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE
Bureau of Animal Health and Diagnostic Services
2301 North Cameron Street
Harrisburg PA 17110-9408
PH: 717-772-2852 FAX: 717-787-1868

APPLICATION TO REGISTER FOR ARTIFICIAL PROPAGATION

(for use by commercial propagation facilities including facilities intending to propagate game fish, fish bait, baitfish, amphibians, reptiles and aquatic organisms)

INITIAL APPLICATION

RENEWAL APPLICATION OF AQUACULTURE CERTIFICATION # _____

REGISTRATION FEE: \$150.00 for 5 YEARS

CHECK OR MONEY ORDER PAYABLE TO: **COMMONWEALTH OF PENNSYLVANIA**

1. Name of Business _____

2. Business Mailing Address (Street or Post Office) _____

(* Physical location of fish/animals) _____

2a If PA Resident (County) _____ Township/Municipality _____

3. Telephone Number _____ Fax _____

4. Email Address _____

5. Printed Name of Owner/Applicant _____

6. Home Address of Owner/ Applicant (Street or Post Office)

7. Business 911 street address or business GPS coordinates - **REQUIRED**

Purpose of the facility (Commercial, Research, Other) _____

8. Do you own or lease the lands and waters used for artificial propagation? _____

If leased, please send a copy of lease with application

9. Attach a copy of the required Department of Environmental Protection written approval or permit for any dam, pond or other device erected to prevent the free migration of finfish. (Facilities erected prior to January 1, 1980 and in continuous use and repair need not attach such approvals)

*Please complete for each separate facility that aquatic species are propagated in. Add additional pages containing the same information required below, as necessary.

10. ARTIFICIAL PROPAGATION FACILITY NO. 1

Address of Propagation Facility No.1 _____

County of Facility No. 1 _____ Township of Facility No. 1 _____

GPS coordinates or business 911 of Facility No. 1 _____

Is Facility No. 1 a recirculating system with no direct connection to any local waterways, i.e., **closed systems?** (See attachment '71.3 Closed System Propagation Description') _____ YES _____ NO

If YES, what is the ultimate disposal method of the recycled water for Facility No. 1? _____

If YES, what features and precautions ensure no organisms escape from Facility No. 1?

If YES, list the total number of tanks INCLUDING total gallons for Facility No. 1:

If YES list the total square footage of the buildings comprising Facility No. 1:

If YES (A Closed System) list the **COMMON NAME(s)** (example: rainbow trout, steelhead, kamloops) **AND SCIENTIFIC NAME** (example: *Oncorhynchus mykiss*) of each species of fish or aquatic organism to be propagated and the total capacity to propagate that species of fish or aquatic organism – required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.**

If **YES** set forth (Attach) the cultural methods that will be utilized to propagate each species of fish or aquatic organism _____

If **NO (An Open System)**, provide a description and name of each PA watershed, river, stream, lake, pond or underground water source for the water **SUPPLY AND DISCHARGE** of Facility No. 1.

If **NO**, list the total number of ponds/raceways including surface area and maximum depth for Facility No. 1:

List the **COMMON** (example: rainbow trout, steelhead, kamloops) and **SCIENTIFIC** (example: *Oncorhynchus mykiss*) names of the species you intend to propagate in Facility No. 1 – required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.**

If **NO**, set forth the total capacity for each species of fish or aquatic organism to be propagated at Facility No. 1:

***Provide an attached diagram of Facility No. 1**

*Please complete for each separate facility that aquatic species are propagated in. Add additional pages containing the same information required below, as necessary.

11.

ARTIFICIAL PROPAGATION FACILITY NO. 2

Address of Propagation Facility No.2 _____

County of Facility No. 2 _____ Township of Facility No. 2 _____

GPS coordinates or business 911 of Facility No. 2 _____

Is Facility No. 2 a recirculating system with no direct connection to any local waterways, i.e., closed systems? (See attachment '71.3 Closed System Propagation Description') _____ YES _____ NO

If YES, what is the ultimate disposal method of the recycled water for Facility No. 2? _____

If YES, what features and precautions ensure no organisms escape from Facility No. 2?

If YES, list the total number of tanks INCLUDING total gallons for Facility No. 2:

If YES list the total square footage of the buildings comprising Facility No. 2:

If YES, list the **COMMON** (example: rainbow trout, steelhead, kamloops and **SCIENTIFIC** (example: *Oncorhynchus mykiss*) names of each species of fish or aquatic organism to be propagated and the total capacity to propagate that species of fish or aquatic organism – required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.**

If **YES** set forth (Attach) the cultural methods that will be utilized to propagate each species of fish or aquatic organism _____

If **NO**, provide a description and name of each PA watershed, river, stream, lake, pond or underground water source for the water **SUPPLY AND DISCHARGE** of Facility No. 2:

If **NO**, list the total number of ponds/raceways including surface area and maximum depth for Facility No. 2:

List the **COMMON** and **SCIENTIFIC** names of the species you intend to propagate in Facility No. 2. Scientific names required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.**

If **NO**, set forth the total capacity for each species of fish or aquatic organism to be propagated at Facility No. 2:

***Provide an attached diagram of Facility No. 2**

12. Complete the following for all licensed dealers, licensed propagators and all other persons or businesses from whom you are purchasing your live fish, live baitfish, live fish bait, reptiles, amphibians and/or other aquatic organisms. If you need more space than that provided, please attach additional pages as needed.

Name of Business: _____

Address of Business: _____

Phone number(s) _____

Species Purchased from business: include scientific name of each species purchased – scientific names required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.**

Location and List Source (Wild Caught or Purchased) _____

Name of Business: _____

Address of Business: _____

Phone number(s) _____

Species Purchased from business: include scientific name of each species purchased

List Location and List Source (Wild Caught or Purchased) _____

13. What is your current or anticipated production level in both pounds/year and gross sales?

Pounds/Year _____ Gross Annual Sales _____

14. I MAKE THE FOREGOING REPRESENTATIONS SUBJECT TO THE PENALTIES OF 18 PA.C.S.A. SECTIONS 4904 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES)

(Date of Application)

(Signature of Applicant)

***NOTE: All non-Pennsylvania sources of live fish, live bait fish, and live fish bait must be approved as to source for disease transmission prevention by the Pennsylvania Department of Agriculture. Send a copy of each source facility's current fish health inspection report to the Department along with your application. Sources may be approved for a calendar year period.**

***NOTE: Pursuant to 58 Pa. Code § 71.3(a)(6) and §71.3(b) the Pennsylvania Fish and Boat commission has the authority to conduct an initial inspection as well as subsequent inspections to ensure compliance with the Commission's regulations regarding closed system propagation facilities.**

**Applicant Verification, Certification and Acknowledgment
(All Applicants Previously Listed Must Sign Below)**

The applicant(s) verifies, certifies, represents, affirms and warrants to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health and Diagnostic Services, that it meets all eligibility requirements set forth in the Act, the Regulations and this License Application and that:

The information contained herein and in all attachments and supporting material is true and correct, the filing of the License Application has been duly authorized by the applicant(s), and the Board of Directors thereof if a corporation, and the undersigned(s) has/have authority to execute this License Application on behalf of the applicant(s). The applicant(s) affirm(s) the information set forth in this License Application Form is true and correct and makes these statements subject to the penalties of 18 PA.C.S.A. § 4904, relating to unsworn falsification to authorities. That crime carries a jail term of up to 5 years, and a fine of between \$1,000 and \$5,000. Being aware of the possibility of criminal prosecution relating to false statements, the applicant(s) hereby verifies all information provided in this document is true and correct.

Signature instructions: Please sign below in the space provided applicable to your status as an applicant. All persons with an ownership interest in the business to be licensed are applicants and must sign. If applicant is one of several persons with an ownership interest, look for the listing below for the type of entity in which applicant possesses an ownership interest and sign there.

Sole Proprietor:	Partnership:	
_____ Signature	_____ Signature – General Partner	_____ Signature – General Partner
_____ Legibly Print Name	_____ Legibly Print Name	_____ Legibly Print Name
_____ Date	_____ Date	_____ Date

Corporation:

Name of Corporation

Signature of President / VP (circle which) Date

Name Legibly Print

Signature of Secretary / Treasurer (circle which) Date

Legibly Print Name

Limited Liability Company (LLC):

Name of Corporation

_____ Signature – Member Date	_____ Signature – Member Date
_____ Legibly Print Name	_____ Legibly Print Name
_____ Signature – Member Date	_____ Signature – Member Date
_____ Legibly Print Name	_____ Legibly Print Name

Example of how to list species - reptiles and amphibians

Scientific Name	Common Name
<i>Agalychnis callidryas</i>	RED EYE TREE FROG
<i>Anolis carolinensis</i>	GREEN ANOLE
<i>Anolis sagrei</i>	BAHAMAN ANOLE
<i>Ceratophytys cranwelli</i>	GREEN PACMAN FROG
<i>Chameleo calypratus</i>	VEILED CHAMELEON
<i>Chrysemys picta belli</i>	Western Painted Turtle
<i>Chrysemys scripta elegans</i>	Red-eared Slider Turtle
<i>Graptemys pseudogeographica kohni</i>	Mississippi Map Turtle
<i>Hemitheconyx caudicinctus</i>	AFRICAN FAT-TAIL GECKO
<i>Hyla cinerea</i>	GREEN TREEFROG
<i>Lampropeltis getula californiae</i>	KING SNAKES
<i>Pantherophis guttata</i>	CORN SNAKE
<i>Pelusios subniger</i>	AFRICAN SIDENECK TURTLE
<i>Physignathus cocincinus</i>	CHINESE WATER DRAGON
<i>Pogona vitticeps</i>	BEARDED DRAGON CB
<i>Rhacodactylus ciliatus</i>	CB EYELASH CRESTED GECKO
<i>Rhacodactylus ciliatus</i>	EYELASH CRESTED GECKO
<i>Takydromus sexlineatus</i>	LONGTAIL LIZARD
<i>Testudo graeca</i>	GREEK TORTOISE
<i>Testudo horsfieldi</i>	RUSSIAN TORTOISE

§ 79.8. Artificial propagation and dealers of live reptiles and amphibians.

(a) *General.* Except for hobby breeders and pet stores as defined in 3 Pa.C.S. Chapter 42 (relating to aquaculture development), it is unlawful to artificially propagate or deal in live reptiles and amphibians without being registered with the Department of Agriculture (Department) under 3 Pa.C.S. Chapter 42. It is unlawful for anyone, regardless of whether or not registered, to artificially propagate reptiles and amphibians except those species, subspecies and color morphs that the Commission has approved for artificial propagation in this Commonwealth in accordance with this section.

(b) *Approved lists.* The Bureau of Fisheries will maintain lists of species, subspecies and color morphs for which the Department may issue registrations for artificial propagation and registrations for dealers of live reptiles and amphibians. The Bureau of Fisheries will maintain two separate lists—one that the Commission has approved for artificial propagation in an open system and one that the Commission has approved for artificial propagation in a closed system. The Director of the Bureau of Fisheries may update or modify the lists of approved species, subspecies and color morphs by adding species, subspecies or color morphs to or deleting species, subspecies or color morphs from the lists as necessary for the protection and management of reptiles and amphibians in this Commonwealth. The Commission will provide the lists to the Department on or before January 31 each year and whenever the Commission updates or modifies the lists. Copies of the lists of approved species, subspecies and color morphs are available upon request from the Pennsylvania Fish and Boat Commission, Bureau of Fisheries, 450 Robinson Lane, Bellefonte, Pennsylvania 16823.

(c) *Open systems.* Reptiles and amphibians may be artificially propagated or held by dealers in an open system only when the Commission has approved the species, subspecies or color morphs for artificial propagation in an open system.

(d) *Closed systems.*

(1) Reptiles and amphibians may be artificially propagated or held by dealers in a closed system that meets the requirements of this subsection only when the Commission has approved the species, subspecies or color morphs for artificial propagation in a closed system.

(2) To artificially propagate or deal in live reptiles and amphibians in a closed system, an applicant for registration shall certify that the following conditions are met:

(i) The closed system will be constructed and operated in a manner that prevents the escape or liberation of live animals. Typically, a closed system will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this paragraph, a wall, floor or roof will be considered “solid” if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of live reptiles or amphibians from the closed system. Other types of housing structures will be considered closed if they are appropriate for the species being held and prevent their escape or liberation onto the lands or into the waters of this Commonwealth.

(ii) If water will be used in the propagator’s or dealer’s normal operations, discharge or disposal of the water will be in a manner that prevents the escape or liberation of live animals onto the lands or into the waters of this Commonwealth.

(iii) No live reptiles or amphibians or live reptile or amphibian eggs will be permitted to escape. Accidental escape, spillage or loss of live reptiles or amphibians including their eggs will be contained within the facility in a manner that prevents the reptiles and amphibians or their eggs from escaping onto the lands or into the waters of this Commonwealth.

(3) The Commission may request from the Department a list of registered propagators and dealers that hold reptiles and amphibians in closed systems. The Commission, in its discretion, may inspect the closed systems to ensure that they are designed and constructed in a manner to prevent escape of live reptiles or amphibians or their live eggs onto lands or into the waters of this Commonwealth. In addition, the Commission, in its discretion, may inspect the closed systems at any time to ensure compliance with this subsection, and the Commission may issue an order to suspend operations of any of these systems when an inspection discloses that it is not in compliance with this subsection.

(4) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators and dealers to help them ensure closed systems prevent escape of reptiles and amphibians onto the lands or into the waters of this Commonwealth. These guidelines will assist registered propagators and dealers in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(5) It is unlawful for an operator of a closed system to liberate or allow live reptiles or amphibians to escape onto lands or into the waters of this Commonwealth.

(6) A registered operator of a closed system shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or recovering escaped or liberated live reptiles and amphibians in the event of a closed system failure.

(7) A registered operator of a closed system shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of an escape or liberation of live reptiles and amphibians.

authority

The provisions of this § 79.8 adopted under the Fish and Boat Code, 30 Pa.C.S. § 2102.

Cross References

This section cited in 58 Pa. Code § 79.12 (relating to color morphs of native species).

DEALERS, AGENTS AND HAULERS OF DOMESTIC ANIMALS

REQUIREMENTS UNDER the Domestic Animal Law (3 Pa.C.S.A. §2341-2349)

Please refer to the actual Act for the most detailed information. This document is intended as an overview of what is required of someone who is licensed as a Domestic Animal Dealer or Hauler in Pennsylvania.

- 1) **Definition of Dealer:** In PA, you must be licensed either as a Domestic Animal Dealer or as an agent of a licensed Domestic Animal Dealer to buy, receive, sell, exchange, negotiate or solicit the sale, resale, exchange or transfer of domestic animals for the purpose of transfer of ownership or possession to a third party.
- 2) **Definition of Hauler:** A hauler is a person responsible for the transportation of domestic animals or dead domestic animals into, within or from this Commonwealth, not including animals he owns himself.
- 3) **Posting of License:** When acting as a dealer/hauler, a copy of the license must be posted at the place of business or, when conducting dealer or hauler activities away from the place of business, the dealer must make the wallet card version of the license available for inspection.
- 4) **Sanitation:** Premises and vehicles used for confining, stabling, housing, holding, or transporting domestic animals must meet standards of adequate sanitation, as determined by the Pennsylvania Department of Agriculture (PDA) to prevent the spread of dangerous transmissible diseases. As it states in the Domestic Animal Law, "The department shall conduct such inspections as are necessary to assure the sanitary and humane handling of domestic animals."
- 5) **Recordkeeping:** Dealers and Haulers must keep accounts and records and allow those accounts and records to be inspected by representatives of the PDA. These records must be sufficient to identify all living or dead domestic animals handled and their origin and disposition. When necessary, dealers and haulers must also keep copies of all health certification required (for example when transporting domestic animals through interstate commerce). Thorough record keeping can help the Department to limit the spread of diseases that can harm animal agriculture in PA.

Record keeping is also very important when an illegal drug residue is found in an animal at slaughter. When those incidents are investigated, if dealers or haulers were involved with that animal and they do not have adequate records including information such as dates, animal identification and the location where they picked up the animal, they may be held legally responsible for the drug residue.

Sample Intrastate Records:

Date	Description of purchased animal	Purchased/Hauled from:	Date sold	Sold to
2/20/17	1 Holstein Cow: ear tag 23ABC1234 Farm tag- White 36	J. Smith, 34 Farm Lane, Lewisburg PA 570-123-4567	2/21/17	Nicholas Packing, Loganton
2/21/17	3 bull calves	Amos King, 55 Dairy Rd, Allenwood	2 sold 2/22/17 One died and was composted on my farm	2 to Jersey Shore Auction



pennsylvania

DEPARTMENT OF AGRICULTURE
BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES

6) Interstate Movement: Please remember that there are regulations affecting the movement of domestic animals, especially between states. There can be consequences to dealers, haulers and others involved in the illegal importation of domestic animals into Pennsylvania (*for example bringing cattle to a Pennsylvania farm from Maryland with no health certificate and/or no official identification and/or no Brucellosis testing*). With the new federal ADT rule, interstate movement is under the scrutiny of the USDA. See the Federal Code of Regulations for details on identification and records requirements for interstate movement of livestock.

Sample Interstate Records:

What was picked up	Date	From	Certificate of Veterinary Inspection / testing	Sold or delivered to:	Date sold or delivered
Holstein cow 985000332123456	2/21/17	Joe Smith, 2 Barn Way, Elkton, MD	MD health certificate #S209876 dated 1/28/17 showing negative Brucellosis test results on 12/18/13.	John Black at 555 Milkhouse Rd. Ephrata, PA.	2/21/17
Standardbred mare "Bella", white star, four socks	2/21/17	John Kauffman at 486 Mill Rd. Christiana, DE	Coggins test paper dated 3/10/16 and an official DE health certificate #P37682 dated 1/31/17.	New Holland Sales Stables	2/21/17

7) Interstate for Slaughter Only: Animals brought into PA from other states for slaughter purposes must be transported DIRECTLY to an approved slaughter facility or consigned to a *slaughter only* market and slaughtered within 10 days of importation*. If animals imported for slaughter are dropped off at any locations other than approved slaughter facilities or slaughter only markets (for example, a dealer's farm or a livestock market to which they are not consigned for auction), they must meet the full importation requirements. *If these animals are cattle moving with backtags, USDA requires they are slaughtered within 3 days unless they have an official eartag in place.

8) Dead Animal Disposal: PA dealers (same as all livestock owners and caretakers in PA) must comply with the PA Department of Agriculture's Dead Domestic Animal Law. In brief, this law states that the owners and/or caretakers of domestic animals must properly dispose of domestic animals that die within 48 hours of death by an approved method. For details, see the Domestic Animal Law (Act of July 11, 1996 (P.L. 561, No. 100) (3 Pa.C.S.A.) sections 2351-2357, Disposal of Dead Domestic Animals and Animal Waste.

Please contact the PDA, Bureau of Animal Health at 717-772-2852 with any questions about the dealer/hauler license, its requirements, or the requirements for bringing domestic animals into Pennsylvania.

Prohibited Species Information for Pet Store Owners

These guidelines are enforced by a variety of agencies. The Pennsylvania Department of Agriculture Bureau of Animal Health provides this summary information for general information and is not responsible for the accuracy of information as regulations may change without our agency being notified. This is not a comprehensive listing of all animals not permitted for sale or possession in PA. Please be aware that local municipalities may also have additional prohibitions in place. Please contact your local municipality and/or the regulating agency with any specific questions about the information in this document.

Pennsylvania Game Commission Regulations Excerpts from 58 PA Code 137:

- **NO** non-indigenous animals captive bred in another state or nation or from the wild are allowed to be imported into the state.

EXCEPTIONS: Public Zoological Gardens, nationally recognized circuses, individuals with wildlife menagerie permits, and for educational purposes or for scientific purposes provided the proper permits.

NO PERMITS WILL BE GIVEN FOR PRIVATE INDIVIDUALS TO OWN ANY ANIMALS THAT FIT THE ABOVE DESCRIPTION FOR PET PURPOSES (for example: hedgehogs, sugar gliders, degus, monkeys are not allowed for pet purposes)

- **§ 137.1. Importation, possession, sale and release of certain wildlife.**
 - (a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following wild animals or wild birds or the eggs of the birds or a crossbreed or hybrid of the wild animals or wild birds, which are similar in appearance:
 - (1) *In the family Felidae.* Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farming purposes. Bobcats imported

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

- (2) *In the family Canidae*. Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported or possessed, or both, by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.
- (3) *In the family Ursidae*. All species of the bears.
- (4) *In the family Procyonidae*. All species of raccoons.
- (5) *In the family Capromyidae*. The nutria.
- (6) *In the family Mustelidae*. All species of the skunks.
- (7) The order Primates. All families of nonhuman primates.
- (8) An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious (see http://www.fws.gov/contaminants/ANS/pdf_files/50CF_16_10-05.pdf).
- (9) The Monk Parakeet, *Myiopsitts monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.
- (10) Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of this Commonwealth's wild fauna.
- (11) *Game or wild held captive*. Game or wildlife held in captivity or captive bred in another state or nation
 - For any questions regarding a particular animal (not including fish, reptiles, or amphibians) please refer your questions to The Pennsylvania Game Commission, Bureau of Law Enforcement, permit division in Harrisburg (717) 783-8164 or, for general information, check on the Pennsylvania Game Commission's website www.pgc.state.pa.us under laws and regulations.

Food and Drug Administration Regulation Excerpts from 21 CFR Ch. 1 (4-1-91 Edition) pages 550-552

- Definition. As used in this section the term "**turtles**" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order Testudinata, class Reptilia, except marine species (families Dermachelidae and Chelonidae).

- Sales; general prohibition. Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be sold, held for sale, or offered for any other type of commercial or public distribution.
- Exceptions. The provisions of this section are not applicable to:
 - (1) The sale, holding for sale, and distribution of live turtles and viable turtle eggs for bona fide scientific, educational, or exhibitional purposes, other than use as pets.
 - (2) The sale, holding for sale, and distribution of live turtles and viable turtle eggs not in connection with a business.
 - (3) The sale, holding for sale, and distribution of live turtles and turtle eggs intended for export only, provided that the outside of the shipping package is conspicuously labeled "for export only."
 - (4) Marine turtles excluded from this regulation under the provisions of paragraph (a) of this section and eggs of such turtles.

Pennsylvania Department of Health: Turtle Sales

Pennsylvania Code Title 28 - HEALTH AND SAFETY

PART III. Prevention of Diseases

Chapter 27. Communicable and Noncommunicable Diseases

Subchapter F. MISCELLANEOUS PROVISIONS

IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

§ 27.192. Importation and sale of live turtles.

A live turtle may not be sold or distributed or offered for sale or distribution within this Commonwealth except when the seller or distributor of the turtles shall warrant to the satisfaction of the Department that the shipment of turtles is free from salmonella contamination. The Department may waive the requirements of this section for live turtles sold or distributed within this Commonwealth for the purposes of research, other zoological purposes or for food.

Humane Act Excerpts: From HB56, an act amending the act of June 24, 1939 (P.L.872)

It shall be unlawful and an offense for any person to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, under one month of age, or rabbits under two months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl, or rabbits or to bring or transport the same into this Commonwealth: Provided, That this act shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

Please contact your local humane officer with any questions. More information can be found at <http://www.humaneinpa.org/>

Pennsylvania Fish and Boat Commission Regulations Excerpts:

THE FOLLOWING IS A LIST OF REPTILES AND AMPHIBIANS PROHIBITED FOR SALE OR POSSESSION:

SNAKES: Eastern Hognose Snake, Eastern Ribbon Snake, Eastern Worm Snake, Mountain Earth Snake, Queen Snake, Shorthead Garter Snake, Smooth Earth Snake, Smooth Green Snake

SALAMANDERS: Eastern Hellbender, Four-toed Salamander, Jefferson Salamander, Marbled Salamander, Mudpuppy, Ravine Salamander

TURTLES: Blanding's Turtle, Eastern Box Turtle, Spotted Turtle, Wood Turtle

SKINK/LIZARD: Broadhead Skink, Northern Coal Skink, Northern Fence Skink

FROGS: Northern Cricket Frog, Mountain Chorus Frog, Striped Chorus Frog Complex

For specific questions about reptiles, amphibians, or fish species, please contact the Pennsylvania Fish and Boat Commission. Many questions can be answered at their website, <http://www.fish.state.pa.us>

Philadelphia Specific Prohibitions from Philadelphia Ordinance of the City Code re: Wild Animals

In addition to the prohibitions of the other agencies, in the city of Philadelphia, the following are prohibited: Any animal which is wild, fierce, dangerous, noxious, or naturally inclined to do harm, in any place other than a zoological park, veterinary hospital, or clinic, humane society, circus or facility used for educational or scientific purposes. Also includes:

- Dog family (Canidae). All except domesticated dogs – including wolf, fox, coyote, dingo, or any hybrid thereof
- Weasels (Mustelidae). All except domesticated ferrets, including weasels, martens, mink, wolverine, badgers, otters, ermine, mongoose, skunk, etc.
- Porcupine (Erethizontidae). All porcupines
- Raptorial birds. All birds of prey except for those which are regulated by the Pennsylvania Game Commission and U.S. Fish and Wildlife Falconry or Propagation permits where the necessary permits or certificates have been obtained
- Venomous snakes, venomous lizards, venomous fish, and venomous invertebrates including rear fanged snakes and tarantulas
- Alligators and crocodile
- Piranhas

REPTILES, AMPHIBIANS, ENDANGERED SPECIES

REPTILES AND AMPHIBIANS - SEASONS AND LIMITS

Species	Season	Daily Limit	Possession Limit
Bullfrog	July 1 through October 31	10 (combined species)	20 (combined species)
Northern Green Frog	July 1 through October 31	10 (combined species)	20 (combined species)
Snapping Turtle	July 1 through October 31	15	30
Amphibian Eggs and Tadpoles	No closed season	15 (combined species)	15 (combined species)
Timber Rattlesnake*	June 10 through July 31	1 annual limit** (must be at least 42 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and must possess 21 or more subcaudal scales.***)	
Northern Copperhead	June 10 through July 31	1 annual limit**	

* It is unlawful to hunt, take, catch or kill Timber Rattlesnakes west of Route 15 and south of Interstate 81 to the Maryland line where there is no open season.

** It is unlawful to possess, take, catch or kill more than one Timber Rattlesnake or Northern Copperhead per calendar year except as provided in Chapter 79.7(f) (Fish & Boat Code) relating to organized reptile and amphibian

hunt permits). It is unlawful to possess more than one Timber Rattlesnake or Northern Copperhead at any time except as provided in Chapter 79.7(f) (Fish & Boat Code).

*** Subcaudal scales are large flat scales located on the underside of a Timber Rattlesnake between the vent (anal scale) and the base of the tail rattle.

See page 30 for snapping turtle consumption advice.

The following ENDANGERED and THREATENED native species have NO OPEN SEASON. The DAILY LIMIT is 0 (zero) and POSSESSION LIMIT is 0 (zero).

The Commission has identified some species of reptiles, amphibians, fish and aquatic organisms as endangered, threatened or candidate species. Endangered and threatened species face extirpation and have NO OPEN SEASON.

SALAMANDERS:
Eastern Mud Salamander (Endangered)
Green Salamander (Threatened)
Blue-spotted Salamander (Endangered)

FROGS and TOADS:
Eastern Spadefoot (Threatened)

New Jersey Chorus Frog (Endangered)
Northern Cricket Frog (Endangered)
Southern Leopard Frog (Endangered)

SNAKES:
Eastern Massasauga (Endangered)

Kirtland's Snake (Endangered)
Rough Green Snake (Endangered)

TURTLES:
Bog Turtle (Endangered)
Eastern Mud Turtle (Endangered)
Redbelly Turtle (Threatened)

FOR A LIST OF ALL ENDANGERED, THREATENED AND CANDIDATE FISH SPECIES visit www.fishandboat.com.

The following native reptile and amphibian species have NO OPEN SEASON. The DAILY LIMIT is 0 (zero) and POSSESSION LIMIT is 0 (zero).

SALAMANDERS:
Eastern Hellbender
Four-toed Salamander
Jefferson Salamander
Marbled Salamander
Mudpuppy
Northern Ravine Salamander

FROGS and TOADS:
Mountain Chorus Frog
Upland Chorus Frog
Western Chorus Frog

SNAKES:
Eastern Hognose Snake
Eastern Ribbon Snake

Eastern Smooth Earth Snake
Eastern Smooth Green Snake
Eastern Worm Snake
Mountain Earth Snake
Queen Snake
Shorthead Garter Snake

TURTLES:
Blanding's Turtle
Eastern Box Turtle
Spotted Turtle
Wood Turtle

SKINKS/LIZARDS:
Broadhead Skink
Eastern Fence Lizard
Northern Coal Skink

The following native reptile and amphibian species have NO CLOSED SEASON. The DAILY LIMIT is 1 (one) and POSSESSION LIMIT is 1 (one).

SALAMANDERS:
Allegheny Mountain Dusky Salamander
Eastern Redback Salamander
Eastern Red-spotted Newt
Longtail Salamander
Northern Dusky Salamander
Northern Red Salamander
Northern Slimy Salamander
Northern Spring Salamander

FROGS and TOADS:
Northern Two-lined Salamander
Seal Salamander
Spotted Salamander
Wehrle's Salamander
Valley and Ridge Salamander

FROGS and TOADS:
Eastern American Toad
Eastern Gray Treefrog
Fowler's Toad

Northern Leopard Frog
Pickering Frog
Spring Peeper
Wood Frog

SNAKES:
Eastern Garter Snake
Eastern Milksnake
Eastern Ratsnake
Northern Black Racer
Northern Brown Snake
Northern Redbelly Snake

Northern Ringneck Snake
Northern Water Snake

TURTLES:
Eastern Musk Turtle
Eastern Painted Turtle
Eastern Spiny Softshell
Map Turtle
Midland Painted Turtle

SKINKS/LIZARDS:
Five-lined Skink

The practice of catch and release of amphibians and reptiles is encouraged.

ADDITIONAL RESTRICTIONS for ALL Reptiles and Amphibians:

- A fishing license is required to catch or take reptiles and amphibians from the lands and waters of the Commonwealth.

- Unless otherwise indicated, reptiles and amphibians may only be taken by hand, hook, snake tongs, turtle hooks, traps and nets less than four feet square or four feet in diameter.

- It is unlawful to take, catch or kill a reptile or amphibian through the use of firearms, chemicals, explosives, winches, jacks or other devices.

- It is unlawful to damage or disrupt the nest or eggs of a reptile or to gather, take or possess the eggs of any reptile in the natural environment of this Commonwealth.

- It is unlawful to damage or destroy habitat in the pursuit of a reptile or amphibian.

- It is unlawful to take, catch, kill or possess for the purposes of selling or offering for sale, importing or exporting for consideration, trading or bartering or purchasing an amphibian or reptile whether dead or alive, in whole or in parts, including the eggs or any life stage that was taken from lands or waters within this Commonwealth.

- It is unlawful to transport or import into or within this Commonwealth a native species from another jurisdiction. It is also unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

- Taking, catching and possessing amphibians and reptiles in Department of Conservation and Natural Resources natural areas designated by posters is prohibited.

Frogs:

- The use of artificial light to take frogs at night is illegal.

- Frogs may be taken with long bow and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not have more than five barbs and cannot be used in stocked trout waters.

Turtles:

- Set-lines, turtle traps or other devices for catching turtles must include a tag indicating the name, address and phone number of the owner or user. Traps, nets or other devices must be of a floating or partially submerged design so as to allow for the release of untargeted turtles. Hooks must be at least 3.5 inches long with not less than one inch space between the point and shank of the hook. The number of lines or hooks per line is unlimited.

PERMITS:

- A permit is required to hunt, take, catch, kill or possess Timber Rattlesnakes and Northern Copperhead snakes.

- A permit is required to hunt, take, catch or kill common Snapping Turtles for the purpose of sale, barter or trade.

- Permit applications for these two species permits can be found online at: http://fishandboat.com/forms_nongame.htm.



Pennsylvania Native Reptile & Amphibian Species

Links below lead to NatureServe.org (NS). Scientific names used by NS are not always consistent with the Commission's (PFBC) naming conventions of PA native herptiles. NatureServe links are provided for informational purposes (natural history, distribution, threats information). Always reference the PFBC names as these are tied to our fishing & boating regulations. While the PFBC contributes to NS data, note that NatureServe.org is NOT part of the Commission's web site and therefore is not under the management or control of the Commission and is not governed by the privacy or security policies of the Commonwealth of Pennsylvania.

AMPHIBIANS

SALAMANDERS – Order Caudata

Giant Salamanders - Family Cryptobranchidae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	S

Mudpuppy Salamanders - Family Proteidae

Mudpuppy	<i>Necturus maculosus</i>	S
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Mole Salamanders - Family Ambystomatidae

Jefferson Salamander	<i>Ambystoma jeffersonianum</i>	S
Blue-spotted Salamander	<i>Ambystoma laterale</i>	E
Spotted Salamander	<i>Ambystoma maculatum</i>	A
Marbled Salamander	<i>Ambystoma opacum</i>	S

Newts - Family Salamandridae

Eastern Red-Spotted Newt	<i>Notophthalmus viridescens viridescens</i>	A
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Lungless Salamanders - Family Plethodontidae

Green Salamander	<i>Aneides aeneus</i>	T
Northern Dusky Salamander	<i>Desmognathus fuscus</i>	A
Seal Salamander	<i>Desmognathus monticola</i>	A
Allegheny Mountain Dusky Salamander	<i>Desmognathus ochrophaeus</i>	A
Northern Two-lined Salamander	<i>Eurycea bislineata</i>	A
Longtail Salamander	<i>Eurycea longicauda longicauda</i>	A
Northern Spring Salamander	<i>Gyrinophilus porphyriticus porphyriticus</i>	A
Four-toed Salamander	<i>Hemidactylium scutatum</i>	A
Eastern Redback Salamander	<i>Plethodon cinereus</i>	A
Northern Slimy Salamander	<i>Plethodon glutinosus</i>	A
Valley and Ridge Salamander	<i>Plethodon hoffmani</i>	S
Wehrle's Salamander	<i>Plethodon wehrlei</i>	A

Northern Ravine Salamander	Plethodon electromorphus	S
Eastern Mud Salamander	Pseudotriton montanus montanus	E
Northern Red Salamander	Pseudotriton ruber ruber	A

FROGS AND TOADS - Order Salientia

Spadefoots - Family Pelobatidae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Spadefoot	Scaphiopus holbrookii	E

Toads - Family Bufonidae

Eastern American Toad	<i>Anaxyrus americanus americanus</i> -PFBC <i>Bufo americanus americanus</i> -NS	A
Fowler's Toad	<i>Anaxyrus fowleri</i> -PFBC <i>Bufo fowleri</i> -NS	S

Treefrogs - Family Hylidae

Northern Cricket Frog	<i>Acris crepitans</i>	E
Eastern Gray Treefrog	<i>Hyla versicolor</i>	A
Mountain Chorus Frog	<i>Pseudacris brachyphona</i>	S
Spring Peeper	<i>Pseudacris crucifer</i>	A
Upland Chorus Frog	<i>Pseudacris feriarum</i>	S
New Jersey Chorus Frog	<i>Pseudacris kalmi</i>	E
Western Chorus Frog	<i>Pseudacris triseriata</i>	S

True Frogs - Family Ranidae

Bullfrog	<i>Lithobates catesbeianus</i> -PFBC <i>Rana catesbeiana</i> -NS	A
Northern Green Frog	<i>Lithobates clamitans melanota</i> -PFBC <i>Rana clamitans</i> -NS	A
Pickerel Frog	<i>Lithobates palustris</i> -PFBC <i>Rana palustris</i> -NS	A
Northern Leopard Frog	<i>Lithobates pipiens</i> -PFBC <i>Rana pipiens</i> -NS	S
Wood Frog	<i>Lithobates sylvaticus</i> -PFBC <i>Rana sylvatica</i> -NS	A
Southern Leopard Frog	<i>Lithobates sphenoccephalus utricularius</i> -PFBC <i>Rana sphenoccephala</i> -NS	E

REPTILES

TURTLES – Order Testudines

Snapping Turtles - Family Chelydridae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Snapping Turtle	<i>Chelydra serpentina</i>	A

Musk and Mud Turtles - Family Kinosternidae

Eastern Mud Turtle	<i>Kinosternon subrubrum subrubrum</i>	S
Eastern Musk Turtle	<i>Sternotherus odoratus</i>	A

Pond, Marsh and Box Turtles - Family Emydidae

Midland Painted Turtle	<i>Chrysemys picta marginata</i>	A
Eastern Painted Turtle	<i>Chrysemys picta picta</i>	A
Spotted Turtle	<i>Clemmys guttata</i>	S
Wood Turtle	<i>Glyptemys insculpta</i>	S
Bog Turtle	<i>Glyptemys muhlenbergii</i>	E
Blanding's Turtle	<i>Emydoidea blandingii</i>	C
Map Turtle	<i>Graptemys geographica</i>	A
Eastern Redbelly Turtle	<i>Pseudemys rubriventris</i>	T
Eastern Box Turtle	<i>Terrapene carolina carolina</i>	S

Softshell Turtles - Family Trionychidae

Eastern Spiny Softshell	<i>Apalone spinifera spinifera</i>	A
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LIZARDS – Order Squamata

Lizards - Family Phrynosomatidae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Fence Lizard	<i>Sceloporus undulatus</i>	S

Skinks - Family Scincidae

Northern Coal Skink	<i>Plestiodon anthracinus anthracinus</i>	S
Five-lined Skink	<i>Plestiodon fasciatus</i>	A
Broadhead Skink	<i>Plestiodon laticeps</i>	C

SNAKES – Order Squamata

Colubrid Snakes - Family Colubridae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Worm Snake	<i>Carphophis amoenus amoenus</i> —PFBC <i>Carphophis amoenus</i> —NS	S
Kirtland's Snake	<i>Clonophis kirtlandii</i>	E
Northern Black Racer	<i>Coluber constrictor constrictor</i>	A
Northern Ringneck Snake	<i>Diadophis punctatus edwardsii</i>	A
Eastern Ratsnake	<i>Pantherophis alleghaniensis</i> —PFBC <i>Elaphe obsoleta</i> —NS	A
Eastern Hognose Snake	<i>Heterodon platirhinos</i>	S

Eastern Milksnake	<i>Lampropeltis triangulum triangulum</i>	A
Northern Water Snake	<i>Nerodia sipedon sipedon</i>	A
Rough Green Snake	<i>Opheodrys aestivus</i>	E
Queen Snake	<i>Regina septemvittata</i>	S
Northern Brown Snake	<i>Storeria dekayi dekayi</i>	A
Northern Redbelly Snake	<i>Storeria occipitomaculata occipitomaculata</i>	A
Shorthead Garter Snake	<i>Thamnophis brachystoma</i>	S
Eastern Ribbon Snake	<i>Thamnophis sauritus</i>	S
Eastern Garter Snake	<i>Thamnophis sirtalis sirtalis</i>	A
Eastern Smooth Earth Snake	<i>Virginia valeriae valeriae</i> —PFBC <i>Virginia valeriae</i> —NS	S
Mountain Earth Snake	<i>Virginia pulchra</i> —PFBC <i>Virginia valeriae pulchra</i> —NS	S
Smooth Green Snake	<i>Liochlorophis vernalis</i>	S
Pit Vipers - Family Viperidae		
Copperhead	<i>Agkistrodon contortrix</i>	S
Timber Rattlesnake	<i>Crotalus horridus</i>	C
Eastern Massasauga	<i>Sistrurus catenatus catenatus</i>	E

Legend

A=Abundant

C=Candidate Species

E=Endangered Species

S=Species of special concern, rare, not common due to one or more of the following factors: range restriction, population decline, limited distribution, direct threats from habitat alteration, collection

T=Threatened Species

NS=Nature Serve

PFBC=Pennsylvania Fish & Boat Commission

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Pennsylvania Aquaculture Advisory Committee
c/o PennAg Industries Association
2215 Forest Hills Drive, Suite 39
Harrisburg, PA 17112-1099
Telephone: (717) 651-5920

Date: October 1, 2014

To: All registered propagators and bait dealers

From: Jennifer Reed-Harry, Aquaculture Coordinator

RE: Overview of the PA Fish & Boat Commission Rule

Effective January 1, 2015, the Pennsylvania Fish and Boat Commission has ruled:

1. No crayfish species shall be approved for open-system propagation and introduction into the waters of the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems, if the participant is registered for artificial propagation with the Bureau of Animal Health and Diagnostic Services.
2. There is a restriction on the sale of all live native and non-native crayfish in this Commonwealth, except when they are sold for testing and scientific purposes, or restaurant consumption. The point of origin and destination must be documented with every delivery. It will be illegal to sell live crayfish in pet stores and bait shops.
3. Licensed anglers may still harvest 50 crayfish/day. The crayfish head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the waters from where they were taken. If an angler wishes to transport the crayfish from the waters from which they were collected, the angler must remove the head from behind the eyes.

~~To learn more about this rule, visit the PA Fish and Boat Commission website at www.fish.state.pa.us or contact the Ms. Laurie Shepler, Esq. at the PA Fish and Boat Commission at (717) 705-7810.~~

Order Adopting Amendments

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation
Part II. Fish and Boat Commission
Chapters 61, 63, 69, 71 and 73
Fishing

Preamble

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 69, 71 and 73 (relating to seasons, sizes and creel limits; general fishing regulations; fishing in Lake Erie and boundary lakes; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2015.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The amendments to § 61.1 (relating to Commonwealth inland waters), § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary), §61.3 (relating to Pymatuning

Reservoir), § 61.4 (relating to Conowingo Reservoir), § 63.46 (relating to sale, purchase or barter of injurious, nonnative species), § 69.12 (relating to the seasons, sizes and creel limits – Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters), §71.6 (relating to prohibited acts) and § 73.1 (relating to transportation) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. *Summary of Changes*

Crayfish are one of the most conspicuous and ecologically important components of aquatic communities in this Commonwealth and across the globe. They are an important forage item for fishes, mammals, birds, reptiles and amphibians and facilitate the transfer of nutrients up through the food chain to higher trophic levels. About half of North America's crayfish fauna is imperiled, and native crayfishes across the continent and in this Commonwealth are rapidly being replaced by introduced (exotic) crayfishes.

The replacement of native crayfish by introduced crayfish represents a significant threat to aquatic communities. Introduced crayfish attain densities that are exceedingly high (sometimes in excess of 200 individuals/m²), often eliminate aquatic macrophytes and suppress benthic invertebrate communities. They can have strong negative effects on amphibians, mussels and fishes.

Stopping the spread of introduced crayfish is difficult once they become widespread. Since the distributions of most introduced crayfishes in this Commonwealth are still limited, there is still time to stop the spread of exotic crayfishes and preserve the native stocks that remain.

Exotic crayfishes occur in a number of water bodies in this Commonwealth and are available from bait shops, biological warehouses, pet stores, live food vendors and aquaculture facilities. In

order to help prevent additional introductions of crayfish in this Commonwealth, stringent regulations and their enforcement is warranted.

The invasive **crayfish (*Orconectes rusticus*)** has been tightly regulated in this Commonwealth since 2005, and live individuals cannot be possessed, sold, transported or cultured within this Commonwealth. However, there are five other introduced crayfishes that occur in the Commonwealth that are currently unregulated. These exotic crayfishes can be purchased from commercial dealers or collected from invaded water bodies and released legally into the state's waters with potentially devastating effects on native communities. Additionally, although the invasive **crayfish (*Procambarus clarkii*)** cannot be propagated in flow-through systems or introduced into Commonwealth waters, the species can be possessed, sold, and transported legally within this Commonwealth.

Extending the *Orconectes rusticus* ban to other exotic crayfish species would be impossible to enforce because most natural resource managers and conservation officers have difficulty identifying crayfish species. **For this reason, the Commission restricted the sale, possession, introduction, transportation and culture of all live native and nonnative crayfishes in the Commonwealth.** Similar restrictions have been passed elsewhere (e.g., Wisconsin and parts of Maryland and Canada) with broad public support.

With these amendments, licensed anglers will still be allowed to harvest up to 50 crayfish per day. However, the head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the water from which they were taken. When crayfish are used as bait in the water from which they were taken, the head does not have to be removed. When crayfish are transported from the water from which they were collected, the head must be removed behind the eyes. The amendments also restrict the sale of all live native and nonnative crayfishes in the Commonwealth except when they are sold for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied

by documentation stating the point of origin and the destination to which they are to be delivered. Last, the amendments restrict possession, introduction and transportation of all live native and nonnative crayfishes except (i) when they are possessed and used as bait on, in or about the water from which taken or (ii) when they are possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Except when they are used as bait as described above, the introduction of any live crayfish into Commonwealth waters will be strictly prohibited.

Although propagation is not specifically addressed by this final-form rulemaking, Commission staff worked with the Department of Agriculture (DOA) and registered propagators to address issues pertaining to crayfish culture. Section 71.2 of the Commission's regulations provides that the Bureau of Fisheries will maintain a list of species by watershed for which DOA may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The section further provides that the Bureau may update or modify the list of authorized species by adding species to or deleting species from the list as necessary to provide for the protection and management of fish in this Commonwealth. Therefore, concurrent with this rulemaking, the Commission will remove all crayfish species from the list of species approved for open-system propagation and introduction in the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems.

The Commission amends §§61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to restrict the sale, possession, introduction and transportation of all crayfish species in this Commonwealth to read as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public. Any fiscal impact to the private sector is expected to be nominal. Some businesses sell crayfish as pets or bait, but the revenue generated is typically a very minor component of total sales. Other commercial uses include testing and scientific purposes and restaurant consumption. However, under the amendments, the sale, possession and transportation of live crayfish is permitted for those purposes when adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Therefore, laboratories, research facilities and restaurants will not be significantly affected by the changes.

H. *Public Involvement*

A notice of proposed rulemaking containing the amendments was published at 44 Pa. B. 901 (February 15, 2014). The Commission solicited public comments for a period of 60 days. The Commission received a total of 30 comments generally supporting the proposal and summarized in a Comment/Response Document. Copies of all public comments and the Comment/Response Document were provided to the Commissioners.

FINDINGS

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

ORDER

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 69, 71 and 73, are amended by amending §§ 61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to read as set forth at 44 Pa. B. 901.

(B) The Executive Director will submit this order and 44 Pa. B. 901 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 44 Pa. B. 901 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2015.

For the Pennsylvania Fish and Boat Commission

John A. Arway
Executive Director