

# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CHS. 141 AND 147]

### Training Dogs; Falconry Permits; Sale of Protected Wildlife and Its Parts; and Dog Trial Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 14, 1997, meeting, proposed the following amendments:

Delete § 141.16 (relating to training dogs on furbearers) by removing current language.

Amend § 147.103 (relating to classes of permits) by permitting the upgrading of an Apprentice or General falconer during the permit year.

Amend § 147.141 (relating to the sale of wildlife and wildlife parts) by providing a new fee structure.

Amend Chapter 147, Subchapter L (relating to permits relating to dogs), by adding § 147.223 (relating to permits for dog trials on privately-owned lands) outlining the procedure to apply for dog trial permits to be held on privately-owned lands.

These amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for these proposed amendments is 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

These proposals were made public at the January 14, 1997, meeting of the Commission and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 until April 4, 1997.

#### *Proposed deletion of § 141.16*

##### *1. Introduction*

Under the act of December 19, 1996 (P. L. 442, No. 184) (Act 184), section 2382 of the code (relating to training dogs on small game) was amended to allow dog training any time of the calendar year. Although the amendment provides for the Commission to provide otherwise by regulation, the Commission is currently assessing whether to apply restrictions. Until a decision is made, the Commission at its January 14, 1997, meeting proposed deleting § 141.16. The section would be deleted under the authority contained in section 322 of the code to fix seasons and section 2102 of the code (relating to regulations) which authorizes the promulgation of regulations.

##### *2. Purpose and Authority*

The code has been changed to allow the training of dogs throughout the year. The Commission is authorized to establish a closed season and it is considering doing so. If the Commission does establish a closed season, it will do so on a comprehensive basis, which means § 141.16 would be deleted in any case. Pending a decision on the impact of year-around dog training, the Commission is proposing to remove the restriction with regard to training dogs on furbearers contained in § 141.16.

Section 322(c) of the code (relating to specific powers and duties) authorizes the Commission to fix seasons. Section 2102 of the code authorizes the Commission to promulgate regulations relating to the preservation and

management of game and wildlife and seasons. The deletion is proposed under this authority.

##### *3. Regulatory Requirements*

The proposed deletion would eliminate a restriction.

##### *4. Persons Affected*

Individuals wishing to train dogs on furbearers would be affected.

##### *5. Cost and Paperwork Requirements*

No additional paperwork will be required.

#### *Proposed amendment to § 147.103*

##### *1. Introduction*

To better provide for the administration of falconry permits, the Commission at its January 14, 1997, meeting proposed removing language from § 147.103 which requires movement to the next higher classification upon renewal of the permit. This change would be made under the authority contained in section 2925(a) of the code (relating to falconry permits).

##### *2. Purpose and Authority*

Currently, falconers who qualify for the next higher classification must wait until the next permit renewal to be upgraded. This often creates backlogs in the renewal process. The proposed change to § 147.103 would allow the upgrading of a permit as soon as a falconer qualifies for the next higher classification.

Section 2925(a) of the code provides that: "The Commission may adopt regulations consistent with Federal fish and wildlife laws and regulations concerning the sport of falconry." The proposed change, adopted under this authority, is consistent with Federal law.

##### *3. Regulatory Requirements*

The proposed change would relax current requirements.

##### *4. Persons Affected*

The proposed change would affect those holding falconry permits.

##### *5. Cost and Paperwork Requirements*

No additional paperwork will be required.

#### *Proposed addition of § 147.223*

##### *1. Introduction*

To better provide for the issuance of permits for field dog trials, the Commission, at its January 14, 1997, meeting, proposed adding § 147.223. This additional section is proposed under the authority contained in section 2901(b) of the code (relating to regulations for permits).

##### *2. Purpose and Authority*

Sections 2943 and 2944 of the code (relating to field dog trials; and field dog trials for retrievers), both require the obtaining of a permit before holding field dog trials or field dog trials for retrievers. Currently, many clubs and organizations sponsoring these dog trials wait until the last minute to apply for a permit and then expect overnight issuance. The requests can be very disruptive. The proposed section would require a written application be submitted at least 30 days prior to the dog trial date.

Section 2901(b) of the code authorizes the Commission to "... promulgate regulations for the issuance of any permit ..." This is the basis for the proposed section.

3. Regulatory Requirements

Individuals, clubs or organizations wishing to sponsor field dog trials or retriever field dog trials on privately-owned lands would be required to submit a written application on Commission forms at least 30 days in advance of the trial date. Untimely applications are subject to disapproval.

4. Persons Affected

Individuals, clubs and organizations sponsoring field dog trials on privately-owned land will be affected by the new requirements.

5. Cost and Paperwork Requirements

It is anticipated that there would be little additional cost associated with the new requirement. A written application on a Commission form will need to be submitted.

Proposed amendment to § 147.141

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 14, 1997, meeting proposed changes to § 147.141. The changes, which would involve permits to possess wildlife accidentally or illegally killed or orphaned or taken live from the wild, would change or establish fees for some species, provide for the sale of other species at public auction or through sealed bid, and tighten qualifications for possession of live deer. Section 2901(b) of the code authorizes the Commission to adopt these changes.

2. Purpose and Authority

Occasionally wildlife will be accidentally or illegally killed, shot for crop damage or be illegally taken from the wild. Rather than have the wildlife wasted or destroyed, the Commission will issue permits to individuals to possess wildlife or wildlife parts. A committee formed to study procedures and fees for issuing these permits has recommended some changes to § 147.141.

Minimum fees for any live deer, a deer hide, other small mammals, and bear would be increased and the fee for a coyote would be reduced. A fee for the fisher would also be established. Any unlisted species could be sold through public auction or sealed bid. The changes also call for an individual to have an existing propagation or menagerie permit before they could receive a live deer from the Commission.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of a permit. In addition, section 2904(18) of the code (relating to permit fees) authorizes the Commission to set a reasonable fee for a permit which is not specifically set forth.

3. Regulatory Requirements

Fees would be increased for certain Commission possession permits. In addition, an individual wishing to receive a live deer would already need to be in possession of a propagation or menagerie permit.

4. Persons Affected

Individuals wishing to obtain a permit to possess wildlife from the Commission would be affected.

5. Cost and Paperwork Requirements

There would be increased fees for individuals seeking permits under the changes. The number of the individuals would be small.

6. Effective Date

These changes would be effective on final publication in the Pennsylvania Bulletin and would remain in effect until changed by the Commission.

Contact Person

For further information on the proposed changes, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 (717) 783-6526.

DONALD C. MADL, Executive Director

Fiscal Note: 48-98. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. GAME

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.16. [ Training dogs on furbearers. ] (Reserved).

[ Dogs may be trained on foxes and raccoons July 1 through the following April 30. ]

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.103. Classes of permits.

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(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 [ upon renewal of the next year's permit. ] A sponsor for an apprentice shall certify in writing that the apprentice is qualified to become a general falconer.

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(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 [ upon renewal of the next year's permit ].

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Subchapter H. PROTECTED SPECIMEN

§ 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 [ and bear ] removed from the wild, may be sold to a person under the following minimum fee schedule:

\* \* \* \* \*

(5) [ Adult ] Any live deer—[ \$100 ] \$150.

(6) Deer hide only—[ \$3 ] \$5.

\* \* \* \* \*

- (8) Other small mammals—[ \$10 ] \$25.
- (9) Turkey, beaver, **coyote** and fox—\$50.
- (10) Bobcat, [ **coyote and** ] otter **and fisher**—[ \$200 ] \$100.
- (11) [ **Bear hides and carcass—adult bears up to 300 pounds—\$50. Cub bears and bears in excess of 300 pounds will be sold at public auction by the Commission ] Bears—minimum of \$100.**
- (12) [ **Bear, alive—\$200 ] Any other species may be sold at public auction or through sealed bid.**

\* \* \* \* \*

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

[ (d) **Live bear may only be sold to persons holding a current Wildlife Dealer, Wildlife Possession or Wildlife Menagerie Permit.**

(e) ] (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 [ his ] **their** behalf.

**Subchapter L. PERMITS RELATING TO DOGS**  
**§ 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.

[Pa.B. Doc. No. 97-406. Filed for public inspection March 14, 1997, 9:00 a.m.]

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