

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 53]
Commission Property

The Fish and Boat Commission (Commission) proposes to amend Chapter 53 (relating to Commission property). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property).

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to its property. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

A Commission waterways conservation officer recently cited an individual for retrieving an unregistered and unpermitted canoe from the Commission's Upper Black Eddy access on the Delaware River. At the hearing before the district justice, the individual argued that he was not in violation of the Commission's regulations because the registration requirement of § 53.8(h) does not apply to noncommercial users of all accesses on the Delaware River. The district justice ruled in his favor. Accordingly, the Commission proposes to amend this section to avoid further misinterpretation.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions regarding the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000,

within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address shall be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-138. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

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(h) A boat using a Commission lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

(1) This subsection does not apply to:

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(ii) Noncommercial users of access areas on the **West Branch of the Delaware River and the portion of the Delaware River [and West Branch of the Delaware River bounded by the State of New York] upstream of the Interstate 84 Bridge.**

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[Pa.B. Doc. No. 02-2273. Filed for public inspection December 20, 2002, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Exotic Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 8, 2002, meeting, proposed the following change:

Amend §§ 147.241, 147.261 and 147.281 (relating to scope) to require applicants to have 2 years of experience of hands-on work with exotic wildlife.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the October 8, 2002, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 27, 2002.

1. *Introduction*

The Commission is proposing to amend Chapter 147 (relating to special permits) by adding §§ 147.241(g), 147.261(f) and 147.281(g).

2. *Purpose and Authority*

Currently, permits to acquire, possess and dispose of wild animals can be issued to individuals without any education or experience in caring for and safeguarding the public from these animals. This can result in mistreatment of the animals and endangerment of the public. The proposed rulemaking will remedy this situation by requiring permit applicants to have at least 2 years of hands-on work experience with the species involved.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under the authority of any permit issued." This section provides the authority for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will require applicants to have 2 years of experience of hands-on work with exotic wildlife.

4. *Persons Affected*

Persons applying for exotic wildlife possession, exotic wildlife dealer and menagerie permits will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rule-making, contact David E. Overcash, Director, Bureau of

Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-153. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter M. EXOTIC WILDLIFE DEALER

§ 147.241. Scope.

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(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.

Subchapter N. EXOTIC WILDLIFE POSSESSION

§ 147.261. Scope.

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(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.

Subchapter O. MENAGERIES

§ 147.281. Scope.

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(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.

[Pa.B. Doc. No. 02-2274. Filed for public inspection December 20, 2002, 9:00 a.m.]