

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 133 ]

#### Wildlife Classification; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 10, 2014, meeting, adopted § 133.6 (relating to Eurasian collared-dove) to reclassify Eurasian collared-doves as a game bird and additionally require a general hunting license and a migratory license to hunt these birds.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 44 Pa.B. 3103 (May 24, 2014).

#### 1. Purpose and Authority

Native to Europe and Asia, Eurasian collared-doves were first introduced to the Bahamas in the 1970s, made their way to Florida by the 1980s and then rapidly colonized most of North America. The first collared-dove sighting in this Commonwealth occurred in 1996, with the first breeding population in this Commonwealth established by 2004. The second Pennsylvania Breeding Bird Atlas (2004-2008) found possible breeding populations in 15 survey blocks in 8 counties. Studies on interactions between collared-doves and other species have not yet shown a negative impact on populations of native birds, including mourning doves, though this information is preliminary and largely based on species interactions in milder climates where competition for feeding and nesting resources may not be as strong. As an introduced invasive species, Eurasian collared-doves are not protected under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712). However, Eurasian collared-doves are not designated as game birds in this Commonwealth and must be classified as a game bird to create a hunting season concurrent with mourning doves. Since Eurasian collared-doves are difficult to distinguish from mourning doves in the field, a hunter inadvertently taking a collared-dove would be in violation of State law. Conversely, designating collared-doves as exotic species with year-round take could lead to mistaken mourning dove kills. This situation would be remedied by classifying Eurasian collared-doves as a game bird, with hunting seasons concurrent with mourning doves and part of an aggregate daily bag and possession limits. The Commission adopted § 133.6 to reclassify Eurasian collared-doves as a game bird and require a general hunting license and a migratory license to hunt these birds.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “[a]dd to or change the classification of any wildbird or wild animal.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, man-

ner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The adoption of § 133.6 is adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking adds § 133.6 to reclassify Eurasian collared-doves as a game bird and require a general hunting license and a migratory license to hunt these birds.

#### 3. Persons Affected

Persons wishing to hunt Eurasian collared-doves or mourning doves within this Commonwealth will be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

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

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative 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 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 133, are amended by adding § 133.6 to read as set forth at 44 Pa.B. 3103.

(b) The Executive Director of the Commission shall certify this order and 44 Pa.B. 3103 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-366 remains valid for the final adoption of the subject regulation.

[Pa. B. Doc. No. 14-1625. Filed for public inspection August 1, 2014, 9:00 a.m.]