

Proposed Amendment to 58 Pa.Code, §137.1

Public Comments will be taken 1/27/08 and 1/28/08

Location and times:

<http://www.pgc.state.pa.us/pgc/cwp/view.asp?a=481&q=163334>

Agenda for Pennsylvania Game Commission meeting 1/29/08

http://www.pgc.state.pa.us/pgc/lib/pgc/pdf/january_agenda_2008.pdf

Direct link to current code is: <http://www.pacode.com/secure/data/058/chapter137/s137.1.html>

This proposal seeks to prohibit the "importation, possession, sale, and release" of Nanday conures in Pennsylvania "in response to human health/safety and wildlife habitat health purposes". **Monk (Quaker) parakeets are already prohibited.**

The Executive Director and staff of the Game Commission "recommend the Commission approve these changes".

Proposed Amendment from the Agenda, Pages 39-40:

G. Amend 58 Pa. Code, §137.1.

Commentary:

Currently, §137.1 requires a person importing lawfully acquired wildlife, or parts thereof, for menagerie, educational or scientific purposes to obtain an importation permit, but does not require an importation permit for exotic wildlife dealer or exotic wildlife possession permit holders. In an effort to create consistency in the regulations and increase the Commission's capabilities to address wildlife epidemiological concerns, the Commission is proposing to amend §137.1 (relating to importation, sale and release of certain wildlife) to specifically require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth. The Commission is also proposing to amend §137.1 to prohibit the importation, possession, sale and release of all non-human primates and the Conure-Nanday, sometimes referred to as the Black-hooded Parakeet, in response to human health/safety and wildlife habitat health purposes.

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CHAPTER 137. WILDLIFE

§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 and/or possessed 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 and/or possessed 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.

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(7) ~~[Threatened, endangered or injurious. 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.]~~ The order Primates. All families of non-human primates.

(8) ~~[The Monk Parakeet. *Myiopsittis Monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.]~~ Threatened, endangered or injurious. 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.

(9) ~~[Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of the Commonwealth's wild fauna.]~~ In the family *Psittacidae*. The Monk Parakeet, *Myiopsittis monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet, and the Conure-Nanday, *Nandayus nenday*, sometimes referred to as the Black-hooded Parakeet.

(10) ~~[Game or wildlife held in captivity or captive bred in another state or nation.]~~ Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of the Commonwealth's wild fauna.

(11) Game or wildlife held in captivity or captive bred in another state or nation.

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(c) Nothing in this section prevents zoological gardens~~], exotic wildlife dealers or exotic wildlife possession permit holders]~~ from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, ~~[for menageric, educational or scientific purposes]~~ shall first obtain an importation permit from the Commission subject to the following:

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(2) A person wishing to import wildlife for a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation purposes shall be in possession of a menagerie, exotic wildlife possession, exotic wildlife dealer or propagation permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits.)

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Recommendation: The Executive Director and staff recommend the Commission approve these changes.

Action: