

§53.7. Use of firearms.

It is unlawful for any person to carry or use firearms on Commission owned or controlled properties except for persons:

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**[(3) Using .22 caliber rimfire weapons with shotshell only to take frogs during the open season unless otherwise posted.]**

Note: It is proposed that the current Chapter 77 be deleted and replaced with the following:

CHAPTER 77. REPTILES AND AMPHIBIANS

§77.1. Definitions.

The following definitions apply to this chapter unless the context clearly indicates otherwise:

(1) *Hunt* – The act of pursuing reptiles or amphibians in an effort to catch, take, kill or remove them, or to catch, take, kill or remove or attempt to catch, take, kill or remove from any waters or other areas within or bordering on this Commonwealth any reptile or amphibian by any means or method for any purpose whatsoever.

(2) *Organized reptile and amphibian hunt* – A hunt for reptiles or amphibians involving two or more individuals acting in concert to seek, pursue, catch, take, kill or remove native species of reptiles or amphibians at an event where the reptiles or amphibians are hunted on a competitive basis. When one or more of the following factors are present, an event may be considered an organized reptile and amphibian hunt as the term is used in this chapter:

- (i) The event is sponsored or promoted by a person or organization.
- (ii) The event involves the award of trophies, prizes, or other recognition to persons or groups for catching reptiles or amphibians.
- (iii) The sponsors of the events or others publicize the event to encourage attendance of spectators.
- (iv) The sponsors or organizers of the event have their own rules for the conduct of the hunt.

(3) *Sacking contest* – A competition where participants place reptiles or amphibians in a sack, bag, or similar container in a timed event.

(4) *Snake hooks or tongs* – Implements used to grasp or lift snakes with minimal risk of injury to the animal.

(5) *Turtle hooks* – Hooks used for taking turtles that are 3 1/2 inches long with not less than a 1 inch space between the point and the shank.

(6) *Subcaudal scale* – Large flat scales that are located on the rear ventral portion (underside) of a timber rattlesnake between the vent (anal scale) and the base of the rattle.

(7) *Native species* – A reptile or amphibian species that has not been introduced into the Commonwealth and occurs historically within the boundaries of Pennsylvania. The Commission

will from time to time publish in the Pennsylvania Bulletin a list of reptile and amphibian species that it has determined are native species.

§77.2. Taking reptiles or amphibians.

(a) *General.* (1) Except as otherwise provided in this section, reptiles and amphibians may only be taken by hand, hook and line, snake hooks or tongs, turtle hooks, traps, and nets less than four feet square or four feet in diameter.

(2) It is unlawful to take, catch or kill a reptile or amphibian through use of a firearm.

(3) It is unlawful to take, catch or kill a reptile or amphibian through the use of chemicals, smoke, explosives, winches, jacks or other devices or materials, or manually in a manner that may disrupt, damage or destroy the den or the immediate surroundings thereof. It is unlawful to destroy habitat in the pursuit of a reptile or amphibian.

(4) It is unlawful to damage or disrupt the nest or eggs of a reptile or amphibian or to gather, take or possess the eggs of any reptile or amphibian.

(b) *Turtles.* (1) It is unlawful to take, catch or kill a turtle by means of a hook other than a turtle hook as defined in §77.1 (relating to definitions).

(2) It is unlawful for a person to leave a set line, turtle trap or other device for catching turtles unattended unless the device has attached a tag or other means of identification containing the name, address and telephone number of the owner or user of the device. Traps, nets or devices used for catching turtles must be of a floating or partially submerged design so as to allow for the release of untargeted turtles unharmed.

(c) *Frogs.* (1) Frogs may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not be mechanically propelled, may not have more than five barbed points and may not be used in approved trout waters.

(2) It is unlawful to take, catch or kill a frog by use of artificial light at night.

§77.3. Season and daily possession limits.

(a) Except as otherwise provided in subsections (b), (c) and (d), it is unlawful for a person to take, catch or kill more than the daily limit specified in subsection (f) in 1 calendar day or to have in possession more than the possession limit, dead or alive, in whole or in parts, specified in subsection (f); or to hunt, take, catch or kill reptiles or amphibians during the closed season. An amphibian or reptile shall not be considered to be in the possession of a person if, after it is taken or caught, it is immediately released unharmed to the exact location from which it was taken and is not confined to a sack, bag or other container.

(b) This section does not prohibit the sponsors of an organized reptile/amphibian hunt conducted under a permit issued under §77.6 (relating to organized reptile and amphibian hunt permits) from possessing more than the daily limit of the species of reptiles or amphibians hunted if the total number of reptiles and amphibians held in possession during each hunt does not exceed the daily limit for the species hunted times the number of registered participants in the organized

hunt. This subsection applies to possession limits only. It does not permit the sponsors of a hunt or individual hunters to take, catch or kill any number of amphibians and reptiles in excess of the daily limits.

(c) This section does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by zoos and other institutions or persons for scientific, educational or research purposes or licensed taxidermists for the purpose of mounting for properly permitted customers, licensed wildlife rehabilitators or licensed pest control agents with the written permission of the Executive Director or a designee. These persons shall maintain a current open inventory of and report annually changes in the number of reptiles and amphibians possessed. The Executive Director may limit the number of reptiles and amphibians that a person or institution may possess when the Executive Director or a designee issues permission under this subsection.

(d) In prosecutions for violations of the possession limits, when venomous reptiles have been killed in apparent violation of the limits, it shall be a defense that the person who killed the venomous reptiles acted under a reasonable apprehension of immediate death or bodily harm to himself or other persons in his immediate vicinity, if no more venomous reptiles are killed than necessary to protect life and limb and if the person reported the kills in writing to the Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616, within 5 business days after the kill. It is unlawful for a person to possess a venomous reptile, in whole or in parts, that was killed under this subsection.

(e) When season or annual limits apply, a season or annual limit has been reached once a reptile or amphibian, dead or alive, in whole or in parts, has not been immediately released to the exact location from which taken and is in the possession of a person.

(f) The following seasons, sizes, catch and possession limits apply to amphibians and reptiles except endangered and threatened species:

SPECIES	SEASON	DAILY LIMIT	POSSESSION LIMIT
Bullfrog ( <i>Rana catesbeiana</i> ) Green frog ( <i>Rana clamitans</i> )	July 1 to October 31	10 (combined species)	20 (combined species)
Common snapping turtle ( <i>Chelydra serpentina</i> )	July 1 to October 31	15	30
Blanding's turtle ( <i>Emys blandingii</i> )	No open season	0	0
Spotted turtle ( <i>Clemmys guttata</i> )	No open season	0	0
Wood turtle ( <i>Glyptemys insculpta</i> )	No open season	0	0

SPECIES	SEASON	DAILY LIMIT	POSSESSION LIMIT
Box turtle ( <i>Terrapene carolina</i> )	No open season	0	0
Broad-headed skink ( <i>Eumeces laticeps</i> )	No open season	0	0
Northern coal skink ( <i>Eumeces anthracinus</i> )	No open season	0	0
Mudpuppies ( <i>Necturus maculosus</i> )	No open season	0	0
Hellbender ( <i>Cryptobranchus alleghaniensis</i> )	No open season	0	0
Marbled salamander ( <i>Ambystoma opacum</i> )	No open season	0	0
Jefferson salamander ( <i>Ambystoma jeffersonianum</i> )	No open season	0	0
Four-toed salamander ( <i>Hemidactylium scutatum</i> )	No open season	0	0
Ravine salamander ( <i>Plethodon richmondi</i> )	No open season	0	0
Northern cricket frog ( <i>Acris crepitans</i> )	No open season	0	0
Mountain chorus frog ( <i>Pseudacris brachyphona</i> )	No open season	0	0
Striped chorus frog complex ( <i>Pseudacris feriarum feriarum</i> , <i>P. feriarum triseriata</i> )	No open season	0	0
Northern fence lizard ( <i>Sceloporus undulates</i> )	No open season	0	0
Queen snake ( <i>Regina septemvittata</i> )	No open season	0	0
Short-headed garter snake ( <i>Thamnophis brachystoma</i> )	No open season	0	0
Eastern ribbon snake ( <i>Thamnophis sauritus</i> )	No open season	0	0
Smooth earth snake ( <i>Virginia valeriae</i> )	No open season	0	0
Smooth green snake	No open season	0	0

SPECIES	SEASON	DAILY LIMIT	POSSESSION LIMIT
<i>(Opheodrys vernalis)</i>			
Eastern hognose snake <i>(Heterodon platirhinos)</i>	No open season	0	0
Eastern worm snake <i>(Carphophis amoenus)</i>	No open season	0	0
Tadpoles	No closed season	15 (combined species)	15 (combined species)
Timber rattlesnake <i>(Crotalus horridus)</i>	Second Saturday in June to 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 <i>(Agkistrodon contortrix)</i>	Second Saturday in June to July 31	1 annual limit**	
Native species not listed in this subsection	No closed season	1	1

\* It is unlawful for a person 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 for a person to take, catch or kill more than one timber rattlesnake or northern copperhead per calendar year. It is unlawful for a person to possess more than one timber rattlesnake or northern copperhead at any time.

#### §77.4. Snapping turtle permits.

(a) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the common snapping turtle (*Chelydra serpentina*) that persons who hunt, take, catch or kill this species for the purpose of sale, barter or trade have a permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and shall be accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$50 per year; the fee for non-residents is \$100 per year. The denial of a permit under this section is appealable in the manner provided by §§51.41 – 51.46 (relating to permit procedures).

(b) It is unlawful to hunt, take, catch, kill or possess the common snapping turtle for purposes of sale, barter or trade without first procuring the required permit. The required permit shall be in possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby.

(c) It is unlawful to sell, barter, trade or offer for sale a common snapping turtle, dead or alive, in whole or in parts, taken from lands or waters of this Commonwealth without first procuring the permit required under this section.

§77.5. Timber rattlesnake and northern copperhead permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (*Crotalus horridus*) and northern copperhead (*Agkistrodon contortrix*) that persons who hunt, take, catch or kill these species have a permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$50 per year; the fee for non-residents is \$100 per year. The denial of a permit under this section is appealable in the manner provided by §§51.41 – 51.46 (relating to permit procedures).

(b) *Required permit.* It is unlawful to hunt, take, catch, kill or possess a timber rattlesnake or northern copperhead, in whole or in parts, without first procuring the required permit from the Commission. The required permit shall be in the possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby. It is unlawful to alter, borrow, lend or transfer a permit under this section.

(c) *Rebuttable presumption.* If a person has in his possession snake hooks or snake tongs, there shall be a rebuttable presumption that he is hunting timber rattlesnakes or northern copperhead and is required to have a permit under this section.

(d) *Reporting.* Within 10 business days following the capture or kill, or if no snake is captured or killed, within 10 days of the conclusion of the season, the permittee shall complete a report on the form prescribed by the Commission and shall mail the report to the Commission.

(e) *Tagging of timber rattlesnakes.*

(1) A person who takes, catches, kills or possesses a timber rattlesnake shall immediately complete the possession tag that is attached to his permit and detach the tag from the permit in the field. The possession tag shall be completed in accordance with the instructions printed on the tag, and the information to be provided shall include, but not be limited to, the municipality and county where the snake was captured or killed, the date of capture or kill and a description of the snake, including color phase, sex, number of subcaudal scales and length in inches. The possession tag shall be kept in a safe location so that it can be presented along with the timber rattlesnake to which it pertains upon the request of an officer authorized to enforce the code.

(2) After the possession tag is detached from the permit, it is unlawful to take, catch, kill or possess another timber rattlesnake.

(3) It is unlawful to alter, borrow, lend or transfer possession tags under this section.

(4) When presenting a timber rattlesnake to a taxidermist for mounting, the tag shall remain with the rattlesnake while in the possession of the taxidermist.

(f) *Field dressing of timber rattlesnakes.* A permittee may field dress a timber rattlesnake so long as the head and tail remain intact.

(g) *Measurement of timber rattlesnakes.* Upon the request of an officer authorized to enforce the code, a permittee shall measure a timber rattlesnake to determine its length. If the permittee is unable to measure the timber rattlesnake, the officer may seize the snake so that a measurement may be taken at another location.

#### §77.6. Organized reptile and amphibian hunt permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of fish), that it is necessary for the proper protection and management of reptiles and amphibians in this Commonwealth that organized reptile and amphibian hunts be conducted under permits issued under this section. The sponsor of an organized reptile and amphibian hunts shall apply for a permit by no earlier than January 1 and no later than March 1 of the year for which the hunt is proposed. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for the permit is \$100. The denial of a permit under this section is appealable in a manner provided by §§51.41—51.46 (relating to permit procedures).

(b) *Permit issuance.* (1) The Executive Director will issue permits to applicants who demonstrate that they are responsible and qualified to conduct an organized reptile and amphibian hunt. In determining the qualifications of an applicant, the Executive Director, or his designee, may consider factors as he deems appropriate, including, but not limited to, the experience of the applicant in conducting the events, the responsiveness of the applicant to reporting requirements, the safety record of the applicant, the ability of the applicant to conduct educational programs, the context of the event and competing applications.

(2) The Executive Director may limit the number of organized reptile and amphibian hunt permits to be issued for a particular vicinity and time proximity. In general, permits will be issued to qualified applicants no earlier than March 15 of the year in which the application is submitted. If the Commission is aware of events scheduled in the vicinity of one another within 4 weeks, and the Executive Director determines that all events cannot be permitted consistent with resource management and protection, the Executive Director may designate the applicants as competing applications. If competing applications are designated, the Executive Director may, if the parties cannot agree on the withdrawal of one or more applications, award a permit on a random basis, an alternate year basis or some other rational basis as the interests of fairness may dictate.

(c) *Required permit.* It is unlawful to engage in organized reptile and amphibian hunts unless the sponsors of the hunts have first procured the required permit for each hunt. The required

permits shall be held in possession of the sponsor at all times during each hunt. Permittees shall comply with the terms and conditions of each permit and furnish reports required thereby.

(d) *Reporting.* At the location of the hunt, the permittee shall complete a report on the form prescribed by the Commission that will include, at a minimum, the location of the hunt; the names of the registered participants; the species name of the reptile or amphibian that was captured or killed; a description of the reptile or amphibian that was captured or killed; the date and time the reptile or amphibian was brought to the hunt; and the permit number of the person who captured or killed the reptile or amphibian. The permitted shall complete the form as registered participants deliver their reptiles or amphibians for entry into the competition. This form shall be presented upon the request of an officer authorized to enforce the code. Within 10 days following the conclusion of the event, the permittee shall submit the form to the Commission.

(e) *Season.* It is unlawful to conduct an organized reptile or amphibian hunt for any species of reptile or amphibian except during the open season for the reptile or amphibian as specified in §77.3 (relating to season and daily possession limits).

(f) *Sacking contests.* Sacking contests of native species are prohibited. It is unlawful to import timber rattlesnakes or any subspecies, hybrid or variety of *Crotalus horridus*, into this Commonwealth for use in connection with a sacking contest.

(g) *Treatment of reptiles and amphibians.* Reptiles and amphibians held in connection with an organized hunt shall not be confined without water or shade or otherwise physically abused or handled roughly. Free-handling of native, venomous reptiles in an organized hunt is prohibited. At the conclusion of the organized hunt, the sponsor shall return the snakes to the registered participants who entered the snakes in the event.

#### §77.7. Sale of native species.

(a) Except as otherwise provided in this chapter, it is unlawful to take, catch, kill or possess for purposes of selling or offering for sale or to sell, offer for sale, import or export for consideration, trade or barter, or purchase an amphibian or reptile that was taken, caught or killed in this Commonwealth, and its progeny, whether dead or alive, in whole or in parts, including eggs or any life stage.

(b) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any reptile or amphibian propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa. C.S. Chapter 42 (relating to aquacultural development) provided that such reptiles or amphibians are a species approved for propagation in the Commonwealth and are lawfully propagated.

§77.8. Transportation and importation of native species.

- (a) It is unlawful to transport or import into or within this Commonwealth a native species, as defined in this chapter, from another jurisdiction.
- (b) It is unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

§77.9. Introduction of nonnative species.

It is unlawful to introduce any species of reptile or amphibian into the natural environment of this Commonwealth if that species is not native to this Commonwealth. Persons who import nonnative reptiles or amphibians into this Commonwealth shall institute appropriate safeguards to prevent their introduction into the environment of this Commonwealth.

§77.10. Natural areas.

- (a) This chapter applies to all species of Commonwealth amphibians and reptiles occurring naturally within the boundaries of selected Natural Areas of the Department of Conservation and Natural Resources.
- (b) The taking, catching, killing, or possession of individuals of any species of Commonwealth amphibians and reptiles occurring naturally within the boundaries of designated Natural Areas by persons other than those possessing a valid scientific collector's permit is prohibited.
- (c) Notice of this section will be posted at parking lots or access areas on the fringe of each designated Natural Area.
- (d) The provisions of subsections (a) and (b) apply to Natural Areas within State Forests, posted in accordance with subsection (c).