

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 20, 2024, meeting amends § 133.21 (relating to classification of birds) to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth's list of endangered birds.

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

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

Notice of proposed rulemaking was published at 54 Pa.B. 5621 (September 7, 2024).

1. Purpose and Authority

Based on current scientific findings and changes to accepted nomenclature, the Commission amends § 133.21 to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth's list of endangered birds. Formerly considered a single species, goshawks in Europe and North America were split into separate species in the 64th Supplement to the American Ornithological Society's Checklist of North American Birds due to genetic and behavioral differences. The European species, Northern Goshawk (*Accipiter gentilis*), retained the original common and scientific names and the North American species, American Goshawk (*Accipiter atricapillus*) received new common and scientific names. These changes do not affect protection or management of goshawks within this Commonwealth but update the Commonwealth's list to reflect the current taxonomic resolution of each species, maintaining the agency's science-based approach to wildlife management.

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 wild bird 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, manner, 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 amendments to § 133.21 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 133.21 to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth's list of endangered birds.

3. Persons Affected

Persons concerned with the American Goshawk (*Accipiter atricapillus*) within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received on this final-form rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

For further information about this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 133, are amended by amending § 133.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

STEPHEN SMITH,
Executive Director

Fiscal Note: Fiscal Note 48-509 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

(1) *Endangered.*(i) King Rail (*Rallus elegans*)

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(xvi) Upland Sandpiper (*Batramia longicauda*)(xvii) American Goshawk (*Accipiter atricapillus*)(2) *Threatened.*

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[Pa.B. Doc. No. 24-1525. Filed for public inspection October 25, 2024, 9:00 a.m.]

Title 58—RECREATION**GAME COMMISSION****[58 PA. CODE CH. 147]****Special Permits; Falconry**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 20, 2024, meeting amends § 147.103 (relating to classes) to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

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

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

Notice of proposed rulemaking was published at 54 Pa.B. 5622 (September 7, 2024).

1. Purpose and Authority

The Pennsylvania Falconry and Hawk Trust recently approached the Commission with a request to decrease the Commonwealth's minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age. Under 50 CFR 21.82 (relating to falconry standards and falconry permitting), Federal regulations set the minimum age eligibility threshold at 16 years of age. While states cannot go below this threshold, they can raise the threshold higher. The Commonwealth historically maintained the minimum age eligibility threshold for a general class falconry permit at 18 years of age. The Commission has not identified a significant biological or safety concern that would necessitate maintaining the 18 years of age threshold. As a result, the Commission amends § 147.103 to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

Section 2901(b) of the code (relating to authority to issue permits) provides "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 authority of any permit issued." The amendments to § 147.103 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.103 to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

3. Persons Affected

Persons under 18 years of age who are interested in participating in falconry activities within this Commonwealth may be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received on this final-form rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

For further information about this final-form rulemaking, contact Jason L. DeCoskey, 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), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(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 authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.103 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

STEPHEN SMITH,
Executive Director

Fiscal Note: Fiscal Note 48-510 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter F. FALCONRY

§ 147.103. Classes.

* * * * *

(b) *General.* Permittees of the general class shall be subject to the following requirements and limitations:

(1) Permittees shall be 16 years of age or older.

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[Pa.B. Doc. No. 24-1526. Filed for public inspection October 25, 2024, 9:00 a.m.]
