COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA GAME COMMISSION

IN RE: FERAL SWINE RESPONSE – REMOVAL OF PROTECTION

ORDER #2

WHEREAS, While some twenty-five (25) states across the nation have persistent (possibly permanent) populations of Feral Swine established in the wild, Pennsylvania is one of sixteen (16) new states where introduction is more recent and may still be countered through decisive eradication efforts; and

WHEREAS, For the purposes of this Order, the term "Feral Swine" shall include any animal that is a member of the Family *Suidae* that is found roaming freely upon public or private lands within this Commonwealth; and

WHEREAS, Feral Swine have been declared to be an injurious, non-native, invasive species in Pennsylvania that are suspected to have been introduced into the wilds of this Commonwealth through a variety of means, including both intentional and unintentional releases; and

WHEREAS, Feral Swine have been determined to pose a significant, imminent and unacceptable threat to this Commonwealth's natural resources (including wildlife and their habitats), agricultural industry (including crop and livestock production), forest products industry and to human health/safety interests; and

WHEREAS, Feral Swine have been detected in the wild outside of containment in several counties across the Commonwealth; and

WHEREAS, feral swine are known to harbor and transmit numerous viral, bacterial, and parasitic diseases that adversely affect wild animals, domestic animals and humans; and

WHEREAS, Section 137.2 of the Pennsylvania Code specifically prohibits the release of "any animal that is a member of the Family Suidae into the wild" (58 Pa. Code § 137.2); and

WHEREAS, The Game and Wildlife Code (Game Code)(34 Pa.C.S. §§ 101 et seq.) and its attendant regulations (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation and management of all game and wildlife, including Feral Swine (C.f. 34 Pa.C.S. §§ 322, 2101 and 2102); and

WHEREAS, The Commission was declared to have jurisdiction over matters relating to wild boars by the Pennsylvania Supreme Court in in <u>Section v. PGC</u>, 937 A.2d 1028 (Pa., 2007); and

WHEREAS, The <u>Section</u> decision effectively declared wild boars to be "protected mammals" pursuant to 58 Pa. Code § 133.1 and as a consequence can be taken only as authorized by the Game Code and its attendant regulations; and

WHEREAS, Except for destruction for agricultural protection, self-defense, defense of others or property protection pursuant to authorizations provided by Sections 2121 and 2141 of the Game Code (34 Pa.C.S. §§2121 & 2141) and Section 141.3 of the Pennsylvania Code (58 Pa. Code §141.3), Feral Swine may not lawfully be taken by members of the public; and

WHEREAS, Section 322 of the Code provides the Commission with the general authority to define geographic limitations or restrictions and otherwise take any other action necessary to accomplish and assure the purposes of the Game Code (34 Pa.C.S. §322(c)(4)&(12)); and

WHEREAS, Section 139.3 of the Pennsylvania Code provides the Executive Director with the broad authority to "remove protection on wildlife Statewide, or in a designated area and prohibit its possession alive and order the method of the disposal, if he determines the threat of a disease poses a threat to human safety, farm animals, pets and wildlife within or adjacent to this Commonwealth" (58 Pa. Code § 139.3(b)); and

WHEREAS, The Commission has determined that the complete eradication of Feral Swine from the wild within the Pennsylvania is necessary to prevent further harm to its natural resources, agricultural industry, forest products industry and threats to human health and safety; and

NOW THEREFORE, I, Carl G. Roe, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Game Code and its attendant regulations, do hereby order and direct the removal of protection on Feral Swine as follows:

- 1. Protection on Feral Swine is removed statewide, except in those counties designated as containing official eradication trapping operations as indicated on the Commission website at http://www.pgc.state.pa.us/ and in periodic Commission news releases.
- 2. Licensed hunters and trappers or persons who qualify for license and fee exemptions under Section 2706 of the Game Code (34 Pa.C.S. § 2706) shall be eligible to

participate in the unlimited taking (killing) of Feral Swine by firearm, bow or crossbow in any county where protection on Feral Swine has been removed. All takings of Feral Swine shall be conducted in conformance with the limitations of Section 2308 of the Game Code (34 Pa.C.S. § 2308).

- 3. Persons authorized by Commission permit to engage in Feral Swine trapping operations shall be eligible to participate in the unlimited trapping of Feral Swine in such locations as may be designated on their permit. Feral Swine trapping shall only occur from the end of the flintlock muzzleloader season to the beginning of Spring Gobbler Season and from the end of Spring Gobbler Season until the beginning of Archery Deer Season within each respective wildlife management unit. If permitted trapping is occurring on a broad scale within a specific county, the protection of Feral Swine may be temporarily reinstated within that county to insure the effectiveness and efficiency of such eradication trapping.
- 4. All takings of Feral Swine resulting from authorized shooting or trapping operations shall be reported to the appropriate local Commission Regional Office within 24 hours of kill. Reports shall, at a minimum, include an accurate identification and description of the location of kill.
- 5. This Order shall not be construed in any manner to limit the ability of an individual to protect his person, the person of another or his property from harm by Feral Swine pursuant to the authority of Sections 2121 and 2141 of the Game Code (34 Pa.C.S. §§ 2121 & 2141) and Section 141.3 of the Pennsylvania Code (58 Pa. Code § 141.3).
- 6. This Order shall not be construed in any manner to limit the Commission's authority to establish additional or further requirements on the eradication of Feral Swine within the Commonwealth of Pennsylvania.

or modified by subsequent order.	
Given under my hand and seal of the Pen	nsylvania Game Commission on this <u>22</u> 00
day of MARCH 2011.	
Attest:	Cartal
	Carl G. Roe

7.

This Order is effective immediately and shall remain in effect until rescinded

Executive Director