

TEXT

Subdivision (c) of 6 NYCRR Section 6.2 is repealed as follows:

[(c) Fisher permit

(1) No person shall trap fisher in the wildlife management units listed in paragraph (a)(4) of this section unless the person holds a revocable special permit for fisher issued by the department.

(2) Requirements and procedures for obtaining a fisher permit will be described in the department's annual hunting and trapping syllabus and on the department's website.

(3) The holder of a fisher permit must comply with all conditions stated on the permit]

Subdivision (b) of 6 NYCRR Section 6.3 is amended as follows:

(b) Pine marten permit.

(1) No person shall trap pine marten unless he or she possesses a revocable pine marten permit.

(2) An application for a pine marten permit may be obtained from the department's Ray Brook or Warrensburg offices, or from the department's website.

(3) The holder of a pine marten permit must comply with all conditions stated on that permit.

[(4) Only furbearer possession tags stamped with the word “marten” may be used to tag pine marten in accordance with the procedure provided for in subdivision (c) of this section.]

Subdivision (c) of 6 NYCRR Section 6.3 is amended as follows:

(c) Tagging and sealing requirements for otter, bobcat, fisher and pine marten taken in New York State.

(1) Persons intending to take the species listed in this subdivision in the State must first obtain a supply of furbearer possession tags from the department.

(2) To legally possess until sealing, as required by paragraph (3) of this subdivision, the unprocessed pelt or unskinned carcass of a species listed in this subdivision legally taken in the State, the taker must:

(i) complete an entire furbearer possession tag immediately upon reaching the licensed vehicle used by the taker for highway travel, or immediately upon reaching the camp or home used by the taker, whichever comes first after the animal is taken; and

(ii) keep the above-mentioned tag with the pelt (or unskinned carcass) at all times until the pelt (or unskinned carcass) is sealed.

(3) Except as provided in paragraph (2) of this subdivision, no one except the taker may possess an unsealed, unprocessed pelt or unskinned carcass of an otter, bobcat, fisher or pine marten taken in New York State unless it is

accompanied by a completed furbearer possession tag in accordance with paragraph (2) of this subdivision.

(4) For continued legal possession, the taker or the taker's agent must present the pelt or unskinned carcass with a properly completed furbearer possession tag and the taker's license under which the furbearer was taken, or a copy (front and back) of the taker's license under which a furbearer was taken, to an authorized department sealer for sealing prior to any of the following four conditions:

- (i) the end of the 10th day after the close of the season for the species involved in the wildlife management unit where it was taken; or
- (ii) the pelt or unskinned carcass is exported from New York State; or
- (iii) the pelt or unskinned carcass is sold or leaves the taker's possession for any purpose, such as for mounting, processing, barter, sale or for permanent transfer of possession as a gift, except that the taker may temporarily transfer possession of those pelts or unskinned carcasses to a person, acting as the taker's agent for the purpose of skinning or taking them for sealing, provided that the taker's license under which the furbearer was taken, or a copy (front and back) of the taker's license under which a furbearer was taken, accompanies the pelts or unskinned carcasses and the pelts or unskinned carcasses also are accompanied by their furbearer possession tags as provided in paragraph (2) of this subdivision; or

(iv) the pelt is mounted, processed (treated so that the pelt is rendered soft and pliable), or prepared for use as an article of clothing or as an article for display.

(5) The department seal must remain attached to the pelt (or unskinned carcass) until it is processed or prepared for use as an article of clothing or as an article for display.

(6) No one may buy and no one except the taker may possess an unprocessed pelt or unskinned carcass of an otter, bobcat, fisher or pine marten taken in New York unless it has an appropriate, intact and closed New York State pelt seal attached to it in accordance with paragraph (4) of this subdivision, except that a person, acting as an agent for the taker, may temporarily possess the taker's pelts or unskinned carcasses for the purpose of skinning or taking them for sealing, provided that the taker's license under which the furbearer was taken, or a copy (front and back) of the taker's license under which a furbearer was taken, accompanies the pelts or unskinned carcasses and the pelts or unskinned carcasses also are accompanied by their furbearer possession tags as provided in paragraph (2) of this subdivision.

[(7) To have a pine marten sealed by the department, the taker must give an authorized department sealer the entire skinned carcass of the animal to be sealed.

(8) The taker of a pine marten who wishes to obtain written temporary exemption from requirements for submission of the skinned carcass, so that a taxidermist can skin the animal, must at the time of sealing:

- (i) name in writing the taxidermist who will skin the animal; and
- (ii)
 - (a) agree in writing to deliver, before the end of the eighth day after sealing, the unskinned pine marten and a copy of the written temporary exemption to the named taxidermist; and
 - (b) if the taker retains ownership of the marten pelt, agree in writing to submit or have submitted to the department, within 90 days of sealing, the entire skinned carcass and the written temporary exemption.

(9) A taxidermist may not receive a pine marten unless sealed and accompanied by the written temporary exemption.

(10) A taxidermist who receives an unskinned pine marten for processing for the taker's future use must retain a copy of the written temporary exemption while the animal is being processed.

(11) A taxidermist who receives an unskinned pine marten from a taker for the taxidermist's future use must submit to the department within 90 days of sealing the entire skinned carcass and the written temporary exemption originally issued to the taker.

Note:

The written temporary exemption remains with the skinned carcass as proof of legal possession, and must be surrendered to the department with the skinned carcass.

Responsibility for submission of the written temporary exemption and skinned carcass follows ownership. If the taker retains ownership during processing, the taker remains responsible for submission even if the taxidermist agrees to submit the written

temporary exemption and skinned carcass directly. If a taxidermist becomes the owner, whether by purchase or not, the taxidermist becomes responsible for submission of the written temporary exemption and skinned carcass.

(12) Freeze-dried mounts of the pine marten may not be made because of the skinned carcass submission requirement.]