

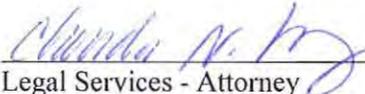
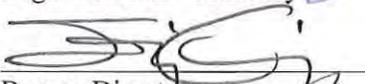
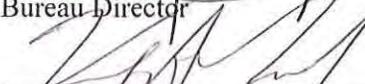
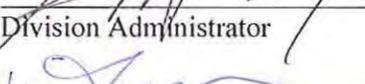
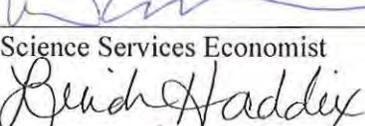
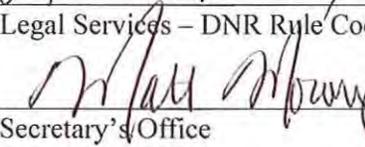
CORRESPONDENCE/MEMORANDUM

DATE: January 15, 2013  
 TO: Natural Resources Board  
 FROM: Cathy Stepp, Secretary  
 SUBJECT: Notification of the intent to solicit information and advice for the preparation of an economic impact analysis for ER-30-13.

Based on the scope statement approved by the Board on December 11, 2013 the Department has prepared proposed rules in Board Order ER-30-13 relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits and to updating scientific and common names and federal listing status.

The department intends to proceed to gather information and advice on the economic effect of the proposed rules on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole. The attached Board Order and solicitation notice will be distributed to those businesses, business associations, local governmental units, and individuals that the department believes may be affected by the proposed rules.

Approval:

	1/9/14
Legal Services - Attorney	Date
	1/10/14
Bureau Director	Date
	1/13/14
Division Administrator	Date
	1/9/14
Science Services Economist	Date
	1-17-14
Legal Services - DNR Rule Coordinator	Date
	1/6/14
Secretary's Office	Date

Enclosures – Solicitation Notice  
 Fiscal Estimate & Economic Impact Analysis  
 Board Order

Rev. 11/11/13



### Notice Soliciting Comments Regarding an Economic Impact Analysis

**Subject:** Natural Resources Board Order ER-30-13 relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits and to updating scientific and common names and federal listing status.

**Notice Date:** January 22, 2014

**End of Comment Period:** February 5, 2014

The Department of Natural Resources is in the process of preparing an economic impact analysis (EIA) for proposed rules relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits and to the updating scientific and common names and federal listing status [Board Order # ER-30-13]. A preliminary draft of the EIA and a draft of the rule order are available for download as a clickable link by going to the following site:

<http://dnr.wi.gov> and searching for the keywords "Administrative Rules" or at <http://adminrules.wisconsin.gov>.

If you are not able to access or download the information, please send an email to the following address: [terrell.hyde@wisconsin.gov](mailto:terrell.hyde@wisconsin.gov).

Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of proposed rule ER-30-13 and, if requested, to coordinate with local governments in the preparation of the EIA. Notice is hereby given that the Department of Natural Resources will accept written comments on the EIA until February 5, 2014. Comments may be submitted electronically to: [terrell.hyde@wisconsin.gov](mailto:terrell.hyde@wisconsin.gov) or may be mailed to: Terrell Hyde (NH/6), Wisconsin Dept. of Natural Resources, P.O. Box 7921, Madison, WI 53707.

Any local governmental unit that is affected by the rule may also request to coordinate with the department on preparation of the EIA. If a local governmental unit wishes to coordinate with the department on preparation of the EIA, the governmental unit must notify the department of its request to coordinate at the time comments on the EIA are submitted. The department will then contact all local governmental units requesting an opportunity to coordinate and incorporate their comments into the EIA to the extent feasible.

Pursuant to Executive Order # 50 (2011) and s. 227.137, Wis. Stats., the department must include the information listed below in an EIA. To review all of the information that must be included in an EIA, you may refer to the Executive Order and statutory provisions. When submitting comments, please provide specific information in these areas and include any supporting economic data, studies or reports. Please do NOT submit comments on revisions to the rule language at this time. The department is soliciting information on the following from you and others:

Would you, your business, your association, or your local unit of government be affected in a material economic way by the implementation of these hunting, trapping, and hunting dog training rules?

Additionally, the department is seeking comments on the following from people who indicate they will be affected economically:

1. Any implementation or compliance costs that are reasonably expected to be incurred.
2. Actual quantifiable benefits of the proposed rule.
3. Whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state.
4. Economic impacts of specific alternatives to the proposed rule.
5. Whether the proposed rule will have an economic impact (savings or increased costs) on public utilities or their ratepayers.

If you are a small business as defined in s. 227.114(1), Wis. Stats., please identify yourself as a small business in your comments. Small business means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.

Please refer to s. 227.19(3)(e)3. and 4. for further information when you are preparing your comments as a small business. Following the public comment period for the EIA, a revised "Fiscal Analysis and Economic Impact Analysis" will be prepared containing relevant information that the department receives. Once the EIA process is completed, the department will submit the rule package and economic impact analysis to the Wisconsin Legislative Council under s. 227.15, Wis. Stats., and hearings on the proposed rule will be held by the department after proper notice in accordance with ss. 227.17 and 227.18, Wis. Stats. If the EIA indicates that the proposed rule is reasonably expected to have a total impact of \$20,000,000 in implementation and compliance costs, the department shall submit the rule to the Department of Administration in accordance with s. 227.137(6), Wis. Stats.

NOTE: Chapter 227 of the statutes may be found at the following web site:  
<https://docs.legis.wisconsin.gov/statutes/statutes/227.pdf>.

Further information on the process for enacting rules is contained in Executive Order #50 signed by Governor Walker on November 2, 2011 (available at [http://docs.legis.wisconsin.gov/code/executive\\_orders/2011\\_scott\\_walker/2011-50](http://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-50)).

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original    Updated    Corrected

2. Administrative Rule Chapter, Title and Number

This rule modifies Ch.'s NR 10 related to the list of Wild Protected Animals, NR 16 related to Captive Wildlife – Reptile and Amphibian Possession Exemptions, NR 27 related to the list of US and Wisconsin Endangered and Threatened species, and Ch.'s NR 19, NR 21, and NR 22 related to turtle seasons and limits.

3. Subject

Preliminary economic impact analysis for public comment relating to adding Blanding's turtles (*Emyoides blandingi*) to the list of Wild Protected Animals, and eliminating harvest and collection through the Department's list of turtle seasons and limits and captive wildlife exemptions.

4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

9. Policy Problem Addressed by the Rule

The objective of this proposed rule is to protect Blanding's turtles from the threat of harvest and collection since they were removed from the Wisconsin Threatened species list. The Blanding's turtle was delisted on January 1, 2014 per administrative rule ER-27-11. This emergency and permanent rule is a follow-up action that was proposed during the public comment for ER-27-11. As stated by the Department in the final adopted rule order for ER-27-11, that while the Blanding's turtle no longer meets the scientific criteria for listing as Threatened, the population is vulnerable to harvest and collection and should be added to the Protected Wild Animal list (NR 10.02) and harvest/collection limits.

Since 1979, when the Blanding's turtle was added to the threatened list, there has not been a pet or food trade industry for this species in the state. However, as a result of delisting, the Blanding's turtle is subject to turtle harvest regulations as all turtles not listed as threatened or endangered in NR 27 or otherwise specified have a 135-day open season between July 15 and November 30 where the public may capture and possess up to 5 individuals.

Internationally there is concern for this species because of the increasing trend in the pet trade and commercial collecting. Regionally the Blanding's turtle is state protected in Illinois, Iowa, and Minnesota. In Michigan, Blanding's turtles cannot be taken or possessed except as authorized by the Director of the Department of Natural Resources.

The proposed rule changes will continue similar possession and collection limits that the Blanding's turtle received on the State's Threatened list. As such, minimal controversy is anticipated.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of the proposed rule. Small businesses, as defined in s. 227.114(1), Wis. Stats., will be asked to identify themselves as a small business in their comments. Following the public comment period for the EIA, a revised "Fiscal Analysis and Economic Impact Analysis" will be prepared containing relevant information that the department receives.

The department anticipates minimal economic impact, with few entities affected as collection and possession limits will not change. Interested parties may include individuals using turtles as bait or food, and parties interested in developing a pet/food trade for the Blanding's turtle in Wisconsin.

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11. Identify the local governmental units that participated in the development of this EIA.

Pursuant to s. 227.137 Wis. Stats., the department is required to solicit comments on the economic impact of the proposed rule, and if requested to coordinate with local governments in the preparation of an Economic Impact Analysis (EIA). The notice to solicit comments will be sent to the county and town associations in the state.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The department anticipates minimal economic impact as the proposed rule changes will continue similar possession and collection limits that the Blanding's turtle received under the protections afforded to the species on Wisconsin's Threatened species list. The Blanding's turtle was added to the Threatened species list in 1979. As such, there has not been a market for its collection and possession since then.

No changes to the permitting process for researchers and rehabilitators are expected as part of this proposed rule change. As part of the administrative rule ER-27-11, researchers will need to apply for a Scientific Collectors Permit or Research License Authorization to collect or possess a Blanding's turtle instead of an Endangered and Threatened Species Permit.

The effect of this proposed rule will be minimal with few entities affected as collection and possession limits will not change. Interested parties may include individuals using turtles as bait or food, and parties interested in developing a Blanding's turtle pet/food trade in the state.

These proposed rules do not establish any requirements on businesses or local units of government.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The objective of this rule is to protect Blanding's turtles from the threat of harvest and collection since they were removed from the Wisconsin Threatened species list. Given the population-age structure of the species, the impact of collection may be severe enough to place the Blanding's turtle's long term survival in the state in jeopardy, causing the species to be considered for addition back to the state's endangered and threatened species list. The proposed rule changes will continue similar possession and collection limits that the Blanding's turtle received on the State's Threatened list. As such, minimal controversy is anticipated.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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### 14. Long Range Implications of Implementing the Rule

The long range implications of this rule proposal will be the same as the short term implications in protecting the Blanding's turtle from the threat of harvest and collection and keeping them off the Wisconsin Threatened species list. These rule proposals will continue harvest and collection limits that the Blanding's turtle received while listed on the State's Threatened species list.

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### 15. Compare With Approaches Being Used by Federal Government

There are no federal regulations that would be in conflict with the proposed rule changes. The proposed changes would support the United States Fish and Wildlife Service proposed addition of the Blanding's turtle to The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) list:  
<http://www.fws.gov/international/cites/cop16/blandings-turtle.html>.

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### 16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

There are similar laws in other states. The Blanding's turtle is state protected in Illinois, Iowa, and Minnesota. In Michigan, Blanding's turtles shall not be taken or possessed except as authorized by the Director of the Department of Natural Resources.

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<b>17. Contact Name</b>	<b>18. Contact Phone Number</b>
Terrell Hyde	608-264-9255

This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
RENUMBERING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND  
RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **renumber** NR 27.03 (2) (i) 1.; to **renumber and amend** NR 27.03 (2) (b) 3., 3L., (f) 2., (i) 22m., (3) (b) 2., 2t., 3., 7., 12., (f) 2., (i) 32., 33., 40., and 48.; to **amend** NR 10.02 (9), (10), 16.12 (3) (b) 2., 3., 6., 16.13 (3) (a), 27.03 (2) (a) 1., (b) 4., (c) 3., 4., 5., 6., (d) 1m., (e) 2t., 3., 4m., 6m., (f) 2m., 2r., 5., 6., 7., 9g., (g) 1., 9., (i) 4., 5m., 8., 9., 10., 11., 12., 17., 17m., 18., 20., 21., 22., 23., 25., 25m., 26., 27., 29m., 29t., 30m., 40q., 41., 43m., 44., 45., 49., (3) (b) 6m., 10., (c) 1., (e) 9m., (i) 7., 11., 14., 17., 19., 21., 25., 26., 28., 34., 42., 44., 46., 47., 51., 52m., and 56.; to **repeal and recreate** NR 27.03 (1); and to **create** NR 10.02 (11), 16.12 (3) (b) 12, 19.275 (4) (bm), 21.13 (4) (bm), 22.13 (4) (bm), and 27.03 (1) (Note) relating to the addition of the Blanding's turtle to the State's Protected Wild Animal list, possession exemptions, and turtle seasons and limits and to updating scientific and common names and federal listing status.

ER-30-13

Analysis Prepared by the Department of Natural Resources

**1. Statutory Authority, Statutes Interpreted and Explanation:** Statutes that authorize the promulgation of these rules are: ss. 29.011, 29.014, 29.039, and 29.604 Stats. These statutes establish management authority with the department, provide that the title to wild animals is vested with the state, and provide the department with authority to maintain open and closed seasons and other regulations and programs to conserve game and nongame species. Section 29.604 (3)(b), Wis. Stats., has been interpreted as allowing the department the authority to create and amend the list of Wisconsin's endangered and threatened species, NR 27.03, Wis. Admin. Code. All rules promulgated under this authority are subject to review under ch. 227, Stats.

**2. Related Statutes or Rules:** Existing policies relevant to the rule are Wisconsin Adm. Codes, NR 27, NR 10.02, NR 16.12, NR 16.13, NR 19.275, NR 21.13, and NR 22.13. No new policies are being proposed.

The department is also promulgating a corresponding emergency rule [ER-31-13 (E)]. The emergency and permanent rules both contemplate the following changes: add Blanding's turtle to the list of Wild Protected Animals (NR 10.02); add Blanding's turtles to the Captive Wildlife – Reptile and Amphibian Possession Exemptions [NR 16.12(3)(b)]; and add Blanding's turtles to the turtle season/limits with a season/limit of none/zero on NR 19.275(4), 21.13(4), and 22.13(4). The permanent rule only will also contemplate performing housekeeping on scientific and common names, and Federal Protection Status on administrative rules 10.02, 16.12, 16.13, 19.275, 21.13, 22.13, 27, and other related rules listing native plant and animal species.

**3. Plain Language Analysis:** The objective of this proposed rule is to protect Blanding's turtles from the threat of harvest and collection once they are removed from the Wisconsin Threatened species list. The Blanding's turtle was delisted on January 1, 2014 per administrative rule ER-27-11. This emergency and permanent rule is a follow-up action that was proposed during the public comment for ER-27-11. As stated by the Department in the final adopted rule order for ER-27-11, that while the Blanding's turtle no longer meets the scientific criteria for listing as Threatened, the population is vulnerable to harvest and collection and should be added to the Protected Wild Animal list (NR 10.02) and harvest/collection limits.

SECTIONS 1, 3, 5, and 11-32 update scientific, common, and family names. These changes reflect current understanding of the scientific community and include mostly placement of species into a different Genus or taxonomic group. Several discrepancies in spelling and missing common names are also corrected. All of these taxa are still regarded as valid species.

SECTIONS 2, 4, 6, 7, and 8 add the Blanding's turtle to the list of Wild Protected Animals, Captive Wildlife Exemptions, and to the turtle season's and limits in Wisconsin's waters to protect them from harvest and collection.

SECTIONS 9 and 10 replace the list of endangered and threatened U.S. foreign and native species with a link to the latest publication as published in the Government Printing Office's Endangered and Threatened Wildlife and Plants 50 eCFR 17.11 and 17.12. This "adoption by reference" meets the expectation set by Wis. Stats. 29.604 (3) (b) to establish the list of wild animals and wild plants on the U.S. list of endangered and threatened foreign species; wild animals and wild plants on the U.S. list of endangered and threatened native species. The U.S. list is updated daily and is found on the US Fish and Wildlife Services' endangered species web page (<http://www.fws.gov/endangered/>).

**4. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:**

There are no federal regulations that would be in conflict with this proposed action. Blanding's turtles are not federally listed. In 2013, the United States Fish and Wildlife Service proposed addition of the Blanding's turtle to The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) list: <http://www.fws.gov/international/cites/cop16/blandings-turtle.html>

**5. Comparison with Similar Rules in Adjacent States:** There are similar possession laws in adjacent other states. The Blanding's turtle is state protected in Illinois, Iowa, and Minnesota. In Michigan, Blanding's turtles shall not be taken or possessed except as authorized by the Director of the Department of Natural Resources.

**6. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:** Since 1979, when the Blanding's turtle was added to the threatened list, there has not been a pet or food trade industry for this species in the state. However, as a result of delisting, the Blanding's turtle is subject to turtle harvest regulations as all turtles not listed as threatened or endangered in NR 27 or otherwise specified have a 135-day open season between July 15 and November 30 where the public may capture and possess up to 5 individuals.

Internationally there is concern for this species because of the increasing trend in the pet trade and commercial collecting. Regionally the Blanding's turtle is state protected in Illinois, Iowa, and Minnesota. In Michigan, Blanding's turtles cannot be taken or possessed except as authorized by the Director of the Department of Natural Resources.

As stated by the Department in the final adopted rule order for ER-27-11, that while the Blanding's turtle no longer meets the scientific criteria for listing as Threatened, the population is vulnerable to harvest and collection and should be added to the Protected Wild Animal list (NR 10.02) and harvest/collection limits.

These proposed rule changes were developed with the assistance of the Bureaus of Natural Heritage Conservation, Fisheries Management, Wildlife Management, and Legal Services.

**7. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:** Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of the proposed rule. Small businesses, as defined in s. 227.114(1), Wis. Stats., will be asked to identify themselves as a small business in their comments. Following the public comment period for the EIA, a revised "Fiscal Analysis and Economic Impact Analysis" will be prepared containing relevant information that the department receives.

The department anticipates minimal economic impact, with few entities affected as collection and possession limits will not change. Interested parties may include individuals using turtles as bait or food, and parties interested in developing a pet/food trade for the Blanding's turtle in Wisconsin.

**8. Effect on Small Business (initial regulatory flexibility analysis):** Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of proposed rule. Small businesses, as defined in s. 227.114(1), Wis. Stats., will be asked to identify themselves as a small business in their comments. Following the public comment period for the EIA, a revised "Fiscal Analysis and Economic Impact Analysis" will be prepared containing relevant information that the department receives. Once the EIA process is completed, the department will submit the rule package and economic impact analysis to the Wisconsin Legislative Council under s. 227.15, Wis. Stats., and hearings on the proposed rule will be held by the department after proper notice in accordance with ss. 227.17 and 227.18, Wis. Stats. If the EIA indicates that the proposed rule is reasonably expected to have a total impact of \$20,000,000 in implementation and compliance costs, the department shall submit the rule to the Department of Administration in accordance with s. 227.137(6), Wis. Stats.

A small business regulatory flexibility analysis that contains the provisions in s. 227.19(3)(e), Stats., will be included in the final rule order.

The Department's email distribution list used to solicit comments includes small businesses and small business associations. The distribution list will be submitted to the Governor's Office of Regulatory Compliance.

**9. Agency Contact Persons:** Terrell Hyde (608) 264-9255 [terrell.hyde@wisconsin.gov](mailto:terrell.hyde@wisconsin.gov) or Erin Crain (608) 267-7479 [erin.crain@wisconsin.gov](mailto:erin.crain@wisconsin.gov). Wisconsin Department of Natural Resources, Natural Heritage Conservation NH/6, Madison, WI 53707-7921.

**10. Place where comments are to be submitted and deadline for submission:**

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Terrell Hyde  
Department of Natural Resources  
Natural Heritage Conservation – NH/6  
P.O. Box 7921  
Madison, WI 53707-7921  
Phone: (608) 264-9255  
Fax: (608) 266-2925  
Email: [Terrell.Hyde@Wisconsin.gov](mailto:Terrell.Hyde@Wisconsin.gov)

Written comments may also be submitted to the Department using the Wisconsin Administrative Rules Internet Web site at <http://adminrules.wisconsin.gov>.

Hearing dates and the comment submission deadline are to be determined.

The consent of the Attorney General will be requested for the incorporation by reference of [insert description of material to be incorporated].

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**SECTION 1. NR 10.02 (9) and (10) are amended to read:**

10.02 (9) Timber rattlesnake of the species Crotalus horridus, except that a timber rattlesnake may be killed in emergency situations involving an immediate threat to human life or domestic animals. It is requested that each person who kills a rattlesnake under this provision provide to the department no later than 48 hours after the kill, not to include Saturdays, Sundays and holidays, factual information related to the kill including the location, date of the kill and the name and address of the person who killed it.

(10) ~~Bullsnakes Gophersnakes~~ Pituophis melanoleucus sayi catenifer, ~~black rat snakes gray ratsnakes~~ Elaphe obsoleta obsoleta Pantherophis spiloides and the North American racer snakes racers Coluber constrictor.

**SECTION 2. NR 10.02 (11) is created to read:**

10.02 (11) Blanding's turtles Emydoidea blandingii.

**SECTION 3. NR 16.12 (3) (b) 2., 3., and 6. are amended to read:**

16.12 (3) (b) 2. No person may take or possess ~~bullsnakes gophersnakes~~ of the species Pituophis melanoleucus sayi catenifer, North American racers of the species Coluber constrictor or ~~black rat snakes gray ratsnakes~~ of the species Elaphe obsoleta obsoleta Pantherophis spiloides taken from within the borders of the state. Persons may possess up to 2 of each of these species if legally obtained from out-of-state.

(3) (b) 3. A person may only take or possess up to 2 individuals of the following snake species: ~~Fox snakes~~ Eastern foxsnakes of the species Elaphe vulpina vulpina Pantherophis vulpinus and ~~eastern milk snakes~~ milksnakes of the species Lampropeltis triangulum triangulum.

(3) (b) 6. A person may take and possess more than 5 native northern leopard frogs of the species Rana Lithobates pipiens, 5 mudpuppies of the species Necturus maculosus, and 5 eastern tiger salamanders of the species Ambystoma tigrinum, or native amphibians and reptiles subject to s. NR 16.13 (2) (a) if authorized by the department by a class A captive wild animal farm license issued under s. 169.15, Stats.

**SECTION 4. NR 16.12 (3) (b) 12. is created to read:**

16.12 (3) (b) 12. No person may take or possess Blanding's turtles of the species Emydoidea blandingii within the borders of the state. Persons may possess up to 2 of this species if legally obtained from out-of-state.

**SECTION 5. NR 16.13 (3) (a) is amended to read:**

16.13 (3) (a) Northern Leopard leopard frogs, mudpuppies and eastern tiger salamanders. Native leopard frogs of the species Rana Lithobates pipiens, mudpuppies of the species Necturus maculosus or eastern tiger salamanders of the species Ambystoma tigrinum collected within Wisconsin may be purchased from a seller that has been specifically authorized by a class A

captive wild animal farm license issued under s. 169.15, Stats., or a bait dealers license issued under s. 29.509, Stats., to possess and sell these species.

**SECTION 6. NR 19.275 (4) (bm) is created to read:**

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(bm) Blanding's turtle	None	0	None

**SECTION 7. NR 21.13 (4) (bm) is created to read:**

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(bm) Blanding's turtle	None	0	None

**SECTION 8. NR 22.13 (4) (bm) is created to read:**

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(bm) Blanding's turtle	None	0	None

**SECTION 9. NR 27.03 (1) is repealed and recreated to read:**

27.03 (1) U.S. foreign and native endangered and threatened species list as published in 50 eCFR 17.11 and 17.12.

**SECTION 10. NR 27.03 (1) (Note) is created to read:**

27.03 (1) (Note) The latest publication of threatened and endangered U.S. foreign and native species as published in the Government Printing Office's Endangered and Threatened Wildlife and Plants 50 eCFR 17.11 and 17.12 is updated daily and can found on the US Fish and Wildlife Services' endangered species web page (<http://www.fws.gov/endangered/>).

**SECTION 11. NR 27.03 (2) (a) 1. is amended to read:**

27.03 (2) (a) 1. ~~Pine~~ American Marten — *Martes americana*.

**SECTION 12. NR 27.03 (2) (b) 3. and 3L. are renumbered NR 27.03 (2) (b) 6r. and 6w. and amended to read:**

27.03 (2) (b) ~~3.~~ 6r. Yellow-Throated Warbler - ~~*Dendroica*~~ *Setophaga dominica*.

(2) (b) ~~3L.~~ 6w. Kirtland's Warbler - ~~*Dendroica*~~ *Setophaga kirtlandii*.

**SECTION 13. NR 27.03 (2) (b) 4., (c) 3., 4., 5., 6., (d) 1m., (e) 2t., 3., 4m., and 6m. are amended to read:**

27.03 (2) (b) 4. ~~Peregrine~~ Peregrine Falcon - *Falco peregrinus* ~~(also U.S. Endangered)~~.

- (2)(c) 3. ~~Queen Snake~~ Queensnake - *Regina septemvittata*
- (2)(c) 4. ~~Western Ribbon Snake~~ Ribbonsnake - *Thamnophis proximus*
- (2)(c) 5. ~~Northern Ribbon Snake~~ Eastern Ribbonsnake - *Thamnophis sauritus*
- (2)(c) 6. Eastern Massasauga - *Sistrurus catenatus catenatus*
- (2)(d) 1m. ~~Northern~~ Blanchard's Cricket Frog - *Acris crepitans blanchardi*
- (2)(e) 2t. Gravel Chub - ~~*Erimystox x-punctata*~~ *Erimystax x-punctatus*.
- (2)(e) 3. Bluntnose Darter - *Etheostoma chlorosomum chlorosoma*.
- (2)(e) 4m. Starhead Topminnow - *Fundulus disper dispar*.
- (2)(e) 6m. Black Redhorse - *Moxostoma duguensisnei duquesnei*.

**SECTION 14. NR 27.03 (2) (f) 2. is renumbered NR 27.03 (2) (f) 9x. and amended to read:**

27.03 (2) (f) 2. 9x. A Flat-headed Mayfly - *Anepeorus Spinadis simplex*.

**SECTION 15. NR 27.03 (2) (f) 2m., 2r., 5., 6., 7., 9g., (g) 1., 9., (i) 4., 5m., 8., 9., 10., 11., 12., 17., 17m., 18., 20., 21., and 22. are amended to read:**

27.03 (2) (f) 2m. Swamp Metalmark Butterfly - *Calephelis mutiea muticum*.

(2) (f) 2r. ~~Beach dune~~ Hairy-necked Tiger Beetle - *Cicindela hirticollis rhodensis*.

(2) (f) 5. ~~Poweshiek~~ Poweshiek Skipper - *Oarisma poweshiek poweshiek*.

(2) (f) 6. Extra-striped Snaketail Dragonfly - *Ophiogomphus anomalos anomalus*.

(2) (f) 7. Saint Croix Snaketail Dragonfly - *Ophiogomphus susbecha susbecha*.

(2) (f) 9g. ~~Warpaint Emerald Dragonfly~~ Incurvate Emerald — *Somatochlora incurvata*.

(2) (g) 1. ~~Spectacle Case~~ Spectaclecase — *Cumberlandia monodonta*.

(2) (g) 9. ~~Bullhead~~ Sheepnose — *Plethobasus cyphus*.

(2) (i) 4. ~~*Armoracia-aquatia*~~ *lacustris* - Lake Cress (Brassicaceae: Mustard Family).

(2) (i) 5m. *Asplenium trichomanes-ramosum* — Green Spleenwort (Polypodiaceae: Fern Aspleniaceae: Spleenwort Family).

(2) (i) 8. ~~*Botrychium lunaria*~~ — ~~Moonwort~~ Common Moonwort (Ophioglossaceae: Adder's-tongue Family).

(2) (i) 9. *Caltha natans* — a Floating Marsh Marigold (Ranunculaceae: Crowfoot Family).

(2) (i) 10. *Carex crus-corvi* — ~~no common name~~ Ravenfoot Sedge (Cyperaceae: Sedge Family).

- (2) (i) 11. *Carex lupuliformis* — ~~no common name~~ False Hop Sedge (Cyperaceae: Sedge Family).
- (2) (i) 12. *Carex media* — ~~no common name~~ Intermediate Sedge (Cyperaceae: Sedge Family).
- (2) (i) 17. *Draba cana* — Hoary ~~Whitlow-eress~~ Whitlow-grass (Brassicaceae: Mustard Family).
- (2) (i) 17m. *Eleocharis wolffii* wolffii - Wolf Spike-rush (Cyperaceae: Sedge Family).
- (2) (i) 18. *Eleocharis quadrangulata* — a Square-stem Spike-rush (Cyperaceae: Sedge Family).
- (2) (i) 20. *Fimbristylis puberula* — ~~no common name~~ Chestnut Sedge (Cyperaceae: Sedge Family).
- (2) (i) 21. *Fuirena pumila* — Dwarf Umbrella Sedge (Cyperaceae: Sedge Family).
- (2) (i) 22. *Geocaulon lividum* — Northern Comandra (Santalaceae: ~~Sandal-wood~~ Sandalwood Family).

SECTION 16. NR 27.03 (2) (i) 1. is renumbered NR 27.03 (2) (i) 1r.

SECTION 17. NR 27.03 (2) (i) 22m. is renumbered NR 27.03 (2) (i) 1g. and amended to read:

27.03 (2) (i) 22m. 1g. *Gerardia Agalinis skinneriana* - Pale False Foxglove (Scrophulariaceae Scrophulariaceae: ~~Fig-Wort~~ Figwort Family).

SECTION 18. NR 27.03 (2) (i) 23., 25., 25m., 26., 27., 29m., 29t., 30m., 40q., 41., 43m., 44., 45., and 49. are amended to read:

27.03 (2) (i) 23. *Liatris punctata* var. nebraskana — Dotted Blazing Star (Asteraceae: Composite Family).

(2) (i) 25. *Melica smithii* — ~~Smith~~ Smith's Melic Grass (Poaceae: Grass Family).

(2) (i) 25m. *Oxytropis campestris* var. chartacea - Fassett's Locoweed (Fabaceae: Bean Family).

(2) (i) 26. *Parnassia parviflora* — a Small-flowered Grass-of-Parnassus (Saxifragaceae: Saxifrage Family).

(2) (i) 27. *Phlox glaberrima* ssp. interior — Smooth Phlox (~~Polemoniaceae~~ Polemoniaceae: Phlox Family).

(2) (i) 29m. *Platanthera leucophaea* — Eastern Prairie ~~White-Fringed~~ White Fringed Orchid (Orchidaceae: Orchid Family).

(2) (i) 29t. *Polemonium occidentale* ssp. ~~heustre~~ lacustre - Western Jacob's Ladder (Polemoniaceae: Phlox Family).

(2) (i) 30m. *Potamogeton pulcher* — Spotted ~~Pond-Weed~~ Pondweed (Potamogetonaceae: ~~Pond Weed~~ Pondweed Family).

(2) (i) 40q. *Scutellaria parvula* var. parvula - Small Skullcap (Lamiaceae: Mint Family).

(2) (i) 41. *Selaginella selaginoides* — ~~no common name~~ Low Spike-moss (Selaginellaceae: Selaginella Family).

(2) (i) 43m. *Tanacetum bipinnatum* spp ssp. huronense — Lake Huron Tansy (Asteraceae: Composite Family).

(2) (i) 44. *Thaspium barbinode* chapmanii — Hairy Meadow Parsnip (Apiaceae: Parsley Family).

(2) (i) 45. *Tiarella cordifolia* — Heartleaf Foamflower (Saxifragaceae: Saxifrage Family).

(2) (i) 49. *Viola fimbriatula sagittata* var. ovata — a Sand Violet (Violaceae: Violet Family).

**SECTION 19.** NR 27.03 (3) (b) 2., 2t., and 3. are renumbered NR 27.03 (3) (b) 1c., 5a., and 8a. and amended to read:

27.03 (3) (b) ~~2.~~ 1c. Great Egret - ~~*Casmerodius*~~ *Ardea albus alba*.

(3) (b) ~~2t.~~ 5a. Spruce Grouse - ~~*Dendragapus*~~ *Falciennis canadensis*.

(3) (b) ~~3.~~ 8a. Cerulean Warbler - ~~*Dendroica*~~ *Setophaga cerulea*.

**SECTION 20.** NR 27.03 (3) (b) 6m. is amended to read:

27.03 (3) (b) 6m. Yellow-Crowned Night Heron - ~~*Nyctanassa violaceus*~~ *violacea*.

**SECTION 21.** NR 27.03 (3) (b) 7. is renumbered NR 27.03 (3) (b) 6a. and amended to read:

27.03 (3) (b) ~~7.~~ 6a. Kentucky Warbler — ~~*Oporornis*~~ *Geothlypis formosus formosa*.

**SECTION 22.** NR 27.03 (3) (b) 10. is amended to read:

27.03 (3) (b) 10. Greater Prairie Chicken - ~~*Tympanuchus cupido*~~ *pinnatus*.

**SECTION 23.** NR 27.03 (3) (b) 12. is renumbered NR 27.03 (3) (b) 9a. and amended to read:

27.03 (3) (b) ~~12.~~ 9a. Hooded Warbler — ~~*Wilsonia*~~ *Setophaga citrina*.

**SECTION 24.** NR 27.03 (3) (c) 1. and (e) 9m. are amended to read:

27.03 (3) (c) 1. Wood Turtle - ~~*Clemmys*~~ *Glyptemys insculpta*.

(3) (e) 9m. Ozark Minnow - ~~*Notropis nubila*~~ *nubilus*.

**SECTION 25.** NR 27.03 (3) (f) 2. is renumbered NR 27.03 (3) (f) 1e. and amended to read:

27.03 (3) (f) ~~2.~~ 1e. Frosted Elfin - ~~*Meisalia*~~ *Callophrys irus*.

**SECTION 26.** NR 27.03 (3) (i) 7., 11., 14., 17., 19., 21., 25., 26. and 28. are amended to read:

27.03 (3) (i) 7. *Asplenium pinnatifidum* — Pinnatifid Spleenwart Spleenwort (Polypodiaceae ~~Fern~~ Spleenwort Family).

- (3) (i) 11. *Calamovilfa longifolia* var. magna - Sand Reed Reedgrass (Poaceae: Grass Family).
- (3) (i) 14. *Carex concinna* — ~~no common name~~ Beautiful Sedge (Cyperaceae: Sedge Family).
- (3) (i) 17. *Carex garberi* — ~~Garbers~~ Elk Sedge (Cyperaceae: Sedge Family).
- (3) (i) 19. *Carex michauxiana* — ~~no common name~~ Michaux's Sedge (Cyperaceae: Sedge).
- (3) (i) 21. *Cirsium hillii* — ~~Prairie Hill's~~ Thistle (Asteraceae: Aster Family).
- (3) (i) 25. *Drosera anglica* — a English Sundew (Droseraceae: Sundew Family).
- (3) (i) 26. *Drosera linearis* — a Linear-leaved Sundew (Droseraceae: Sundew Family).
- (3) (i) 28. *Eleocharis rostellata* — ~~Beaked Spike-Rush~~ Spike-rush (Cyperaceae: Sedge Family).

**SECTION 27. NR 27.03 (3) (i) 32. and 33. are renumbered NR 27.03 (3) (i) 3a. and 45a and amended to read:**

- 27.03 (3) (i) ~~32.~~ 3a. *Gerardia Agalinis gattereri* - ~~Round Stemmed False~~ Roundstem Foxglove (Scrophulariaceae: Fig Wort Family).
- (3) (i) ~~33.~~ 45a. *Habenaria Platanthera flava* var. *herbiola* - ~~Tubercled~~ Pale Green Orchid (Orchidaceae: Orchid Family).

**SECTION 28. NR 27.03 (3) (i) 34. is amended to read:**

- 27.03 (3) (i) 34. *Hypericum sphaerocarpum* — ~~Round Fruited~~ Round-fruited St. Johns John's Wort (Hypericaceae: St. Johns John's Wort Family)

**SECTION 29. NR 27.03 (3) (i) 40. is renumbered NR 27.03 (3) (i) 3m. and amended to read:**

- 27.03 (3) (i) ~~40.~~ 3m. *Orehis Amerorchis rotundifolia* - ~~Small~~ Round-leaved Orchis (Orchidaceae: Orchid Family).

**SECTION 30. NR 27.03 (3) (i) 42., 44., 46., and 47. are amended to read:**

- 27.03 (3) (i) 42. *Parnassia palustris* — a Marsh Grass-of-Parnassus (Saxifragaceae: Saxifrage Family).
- (3) (i) 44. *Petasites sagittatus* — ~~Sweet Coltsfoot~~ Colt's-foot (Asteraceae: Composite Family).
- (3) (i) 46. *Polystichum braunii* — ~~Braun's Holly Fern~~ (Polypodiaceae-~~Dryopteridaceae:~~ Wood Fern Family).
- (3) (i) 47. *Potamogeton confervoides* — ~~no common name~~ Algae-leaved Pondweed (Potamogetonaceae: Pondweed Family).

**SECTION 31. NR 27.03 (3) (i) 48. is renumbered NR 27.03 (3) (i) 52r. and amended to read:**

- 27.03 (3) (i) 48: ~~52r.~~ *Potamogeton vaginatus* *Stuckenia vaginata* — ~~Sheathed Pond Weed~~ Pondweed (Potamogetonaceae: Pond-Weed Pondweed Family).

**SECTION 32. NR 27.03 (3) (i) 51., 52m., and 56. are amended to read:**

27.03 (3) (i) 51. *Ribes oxycanthoides* ssp. *oxycanthoides* — ~~Canada~~ Canadian Gooseberry (~~Saxifragaceae~~ Grossulariaceae: ~~Saxifrage~~ Currant Family).

(3) (i) 52m. *Sparganium glomeratum* — Clustered ~~Bur-Reed~~ Bur-reed (Sparganiaceae: ~~Bur-Reed~~ Bur-reed Family).

(3) (i) 56. *Valeriana sitchensis* uliginosa - Marsh Valerian (Valerianaceae: Valerian Family).

**SECTION 33. EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats. OR This rule shall take effect on [DATE].

**SECTION 34. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY \_\_\_\_\_

Cathy Stepp, Secretary

(SEAL)