

Chapter NR 27

ENDANGERED AND THREATENED SPECIES

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Note: Chapter NR 27 as it existed on September 30, 1979 was repealed and a new chapter NR 27 was created effective October 1, 1979.

NR 27.01 Definitions. As used in this chapter:

(1) "Department" means the Wisconsin department of natural resources.

(2) "Department list" means the U.S. list of endangered and threatened foreign and native species, and the Wisconsin list of endangered and threatened species.

(3) "Educational purposes", as used in s. 29.415, Stats., means the use of endangered or threatened species for public displays, public presentations or classes for the purpose of educating viewers or an audience about endangered species, and in the case of endangered and threatened plants, for demonstration plantings.

(4) "ENS" means the Office of Endangered and Nongame Species, Department of Natural Resources, Box 7921, Madison, WI 53707.

(5) "Process", as used in s. 29.415, Stats., as it pertains to wild plants, means the collection or removal of wild plants or plant parts from their native habitat for the purpose of propagation or introduction to a different property, or for the purpose of introducing wild plants from a different site to enhance existing populations of an endangered or threatened species, or for any other use.

(6) "Propagation for preservation purposes", as used in s. 29.415, Stats., means the care, nurturing and breeding of endangered or threatened taxa of wild plants or wild animals for the enhancement of existing naturally occurring populations of endangered or threatened plants or animals, or for the development of new populations in areas where they are likely to be protected and have sufficient habitat that they can increase in abundance and contribute to the survival of the species' gene pool over time.

(7) "Scientific purposes", as used in s. 29.415, Stats., means the use of endangered or threatened plants or animals for scientific research or inventories leading to increased scientific knowledge contributing to the well-being of those wild plant or wild animal species and their habitats.

(8) "Take" means shooting, shooting at, pursuing, hunting, catching or killing any wild animal; or the cutting, rooting up, severing, injuring, destroying, removing, or carrying away any wild plant.

(9) "Wild plant", as used in s. 29.415, Stats., and in this chapter, means any plant or plant part of any undomesticated taxa of the plant kingdom which is native to a natural ecosystem in Wisconsin, including

individuals of these species when located outside of their natural environment.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79; renum. (3) and (4) to be (4) and (8), cr. (3), (5) to (7) and (9), Register, April, 1993, No. 448, eff. 5-1-93.

NR 27.02 Scope and applicability. This chapter contains rules necessary to implement s. 29.415, Stats., and operate in conjunction with that statute to govern the taking, transportation, possession, processing or sale of any wild animal or wild plant specified by the department's lists of endangered and threatened wild animals and wild plants.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79.

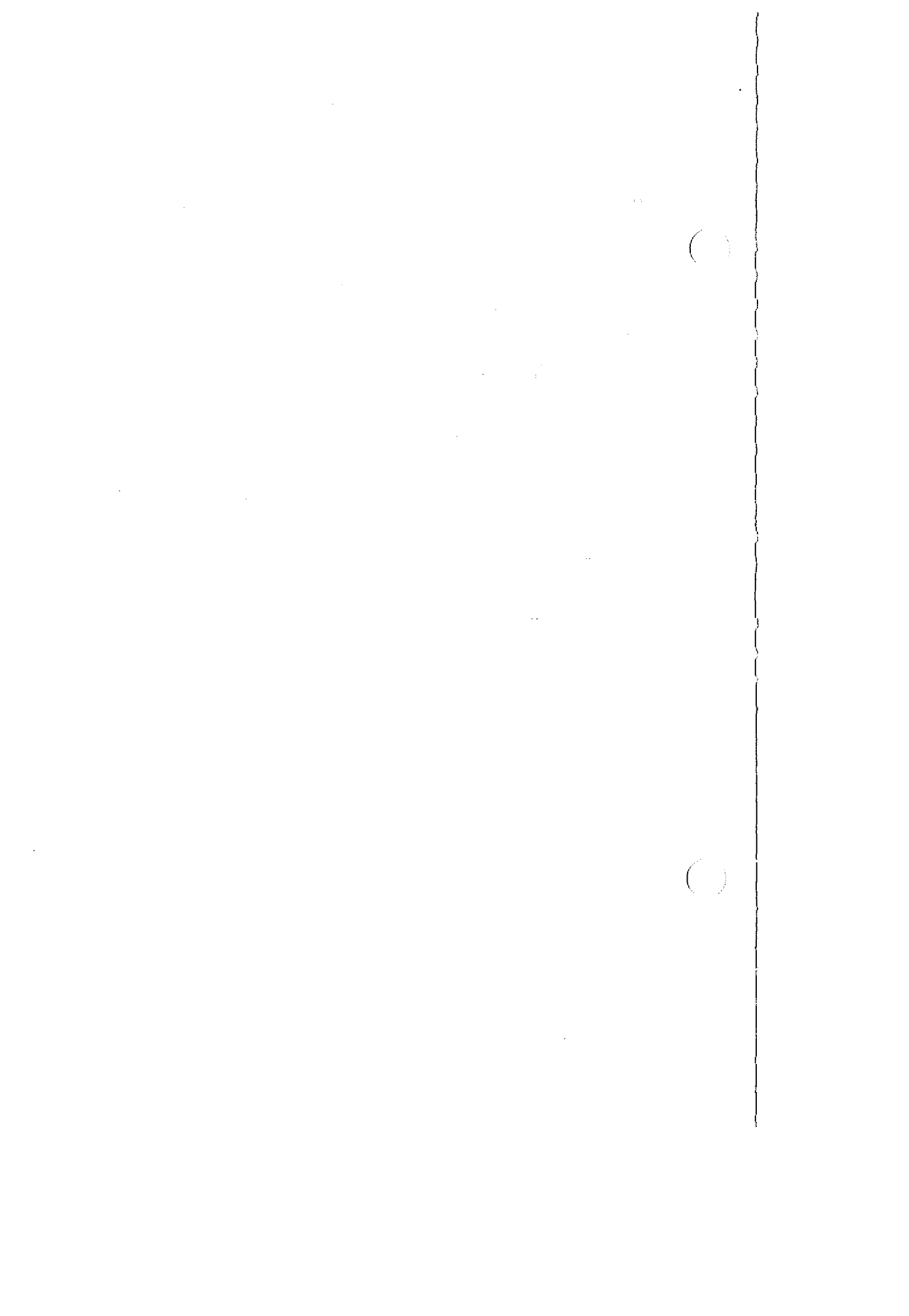
NR 27.03 Department list. (1) U.S. foreign and native endangered and threatened species list.

Species		Historic range	Vertebrate population where endangered or threatened	Status
Common name	Scientific name			
(a) MAMMALS				
1. Anoa	<i>Bubalus anoa depressicornis</i>	Indonesia	Entire	E
2. Anoa	<i>Bubalus anoa quarlesi</i>	do	do	E
3. Anteater, scaly	<i>Manis lemmincki</i>	Africa	do	E
4. Antelope, bontebok	<i>Damaliscus dorcas dorcas</i>	South Africa	do	E
5. Antelope, giant sable	<i>Hippotragus niger variani</i>	Angola	do	E
6. Antelope, Mongolian saiga	<i>Saiga tatarica mongolica</i>	Mongolia	do	E
7. Argali	<i>Ovis ammon hodgsoni</i>	China (Tibet)	do	E
8. Armadillo, giant	<i>Priodontes maximus (= giganteus)</i>	Venezuela and Guyana to Argentina	do	E
9. Armadillo, pink fairy	<i>Chlamyphorus truncatus</i>	Argentina	do	E
10. Ass, African wild	<i>Equus africanus (= asinus)</i>	Somalia, Sudan, Ethiopia	do	E
11. Ass, Asian wild	<i>Equus hemionus</i>	Southwestern and Central Asia	do	E
12. Avahis	<i>Arahi spp. (all species)</i>	Malagasy Republic (= Madagascar)	do	E
13. Aye-Aye	<i>Daubentonia madagascariensis</i>	Malagasy Republic (= Madagascar)	do	E
14. Babiroussa	<i>Babryoussa babryoussa</i>	Indonesia	do	E
15. Bandicoot, barred	<i>Perameles bougainville</i>	Australia	do	E
16. Bandicoot, desert	<i>Perameles eremiana</i>	do	do	E
17. Bandicoot, lesser rabbit	<i>Macrotis leucura</i>	do	do	E
18. Bandicoot, pig-footed	<i>Chaeropus ecaudatus</i>	do	do	E
19. Bandicoot, rabbit	<i>Macrotis lagotis</i>	do	do	E
20. Banteng	<i>Bos javanicus (= banteng)</i>	Southeast Asia	do	E
21. Bat, gray	<i>Myotis grisescens</i>	Central and Southeast U.S.A.	do	E
22. Bat, Hawaiian hoary	<i>Lasius cinereus semotus</i>	U.S.A. (Hawaii)	do	E
23. Bat, Indiana	<i>Myotis sodalis</i>	East and Midwestern U.S.A.	do	E
24. Bat, Ozark big-eared	<i>Plecotus townsendii ingens</i>	U.S.A. (MO, OK, AR)	do	E
25. Bat, Virginia big-eared	<i>Plecotus townsendii virginianus</i>	U.S.A. (KY, WV, VA)	do	E
26. Bear, brown	<i>Ursus arctos pruinosus</i>	China (Tibet)	do	E

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Species		Historic range	Vertebrate population where endangered or threatened	Status
Common name	Scientific name			
27. Bear, brown	<i>Ursus arctos arctos</i>	Palaearctic	Italy	E
28. Bear, brown or grizzly	<i>Ursus arctos horribilis</i>	Canada, Western U.S.A.	U.S.A.-48 conterminous States	T
29. Bear, Mexican grizzly	<i>Ursus arctos nelsoni</i>	Mexico	Entire	E
30. Beaver	<i>Castor fiber birulai</i>	Mongolia	do	E
31. Bison, wood	<i>Bison bison athabasca</i>	Canada, Northwest U.S.A.	Canada	E
32. Bobcat	<i>Felis rufus escuinape</i>	Central Mexico	Entire	E
33. Camel, Bactrian	<i>Camelus ferus (= bactrianus)</i>	Mongolia, China	do	E
34. Cat, Andean	<i>Felis jacobita</i>	Chile, Peru, Bolivia, Argentina	do	E
35. Cat, black-footed	<i>Felis nigripes</i>	Southern Africa	do	E
36. Cat, flat-headed	<i>Felis planiceps</i>	Malaysia	do	E
37. Cat, Iriomote	<i>Felis (= Mayailurus) iriomotensis</i>	Japan (Iriomote Island, Ryukyu Island)	do	E
38. Cat, leopard	<i>Felis bengalensis bengalensis</i>	Eastern Asia	do	E
39. Cat, marbled	<i>Felis marmorata</i>	Nepal, Malaysia, Burma, Indonesia	do	E
40. Cat, Temminck's	<i>Felis temmincki</i>	China (Tibet), Malaysia, Indonesia (Sumatra)	do	E
41. Cat, tiger	<i>Felis tigrina</i>	Costa Rica to Northern South America	do	E
42. Chamois, Apennine	<i>Rupicapra rupicapra ornata</i>	Italy	do	E
43. Cheetah	<i>Acinonyx jubatus</i>	Africa to India	do	E
44. Chimpanzee	<i>Pan troglodytes</i>	West and Central Africa	do	T
45. Chimpanzee, pigmy	<i>Pan paniscus</i>	Zaire	do	T

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NR 27.04 Revision of Wisconsin endangered and threatened species lists.
(1) PETITION FOR CHANGES. (a) *Requirements.* Any 3 persons may petition the department to review the status of any listed or unlisted wild animal or wild plant. Such petitions must be dated, in writing, and submitted to the ENS. To be considered, requests must show in full the following information:

1. Names and addresses of persons petitioning;
2. Designation of the particular species in question;
3. Narrative explanation of the request;
4. Complete scientific supporting data for the request including evidence of Wisconsin residency, past numbers and geographic distribution, current numbers and geographic distribution, a substantial decline in numbers, and a substantial threat to remaining numbers or habitat or both; and
5. Signatures of the persons making the request.

(b) *Review.* If the department finds the petitioners have presented substantial evidence to warrant a review, the department shall proceed in accordance with ch. 227, Stats.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79.

NR 27.05 Permits for endangered and threatened species. (1) **ISSUANCE.** The department shall issue endangered and threatened species permits in accordance with the provisions of and for the purposes authorized in s. 29.415, Stats. Conditions designed to protect and preserve species on the department list shall be imposed on permittees.

(2) **PROCEDURES.** (a) *Applications.* Applications for endangered and threatened species permits shall be made on forms furnished by the department and shall include:

1. Name and address of the applicant;
2. Personal description;
3. Purpose of the request;
4. Class, species, and number of specimens to be taken;
5. Area and period of time in which the specimens are to be taken;
6. Method of taking;
7. The place where specimens will be kept;
8. Duration of specimen possession;
9. Final disposition of specimens;
10. Applicant's signature; and
11. Such additional information as may be requested by the department.

(b) *Inspection.* A permit issued pursuant to this chapter shall be carried upon the person of the permittee when exercising the permit privileges. The permit and any authorized species obtained must be shown to

the department or its agents upon request. Furs shall be marked or stamped with a stamp or tag furnished by the department to show such furs are legally held and possessed.

(c) *Annual report.* An annual progress report on activities authorized by the permit may be required by the department. The department shall notify the permittee if this report is required.

(d) *Permit conditions.* The permittee may only take, transport, possess, process or sell species on the department list subject to and in accordance with the conditions imposed by the department. Such conditions shall include but are not limited to the minimum standards for feeding, treatment, sanitation, pens and housing prescribed in s. NR 16.10.

(e) *Permit authority.* A permit issued pursuant to this chapter does not authorize the exchange, purchase or sale of specimens on the department list with persons who do not hold an appropriate state or federal endangered or threatened species permit. This paragraph does not apply to the exchange or purchase of permitted state endangered or threatened plants from purchase of permitted state endangered or threatened plants from persons possessing a valid endangered and threatened species permit which allows the sale of specific species. All persons, including those persons or businesses which are based outside of Wisconsin, selling Wisconsin endangered or threatened plants shall possess a Wisconsin endangered or threatened species permit for those species being sold.

(f) *Care of injured animals.* A permit issued under the authority of this chapter does not authorize the routine care of injured animals.

(3) **PLANTS.** Permits are not required for persons to take wild plants of endangered or threatened species on property which they own or lease, or with landowner permission, except if the plants or their progeny are sold or processed, or in the course of forestry or agricultural practices or in the construction, operation or maintenance of a utility facility. Nothing in this rule prevents persons from propagating endangered or threatened wild plants on their own property as long as they do not sell these plants or distribute them to other properties which they do not own or lease.

(4) **OTHER PERMITS.** (a) Any person obtaining a permit under this section need not obtain a scientific collector's permit under s. NR 19.11 for that same species and purpose.

(b) The department may issue an endangered species certificate and seal to identify and mark a carcass, skin, hide, fur or part of an endangered or threatened species specimen held under a valid endangered or threatened species permit. A certificate and seal may only be transferred incidental to the transfer of the specimen for which the certificate and seal were issued.

(5) **FEDERAL PERMITS.** A federal permit is required for all endangered and threatened wild animals and wild plants on the federal lists, unless such requirement is waived by the U.S. department of interior.

(6) **PERMIT REVOCATION.** The department may revoke the current endangered and threatened species permit of a person who violates any condition of the permit and the person may be ineligible to receive a permit for the following calendar year. Permit conditions may include but are not limited to: covered species, collection limitations, requirements to use local propagule sources, propagation methods, sales limits and

documentation requirements. The department may issue another permit only if the person has corrected all deficiencies from any previous permit and agrees to abide by all permit conditions.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79; renum. (4) to be (4) (a) and cr. (4) (b), Register, March, 1990, No. 411, eff. 4-1-90; am. (2) (e), (3) and (4) (b), cr. (6), Register, April, 1993, No. 448, eff. 5-1-93.

NR 27.06 Exceptions to permit requirements. (1) FEDERAL PERMITS. (a) Any person taking, transporting, possessing or selling any wild animal or wild plant included in the U.S. foreign and native endangered and threatened species list, but not included in the Wisconsin endangered and threatened species lists, does not need a state permit if such person has a federal permit authorizing such possession. Any person who was previously exempted from needing a permit and is required to have a permit under this section shall apply for and be issued a permit no later than October 1, 1990.

(b) Any Native American Indian who is an enrolled tribal member may possess bald eagles or parts thereof for religious purposes if they have been issued a federal permit authorizing such possession.

(2) PRIOR ACQUISITION. (a) Exemptions. Any person taking, transporting or possessing any endangered or threatened plants or animals, or selling any endangered or threatened animals does not need a state permit if the specimens were acquired before the species' effective listing date. For wild animals added to these lists after the above dates, no permit is required if the wild animals were acquired before the effective date of their addition to the list.

(b) *Proof.* Any person claiming an exemption under par. (a) must offer evidence acceptable to the department to show that the species was acquired prior to the effective date.

(c) *Marking.* All wild animals on the Wisconsin endangered and threatened species lists which are possessed, transported or sold pursuant to par. (a) shall be permanently marked, tagged or otherwise identified with a certificate and seal by or at the direction of the department to show the specimen or parts thereof is legally possessed. A certificate and seal may only be transferred incidental to the transfer of the specimen for which the certificate and seal were issued.

(3) RECORDS. (a) Procedures. Each person who possesses any live animal listed as a Wisconsin endangered or threatened species in s. NR 27.03 (2) or (3) shall keep a complete and accurate record in the English language of any action affecting the number of said wild animals that person possesses. This record shall be on forms provided by the department, and shall include a receipt book for purchases, births, or any action increasing the number of individuals in possession; and a separate book for sales, gifts, deaths or any action whereby the number of individuals in possession decreases. These receipts shall be completed immediately following the action or transaction affecting populations in possession, and one copy shall be mailed to the department at that time.

(b) *Inspection.* The permittee shall make all permitted wild plants and wild animals in their possession and all applicable records available for inspection by the department at any time.

(4) NON-WISCONSIN SPECIMENS. (a) Animals. Permits are not required for the possession, processing, sale or transportation of carcasses, skins,

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hides and furs or parts thereof from wild animals on the Wisconsin endangered or threatened species lists if each item is marked with a permanent locked seal attached by or with the authority of the government of the country, state or province where the wild animal originated, or if an endangered species certificate and seal has been issued under s. NR 27.05 (4) (b) to identify and mark the specimens.

(b) *Fur garments.* Permits are not required for the possession, processing, sale or transportation of articles of clothing manufactured from the skins, hides or furs of animals on the Wisconsin endangered or threatened species lists if documentation accompanies each garment stating that the furs from which it was made were legally taken outside of Wisconsin.

History: Cr. Register, September, 1979, No. 285, eff. 10-1-79; am. (1), Register, January, 1981, No. 301, eff. 2-1-80; cr. (4), Register, October, 1981, No. 310, eff. 11-1-81; am. (1) (a) and (2), r. and recr. (1) (b), Register, March 1990, No. 411, eff. 4-1-90; am. (2) (a), (c), (3) (b) and (4) (a), Register, April, 1993, No. 448, eff. 5-1-93.