

## 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**Note:** Chapter NR 27 as it existed on September 30, 1979 was repealed and a new chapter NR 27 was created effective October 1, 1979.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. 29.604, 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. 29.604, 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. 29.604, 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. 29.604, 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. 29.604, 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; corrections in (3), (5), (6), (7) and (9) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

**NR 27.02 Scope and applicability.** This chapter contains rules necessary to implement s. 29.604, 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; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

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

**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 U.S. fish and wildlife services' endangered species web page (<http://www.fws.gov/endangered/>).

(2) WISCONSIN ENDANGERED SPECIES LIST. (a) *Mammals*. 1. American Marten — *Martes americana*.

(b) *Birds*. 1. Piping Plover — *Charadrius melodus*.

2. Black Tern — *Chlidonias niger*.

4. Peregrine Falcon — *Falco peregrinus*.

5. Worm-Eating Warbler — *Helmitheros vermivorum*.

5m. Caspian Tern — *Hydroprogne caspia*.

6. Loggerhead Shrike — *Lanius ludovicianus*.

6m. Red-necked Grebe — *Podiceps grisegena*.

6r. Yellow-Throated Warbler — *Setophaga dominica*.

6w. Kirtland's Warbler — *Setophaga kirtlandii*.

8. Forster's Tern — *Sterna forsteri*.

9. Common Tern — *Sterna hirundo*.

(c) *Reptiles*. 1. Ornate Box Turtle — *Terrapene ornata*.

2. Slender Glass Lizard — *Ophisaurus attenuatus*.

3. Queensnake — *Regina septemvittata*.

4. Western Ribbonsnake — *Thamnophis proximus*.

5. Eastern Ribbonsnake — *Thamnophis sauritus*.

6. Eastern Massasauga — *Sistrurus catenatus catenatus*.

(d) *Amphibians*. 1m. Blanchard's Cricket Frog — *Acris blanchardi*.

(e) *Fishes*. 1. Skipjack Herring — *Alosa chrysochloris*.

2m. Crystal Darter — *Crystallaria asprella*.

2t. Gravel Chub — *Erimystax x-punctatus*.

3. Bluntnose Darter — *Etheostoma chlorosoma*.

4m. Starhead Topminnow — *Fundulus dispar*.

5. Goldeye — *Hiodon alosoides*.

5m. Pallid Shiner — *Hybopsis amnis*.

6g. Striped Shiner — *Luxilus chrysocephalus*.

6m. Black Redhorse — *Moxostoma duquesnei*.

9. Slender Madtom — *Noturus exilis*.

(f) *Insects*. 1. Pecatonica River Mayfly — *Acanthametropus pecatonica*.

1m. Red-veined Prairie Leafhopper — *Aflexia rubranura*.

2g. A Leafhopper — *Attenuipyga vanduzeei*.

2m. Swamp Metalmark Butterfly — *Calephelis muticum*.

2r. Hairy-necked Tiger Beetle — *Cicindela hirticollis rhodensis*.

2w. Ottoe Skipper — *Hesperia ottoe*.

3. Northern Blue Butterfly — *Lycaeides idas*.
4. Giant Carrion Beetle — *Nicrophorus americanus*.
5. Poweshiek Skipper — *Oarisma poweshiek*.
6. Extra-striped Snaketail Dragonfly — *Ophiogomphus anomalus*.
7. Saint Croix Snaketail Dragonfly — *Ophiogomphus susbehcha*.
8. Silphium Borer Moth — *Papaipema silphii*.
9. Phlox Moth — *Schinia indiana*.
- 9g. Incurvate Emerald — *Somatochlora incurvata*.
- 9m. Hine's Emerald Dragonfly — *Somatochlora hineana*.
- 9t. Regal Fritillary — *Speyeria idalia*.
- 9x. A Flat-headed Mayfly — *Spinadis simplex*.
10. Knobel's Riffle Beetle — *Stenelmis knobeli*.
- 10m. Lake Huron Locust — *Trimerotropis huroniana*.
- (g) *Mussels*. 1. Spectaclecase — *Cumberlandia monodonta*.
2. Purple Wartyback — *Cyclonaias tuberculata*.
3. Butterfly — *Ellipsaria lineolata*.
4. Elephant Ear — *Elliptio crassidens*.
5. Snuffbox — *Epioblasma triquetra*.
6. Ebonyshell — *Fusconaia ebena*.
7. Higgins Eye Pearly Mussel — *Lampsilis higginsii* (also U.S. Endangered).
8. Yellow and Slough Sandshell — *Lampsilis teres*.
9. Sheepnose — *Plethobasus cyphus*.
10. Winged Mapleleaf — *Quadrula fragosa*.
11. Rainbow Shell — *Villosa iris*.
- (h) *Snails*. 1. Hubricht's Vertigo — *Vertigo hubrichti*.
2. Occult Vertigo — *Vertigo occulta*.
- (i) *Plants*. 1g. *Agalinis skinneriana* — Pale False Foxglove (Scrophulariaceae: Figwort Family).
- 1r. *Anemone caroliniana* — Carolina Anemone (Ranunculaceae: Crowfoot Family).
2. *Anemone multifida* var. *multifida* — Early Anemone (Ranunculaceae: Crowfoot Family).
3. *Arenaria macrophylla* — Large-leaved Sandwort (Caryophyllaceae: Pink Family).
4. *Armoracia lacustris* — Lake Cress (Brassicaceae: Mustard Family).
- 4m. *Asclepias purpurascens* — Purple Milkweed (Asclepiadaceae: Milkweed Family).
- 5m. *Asplenium trichomanes-ramosum* — Green Spleenwort (Aspleniaceae: Spleenwort Family).
6. *Astragalus alpinus* — Alpine Milk Vetch (Fabaceae: Bean Family).
7. *Astragalus crassicaarpus* — Prairie Plum (Fabaceae: Bean Family).
- 7m. *Astragalus neglectus* — Coppers Milk Vetch (Fabaceae: Bean Family).
- 7t. *Botrychium campestre* — Prairie Moonwort (Ophioglossaceae: Adder's-tongue Family).
8. *Botrychium lunaria* — Common Moonwort (Ophioglossaceae: Adder's-tongue Family).
- 8m. *Botrychium mormo* — Goblin Fern (Ophioglossaceae: Adder's-tongue Family).
9. *Caltha natans* — Floating Marsh Marigold (Ranunculaceae: Crowfoot Family).
- 9m. *Camassia scilloides* — Wild Hyacinth (Liliaceae: Lily Family).
10. *Carex crus-corvi* — Ravenfoot Sedge (Cyperaceae: Sedge Family).
- 10m. *Carex laevivaginata* — Smooth-sheathed Sedge (Cyperaceae: Sedge Family).
11. *Carex lupuliformis* — False Hop Sedge (Cyperaceae: Sedge Family).
12. *Carex media* — Intermediate Sedge (Cyperaceae: Sedge Family).
- 12m. *Carex schweinitzii* — Schweinitz's Sedge (Cyperaceae: Sedge Family).
13. *Catabrosa aquatica* — Brook Grass (Poaceae: Grass Family).
15. *Conioselinum chinense* — Hemlock-parsley (Apiaceae: Parsley Family).
16. *Diarrhena obovata* — Obovate Beak Grass (Poaceae: Grass Family).
17. *Draba cana* — Hoary Whitlow-grass (Brassicaceae: Mustard Family).
- 17g. *Eleocharis nitida* — Neat Spike-rush (Cyperaceae: Sedge Family).
- 17m. *Eleocharis wolfii* — Wolf Spike-rush (Cyperaceae: Sedge Family).
18. *Eleocharis quadrangulata* — Square-stem Spike-rush (Cyperaceae: Sedge Family).
19. *Erigenia bulbosa* — Harbinger-of-Spring (Apiaceae: Parsley Family).
20. *Fimbristylis puberula* — Chestnut Sedge (Cyperaceae: Sedge Family).
21. *Fuirena pumila* — Dwarf Umbrella Sedge (Cyperaceae: Sedge Family).
22. *Geocaulon lividum* — Northern Comandra (Santalaceae: Sandalwood Family).
- 22p. *Juncus stygius* — Bog Rush (Juncaceae: Rush Family).
- 22t. *Lespedeza leptostachya* — Prairie Bush Clover (Fabaceae: Bean Family).
23. *Liatris punctata* var. *nebraskana* — Dotted Blazing Star (Asteraceae: Composite Family).
24. *Listera auriculata* — Auricled Twayblade (Orchidaceae: Orchid Family).
- 24m. *Lonicera involucrata* — Fly Honeysuckle (Caprifoliaceae: Honeysuckle Family).
25. *Melica smithii* — Smith's Melic Grass (Poaceae: Grass Family).
- 25g. *Muhlenbergia richardsonis* — Mat Muhly (Poaceae: Grass Family).
- 25j. *Orobancha ludoviciana* — Louisiana Broomrape (Orobanchaceae: Broomrape Family).
- 25m. *Oxytropis campestris* var. *chartacea* — Fassett's Locoweed (Fabaceae: Bean Family).
26. *Parnassia parviflora* — Small-flowered Grass-of-Parnassus (Saxifragaceae: Saxifrage Family).
27. *Phlox glaberrima* ssp. *interior* — Smooth Phlox (Polemoniaceae: Phlox Family).
28. *Pinguicula vulgaris* — Butterwort (Lentibulariaceae: Bladderwort Family).
29. *Plantago cordata* — Heart-leaved Plantain (Plantaginaceae: Plantain Family).
- 29m. *Platanthera leucophaea* — Eastern Prairie White Fringed Orchid (Orchidaceae: Orchid Family).
- 29t. *Polemonium occidentale* ssp. *lacustre* — Western Jacob's Ladder (Polemoniaceae: Phlox Family).
30. *Polygala incarnata* — Pink Milkwort (Polygalaceae: Milkwort Family).
- 30m. *Potamogeton pulcher* — Spotted Pondweed (Potamogetonaceae: Pondweed Family).

31. *Prenanthes aspera* — Rough White Lettuce (Asteraceae: Composite Family).
32. *Prenanthes crepidinea* — Great White Lettuce (Asteraceae: Composite Family).
33. *Pterospora andromedea* — Pine-drops (Pyrolaceae: Wintergreen Family).
34. *Pyrola minor* — Small Shinleaf (Pyrolaceae: Wintergreen Family).
36. *Ranunculus gmelinii* — Small Yellow Water Crowfoot (Ranunculaceae: Crowfoot Family).
- 36m. *Ranunculus lapponicus* — Lapland Buttercup (Ranunculaceae: Crowfoot Family).
37. *Rhododendron lapponicum* — Lapland Rosebay (Ericaceae: Heath Family).
38. *Ruellia humilis* — Wild Petunia (Acanthaceae: Acanthus Family).
39. *Salix cordata* — Sand Dune Willow (Salicaceae: Willow Family).
- 39m. *Salix pellita* — Satiny Willow (Salicaceae: Willow Family).
- 40d. *Schoenoplectus hallii* — Hall's Bulrush (Cyperaceae: Sedge Family).
- 40h. *Scleria reticularis* — Notted Nut-rush (Cyperaceae: Sedge Family).
- 40q. *Scutellaria parvula* var. *parvula* — Small Skullcap (Lamiaceae: Mint Family).
41. *Selaginella selaginoides* — Low Spike-moss (Selaginellaceae: Selaginella Family).
- 41m. *Silene virginica* — Fire Pink (Caryophyllaceae: Pink Family).
42. *Solidago caesia* — Blue-stemmed Goldenrod (Asteraceae: Composite Family).
- 43m. *Tanacetum bipinnatum* ssp. *huronense* — Lake Huron Tansy (Asteraceae: Composite Family).
44. *Thaspium chapmanii* — Hairy Meadow Parsnip (Apiaceae: Parsley Family).
45. *Tiarella cordifolia* — Heartleaf Foamflower (Saxifragaceae: Saxifrage Family).
- 45m. *Trisetum melicoides* — Purple False Oats (Poaceae: Grass Family).
46. *Vaccinium cespitosum* — Dwarf Bilberry (Ericaceae: Heath Family).
47. *Vaccinium vitis-idaea* — Mountain Cranberry (Ericaceae: Heath Family).
48. *Viburnum edule* — Squashberry (Caprifoliaceae: Honey-suckle Family).
49. *Viola sagittata* var. *ovata* — Sand Violet (Violaceae: Violet Family).
- (3) WISCONSIN THREATENED SPECIES LIST. (a) *Mammals*. 1. Little brown bat — *Myotis lucifugus*.
2. Big brown bat — *Eptesicus fuscus*.
3. Northern long-eared bat — *Myotis septentrionalis*.
4. Eastern pipistrelle — *Perimyotis subflavus*.
- (b) *Birds*. 1. Henslow's sparrow — *Ammodramus henslowii*.
- 1c. Great Egret — *Ardea alba*.
- 1g. Upland Sandpiper — *Bartramia longicauda*.
- 1m. Red-shouldered Hawk — *Buteo lineatus*.
- 2m. Yellow Rail — *Coturnicops noveboracensis*.
4. Acadian Flycatcher — *Empidonax vireescens*.
- 5a. Spruce Grouse — *Falcipecten canadensis*.
- 6a. Kentucky Warbler — *Geothlypis formosa*.
- 6m. Yellow-Crowned Night Heron — *Nyctanassa violacea*.
- 8a. Cerulean Warbler — *Setophaga cerulea*.
- 9a. Hooded Warbler — *Setophaga citrina*.
10. Greater Prairie Chicken — *Tympanuchus cupido*.
11. Bell Vireo — *Vireo bellii*.
- (c) *Reptiles*. 1. Wood Turtle — *Glyptemys insculpta*.
- (d) *Amphibians*. — None.
- (e) *Fishes*. 1. Blue Sucker — *Cyprinus elongatus*.
4. Black Buffalo — *Ictiobus niger*.
5. Longear Sunfish — *Lepomis megalotis*.
- 5m. Redfin Shiner — *Lythrurus umbratilis*.
- 5t. Shoal Chub — *Macrhybopsis hyostoma*.
6. River Redhorse — *Moxostoma carinatum*.
8. Pugnose Shiner — *Notropis anogenus*.
- 9m. Ozark Minnow — *Notropis nubilis*.
10. Gilt Darter — *Percina evides*.
11. Paddlefish — *Polyodon spathula*.
- (f) *Insects*. 1e. Frosted Elfin — *Callophrys irus*.
- 1m. An Issid Planthopper — *Fitchiella robertsoni*.
- 2m. A Prairie Leafhopper — *Polyamia dilata*.
3. Spatterdock Darner Dragonfly — *Rhionaeschna mutata*.
- (g) *Mussels*. 2. Slippershell — *Alasmidonta viridis*.
3. Rock Pocketbook — *Arcidens confragosus*.
4. Monkeyface — *Quadrula metanavra*.
5. Wartyback — *Quadrula nodulata*.
6. Salamander Mussel — *Simpsonia ambigua*.
7. Buckhorn — *Tritogonia verrucosa*.
- 7m. Fawnsfoot — *Truncilla donaciformis*.
8. Ellipse — *Venustaconcha ellipsiformis*.
- (h) *Snails*. 1. Wing Snaggletooth — *Gastrocopta procera*.
2. Chrystone Drop — *Hendersonia occulta*.
- (i) *Plants*. 1. *Aconitum novaboracense* — Northern Monkshood (Ranunculaceae: Crowfoot Family) (also U.S. Threatened).
2. *Adoxa moschatellina* — Muskroot (Adoxaceae: Moschatel Family).
- 3a. *Agalinis gattereri* — Roundstem Foxglove (Scrophulariaceae: Fig Wort Family).
- 3m. *Amerorchis rotundifolia* — Round-leaved Orchid (Orchidaceae: Orchid Family).
- 4m. *Asclepias ovalifolia* — Dwarf Milkweed (Asclepiadaceae: Milkweed Family).
5. *Asclepias lanuginosa* — Woolly Milkweed (Asclepiadaceae: Milkweed Family).
6. *Asclepias sullivantii* — Prairie Milkweed (Asclepiadaceae: Milkweed Family).
7. *Asplenium pinnatifidum* — Pinnatifid Spleenwort (Aspleniaceae: Spleenwort Family).
9. *Besseyia bullii* — Kitten Tails (Scrophulariaceae: Fig Wort Family).
11. *Calamovilfa longifolia* var. *magna* — Sand Reedgrass (Poaceae: Grass Family).
- 11m. *Callitriche heterophylla* — Large Water Starwort (Callitrichaceae: Water Starwort Family).
12. *Calypso bulbosa* — Calypso Orchid (Orchidaceae: Orchid Family).
13. *Carex careyana* — Carey's Sedge (Cyperaceae: Sedge Family).
14. *Carex concinna* — Beautiful Sedge (Cyperaceae: Sedge Family).
15. *Carex exilis* — Coast Sedge (Cyperaceae: Sedge Family).
16. *Carex formosa* — Handsome Sedge (Cyperaceae: Sedge Family).
17. *Carex garberi* — Elk Sedge (Cyperaceae: Sedge Family).
18. *Carex lenticularis* — Lenticular Sedge (Cyperaceae: Sedge Family).

19. *Carex michauxiana* — Michaux's Sedge (Cyperaceae: Sedge).

21. *Cirsium hillii* — Hill's Thistle (Asteraceae: Aster Family).

22. *Cirsium pitcheri* — Dune Thistle (Asteraceae: Composite Family).

23. *Cypripedium arietinum* — Ram's-head Lady's-slipper (Orchidaceae: Orchid Family).

24. *Cypripedium candidum* — White Lady's-slipper (Orchidaceae: Orchid Family).

25. *Drosera anglica* — English Sundew (Droseraceae: Sundew Family).

26. *Drosera linearis* — Linear-leaved Sundew (Droseraceae: Sundew Family).

27. *Echinacea pallida* — Purple Coneflower (Asteraceae: Composite Family).

28. *Eleocharis rostellata* — Beaked Spike-rush (Cyperaceae: Sedge Family).

28m. *Elytrigia dasystachya* ssp. *psammophila* — Thickspike Wheatgrass (Poaceae: Grass Family).

28t. *Eurybia furcata* — Forked Aster (Asteraceae: Aster Family).

29. *Festuca occidentalis* — Western Fescue (Poaceae: Grass Family).

30. *Fraxinus quadrangulata* — Blue Ash (Oleaceae: Olive Family).

34. *Hypericum sphaerocarpon* — Round-fruited St. John's Wort (Hypericaceae: St. John's Wort Family)

35. *Iris lacustris* — Dwarf Lake Iris (Iridaceae: Iris Family).

36. *Lespedeza virginica* — Slender Bush Clover (Fabaceae: Bean Family).

37. *Lesquerella ludoviciana* — Bladderpod (Brassicaceae: Mustard Family).

38. *Listera convallarioides* — Broad-leaved Twayblade (Orchidaceae: Orchid Family).

39. *Opuntia fragilis* — Brittle Prickly Pear (Cactaceae: Cactus Family).

41. *Orobancha fasciculata* — Clustered Broomrape (Orobanchaceae: Broomrape Family).

41m. *Packera indecora* — Plains Ragwort (Asteraceae: Aster Family).

42. *Parnassia palustris* — Marsh Grass-of-Parnassus (Saxifragaceae: Saxifrage Family).

44. *Petasites sagittatus* — Sweet Colt's-foot (Asteraceae: Composite Family).

45a. *Platanthera flava* var. *herbiola* — Pale Green Orchid (Orchidaceae: Orchid Family).

46. *Polystichum braunii* — Braun's Holly Fern (Dryopteridaceae: Wood Fern Family).

47. *Potamogeton confervoides* — Algae-leaved Pondweed (Potamogetonaceae: Pondweed Family).

49. *Polytaenia nuttallii* — Prairie-parsley (Apiaceae: Parsley Family).

49m. *Pseudognaphalium saxicola* — Cliff Cudweed (Asteraceae: Aster Family).

50m. *Ranunculus cymbalaria* — Seaside Crowfoot (Ranunculaceae: Crowfoot Family).

50p. *Rhynchospora scirpoides* — Long-beaked Baldrush (Cyperaceae: Sedge Family).

51. *Ribes oxycanthoides* ssp. *oxycanthoides* — Canadian Gooseberry (Grossulariaceae: Currant Family).

51m. *Salix planifolia* ssp. *planifolia* — Tea-leaved Willow (Salicaceae: Willow Family).

52. *Solidago simplex* var. *Gillmanii* — Dune Goldenrod (Asteraceae: Composite Family).

52m. *Sparganium glomeratum* — Clustered Bur-reed (Sparangiaceae: Bur-reed Family).

52r. *Stuckenia vaginata* — Sheathed Pondweed (Potamogetonaceae: Pondweed Family).

53. *Triantha glutinosa* — False Asphodel (Liliaceae: Lily Family).

53m. *Trichophorum cespitosum* — Tussock Bulrush (Cyperaceae: Sedge Family).

54. *Trillium nivale* — Snow Trillium (Liliaceae: Lily Family).

55. *Trisetum spicatum* — Spike Trisetum (Poaceae: Grass Family).

56. *Valeriana uliginosa* — Marsh Valerian (Valerianaceae: Valerian Family).

**History:** Cr. Register, September, 1979, No. 285, eff. 10-1-79; r. (2) (g) 13. and 17.; renum. (2) (g) 1. to 12., 14. to 16., 18. to 33. to be (2) (g) 2. to 6., 9. to 12., 14., 15., 17. to 20., 22., 24., 26., 29., 30., 32. to 34., 37. to 39., 43., 44., 46. to 49., cr. (2) (g) 1., 7., 8., 10., 13., 16., 21., 23., 25., 27., 28., 31., 35., 36., 40. to 42., and 45., renum. (3) (g) 2. to 23. to be 5., 6., 8. to 12., 14. to 19., 21., 22., 24., 25., 29., 30., 33., 35., 38., cr. (3) (g) 2. to 4., 7., 13., 20., 23., 26. to 28., 31., 32., 34., 36. and 37., Register, October, 1981, No. 310, eff. 11-1-81; r. (2) (b) 1., (c) 1., (e) 6., (3) (b) 5., (e) 1., 3., 6., 8. and 9., r. and recr. (2) (d), (3) (e) 1., (3) (d), am. (3) (g) 10. and 26., renum. (2) (b) 2. to 5. to be 1. to 4., (2) (b) 6. to be 5. and am., (2) (b) 7. and 8. to be 6. and 7., (2) (c) 2. to be 1., (2) (e) 1. to 5. and 7. to be 2., 4., 5., 6., 7. and 8., (3) (b) 1. to 4. to be 3. to 6., (3) (e) 2. to be 1., (3) (e) 4. and 5. to be 2. and 3., (3) (e) 7. to be 4., (3) (e) 10. to be 6., cr. (2) (b) 8., (2) (c) 2., (2) (e) 1. and 3., (3) (b) 1. and 2., (3) (e) 5., Register, November, 1982, No. 323, eff. 12-1-82; r. and recr. (1), Register, August, 1983, No. 332, eff. 9-1-83; cr. (2) (g) 4m., 7m., 8m., 9m., 22m., 30m., 40m., 40q., (3) (g) 2m., 3m., 4e., 4j., 4o., 4t., 5m., 13m., 15h., 15q., 17m., and 29m., Register March, 1985, No. 351, eff. 4-1-85; r. (3) (b) 2., renum. (3) (b) 3. to 6. to be 2. to 5., Register, August, 1986, No. 368, eff. 9-1-86; r. (2) (b) 1. and 2., (3) (g) 17., 19. and 24., renum. (2) (b) 3. to 8. to be (2) (b) 4., 1., 8., 9., 11., and 6., (2) (e) 1. to 8. to be (2) (e) 5. to 9., 4., 2. and 3., (2) (f) 1. to be (2) (g) 7., (2) (g) to be (2) (i), (3) (b) 1., 3. and 5. to be 9., 10. and 1., (3) (e) 1. to 6. to be (3) (e) 3., 1., 4., 5., 10. and 2., (3) (g) 1. to 16., 17m., 18., 20. to 23., 25. to 38., to be (3) (i) 1. to 6., 8. to 11., 14., 17. to 19., 22. to 35., 38. to 44., 46. to 57., cr. (2) (b) 2., 3., 5., 7., 10., (2) (e) 1., (2) (f), (2) (g) 1. to 6., 8. to 11., (2) (h), (2) (i) 22p., 22t., 25m. and 29m., (3) (b) 3., 5. to 8., 11. and 12., (3) (e) 6. to 9. and 11., (3) (g) and (h), (3) (i) 7., 12., 13., 15., 16., 20., 21., 36., 37. and 45., r. and recr. (3) (b) 4., (3) (d) and (3) (f), Register, August, 1989, No. 404, eff. 9-1-89; am. (2) and (3), Register, July, 1997, No. 499, eff. 8-1-97; r. (2) (d) 1., (e) 2., 4., 6. and 8., (i) 3., 5. and 43., (3) (b) 6., (e) 2., 3 and 9., (g) 1., (i) 4., 10., 50. and 52; cr. (2) (d) 1m., (e) 2m., 2t., 4m., and 6g., (i) 5m., 25d. and 43m., (3) (b) 6m., (e) 5m., 5t. and 9m., (g) 8., (i) 4g., 28m., 50p. and 52., Register, September, 1998, No. 511, eff. 10-1-98; r. (2) (a) 3., am. (3) (a), Register, September, 1999, No. 525, eff. 10-1-99; CR 03-081: r. (3) (a) Register July 2004 No. 581, eff. 8-1-04; CR 08-083: r. (2) (b) 2. and (3) (b) 8. Register October 2009 No. 646, eff. 11-1-09; EmR1037: emrg. cr. (3) (a), eff. 9-29-10; CR 10-114: cr. (3) (a) Register May 2011 No. 665, eff. 6-1-11; CR 13-010: cr. (2) (b) 2., 3L., r. (2) (b) 3m., am. (2) (b) 5., r. (2) (b) 10., 11., am. (2) (d) 1m., renum. (2) (e) 7. to (2) (e) 5m. and am., cr. (2) (f) 2g., 2r., 2w., am. (2) (i) 2., 5m., r. (2) (i) 14., am. (2) (i) 16., 17., renum. (2) (i) 25d. to (2) (i) 3. and am., am. (2) (i) 40d., cr. (3) (b) 1g., r. (3) (c) 2., 3., am. (3) (e) 5t., r. (3) (e) 7., renum. (3) (f) 1. to (3) (f) 3. and am., cr. (3) (f) 1m., r. (3) (f) 2t., cr. (3) (g) 7m., r. (3) (i) 3., 4g., renum. (3) (i) 8., to (3) (i) 28t. and am., r. (3) (i) 20., am. (3) (i) 28m., r. (3) (i) 31., renum. (3) (i) 32m. to (3) (i) 49m. and am., r. (3) (i) 43., 45., am. (3) (i) 50p., 51., 51m., renum. (3) (i) 51p., 51t. to (3) (i) 53m., 41m. and am., r. (3) (i) 51w., am. (3) (i) 53. Register December 2013 No. 696, eff. 1-1-14; correction in (3) (i) 19. made under s. 35.17, Stats., Register December 2013 No. 696. CR 14-025: r. and recr. (1), am. (2) (a) 1., renum. (2) (b) 3., 3L. to (2) (b) 6r., 6w. and am., am. (2) (b) 4., renum. (2) (b) 7. to (2) (b) 5m. and am., am. (2) (c) 3. to 6., (d) 1m., (e) 2t., 3., 4m., 6m., renum. (2) (f) 2. to (2) (f) 9x. and am., am. (2) (f) 2m., 2r., 5. to 7., 9g., (g) 1., 9., renum. (2) (i) 1. to (2) (i) 1r., am. (2) (i) 4., 5m., 8. to 12., 17., 17m., 18., 20., 21., 22., renum. (2) (i) 22m. to (2) (i) 1g. and am., am. (2) (i) 23., 25., 25m., 26., 27., 29m., 29t., 30m., 40q., 41., 43m., 44., 45., 49., renum. (3) (b) 2., 2t., 3. to (3) (b) 1c., 5a., 8a., and am., am. (3) (b) 6m., renum. (3) (b) 7. to (3) (b) 6a. and am., am. (3) (b) 10., renum. (3) (b) 12. to (3) (b) 9a. and am., am. (3) (c) 1., (e) 9m., renum. (3) (f) 2. to (3) (f) 1e. and am., am. (3) (i) 7., 11., 14., 17., 19., 21., 25., 26., 28., renum. (3) (i) 32., 33. to (3) (i) 3a., 45a. and am., am. (3) (i) 34., renum. (3) (i) 40. to (3) (i) 3m. and am., am. (3) (i) 42., 44., 46., 47., renum. (3) (i) 48. to (3) (i) 52r. and am., am. (3) (i) 51., 52m., 56. Register May 2015 No. 713, eff. 6-1-15; **republished Register June 2015 No. 714 to provide notice of reinsertion of (2) (i) 30. text inadvertently replaced in Register May 2015 No. 713 — correct text was reinserted in Admin. Code on 6-1-15.**

**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. 29.604, 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. Conditions shall include but are not limited to the minimum standards for feeding, treatment, sanitation, pens and housing prescribed in ss. NR 16.30 to 16.38.

(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 or 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 propagate 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; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525; CR 05-031: am. (2) (d) Register November 2005 No. 599, eff. 12-1-05.

#### 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 or 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, 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.

**NR 27.07 Incidental take applications.** (1) **PUBLIC NOTIFICATION OF RECEIPT OF AN APPLICATION FOR THE INCIDENTAL TAKE OF ENDANGERED OR THREATENED SPECIES.** (a) 1. Upon receipt of an application for an incidental take permit, an accompanying conservation plan and an implementing agreement under s. 29.604 (6m), Stats., all of which are deemed complete and acceptable to the department, the department shall develop a news release that includes all of the following information:

- a. The name and address of the applicant.
- b. A brief description of the project or activity, including location, and the endangered and threatened species to be affected.
- c. A statement regarding the proposal's potential to cause significant adverse effects to endangered and threatened species, the whole plant-animal community of which they are a part, or the habitat that is critical to its existence.
- d. A brief description of efforts the applicant intends to conduct to minimize and mitigate the impact caused by the taking.
- e. The name and address of a contact within the department who can receive comments and respond to questions.
- f. A date until which the department will accept and consider comments.

2. Notwithstanding subd. 1., but consistent with s. 29.604 (6m) (e), Stats., when deemed appropriate by the department, any other department notice, including a notice required under another statute or administrative rule, containing the information in subd. 1. a. to f. may be used in addition to a news release.

(b) The department shall distribute the news release or notice to appropriate news media in the vicinity of the proposed taking and to the official state newspaper designated under s. 985.04, Stats.

(c) In addition to distributing the news release or notice under par. (b), the department shall mail, or may otherwise provide the information specified in par. (a) in the manner requested, and consistent with s. 29.604 (6m) (e), Stats., to the following organizations, at the address or location they provide:

1. University of Wisconsin-Madison, School of Natural Resources;
2. University of Wisconsin-Stevens Point, College of Natural Resources;
3. Sigurd Olson Environmental Institute, Northland College, Ashland;
4. Wisconsin Wildlife Federation;
5. Wisconsin Conservation Congress;
6. Citizens Natural Resources Association of Wisconsin;
7. Wisconsin Society for Ornithology;
8. Wisconsin Woodland Owners Association;
9. Sierra Club-Muir Chapter;
10. Wisconsin Audubon Council;
11. The Nature Conservancy;
12. The Izaak Walton League;
13. Wisconsin Wetlands Association;
14. U.S. Department of the Interior, Fish and Wildlife Service;
15. Wisconsin Paper Council;
16. Wisconsin Association of County Planning Directors;
17. Wisconsin Manufacturers & Commerce;
18. Prairie Enthusiasts;
19. Great Lakes Indian Fish & Wildlife Commission;
20. Milwaukee Public Museum;
21. Madison Audubon Society;
22. Natural Areas Preservation Council;
23. Wisconsin Waterfowl Association;
24. Wisconsin Environmental Decade; and

25. Other organizations or individuals clearly requesting notification of receipt of applications under s. 29.604 (6m), Stats., by filing a written request with the bureau of endangered resources.

**Note:** The mailing address for the Bureau of Endangered Resources is Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

(2) **PUBLIC COMMENT.** (a) A minimum of 2 weeks from the date the news release or notice was distributed to news media under sub. (1) (b) or mailed under sub. (1) (c), whichever is later, shall be allowed for the receipt of public comment on the proposed taking.

(b) The department shall consider all public comment on the application if received within the comment period by the bureau of endangered resources by mail or delivered to its offices in Madison, Wisconsin.

(3) **PUBLIC RECORD TREATMENT.** Any application, conservation plan and implementing agreement submitted under s. 29.604 (6m), Stats., shall be available for review at the offices of the bureau of endangered resources in Madison, Wisconsin. Any request for a copy of those documents, shall be considered a public record request and provided subject to payment of copying charges consistent with subch. II of ch. 19, Stats., and rules adopted by the department.

**Note:** The offices of the bureau of endangered resources are located at 101 South Webster Street, Madison, Wisconsin.

**History:** Emerg. cr. eff. 11-18-96; cr. Register, April, 1998, No. 508, eff. 5-1-98; corrections in (1) (a), (c) and (3) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.