

**Report to
Legislative Council Rules Clearinghouse
NR 40 , Wis. Adm. Code
Natural Resources Board Order No. IS-47-10**

Wisconsin Statutory Authority

Sections 23.09 (2) (intro.), 23.091, 23.11 (1), 23.22 (2) (a) and (b), 23.28 (3), 27.01 (2) (j), 29.039 (1) and 227.11(2) (a), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Chapter NR 40, Wis. Adm. Code, establishes a classification system for invasive species and regulates those in the prohibited and restricted categories. It also establishes preventive measures that when followed, will help minimize the spread of invasive species into or within Wisconsin. In a previous emergency rule, the department listed *Geomyces destructans* as a prohibited invasive fungus species. (An identical proposed permanent rule to list the species is pending.) *Geomyces destructans* has been identified as the fungus that causes white nose syndrome (WNS) in cave bats. Because the department has little if any control over the natural movements of bats, the main focus in WNS management is on limiting the anthropogenic spread of *G. destructans*.

This Order adds provisions to ss. NR 40.04 and 40.07 relating to early detection and prevention of the spread of WNS due to anthropogenic activities, as follows:

1. For purposes of early detection, with permission or pursuant to an inspection warrant, department staff may access caves and mines in order to monitor, survey, and inspect for the presence of *Geomyces destructans*.
2. Equipment, gear, clothing and other objects may not be brought or placed into or near a cave or mine if they have been in or near a cave or mine located outside of Wisconsin.
3. Equipment, gear, clothing and other objects that have been in or near a cave or mine in the state must be decontaminated following department-approved WNS decontamination protocols before they can be brought into another state cave or mine.
4. All equipment, gear, clothing and other objects that have been in or near a cave or mine in Wisconsin must be decontaminated immediately upon exit.
5. All equipment, gear, clothing and other objects that will be or have come in contact with bats (including, but not limited to nets, traps, weighing tubes, bat bags, wing punches, rulers, clothing, gloves, electronic equipment and exclusion materials) and all individuals handling bats must be decontaminated prior to and immediately after contact.
6. The department will work with cave/mine owners to restrict access to caves/mines to either humans or bats.

The Order also adds key definitions and sets out authority for the department to grant written exemptions from the new decontamination requirements if it would not allow WNS to be transported to other locations.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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Submitted on

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