

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 (10), NR 16.12 (3) (b) 2., 3., 6., NR 16.13 (3) (a), NR 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), NR 16.12 (3) (b) 12, NR 19.275 (4) (bm), NR 21.13 (4) (bm), NR 22.13 (4) (bm), and NR 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/angered/>).

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 or Erin Crain (608) 267-7479 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

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].

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

10.02 (9) Timber rattlesnake *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~~ 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 ~~erepitanus~~ 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 ~~duguensnei~~ 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 ~~mutica~~ 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 ~~anomalous~~ anomalus.
- (2) (f) 7. Saint Croix Snaketail Dragonfly - Ophiogomphus ~~susbecha~~ susbehcha.
- (2) (f) 9g. ~~Warpaint Emerald Dragonfly~~ Incurvate Emerald — Somatochlora incurvata.
- (2) (g) 1. ~~Spectacle Case~~ Spectaclecase— Cumberlandia monodonta.
- (2) (g) 9. ~~Bullhead~~ Sheepnose — Plethobasus cyphyus.
- (2) (i) 4. Armoracia ~~aquatica~~ lacustris - Lake Cress (Brassicaceae: Mustard Family).
- (2) (i) 5m. Asplenun trichomanes — namosum — 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-cress~~ Whitlow-grass (Brassicaceae: Mustard Family).
- (2) (i) 17m. *Eleocharis wolfi* ~~wolfi~~ wolfii - 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-Weed~~ 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: Phlox Family).
- (2) (i) 29m. *Platanthera leucophaea* — Eastern Prairie ~~White-Fringed~~ White Fringed Orchid (Orchidaceae: Orchid Family).
- (2) (i) 29t. *Polemonium occidentale* ssp. ~~laustre~~ lacustre - Western Jacob's Ladder (~~Polemoniaceae~~ 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~~ Falcipennis 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 - ~~Ineisalia~~ 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 ~~Spleenwort~~ Spleenwort (Polypodiacea Aspleniaceae: ~~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 sphaerocarum — ~~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)