

Report to
Legislative Council Rules Clearinghouse
NR 10.02, 16.12, 16.13, 19.275, 21.13, 22.13, and 27, Wis. Adm. Code
Natural Resources Board Order No. ER-30-13

Wisconsin Statutory Authority

Wis. Stats. 29.011, 29.014, 29.039, and 29.604.

Federal Authority

Not applicable.

Comparison of Adjacent States

Minnesota, Illinois, Iowa, and Michigan all have an endangered species law and maintain a state list of endangered and threatened plants and animals, as well as list of special concern species.

There are similar possession laws for Blanding's turtles in adjacent 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.

Court Decisions Directly Relevant

None.

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

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 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.

The proposed rule changes include making scientific, common, and family name updates on rules listing endangered, threatened, and special concern species. 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.

The proposed rule changes include replacing 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/>).

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.,

were be asked to identify themselves as a small business in their comments. No comments were received in the 2-week comment period between January 22 and February 5, 2014.

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.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, Governor's Office of Regulatory Compliance final approval, followed by legislative review

Description of any Forms (attach copies if available)

None.

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