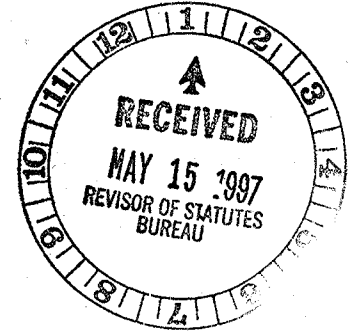


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. ER-49-95 was duly approved and adopted by this Department on February 26, 1997. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 8th day of May, 1997.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The State of Wisconsin Natural Resources Board proposes an order to amend NR 27.03(2) and (3) relating to endangered and threatened species

ER-49-95

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.415 and 227.11(2)(a), Stats.
Statutes interpreted: s. 29.415, Stats.

The Wisconsin endangered species law (s. 29.415, Stats.) requires periodic updating of our endangered and threatened species list. The most recent review in 1989 resulted in the addition of 63 species, the removal of 2 species, changing the status from endangered to threatened for 2 species and changing the status from threatened to endangered for 3 species. Since that time the DNR Bureau of Endangered Resources has reviewed the status of rare species on the Natural Heritage Inventory Working List. Subsequent status determinations are the result of consultation with species experts, field surveys, review of historical occurrences, and consideration of range-wide and global rarity of each species. Factors considered to determine the biological status of each species include: rate of population decline or increase, reproductive success of existing population, threats to remaining populations, status throughout its range, and status as a Wisconsin native species

The Department is proposing the following changes to the endangered and threatened species list: adding 13 new animal species and 21 new plant species, removing 3 species from the list, changing the status of 3 species from threatened to endangered, and downlisting 3 species from endangered to threatened.

SECTION 1. NR 27.03 (2) and (3) are amended to read:

NR 27.03(2) WISCONSIN ENDANGERED SPECIES LIST

(a) Mammals

1. Pine Marten - *Martes americana*
2. ~~Canada Lynx - *Lynx canadensis*~~
3. Timber Wolf - *Canis lupus* (also U.S. Endangered)

(b) Birds

1. Piping Plover - *Charadrius melodus*
2. Trumpeter Swan - *Cygnus buccinator*
3. Yellow-Throated Warbler - *Denroica dominica*
- 3m. Snowy Egret - *Egretta thula*
4. Peregrine Falcon - *Falco peregrinus* (also U.S. Endangered)
5. Worm-Eating Warbler - *Helmitheros vermivorus*
6. Loggerhead Shrike - *Lanius ludovicianus*
- 6m. Red-necked Grebe - *Podiceps grisegena*
7. Caspian Tern - *Sterna caspia*
8. Forster's Tern - *Sterna forsteri*
9. Common Tern - *Sterna hirundo*
10. Bewick's Wren - *Thyromanes bewickii*
11. Barn Owl - *Tyto alba*

(c) Reptiles

1. Ornate Box Turtle - *Terrapene ornata*
2. Slender Glass Lizard - *Ophisaurus attenuatus*
3. Queen Snake - *Regina septemvittata*

4. Western Ribbon Snake - *Thamnophis proximus*
5. Northern Ribbon Snake - *Thamnophis sauritus*
6. Massasauga - *Sistrurus catenatus*

(d) Amphibians

1. Blanchard's Cricket Frog - *Acris crepitans*

(e) Fishes

1. Skipjack Herring - *Alosa chrysochloris*
2. Crystal Darter - *Ammocrypta asprella*
3. Bluntnose Darter - *Etheostoma chlorosomum*
4. Starhead Topminnow - *Fundulus notti*
5. Goldeye - *Hiodon alosoides*
6. Gravel Chub - *Hybopsis x-punctata*
- 6m. Black Redhorse - *Moxostoma duquensnei*
7. Pallid Shiner - *Notropis annis*
8. Striped Shiner - *Notropis chrysocephalus*
9. Slender Madtom - *Noturus exilis*

(f) Insects

1. Pecatonica River Mayfly - *Acanthametropus pecatonica*
- 1m. Red-veined Prairie Leafhopper - *Aflexia rubranura*
2. A Flat-headed Mayfly - *Anepeorus simplex*
- 2m. Swamp Metalmark Butterfly - *Calephelis mutica*
3. Northern Blue Butterfly - *Lycaeides idas*
4. Giant Carrion Beetle - *Nicrophorus americanus*
5. Powesheik Skipper - *Oarisma powesheik*
6. Extra-striped Snaketail Dragonfly - *Ophiogomphus anomalous*
- ~~7. Pygmy Snaketail Dragonfly - *Ophiogomphus howei*~~
7. Saint Croix Snaketail Dragonfly - *Ophiogomphus susbehcha*
8. Silphium Borer Moth - *Papaipema silphii*
9. Phlox Moth - *Schinia indiana*
- 9q. Warpaint Emerald Dragonfly - *Somatochlora incurvata*
- 9m. Hine's Emerald Dragonfly - *Somatochlora hineana*
- 9t. Regal Fritillary - *Speyeria idalia*
10. Knobel's Riffle Beetle - *Stenelmis knobeli*
- 10m. Lake Huron Locust - *Trimerotropis huroniana*

(g) Mussels

1. Spectacle Case - *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. Bullhead - *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

1. *Anemone caroliniana* - Carolina Anemone (Ranunculaceae: Crowfoot Family)
2. *Anemone multifida* - no common name (Ranunculaceae: Crowfoot family)
3. *Arenaria macrophylla* - no common name (Caryophyllaceae: Pink Family)
4. *Armoracia aquatica* - Lake Cress (Brassicaceae: Mustard Family)

- 4m. *Asclepias purpurascens* - Purple Milkweed (Asclepiadaceae: Milkweed Family)
5. *Asplenium viride* - Green Spleenwort (Polypodiaceae: Fern Family)
6. *Astragalus alpinus* - Alpine Milk Vetch (Fabaceae: Bean Family)
7. *Astragalus crassicarpus* - 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* - Moonwort (Ophioglossaceae: Adder's-tongue Family)
- 8m. *Botrychium mormo* - Goblin Fern (Ophioglossaceae: Adder's-tongue Family)
9. *Caltha natans* - a Marsh Marigold (Ranunculaceae: Crowfoot Family)
- 9m. *Camassia scilloides* - Wild Hyacinth (Liliaceae: Lily Family)
10. *Carex crus-corvi* - no common name (Cyperaceae: Sedge Family)
- 10m. *Carex laevivaginata* - Smooth-sheathed Sedge (Cyperaceae: Sedge Family)
11. *Carex lupuliformis* - no common name (Cyperaceae: Sedge Family)
12. *Carex media* - no common name (Cyperaceae: Sedge Family)
- 12m. *Carex schweinitzii* - Schweinitz's Sedge (Cyperaceae: Sedge Family)
13. *Catabrosa aquatica* - Brook Grass (Poaceae: Grass Family)
14. *Collinsonia canadensis* - Stoneroot (Lamiaceae: Mint Family)
15. *Conioselinum chinense* - Hemlock-parsley (Apiaceae: Parsley Family)
16. *Diarrhena americana* - Beak Grass (Poaceae: Grass Family)
17. *Draba lanceolata* - no common name (Brassicaceae: Mustard Family)
- 17g. *Eleocharis nitida* - Neat Spike-rush (Cyperaceae: Sedge Family)
- 17m. *Eleocharis wolffi* - Wolf Spike-rush (Cyperaceae: Sedge Family)
18. *Eleocharis quadrangulata* - a Spike-rush (Cyperaceae: Sedge Family)
19. *Eriogenia bulbosa* - Harbinger-of-Spring (Apiaceae: Parsley Family)
20. *Fimbristylis puberula* - no common name (Cyperaceae: Sedge Family)
21. *Fuirena pumila* - Umbrella Sedge (Cyperaceae: Sedge Family)
22. *Geocaulon lividum* - Northern Comandra (Santalaceae: Sandal-wood Family)
- 22m. *Gerardia skinneriana* - Pale False Foxglove (Scrophulariaceae: Fig Wort Family)
- 22p. *Juncus stygius* - Bog Rush (Juncaceae: Rush Family)
- 22t. *Lespedeza leptostachya* - Prairie Bush Clover (Fabaceae: Bean Family)
23. *Liatris punctata* - 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 Melic Grass (Poaceae: Grass Family)
- 25g. *Muhlenbergia richardsonis* - Mat Muhly (Poaceae: Grass Family)
- 25j. *Orobanche ludoviciana* - Louisiana Broomrape (Orobanchaceae: Broomrape Family)
- 25m. *Oxytropis campestris* - Fassett's Locoweed (Fabaceae: Bean Family)
26. *Parnassia parviflora* - a Grass-of-Parnassus (Saxifragaceae: Saxifrage Family)
27. *Phlox glaberrima* - Smooth Phlox (Polemoniaceae: Phlox Family)
28. *Pinguicula vulgaris* - Butterwort (Lentibulariaceae: Bladderwort Family)
29. *Plantago cordata* - Heart-leaved Plantain (Plantaginaceae: Plantain Family)
- 29m. *Platanthera leucophaea* - Prairie White-Fringed Orchid (Orchidaceae: Orchid Family)
- 29t. *Polemonium occidentale* ssp. *lucustre* - Western Jacob's Ladder (Polemoniaceae: Phlox Family)
30. *Polygala incarnata* - Pink Milkwort (Polygalaceae: Milkwort Family)
- 30m. *Potamogeton pulcher* - Spotted Pond Weed (Potamogetonaceae: Pond Weed 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)
- ~~35. *Ranunculus cymbalaria* - Seaside Crowfoot (Ranunculaceae: Crowfoot 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)
- ~~40. *Scirpus cespitosus* - no common name (Cyperaceae: Sedge Family)~~
- 40d. *Scirpus hallii* - Hall's bulrush (Cyperaceae: Sedge Family)
- 40h. *Scleria reticularis* - Netted Nut-rush (Cyperaceae: Sedge Family)
- 40q. *Scutellaria parvula* - Small Skullcap (Lamiaceae: Mint Family)
41. *Selaginella selaginoides* - no common name (Selaginellaceae: Selaginella Family)
- 41m. *Silene virginica* - fire pink (Caryophyllaceae: Pink Family)
42. *Solidago caesia* - Blue-stemmed Goldenrod (Asteraceae: Composite Family)
43. *Tanacetum huronense* - Lake Huron Tansy (Asteraceae: Composite Family)
44. *Thaspium barbinode* - Hairy Meadow Parsnip (Apiaceae: Parsley Family)
45. *Tiarella cordifolia* - 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: Honeysuckle Family)
49. *Viola fimbriatula* - a Violet (Violaceae: Violet Family)

(3) WISCONSIN THREATENED SPECIES LIST

(a) Mammals - None

(b) Birds

1. *Henslow's sparrow - Ammodramus henslowii*
- 1m. Red-shouldered Hawk - *Buteo lineatus*
2. Great Egret - *Casmerodius albus*
- 2m. Yellow Rail - *Coturnicops noveboracensis*
- 2t. Spruce Grouse - *Dendragapus canadensis*
3. Cerulean Warbler - *Dendroica cerulea*
4. Acadian Flycatcher - *Empidonax virescens*
- ~~5. Bald Eagle - *Haliaeetus leucocephalus*~~
6. Yellow-Crowned Night Heron - *Nycticorax violaceus*
7. Kentucky Warbler - *Oporornis formosus*
8. Osprey - *Pandion haliaetus*
- ~~9. Red-necked Grebe - *Podiceps grisegena*~~
10. Greater Prairie Chicken - *Tympanuchus cupido pinnatus*
11. Bell Vireo - *Vireo bellii*
12. Hooded Warbler - *Wilsonia citrina*

(c) Reptiles

1. Wood Turtle - *Clemmys insculpta*
2. Blanding's Turtle - *Emydoidea blandingi*

3. Butler's Gartersnake - *Thamnophis butleri*

(d) Amphibians - None

(e) Fishes

1. Blue Sucker - *Cycleptus elongatus*
2. Ozark Minnow - *Dionda nubila*
3. Speckled Chub - *Hybopsis aestivalis*
4. Black Buffalo - *Ictiobus niger*
5. Longear Sunfish - *Lepomis megalotis*
6. River Redhorse - *Moxostoma carinatum*
7. Greater Redhorse - *Moxostoma valenciennesi*
8. Pugnose Shiner - *Notropis anogenus*
9. Redfin Shiner - *Notropis umbratilis*
10. Gilt Darter - *Percina evides*
11. Paddlefish - *Polyodon spathula*

(f) Insects

1. Spatterdock darner dragonfly - *Aeshna mutata*
- ~~1. Swamp Metalmark - *Calephelis mutica*~~
2. Frosted Elfin - *Incisalia irus*
- 2m. A Prairie Leafhopper - *Polyamia dilata*
- 2t. Pygmy Snaketail Dragonfly - *Ophioqomphus howei*
- ~~3. Regal Fritillary - *Speyeria idalia*~~

(g) Mussels

1. Ellipse - *Actinonaias ellipsiformis*
2. Slippershell - *Alasmidonta viridis*
3. Rock Pocketbook - *Arcidens confragosus*
4. Monkeyface - *Quadrula metanevra*
5. Wartyback - *Quadrula nodulata*
6. Salamander Mussel - *Simpsonaias ambigua*
7. Buckhorn - *Tritogonia verrucosa*

(h) Snails

1. Wing Snaggletooth - *Gastrocopta procera*
2. Cherrystone Drop - *Hendersonia occulta*

(i) Plants

1. *Aconitum novaboracense* - Northern Monkshood (Ranunculaceae: Crowfoot Family) (also U.S. Threatened)
2. *Adoxa moschatellina* - Muskroot (Adoxaceae: Moschatel Family)
3. *Agastache nepetoides* - Yellow Giant Hyssop (Lamiaceae: Mint Family)
4. *Agropyron dasystachyum* - Thickspike Wheatgrass (Poaceae: Grass 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 (Polypodiaceae: Fern Family)
8. *Aster furcatus* - Forked Aster (Asteraceae: Aster Family)
9. *Besseyia bullii* - Kitten Tails (Scrophulariaceae: Fig Wort Family)
10. *Cacalia tuberosa* - Prairie Indian Plaintain (Asteraceae: Aster Family)
11. *Calamovilfa longifolia* - Sand Reed (Poaceae: Grass Family)
- 11m. *Callitriche heterophylla* - Large Water Starwort (Callitichaceae: Water Starwort Family)
12. *Calypso bulbosa* - Calypso Orchid (Orchidaceae: Orchid Family)
13. *Carex careyana* - Carey's Sedge (Cyperaceae: Sedge Family)
14. *Carex concinna* - no common name (Cyperaceae: Sedge Family)

15. *Carex exilis* - Coast Sedge (Cyperaceae: Sedge Family)
16. *Carex formosa* - Handsome Sedge (Cyperaceae: Sedge Family)
17. *Carex garberi* - Garbers Sedge (Cyperaceae: Sedge Family)
18. *Carex lenticularis* - Lenticular Sedge (Cyperaceae: Sedge Family)
19. *Carex michauxiana* - no common name (Cyperaceae: Sedge
20. *Carex prasina* - Drooping Sedge (Cyperaceae: Sedge Family)
21. *Cirsium hillii* - Prairie 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* - a Sundew (Droseraceae: Sundew Family)
26. *Drosera linearis* - a Sundew (Droseraceae: Sundew Family)
27. *Echinacea pallida* - Purple Coneflower (Asteraceae: Composite Family)
28. *Eleocharis rostellata* - Beaked Spike Rush (Cyperaceae: Sedge Family)
29. *Festuca occidentalis* - Western Fescue (Poaceae: Grass Family)
30. *Fraxinus quadrangulata* - Blue Ash (Oleaceae: Olive Family)
31. *Gentiana alba* - Yellowish Gentian (Gentianaceae: Gentian Family)
32. *Gerardia gattereri* - Round Stemmed False Foxglove (Scrophulariaceae: Fig Wort Family)
- 32m. *Gnaphalium saxicola* - Cliff Cudweed (Asteraceae: Aster Family)
33. *Habenaria flava* var. *herbiola* - Tubercled Orchid (Orchidaceae: Orchid Family)
34. *Hypericum sphaerocarpum* - Round Fruited St. Johns Wort (Hypericaceae: St. Johns 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)
40. *Orchis rotundifolia* - Small Round-leaved Orchis (Orchidaceae: Orchid Family)
41. *Orobanche fasciculata* - Clustered Broomrape (Orobanchaceae: Broomrape Family)
42. *Parnassia palustris* - a Grass-of-Parnassus (Saxifragaceae: Saxifrage Family)
43. *Parthenium integrifolium* - Wild Quinine (Asteraceae: Composite Family)
44. *Petasites sagittatus* - Sweet Coltsfoot (Asteraceae: Composite Family)
45. *Poa paludigena* - Bog Bluegrass (Poaceae: Grass Family)
46. *Polystichum braunii* - Braun's Holly Fern (Polypodiaceae: Fern Family)
47. *Potamogeton confervoides* - no common name (Potamogetonaceae: Pondweed Family)
48. *Potamogeton vaginatus* - Sheathed Pond Weed (Potamogetonaceae: Pond Weed Family)
49. *Polytaenia nuttallii* - Prairie-parsley (Apiaceae: Parsley Family)
50. *Psilocarya scirpoides* - Bald Rush (Cyperaceae: Sedge Family)
- 50m. *Ranunculus cymbalaria* - Seaside Crowfoot (Ranunculaceae: Crowfoot Family)
51. *Ribes oxycanthoides* - Hawthorn-leaved Gooseberry (Saxifragaceae: Saxifrage Family)
- 51m. *Salix planifolia* - Flat-leaved willow (Salicaceae: Willow Family)
- 51p. *Scirpus cespitosus* - Tussock Bulrush (Cyperaceae: Sedge Family)
- 51t. *Senecio indecorus* - Plains Ragwort (Asteraceae: Aster Family)
- 51w. *Silene nivea* - Snowy Champion (Caryophyllaceae: Pink Family)
52. *Solidago spathulata* var. *gillmani* - Dune Goldenrod (Asteraceae: Composite Family)

- 52m. Sparganium glomeratum - Clustered Bur Reed (Sparganiaceae: Bur Reed Family)
53. Tofieldia glutinosa - False Asphodel (Liliaceae: Lily Family)
54. Trillium nivale - Snow Trillium (Liliaceae: Lily Family)
55. Trisetum spicatum - Spike Trisetum (Poaceae: Grass Family)
56. Valeriana sitchensis - Marsh Valerian (Valerianaceae: Valerian Family)
~~57. Viola novae angliae - a Violet (Violaceae: Violet Family)~~

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 26, 1997.

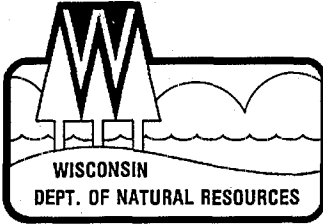
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

Dated at Madison, Wisconsin May 8, 1997.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)



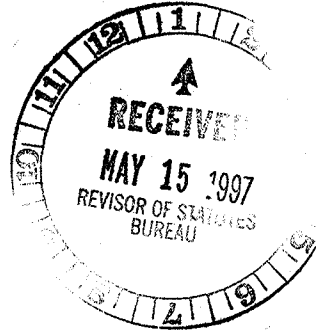
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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May 8, 1997

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-49-95. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer
George E. Meyer
Secretary

Enc.