

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Note: Chapter NR 27 as it existed on September 30, 1979 was repealed and a new chapter NR 27 was created effective October 1, 1979.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:

c1d XDepartmentY means the Wisconsin department of natural resources.

c2d XDepartment listY means the U.S. list of endangered and threatened foreign and native species, and the Wisconsin list of endangered and threatened species.

c3d XEducational purposesY, 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.

c4d XENSY means the Office of Endangered and Nongame Species, Department of Natural Resources, Box 7921, Madison, WI 53707.

c5d XProcessY, 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.

c6d XPropagation for preservation purposesY, 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.

c7d XScientific purposesY, 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.

c8d XTakeY 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.

c9d XWild plantY, 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. c3d and c4d to be c4d and c8d, cr. c3d, c5d to c7d and c9d, Register, April, 1993, No. 448, eff. 5-1-93; corrections in c3d, c5d, c6d, c7d and c9d made under s. 13.93 c2md cbd 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 c2md cbd 7., Stats., Register, September, 1999, No. 525.

NR 27.03 Department list. c1d 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/>d.

c2d WISCONSIN ENDANGERED SPECIES LIST. cad *Mammals*.

1. American Marten — *Martes americana*.

cbd *Birds*. 1. Piping Plover — *Charadrius melodus*.

2. Black Tern — *Chlidonias niger*.

4. Peregrine Falcon — *Falco peregrinus*.

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

5m. Caspian Tern — *Hydroprogne caspia*.

6. Loggerhead Shrike — *Lanius ludovicianus*.

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

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

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

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

9. Common Tern — *Sterna hirundo*.

ccd *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*.

cdd *Amphibians*. 1m. Blanchard[s Cricket Frog — *Acris blanchardi*.

ced *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*.

cf d *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*.
- cgd *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. Endangeredd.
8. Yellow and Slough Sandshell — *Lampsilis teres*.
9. Sheepnose — *Plethobasus cyphus*.
10. Winged Mapleleaf — *Quadrula fragosa*.
11. Rainbow Shell — *Villosa iris*.
- chd *Snails*. 1. Hubricht[s] Vertigo — *Vertigo hubrichti*.
2. Occult Vertigo — *Vertigo occulta*.
- cid *Plants*. 1g. *Agalinis skinneriana* — Pale False Foxglove cScrophulariaceae: Figwort Family.
- 1r. *Anemone caroliniana* — Carolina Anemone cRanunculaceae: Crowfoot Family.
2. *Anemone multifida* var. *multifida* — Early Anemone cRanunculaceae: Crowfoot Family.
3. *Arenaria macrophylla* — Large-leaved Sandwort cCaryophyllaceae: Pink Family.
4. *Armoracia lacustris* — Lake Cress cBrassicaceae: Mustard Family.
- 4m. *Asclepias purpurascens* — Purple Milkweed cAsclepiadaceae: Milkweed Family.
- 5m. *Asplenium trichomanes-ramosum* — Green Spleenwort cAspleniaceae: Spleenwort Family.
6. *Astragalus alpinus* — Alpine Milk Vetch cFabaceae: Bean Family.
7. *Astragalus crassicaarpus* — Prairie Plum cFabaceae: Bean Family.
- 7m. *Astragalus neglectus* — Coppers Milk Vetch cFabaceae: Bean Family.
- 7t. *Botrychium campestre* — Prairie Moonwort cOphioglossaceae: Adder[s]-tongue Family.
8. *Botrychium lunaria* — Common Moonwort cOphioglossaceae: Adder[s]-tongue Family.
- 8m. *Botrychium mormo* — Goblin Fern cOphioglossaceae: Adder[s]-tongue Family.
9. *Caltha natans* — Floating Marsh Marigold cRanunculaceae: Crowfoot Family.
- 9m. *Camassia scilloides* — Wild Hyacinth cLiliaceae: Lily Family.
10. *Carex crus-corvi* — Ravenfoot Sedge cCyperaceae: Sedge Family.
- 10m. *Carex laevivaginata* — Smooth-sheathed Sedge cCyperaceae: Sedge Family.
11. *Carex lupuliformis* — False Hop Sedge cCyperaceae: Sedge Family.
12. *Carex media* — Intermediate Sedge cCyperaceae: Sedge Family.
- 12m. *Carex schweinitzii* — Schweinitz[s] Sedge cCyperaceae: Sedge Family.
13. *Catabrosa aquatica* — Brook Grass cPoaceae: Grass Family.
15. *Conioselinum chinense* — Hemlock-parsley cApiaceae: Parsley Family.
16. *Diarrhena obovata* — Obovate Beak Grass cPoaceae: Grass Family.
17. *Draba cana* — Hoary Whitlow-grass cBrassicaceae: Mustard Family.
- 17g. *Eleocharis nitida* — Neat Spike-rush cCyperaceae: Sedge Family.
- 17m. *Eleocharis wolfii* — Wolf Spike-rush cCyperaceae: Sedge Family.
18. *Eleocharis quadrangulata* — Square-stem Spike-rush cCyperaceae: Sedge Family.
19. *Erigenia bulbosa* — Harbinger-of-Spring cApiaceae: Parsley Family.
20. *Fimbristylis puberula* — Chestnut Sedge cCyperaceae: Sedge Family.
21. *Fuirena pumila* — Dwarf Umbrella Sedge cCyperaceae: Sedge Family.
22. *Geocaulon lividum* — Northern Comandra cSantalaceae: Sandalwood Family.
- 22p. *Juncus stygius* — Bog Rush cJuncaceae: Rush Family.
- 22t. *Lespedeza leptostachya* — Prairie Bush Clover cFabaceae: Bean Family.
23. *Liatris punctata* var. *nebraskana* — Dotted Blazing Star cAsteraceae: Composite Family.
24. *Listera auriculata* — Auricled Twayblade cOrchidaceae: Orchid Family.
- 24m. *Lonicera involucrata* — Fly Honeysuckle cCaprifoliaceae: Honeysuckle Family.
25. *Melica smithii* — Smith[s] Melic Grass cPoaceae: Grass Family.
- 25g. *Muhlenbergia richardsonis* — Mat Muhly cPoaceae: Grass Family.
- 25j. *Orobanche ludoviciana* — Louisiana Broomrape cOrobanchaceae: Broomrape Family.
- 25m. *Oxytropis campestris* var. *chartacea* — Fassett[s] Lo-coweed cFabaceae: Bean Family.
26. *Parnassia parviflora* — Small-flowered Grass-of-Parnassus cSaxifragaceae: Saxifrage Family.
27. *Phlox glaberrima* ssp. *interior* — Smooth Phlox cPolemoniaceae: Phlox Family.
28. *Pinguicula vulgaris* — Butterwort cLentibulariaceae: Bladderwort Family.
29. *Plantago cordata* — Heart-leaved Plantain cPlantaginaceae: Plantain Family.

29m. *Platanthera leucophaea* — Eastern Prairie White Fringed Orchid cOrchidaceae: Orchid Familyd.

29t. *Polemonium occidentale* ssp. *lacustre* — Western Jacob[s] Ladder cPolemoniaceae: Phlox Familyd.

30. *Polygala incarnata* — Pink Milkwort cPolygalaceae: Milkwort Familyd.

30m. *Potamogeton pulcher* — Spotted Pondweed cPotamogetonaceae: Pondweed Familyd.

31. *Prenanthes aspera* — Rough White Lettuce cAsteraceae: Composite Familyd.

32. *Prenanthes crepidinea* — Great White Lettuce cAsteraceae: Composite Familyd.

33. *Pterospora andromedea* — Pine-drops cPyrolaceae: Wintergreen Familyd.

34. *Pyrola minor* — Small Shinleaf cPyrolaceae: Wintergreen Familyd.

36. *Ranunculus gmelinii* — Small Yellow Water Crowfoot cRanunculaceae: Crowfoot Familyd.

36m. *Ranunculus lapponicus* — Lapland Buttercup cRanunculaceae: Crowfoot Familyd.

37. *Rhododendron lapponicum* — Lapland Rosebay cEricaceae: Heath Familyd.

38. *Ruellia humilis* — Wild Petunia cAcanthaceae: Acanthus Familyd.

39. *Salix cordata* — Sand Dune Willow cSalicaceae: Willow Familyd.

39m. *Salix pellita* — Satiny Willow cSalicaceae: Willow Familyd.

40d. *Schoenoplectus hallii* — Hall[s] Bulrush cCyperaceae: Sedge Familyd.

40h. *Scleria reticularis* — Netted Nut-rush cCyperaceae: Sedge Familyd.

40q. *Scutellaria parvula* var. *parvula* — Small Skullcap cLamiaceae: Mint Familyd.

41. *Selaginella selaginoides* — Low Spike-moss cSelaginellaceae: Selaginella Familyd.

41m. *Silene virginica* — Fire Pink cCaryophyllaceae: Pink Familyd.

42. *Solidago caesia* — Blue-stemmed Goldenrod cAsteraceae: Composite Familyd.

43m. *Tanacetum bipinnatum* ssp. *huronense* — Lake Huron Tansy cAsteraceae: Composite Familyd.

44. *Thaspium chapmanii* — Hairy Meadow Parsnip cApiaceae: Parsley Familyd.

45. *Tiarella cordifolia* — Heartleaf Foamflower cSaxifragaceae: Saxifrage Familyd.

45m. *Trisetum melicoides* — Purple False Oats cPoaceae: Grass Familyd.

46. *Vaccinium cespitosum* — Dwarf Bilberry cEricaceae: Heath Familyd.

47. *Vaccinium vitis-idaea* — Mountain Cranberry cEricaceae: Heath Familyd.

48. *Viburnum edule* — Squashberry cCaprifoliaceae: Honeysuckle Familyd.

49. *Viola sagittata* var. *ovata* — Sand Violet cViolaceae: Violet Familyd.

c3d WISCONSIN THREATENED SPECIES LIST. cad *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*.

cbd *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 virescens*.

5a. Spruce Grouse — *Falcapennis 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*.

ccd *Reptiles*. 1. Wood Turtle — *Glyptemys insculpta*.

cdd *Amphibians*. — None.

ced *Fishes*. 1. Blue Sucker — *Cycleptus 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 nubilus*.

10. Gilt Darter — *Percina evides*.

11. Paddlefish — *Polyodon spathula*.

cf *Insects*. 1e. Frosted Elfin — *Callophrys irus*.

1m. An Issid Planthopper — *Fitchiella robertsoni*.

2m. A Prairie Leafhopper — *Polyamia dilata*.

3. Spatterdock Darner Dragonfly — *Rhionaeschna mutata*.

cgd *Mussels*. 2. Slippershell — *Alasmidonta viridis*.

3. Rock Pocketbook — *Arcidens confragosus*.

4. Monkeyface — *Quadrula metanевра*.

5. Wartyback — *Quadrula nodulata*.

6. Salamander Mussel — *Simpsonaias ambigua*.

7. Buckhorn — *Tritogonia verrucosa*.

7m. Fawnsfoot — *Truncilla donaciformis*.

8. Ellipse — *Venustaconcha ellipsiformis*.

chd *Snails*. 1. Wing Snaggletooth — *Gastrocopta procera*.

2. Cherrystone Drop — *Hendersonia occulta*.

cid *Plants*. 1. *Aconitum novaboracense* — Northern Monkshood cRanunculaceae: Crowfoot Familyd also U.S. Threatenedd.

2. *Adoxa moschatellina* — Muskroot cAdoxaceae: Moschatel Familyd.

3a. *Agalinis gattingeri* — Roundstem Foxglove cScrophulariaceae: Fig Wort Familyd.

3m. *Amerorchis rotundifolia* — Round-leaved Orchis cOrchidaceae: Orchid Familyd.

4m. *Asclepias ovalifolia* — Dwarf Milkweed cAsclepiadaceae: Milkweed Familyd.

5. *Asclepias lanuginosa* — Woolly Milkweed cAsclepiadaceae: Milkweed Familyd.

6. *Asclepias sullivantii* — Prairie Milkweed cAsclepiadaceae: Milkweed Familyd.

7. *Asplenium pinnatifidum* — Pinnatifid Spleenwort cAspleniaceae: Spleenwort Familyd.

9. *Besseyia bullii* — Kitten Tails cScrophulariaceae: Fig Wort Familyd.

11. *Calamovilfa longifolia* var. *magna* — Sand Reedgrass cPoaceae: Grass Familyd.
- 11m. *Callitriche heterophylla* — Large Water Starwort cCallitricaceae: Water Starwort Familyd.
12. *Calypso bulbosa* — Calypso Orchid cOrchidaceae: Orchid Familyd.
13. *Carex careyana* — Carey[s Sedge cCyperaceae: Sedge Familyd.
14. *Carex concinna* — Beautiful Sedge cCyperaceae: Sedge Familyd.
15. *Carex exilis* — Coast Sedge cCyperaceae: Sedge Familyd.
16. *Carex formosa* — Handsome Sedge cCyperaceae: Sedge Familyd.
17. *Carex garberi* — Elk Sedge cCyperaceae: Sedge Familyd.
18. *Carex lenticularis* — Lenticular Sedge cCyperaceae: Sedge Familyd.
19. *Carex michauxiana* — Michaux[s Sedge cCyperaceae: Sedge Familyd.
21. *Cirsium hillii* — Hill[s Thistle cAsteraceae: Aster Familyd.
22. *Cirsium pitcheri* — Dune Thistle cAsteraceae: Composite Familyd.
23. *Cypripedium arietinum* — Ram[s-head Lady[s-slipper cOrchidaceae: Orchid Familyd.
24. *Cypripedium candidum* — White Lady[s-slipper cOrchidaceae: Orchid Familyd.
25. *Drosera anglica* — English Sundew cDroseraceae: Sundew Familyd.
26. *Drosera linearis* — Linear-leaved Sundew cDroseraceae: Sundew Familyd.
27. *Echinacea pallida* — Purple Coneflower cAsteraceae: Composite Familyd.
28. *Eleocharis rostellata* — Beaked Spike-rush cCyperaceae: Sedge Familyd.
- 28m. *Elytrigia dasystachya* ssp. *psammophila* — Thickspike Wheatgrass cPoaceae: Grass Familyd.
- 28t. *Eurybia furcata* — Forked Aster cAsteraceae: Aster Familyd.
29. *Festuca occidentalis* — Western Fescue cPoaceae: Grass Familyd.
30. *Fraxinus quadrangulata* — Blue Ash cOleaceae: Olive Familyd.
34. *Hypericum sphaerocarpum* — Round-fruited St. John[s Wort cHypericaceae: St. John[s Wort Familyd
35. *Iris lacustris* — Dwarf Lake Iris cIridaceae: Iris Familyd.
36. *Lespedeza virginica* — Slender Bush Clover cFabaceae: Bean Familyd.
37. *Lesquerella ludoviciana* — Bladderpod cBrassicaceae: Mustard Familyd.
38. *Listera convallarioides* — Broad-leaved Twayblade cOrchidaceae: Orchid Familyd.
39. *Opuntia fragilis* — Brittle Prickly Pear cCactaceae: Cactus Familyd.
41. *Orobanche fasciculata* — Clustered Broomrape cOrobanchaceae: Broomrape Familyd.
- 41m. *Packera indecora* — Plains Ragwort cAsteraceae: Aster Familyd.
42. *Parnassia palustris* — Marsh Grass-of-Parnassus cSaxifragaceae: Saxifrage Familyd.
44. *Petasites sagittatus* — Sweet Colt[s-foot cAsteraceae: Composite Familyd.
- 45a. *Platanthera flava* var. *herbiola* — Pale Green Orchid cOrchidaceae: Orchid Familyd.
46. *Polystichum braunii* — Braun[s Holly Fern cDryopteridaceae: Wood Fern Familyd.
47. *Potamogeton confervoides* — Algae-leaved Pondweed cPotamogetonaceae: Pondweed Familyd.
49. *Polytaenia nuttallii* — Prairie-parsley cApiaceae: Parsley Familyd.
- 49m. *Pseudognaphalium saxicola* — Cliff Cudweed cAsteraceae: Aster Familyd.
- 50m. *Ranunculus cymbalaria* — Seaside Crowfoot cRanunculaceae: Crowfoot Familyd.
- 50p. *Rhynchospora scirpoides* — Long-beaked Baldrush cCyperaceae: Sedge Familyd.
51. *Ribes oxycanthoides* ssp. *oxyacanthoides* — Canadian Gooseberry cGrossulariaceae: Currant Familyd.
- 51m. *Salix planifolia* ssp. *planifolia* — Tea-leaved Willow cSalicaceae: Willow Familyd.
52. *Solidago simplex* var. *Gillmanii* — Dune Goldenrod cAsteraceae: Composite Familyd.
- 52m. *Sparganium glomeratum* — Clustered Bur-reed cSparganiaceae: Bur-reed Familyd.
- 52r. *Stuckenia vaginata* — Sheathed Pondweed cPotamogetonaceae: Pondweed Familyd.
53. *Triantha glutinosa* — False Asphodel cLiliaceae: Lily Familyd.
- 53m. *Trichophorum cespitosum* — Tussock Bulrush cCyperaceae: Sedge Familyd.
54. *Trillium nivale* — Snow Trillium cLiliaceae: Lily Familyd.
55. *Trisetum spicatum* — Spike Trisetum cPoaceae: Grass Familyd.
56. *Valeriana uliginosa* — Marsh Valerian cValerianaceae: Valerian Familyd.
- History:** Cr. Register, September, 1979, No. 285, eff. 10-1-79; r. c2d cgd 13. and 17.; renum. c2d cgd 1. to 12., 14. to 16., 18. to 33. to be c2d cgd 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. c2d cgd 1., 7., 8., 10., 13., 16., 21., 23., 25., 27., 28., 31., 35., 36., 40. to 42., and 45.; renum. c3d cgd 2. to 23. to be 5., 6., 8. to 12., 14. to 19., 21., 22., 24., 25., 29., 30., 33., 35., 38., cr. c3d cgd 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. c2d cbd 1., ccd 1., ced 6., c3d cbd 5., ced 1., 3., 6., 8. and 9., r. and recr. c2d cdd, c3d ccd 1., c3d cdd, am. c3d cgd 10. and 26., renum. c2d cbd 2. to 5. to be 1. to 4., c2d cbd 6. to be 5. and am., c2d cbd 7. and 8. to be 6. and 7., c2d ccd 2. to be 1., c2d ced 1. to 5. and 7. to be 2., 4., 5., 6., 7. and 8., c3d cbd 1. to 4. to be 3. to 6., c3d ced 2. to be 1., c3d ced 4. and 5. to be 2. and 3., c3d ced 7. to be 4., c3d ced 10. to be 6., cr. c2d cbd 8., c2d ccd 2., c2d ced 1. and 3., c3d cbd 1. and 2., c3d ced 5., Register, November, 1982, No. 323, eff. 12-1-82; r. and recr. c1d, Register, August, 1983, No. 332, eff. 9-1-83; cr. c2d cgd 4m., 7m., 8m., 9m., 22m., 30m., 40h., 40q., c3d cgd 2m., 3m., 4e., 4j., 4o., 4t., 5m., 13m., 15h., 15q., 17m., and 29m., Register March, 1985, No. 351, eff. 4-1-85; r. c3d cbd 2., renum. c3d cbd 3. to 6. to be 2. to 5., Register, August, 1986, No. 368, eff. 9-1-86; r. c2d cbd 1. and 2., c3d cgd 17., 19. and 24., renum. c2d cbd 3. to 8. to be c2d cbd 4., 1., 8., 9., 11., and 6., c2d ced 1. to 8. to be c2d ced 5. to 9., 4., 2. and 3., c3d cfd 1. to be c2d cgd 7., c2d cgd to be c2d cid, c3d cbd 1., 3. and 5. to be 9., 10. and 1., c3d ced 1. to 6. to be c3d ced 3., 1., 4., 5., 10. and 2., c3d cgd 1. to 16., 17m., 18., 20. to 23., 25. to 38., to be c3d cid 1. to 6., 8. to 11., 14., 17. to 19., 22. to 35., 38. to 44., 46. to 57., cr. c2d cbd 2., 3., 5., 7., 10., c2d ced 1., c2d cfd, c2d cgd 1. to 6., 8. to 11., c2d chd, c2d cid 22p., 22t., 25m. and 29m., c3d cbd 3., 5. to 8., 11. and 12., c3d cgd 6. to 9. and 11., c3d cgd and chd, c3d cid 7., 12., 13., 15., 16., 20., 21., 36., 37. and 45., r. and recr. c3d cbd 4., c3d cdd and c3d cfd, Register, August, 1989, No. 404, eff. 9-1-89; am. c2d and c3d, Register, July, 1997, No. 499, eff. 8-1-97; r. c2d cdd 1., ced 2., 4., 6. and 8., cid 3., 5. and 43., c3d cbd 6., ced 2., 3 and 9., cgd 1., cid 4., 10., 50. and 52; cr. c2d cdd 1m., ced 2m., 2t., 4m., and 6g., cid 5m., 25d. and 43m., c3d cbd 6m., ced 5m., 5t. and 9m., cgd 8., cid 4g., 28m., 50p. and 52., Register, September, 1998, No. 513, eff. 10-1-98; r. c2d cad 3., am. c3d cad, Register, September, 1999, No. 525, eff. 10-1-99; CR 03-081: r. c3d cad Register July 2004 No. 581, eff. 8-1-04; CR 08-083: r. c2d cbd 2. and c3d cbd 8. Register October 2009 No. 646, eff. 11-1-09; EmR1037: emerg. cr. c3d cad, eff. 9-29-10; CR 10-114: cr. c3d cad Register

May 2011 No. 665, eff. 6-1-11; CR 13-010: cr. c2d cbd 2., 3L., r. c2d cbd 3m., am. c2d cbd 5., r. c2d cbd 10., 11., am. c2d cdd 1m., renum. c2d ced 7. to c2d ced 5m. and am., cr. c2d cfd 2g., 2r., 2w., am. c2d cid 2., 5m., r. c2d cid 14., am. c2d cid 16., 17., renum. c2d cid 25d. to c2d cid 3. and am., am. c2d cid 40d., cr. c3d cbd 1g., r. c3d ced 2., 3., am. c3d ced 5t., r. c3d ced 7., renum. c3d cfd 1. to c3d cfd 3. and am., cr. c3d cfd 1m., r. c3d cfd 2t., cr. c3d cgd 7m., r. c3d cid 3., 4g., renum. c3d cid 8. to c3d cid 28t. and am., r. c3d cid 20., am. c3d cid 28m., r. c3d cid 31., renum. c3d cid 32m. to c3d cid 49m. and am., r. c3d cid 43., 45., am. c3d cid 50p., 51., 51m., renum. c3d cid 51p., 51t. to c3d cid 53m., 41m. and am., r. c3d cid 51w., am. c3d cid 53. Register December 2013 No. 696, eff. 1-1-14; correction in c3d cid 19. made under s. 35.17, Stats., Register December 2013 No. 696. CR 14-025: r. and recr. c1d, am. c2d cad 1., renum. c2d cbd 3., 3L. to c2d cbd 6r., 6w. and am., am. c2d cbd 4., renum. c2d cbd 7. to c2d cbd 5m. and am., am. c2d ced 3. to 6., cdd 1m., ced 2t., 3., 4m., 6m., renum. c2d cfd 2. to c2d cfd 9x. and am., am. c2d cfd 2m., 2r., 5. to 7., 9g., cgd 1., 9., renum. c2d cid 1. to c2d cid 1r., am. c2d cid 4., 5m., 8. to 12., 17., 17m., 18., 20., 21., 22., renum. c2d cid 22m. to c2d cid 1g. and am., am. c2d cid 23., 25., 25m., 26., 27., 29m., 29t., 30m., 40q., 41., 43m., 44., 45., 49., renum. c3d cbd 2., 2t., 3. to c3d cbd 1c., 5a., 8a., and am., am. c3d cbd 6m., renum. c3d cbd 7. to c3d cbd 6a. and am., am. c3d cbd 10., renum. c3d cbd 12. to c3d cbd 9a. and am., am. c3d ced 1., ced 9m., renum. c3d cfd 2. to c3d cfd 1e. and am., am. c3d cid 7., 11., 14., 17., 19., 21., 25., 26., 28., renum. c3d cid 32., 33. to c3d cid 3a., 45a. and am., am. c3d cid 34., renum. c3d cid 40. to c3d cid 3m. and am., am. c3d cid 42., 44., 46., 47., renum. c3d cid 48. to c3d cid 52r. and am., am. c3d cid 51., 52m., 56. Register May 2015 No. 713, eff. 6-1-15; republished Register June 2015 No. 714 to provide notice of reinsertion of c2d cid 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. c1d PETITION FOR CHANGES. cad *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.

cbd *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. c1d 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.

c2d PROCEDURES. cad *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.

cbd *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.

cbd *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.

cdd *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.

ced *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 and 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.

cfd *Care of injured animals.* A permit issued under the authority of this chapter does not authorize the routine care of injured animals.

c3d 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.

c4d OTHER PERMITS. cad 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.

cbd 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.

c5d 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.

c6d 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. c4d to be c4d cad and cr. c4d cbd, Register, March, 1990, No. 411, eff. 4-1-90; am. c2d ced, c3d and c4d cbd, cr. c6d, Register, April, 1993, No. 448, eff. 5-1-93; correction in c1d made under s. 13.93 c2md cbd 7., Stats., Register, September, 1999, No. 525; CR 05-031: am. c2d cdd Register November 2005 No. 599, eff. 12-1-05.

NR 27.06 Exceptions to permit requirements. c1d

FEDERAL PERMITS. cad 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.

cbd 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.

c2d PRIOR ACQUISITION. cad *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.

cbd *Proof.* Any person claiming an exemption under par. cad must offer evidence acceptable to the department to show that the species was acquired prior to the effective date.

ccd *Marking.* All wild animals on the Wisconsin endangered and threatened species lists which are possessed, transported or sold pursuant to par. cad 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.

c3d RECORDS. cad *Procedures.* Each person who possesses any live animal listed as a Wisconsin endangered or threatened species in s. NR 27.03 c2d or c3d 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.

cbd *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.

c4d NON-WISCONSIN SPECIMENS. cad *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 c4d cbd to identify and mark the specimens.

cbd *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. c1d, Register, January, 1981, No. 301, eff. 2-1-80; cr. c4d, Register, October, 1981, No. 310, eff. 11-1-81; am. c1d cad and c2d, r. and recr. c1d cbd, Register, March 1990, No. 411, eff. 4-1-90; am. c2d cad, ccd, c3d cbd and c4d cad, Register, April, 1993, No. 448, eff. 5-1-93.

NR 27.07 Incidental take applications. c1d PUBLIC

NOTIFICATION OF RECEIPT OF AN APPLICATION FOR THE INCIDENTAL TAKE OF ENDANGERED OR THREATENED SPECIES. cad 1. Upon receipt of an application for an incidental take permit, an accompanying conservation plan and an implementing agreement under s. 29.604 c6md, 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 c6md ced, 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.

cbd 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.

ccd In addition to distributing the news release or notice under par. cbd, the department shall mail, or may otherwise provide the information specified in par. cad in the manner requested, and consistent with s. 29.604 c6md ced, 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 c6md, 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.

c2d PUBLIC COMMENT. cad A minimum of 2 weeks from

the date the news release or notice was distributed to news media under sub. c1d cbd or mailed under sub. c1d ccd, whichever is later, shall be allowed for the receipt of public comment on the proposed taking.

cbd 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.

c3d PUBLIC RECORD TREATMENT. Any application, conservation plan and implementing agreement submitted under s. 29.604 c6md, 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 c1d cad, ccd and c3d made under s. 13.93 c2md cbd 7., Stats., Register, September, 1999, No. 525.