

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

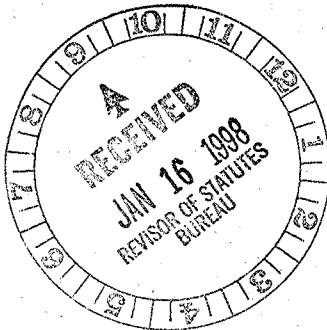
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
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TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

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-9-97 was duly approved and adopted by this Department on August 27, 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 13th day of January, 1998.



George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes a rule to create NR 10.02(9) relating to adding the timber rattlesnake as a protected wild animal

ER-9-97

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.175(1) and 227.11(2)(a), Stats.
Statutes interpreted: s. 29.175(1), Stats.

Currently the timber rattlesnake receives no protection from being taken, nor is its take regulated. This rattlesnake is a special concern species in Wisconsin and has been proposed as a candidate for federal listing as a threatened species. The Department is proposing protection by including the timber rattlesnake as a protected wild animal under s. NR 10.02.

The proposed rule adds the timber rattlesnake to the list of protected wild animals. The rule allows the taking of timber rattlesnakes in emergency situations involving an immediate threat to domestic animal and human life. The Department requests that timber rattlesnakes taken under this provision be reported to the Department within 48 hours.

SECTION 1. NR 10.02(9) is created to read:

NR 10.02(9) Timber rattlesnake, 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.

Note: Possession of the timber rattlesnake or any part lawfully taken in Wisconsin prior to the effective date of this rule ... [revisor insert date], lawfully purchased or lawfully taken outside the state of Wisconsin is not prohibited by this section, but the person possessing it has an obligation under s. 29.99, Stats., to prove such facts.

Note: The department's conservation program for the timber rattlesnake, under s. 29.175(1), Stats., includes a department response and assistance element for occupants or owners of land, or other persons, requesting assistance because of the presence of rattlesnakes. In addition, upon complaint, the department may, under s. 29.59, Stats., investigate and authorize removal, relocation or destruction if the species constitutes a nuisance. Requests for assistance, or complaints, should be directed to the Bureau of Endangered Resources, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707, telephone 1-888-74SNAKE.

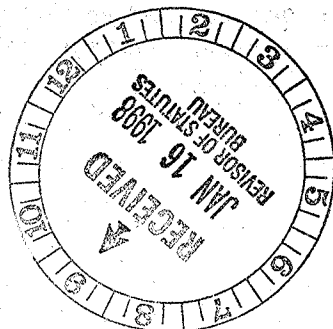
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 27, 1997 and December 3, 1997.

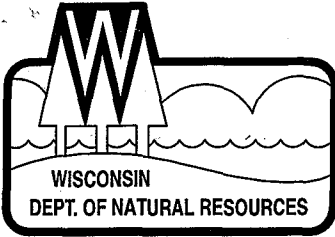
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin January 13, 1998
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





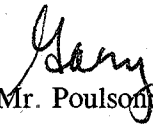
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January 13, 1998

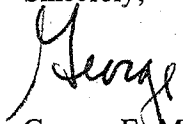
Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-9-97. 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
Secretary

Enc.

