

**Clearinghouse Rule 99-043**  
**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

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

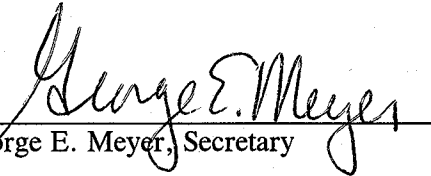
Box 7921  
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STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

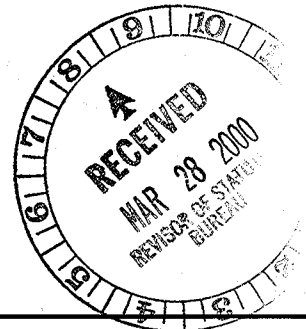
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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-60-98 was duly approved and adopted by this Department on January 26, 2000. 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 29th day of March, 2000

  
George E. Meyer, Secretary

(SEAL)



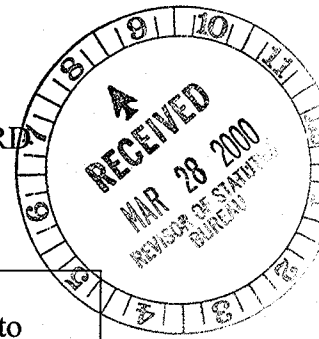
99-043

6-1-00

Quality Natural Resources Management  
Through Excellent Customer Service



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, AMENDING AND CREATING RULES



The Wisconsin Natural Resources Board proposes a rule to repeal NR 19.27(2) and (4)(b); to amend NR 19.27(title) and (intro); and to create NR 10.02(10) and 19.26 to regulate the harvest, possession and sale of native amphibians and reptiles.

ER-60-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 29.039 and 227.11 (2)(a), Stats.

Statutes interpreted: s. 29.039 (1), Stats.

An ever-increasing demand for herptiles for the pet industry in the United States and in international markets makes this rule proposal necessary, especially since existing regulations have no provisions to regulate harvest or sale of the state's amphibians and reptiles, with the exception of the turtle regulations that became effective in March, 1997.

The rule package will eliminate frogs from NR 19.27 and creates NR 19.26 which will regulate the harvest, possession limits and sale of all amphibians and reptiles which are not listed as endangered or threatened. The rule package will also create s. NR 10.02(10) to add three snakes to the list of protected wild animals.

These regulations will affect at least two biological supply dealers in the state by limiting the number of species that they can collect and sell within the state. These businesses will be regulated by permit so that the Department can begin to acquire data on the herptile biological trade, which is currently lacking. Some bait dealers and aquaculturists may also need permits. Permits will be issued free of charge. Some pet stores and individuals may lose a small amount of sales by limiting their instate sales of herptiles to species non-native to Wisconsin.

SECTION 1. NR 10.02 (10) is created to read:

NR 10.02(10) Bullsnares *Pituophis melanoleucus sayi*, black rat snakes *Elaphe obsoleta* and the racer snakes *Coluber constrictor*.

SECTION 2. NR 19.26 is created to read:

**NR 19.26 Possession and sale of native amphibians and reptiles. (1)**

DEFINITIONS. In this section:

(a) "Amphibian" means cold-blooded, smooth-skinned vertebrates of the class Amphibia and includes all life stages.

(b) "Herptile" means amphibians and reptiles collectively.

(c) "Native" means indigenous and occurring or having occurred naturally within the boundaries of this state regardless of whether a particular specimen originates outside of this state.

(d) "Reptile" means cold-blooded, scaled vertebrates of the class Reptilia and includes all life stages.

(2) APPLICABILITY. This section applies to the taking, possession and sale of, and permit requirements regarding, live native amphibians and reptiles in Wisconsin.

(3) POSSESSION. No person may take from the wild or possess any native amphibians, lizards or snakes, or their eggs, except as provided under sub. (4).

Note: Section NR 19.275 (2) contains the turtle possession limits.

(4) POSSESSION EXEMPTIONS FOR NATIVE AMPHIBIANS, LIZARDS AND SNAKES. (a) Endangered and threatened amphibians and reptiles may only be possessed as provided under s. 29.604 (6), Stats.

(b) A person may take or possess up to 5 individuals or eggs of each species of native amphibian, lizard and snake, except as provided under pars. (c) to (k).

(c) No person may take or possess bullsnakes of the species *Pituophis melanoleucus sayi*, racers of the species *Coluber constrictor* or black rat snakes of the species *Elaphe obsoleta obsoleta* 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.

(d) A person may take and possess up to 2 individuals of the following snake species: Fox snakes of the species *Elaphe vulpina vulpina* and eastern milk snakes of the species *Lampropeltis triangulum triangulum*.

(e) A person may possess more than the legal possession limit of lizards or snakes that result from live birth or eggs delivered while in captivity. All offspring that bring the possessed total for that species to more than the legal possession limit shall be given away within 3 months of their birth or hatching. These offspring may not be sold, bartered or traded. The release of offspring to the wild is not allowed unless a written request to release is submitted to the department and a permit is issued by the department as provided under s. 29.745 (1), Stats.

(f) A person may take or possess up to one native amphibian egg mass or the larvae from that egg mass. These may not be sold and shall be returned to the same body

of water that they were taken from immediately after transforming to the adult form except that up to 5 transformed amphibians may be possessed.

(g) A person may take or possess more than 5 native leopard frogs of the species *Rana pipiens*, 5 mudpuppies of the species *Necturus maculosus*, and 5 tiger salamanders of the species *Ambystoma tigrinum*, if authorized by the department by permit under sub. (7).

(h) Publicly owned museums and American Zoo and Aquarium Association accredited institutions are exempt from possession limits.

(i) Accredited colleges, universities and other educational institutions are exempt from possession limits for research and education.

(j) A person may possess more than 5 individual specimens of any native amphibian not listed as threatened or endangered, which are purchased or collected as part of a shipment of live bait by a licensed bait dealer or registered fish farmer.

(k) No nonresident harvest or possession is allowed.

(l) A person may possess an unlimited number of atypically colored or patterned native amphibians and reptiles (e.g. albinos, striped snakes that are typically blotched).

(5) SEASON FOR FROGS. The open season for frogs runs from the Saturday nearest to May 1 to December 31. No person may take frogs with the aid of a firearm.

(6) SALE OF NATIVE AMPHIBIANS AND REPTILES. (a) The sale of native amphibians and reptiles is prohibited except as provided in pars. (b) and (c).

(b) Native leopard frogs of the species *Rana pipiens*, mudpuppies of the species *Necturus maculosus* or tiger salamanders of the species *Ambystoma tigrinum* collected within Wisconsin may be sold if the seller has been specifically authorized, by commercial permit issued under sub. (7), to sell those species.

(c) Native amphibians and reptiles legally collected out-of-state or purchased from out-of-state may only be sold to educational or research institutions in state. The seller shall possess a commercial permit issued under sub. (7).

(d) Dead turtles and their parts may be sold during the open season established under NR 19.275, 21.13 and 22.13.

(e) The sale of atypically colored or patterned native amphibians and reptiles is allowed without restriction and without permit.

(7) PERMITS TO POSSESS AND SELL NATIVE AMPHIBIANS AND REPTILES. (a) The department may issue commercial herptile permits to take, possess and sell amphibian species listed under sub. (4)(g).

(b) The department may issue commercial herptile permits to possess and sell native amphibians and reptiles legally collected out-of-state or purchased from out-of-state.

(c) To qualify for a commercial herptile permit, a person shall possess either a valid resident fishing license, resident small game license, resident sports license or resident patrons license.

(d) All commercial permits shall be issued at no charge. Permits shall be issued for one calendar year and may be renewed annually.

Note: Permits are available from the Department's Bureau of Endangered Resources, P. O. Box 7921, Madison, WI 53707, Phone (608) 267-0849, Fax (608) 266-2925.

**(8) RECORDS AND REPORTING.** (a) Commercial permittees shall keep complete and accurate records in the English language of all harvesting, selling and buying activities for all native species collected or obtained instate or from out-of-state. Records shall include: permittee's name, permit number, fishing or applicable hunting license number and address. Harvest data shall included daily collection records, date of harvest, counties harvested, species and the pounds of each amphibian species harvested. All buying and selling records shall include the species bought and sold, the number of each reptile species bought and sold and the pounds of each amphibian species bought and sold, the date of the transaction, and the name and address of the person or business the permittee is buying from and selling to. Reporting forms shall be provided by the department.

Note: Forms may be obtained from the Bureau of Endangered Resources, P. O. Box 7921, Madison, Wisconsin 53707.

(b) Commercial permittees shall submit copies of all records specified under par. (a) for the past calendar year. The records shall be submitted in person or by first class mail to the department address shown on the form so that it is received by the 15th day of March following the year of record. Failure to submit all records on time, or the submission of inaccurate or incomplete records, may result in a delay or denial of a permit renewal.

(c) The department may issue permit renewals contingent on the receipt of complete and accurate paper records from the prior year.

SECTION 3. NR 19.27 (title) and (intro.) is amended to read:

**NR 19.27 (title) Seasons, limits, restrictions on taking crayfish and frogs.**  
(intro.) There is a closed season established for taking crayfish ~~and frogs~~ except when taken during the open season by the following methods:

SECTION 4. NR 19.27 (2) is repealed.

SECTION 5. NR 19.27 (4) (b) is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 26, 2000.

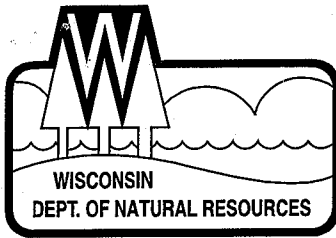
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin March 24, 2000

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

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March 23, 2000

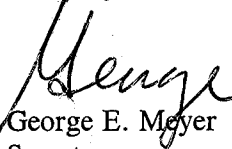
Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-60-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform 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.

