

CR 92-114



George E. Meyer  
Secretary

State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-22-92 was duly approved and adopted by this Department on December 10, 1992. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 23<sup>rd</sup>  
day of February, 1993.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-93



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

.....  
. In the matter of renumbering s. NR 27.01(3) & (4);  
. amending ss. NR 27.05(2)(e), (3) and (4)(b) and .  
. 27.06(2)(a), (c), (3)(b) and (4)(a); and creating . ER-22-92  
. ss. NR 27.01(3), (5) to (7), (9) and 27.05(6) of .  
. the Wisconsin Administrative Code pertaining to .  
. endangered and threatened plants and animals. .  
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 29.415, Stats.  
Statutes interpreted: s. 29.415, Stats.

The Wisconsin endangered species law (s. 29.415, Stats.) requires the Department of Natural Resources to provide permits to persons to process or sell endangered or threatened species of wild plants for educational, scientific or propagation for preservation purposes. Several subsections in the administrative rule (ch. NR 27) as they are currently written prevent or confound the implementation of a program to allow for the permitting of endangered and threatened plants for sales and distribution. The proposed revisions and resultant permitting program will allow businesses, organizations and individuals to be involved in the recovery of rare plant species.

SECTION 1. NR 27.01(3) and (4) are renumbered 27.01(4) and (8).

SECTION 2. NR 27.01(3), (5) to (7) and (9) are created to read:

NR 27.01(3) "Educational purposes", as used in s. 29.415, 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.

(5) "Process", as used in s. 29.415, 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.

(6) "Propagation for preservation purposes", as used in s. 29.415, 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.

(7) "Scientific purposes", as used in s. 29.415, 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.

(9) "Wild plant", as used in s. 29.415, 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.

SECTION 3. NR 27.05(2)(e), (3) and (4)(b) are amended to read:

NR 27.05(2)(e) 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 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.

(3) PLANTS. Permits are not required for persons to take wild plants of endangered or threatened species of wild plants 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.

(4)(b) The department may issue an endangered species certificate and seal to identify and mark a carcass, skin, hide, fur or part of an article or articles 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 ~~articles or articles~~ specimen for which the certificate and seal were issued.

SECTION 4. NR 27.05(6) is created to read:

NR 27.05(6) 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 propagule 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.

SECTION 5. NR 27.06(2)(a) and (c), (3)(b) and (4)(a) are amended to read:

NR 27.06(2)(a) Exemptions. Any person taking, transporting, ~~or possessing or selling~~ any endangered or threatened species plants or animals, or selling any endangered or threatened animals does not need a state permit if ~~such species was the specimens were~~ acquired before the species' effective listing date ~~of the Wisconsin or federal list upon which such species are included~~. For species wild animals added to these lists after the above dates, no permit is required if ~~said species~~ the wild animals were acquired before the effective date of their addition to the list.

(c) Marking. All species wild animals on the Wisconsin endangered and threatened species lists which are possessed, transported or sold pursuant to par.(a) 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.

(3)(b) Inspection. ~~All such~~ The permittee shall make all permitted wild plants and wild animals in their possession and all applicable records and all such species in possession shall be open available for inspection by the department at any time.

(4)(a) 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(4)(b) to identify and mark the specimens.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 10, 1992.

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 February 23, 1993.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

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