

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

CR 88-210

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

RECEIVED

JUN 30 1989  
9:10 am  
Revisor of Statutes  
Bureau

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-55-88 was duly approved and adopted by this Department on March 23, 1989. 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 28th  
day of June, 1989.

  
Bruce B. Braun, Deputy Secretary

(SEAL)

9-1-89

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

.....  
. IN THE MATTER of repealing s. NR 27.03(2)(b)1., .  
. 2., 17., 19. & 24.; renumbering s. NR 27.03(2) .  
. (b)3. to 8., (e)1. to 8., (f)1., (g), (3)(b)1., .  
. 3. & 5., (e)1. to 6., and (g)1. to 16., 17m. & .  
. 18., 20. to 23. & 25. to 38.; amending s. .  
. NR 27.03(2)(f)(title); repealing and recreating .  
. s. NR 27.03(3)(b)4., (d) and (f); and creating . ER-55-88  
. s. NR 27.03(2)(b)2., 3., 5., 7. & 10., (e)1., .  
. (f)1. to 10., (g)(title), 1. to 6., 8. to 11., .  
. (h), (i)22p., 22t., 25m. & 29m., (3)(b)3., 5. .  
. to 8., 11. & 12., (e)6. to 9. & 11., (g), (h) .  
. and (i)7., 12., 13., 15., 16., 20., 21., 36., .  
. 37. & 45. of the Wisconsin Administrative Code .  
. pertaining to endangered and threatened species .  
.....

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 resulted in the removal of Double-crested Cormorant from the threatened list in 1986. Since that time, the DNR Bureau of Endangered Resources have reviewed the status of 363 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. Oral and written public comments were also taken into account. 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 species lists: 2 birds being moved from the endangered list to the threatened list, 3 plants being moved from the threatened list to the endangered list, 2 animals being removed from the threatened list, 28 animals and 1 plant being added to the endangered list, and 33 plants and animals being added to the threatened list.

SECTION 1. NR 27.03(2)(b) 1. and 2. are repealed.

SECTION 2. NR 27.03(2)(b) 3. to 8. are renumbered NR 27.03(2)  
(b) 4., 1., 8., 9., 11., and 6., respectively.

SECTION 3. NR 27.03(2)(b) 2., 3., 5., 7., and 10. are created to  
read:

NR 27.03(2)(b) 2. Trumpeter Swan - Cygnus buccinator

3. Yellow-Throated Warbler - Denroica dominica

5. Worm-Eating Warbler - Helmitheros vermivorus

7. Caspian Tern - Sterna caspia

10. Bewick's Wren - Thyromanes bewickii

SECTION 4. NR 27.03(2)(e) 1. to 8. are renumbered NR 27.03(2)(e)  
5. to 9., 4., 2., and 3., respectively.

SECTION 5. NR 27.03(2)(e) 1. is created to read:

NR 27.03(2)(e) 1. Skipjack Herring - Alosa chrysochloris

SECTION 6. NR 27.03(2)(f) (title) is amended to read:

NR 27.03(2)(f) Insects.

SECTION 7. NR 27.03(2)(f) 1. is renumbered NR 27.03(2)(g) 7.

SECTION 8. NR 27.03(2)(f) 1. to 10. are created to read:

NR 27.03(2)(f) 1., Pecatonica River Mayfly - Acanthametropus  
pecatonica

2. A Flat-headed Mayfly - Anepeorus simplex

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
8. Silphium Borer Moth - Papaipema silphii
9. Phlox Moth - Schinia indiana
10. Knobel's Riffle Beetle - Stenelmis knobeli

SECTION 9. NR 27.03(2)(g) is renumbered NR 27.03(2)(i).

SECTION 10. NR 27.03(2)(g) (title), 1. to 6. and 8. to 11. are created to read:

NR 27.03(2)(g) Mussels.

1. Spectacle Case - Cumberlandia monodonta
2. Purple Wartback - Cyclonaias tuberculata
3. Butterfly - Ellipsaria lineolata
4. Elephant Ear - Elliptio crassidens
5. Snuffbox - Epioblasma triquetra
6. Ebonyshell - Fusconaia ebena
8. Yellow and Slough Sandshell - Lampsilis teres
9. Bullhead - Plethobasus cyphus
10. Winged Mapleleaf - Quadrula fragosa
11. Rainbow Shell - Villosa iris

SECTION 11. NR 27.03(2)(h) is created to read:

NR 27.03(2)(h) Snails.

1. Hubricht's Vertigo - Vertigo hubrichti
2. Occult Vertigo - Vertigo occulta

SECTION 12. NR 27.03(2)(i) 22p., 22t., 25m., and 29m. are created to read:

NR 27.03(2)(i)22p. Juncus stygius - Bog Rush (Juncaceae:  
Rush Family)

22t. Lespedeza leptostachya - Prairie Bush Clover (Fabaceae:  
Bean Family)

25m. Oxytropis campestris - Fassett's Locoweed (Fabaceae:  
Bean Family)

29m. Platanthera leucophaea - Prairie White-Fringed Orchid  
(Orchidaceae: Orchid Family)

SECTION 13. NR 27.03(3)(b) 1. and 3. are renumbered NR 27.03  
(3)(b) 9. and 10., respectively.

SECTION 14. NR 27.03(3)(b) 3. is created to read:

NR 27.03(3)(b) 3. Cerulean Warbler - Dendroica cerulea

SECTION 15. NR 27.03(3)(b) 4. is repealed and recreated to read:

NR 27.03(3)(b) 4. Acadian Flycatcher - Empidonax virescens

SECTION 16. NR 27.03(3)(b) 5. is renumbered NR 27.03(3)(b) 1.

SECTION 17. NR 27.03(3)(b) 5. to 8. and 11. and 12. are created  
to read:

NR 27.03(3)(b) 5. Bald Eagle - Haliaeetus leucocephalus

6. Yellow-Crowned Night Heron - Nycticorax violaceus

7. Kentucky Warbler - Oporornis formosus

8. Osprey - Pandion haliaetus

11. Bell's Vireo - Vireo bellii

12. Hooded Warbler - Wilsonia citrina

SECTION 18. NR 27.03(3)(d) is repealed and recreated to read:

NR 27.03(3)(d) Amphibians - None

SECTION 19. NR 27.03(3)(e) 1. to 6. are renumbered NR 27.03(3)(e)  
3., 1., 4., 5., 10. and 2., respectively.

SECTION 20. NR 27.03(3)(e) 6. to 9. and 11. are created to read:

- NR 27.03(3)(e) 6. River Redhorse - Moxostoma carinatum
7. Greater Redhorse - Moxostoma valenciennesi
8. Pugnose Shiner - Notropis anogenus
9. Redfin Shiner - Notropis umbratilis
11. Paddlefish - Polyodon spathula

SECTION 21. NR 27.03(3)(f) is repealed and recreated to read:

NR 27.03(3)(f) Insects.

1. Swamp Metalmark - Calephelis muticum
2. Frosted Elfin - Incisalia irus
3. Regal Fritillary - Speyeria idalia

SECTION 22. NR 27.03(3)(g) 1. to 16. are renumbered 27.03(3)(i)

1. to 6., 8. to 11., 14., 17. to 19., 22. to 33.,  
respectively.

SECTION 23. NR 27.03(3)(g) 17. is repealed.

SECTION 24. NR 27.03(3)(g) 17m and 18 are renumbered 27.03(3)(i)  
34 and 35.

SECTION 25. NR 27.03(3)(g) 19. is repealed.

SECTION 26. NR 27.03(3)(g) 20. to 23. are renumbered 27.03(3)(i)  
38. to 41.

SECTION 27. NR 27.03(3)(g) 24. is repealed.

SECTION 28. NR 27.03(3)(g) 25. to 38. are renumbered 27.03(3)(i)  
42. to 44. and 46. to 57., respectively.

SECTION 29. NR 27.03(3)(g) is created to read:

NR 27.03(3)(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 - Tritigonia verrucosa

SECTION 30. NR 27.03(3)(h) is created to read:

NR 27.03(3)(h) Snails

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

SECTION 31. NR 27.03(3)(i)7., 12., 13., 15., 16., 220., 21., 36.,

37. and 45. are created to read:

NR 27.03(3)(i)7. Asplenium pinnatifidum - Pinnatifid

Spleenwort (Polypodiaceae: Fern Family)

12. Calypso bulbosa - Calypso Orchid (Orchidaceae: Orchid Family)

13. Carex careyana - Carey's Sedge (Cyperaceae: Sedge Family)

15. Carex exilis - Coast Sedge (Cyperaceae: Sedge Family)

16. Carex formosa - Handsome Sedge (Cyperaceae: Sedge Family)

20. Carex prasina - Drooping Sedge (Cyperaceae: Sedge Family)

21. Cirsium hillii - Prairie Thistle (Asteraceae: Aster Family)

36. Lespedeza virginica - Slender Bush Clover  
(Fabaceae: Bean Family)

37. Lesquerella ludoviciana - Bladderpod (Brassicaceae: Mustard Family)

45. Poa paludigena - Bog Bluegrass (Poaceae: Grass Family)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 23, 1989.

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

June 28, 1989

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)





State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

June 29, 1989

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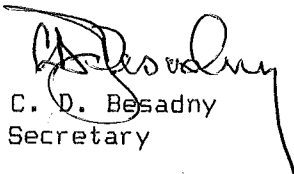
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-55-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,

  
C. D. Besadny  
Secretary

Enc.