

DRAFT October 30, 2025

The statement of scope for this rule, SS 041-25 was approved by the Governor on July 10, 2025, published in Register No. 835A2 on July 14, 2025, and approved by the Natural Resources Board on October 22, 2025. This rule was approved by the Governor on insert date.

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 16.13 (3) (a) (note), 19.275 (4) (b), (bm), and (c), 21.13 (4) (b), (bm), and (c), and 22.13 (4) (b), (bm), and (c); to **amend** NR 10.02 (10), 12.10 (1) (a) 1., and (b) 2., 16.12 (title), (1), (2), and (4), 16.13 (2) (a), (3) (a), and (b), 19.001 (5), 19.26 (1) to (3), 21.11 (7), 21.13 (4) (a), and (d), 22.11 (18), 22.13 (4) (a), and (d); to **repeal and recreate** NR 16.12 (3); and to **create** NR 12.001 (1p), 12.10 (1) (a) 1. d., (1) (b) 8., 16.001, 16.01 (2m), 16.12 (5), and 45.04 (3) (h) relating to amphibian and reptile regulations and affecting small business.

NH-04-25

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted and explanation of agency authority:

The department has the authority under s. 23.09 (2), Stats., to promulgate rules and establish plans and projects for conservation, including establishing game and fish refuges, acquiring lands and maintaining lands for conservation, habitat, research, scenic, historical and recreational purposes.

Section 23.11, Stats., grants the department jurisdiction over department lands.

Section 23.28, Stats., authorizes the department to designate and regulate state natural areas and restricts the department from allowing uses of state natural areas that are incompatible with the natural value of those areas.

The state is granted the legal title to, and the custody and protection of, all wild animals within the state by s. 29.011 (1), Stats.

The chapter on wild animals and plants, in s. 29.014, Stats., “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days and conditions for taking fish and game.

Section 29.604 (3), Stats., requires the department to establish by rule an endangered and threatened species list. This section also requires the department to periodically review and revise its endangered species list. Subsection (4) authorizes the department to promulgate exceptions to the prohibitions on take of listed species. Subsections (6) and (6m) permit the department to establish permit conditions governing the take of listed species.

Section 29.885, Stats., grants the department the ability to remove or authorize the removal of any wild animal or structure of a wild animal that is causing damage or causing a nuisance.

Section 169.12, Stats., states that no person may take from the wild or possess live native reptiles or amphibians unless the person is authorized to do so by rules promulgated by the department with limited exceptions.

2. Statutory Authority:

Statutes that authorize the promulgation of this rule order include ss. 23.11, 23.28, 29.011 (1), 29.014, 29.604, 29.885 and 169.12, Stats.

3. Related Statutes or Rules:

This rule is related to board orders NH-08-25 and FH-19-24.

4. Plain Language Analysis:

SECTION 1 corrects the name of a protected ratsnake.

SECTION 2 creates a definition of a hibernaculum.

SECTION 3 deletes a requirement in code that any furbearing animal or game destroyed through written permission by the department must be disposed of as directed by the department. This requirement would be a condition of the permit and is not necessary to be in administrative code.

SECTION 4 requires department permission before destroying any amphibian or reptile causing a nuisance or their hibernaculum.

SECTION 5 allows an individual to live trap and relocate an amphibian or reptile if the animal is released within a mile of where they were first captured.

SECTION 6 allows individuals to destroy an amphibian or reptile without first obtaining department permission if it is found in a dwelling devoted to human occupancy or its curtilage. It also defines what a 'color variant' means for the purposes of s. 169.12 (4) (a), Stats., and creates a purpose statement for chapter NR 16, Wis. Admin. Code, consistent with ch. 169, Stats.

SECTION 7 clarifies that s. NR 16.12, Wis. Admin. Code, only applies to the possession of live native amphibians and reptiles and not dead take. This section also generally prohibits the possession of live native amphibians and reptiles unless the possession falls under one of the listed exemptions.

SECTION 8 creates exceptions to the general rule that the possession of live native amphibians or reptiles is not allowed.

SECTION 9 clarifies that the exhibition of live native amphibians and reptiles requires a license under s. 169.07, Stats.

SECTION 10 prohibits the use of live native reptiles and amphibians in races or other contests.

SECTIONS 11 – 13 require that individuals bringing in live native amphibians and reptiles from out of state must show documentation upon request that it was legally obtained.

SECTION 13 clarifies that shed snake skins are not considered parts of a carcass. This would allow the possession and sale of shed skins. This section also restricts the frog harvest season to only North American bullfrogs.

SECTIONS 14 – 19 reduce the bag limit for snapping turtles on the Mississippi River so that it matches the current in-state snapping turtle bag limit. These sections also remove the harvest season for softshell turtles and all other turtles not listed as engendered or threatened for both the Mississippi River and in-

state. Finally, these sections clarify that only turtles incidentally killed in a licensed commercial fishing operation may be kept. All turtles incidentally caught that are still alive must be released.

SECTION 20 restricts activities on department properties that could harass or negatively impact native amphibians and reptiles. Restrictions include prohibiting the possession of certain tools that are used to handle reptiles and amphibians, molesting or destroying their hibernaculum and moving natural features that amphibians and reptiles use for habitat without returning them to their original location and state.

5. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

Pursuant to the Lacey Act (18 U.S.C. 42), any importation of injurious wildlife into the United States or its territories or possessions must be authorized under a permit issued by the U.S. Fish and Wildlife Service. Injurious wildlife are wild mammals, birds, amphibians, reptiles, fish, crustaceans, mollusks, and their offspring or eggs designated as harmful to human interests, agriculture, horticulture, forestry, wildlife, or wildlife resources of the United States. The federal Endangered Species Act (16 U.S.C. 1531-1544) establishes protections for fish, wildlife and plants that are listed as threatened or endangered. Wisconsin currently has one native herptile, the Eastern Massasauga, that is listed as threatened under the federal Endangered Species Act. Additionally, the interstate commerce of goods, including reptiles and amphibians, is regulated by the federal government under the Commerce Clause of the U.S. Constitution.

6. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The Department held a preliminary public hearing on the statement of scope on Thursday, October 2, 2025, at 10 a.m. virtually through Microsoft Teams. Eight members of the public attended the hearing. One member chose to make a public statement during the hearing. That individual testified that the current herptile regulations are fair in comparison to neighboring states and that the lack of habitat is hurting the species the most.

Aside from the oral testimony, the department received four written comments during the open public comment period. One comment came from the People for the Ethical Treatment of Animals (PETA). PETA testified that they support the department's efforts to provide better clarity to the public while better protecting the amphibians and reptiles. Another comment came from the Pet Advocacy Network. Their comment voiced support for regulations that meet conservation policy goals and allow for the responsible husbandry of reptiles and amphibians. The department also received a comment from the owner of Silver Apple Exotics. This comment asked the department to regulate herptiles to the subspecies level and not to the species level as is currently done. They also commented that they would like to see an update to a regulation pamphlet regarding herptiles that is on the department's website. The last written comment came from an individual. This person wanted clarification on which atypically colored or atypically patterned individuals are exempt from Wisconsin herptile regulations. They also asked the department to regulate herptiles to the subspecies level. Lastly, they requested the department create a captive-bred exception to native herptile possession regulations, to distinguish short-term herptile rescue from wildlife rehabilitation rules, to add additional trapping methods to the turtle trapping regulations and to clarify whether the Wisconsin turtle regulations apply to non-native species that have been introduced to the wild.

7. Comparison with Similar Rules in Adjacent States:

Michigan

Endangered, threatened and special concern amphibians and reptiles have the strictest restrictions in Michigan: it is illegal to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take,

trap, possess or barter these species except as authorized under a permit for scientific research, conservation, or educational purposes. The one exception is that albino variants of the gray ratsnake may be possessed without a permit.

For other species of amphibians and reptiles, possession limits, collection methods, closed seasons and size limits are specified in law. Possession limits range from 1 (daily limit for any common turtle species) to 10 (total limit for all common frogs and salamanders combined). Michigan only allows for the personal use of amphibians/reptiles (selling or the commercial use of these animals is not allowed).

Nuisance amphibians or reptiles may be non-lethally removed from private property and released on adjacent property without a permit provided the landowner has provided permission. Intentional killing or lethal removal of amphibians and reptiles is illegal.

Illinois

Endangered and threatened amphibians and reptiles have the strictest restrictions in Illinois: it is illegal to take or possess these species without authorization.

Possession limits, collection methods and closed seasons for non-listed amphibians and reptiles are specified in law. The possession limit for all non-listed amphibians and reptiles, excluding the snapping turtle and bullfrog, is 4 individuals per species with a maximum of 8 amphibians and reptiles total. Snapping turtles have a daily bag limit of 2 with a total possession limit of 4. North American bullfrogs have a daily bag limit of 8 with a total possession limit of 16. Turtles may not be used in turtle races in specific counties due to disease concerns. Additionally, no native amphibian or reptile may be bred unless authorized for research or recovery purposes.

Illinois only allows for the personal use of amphibians/reptiles (selling or the commercial use of these animals is not allowed).

Habitat for amphibians and reptiles that is moved (e.g., rock, log) during the course of searching for the animals must be returned to its original position and condition.

Minnesota

Endangered and threatened amphibians and reptiles in Minnesota are illegal to take, import, transport or sell, which includes skin, hide, or parts, without a special permit from the Minnesota Department of Natural Resources. All native snakes, lizards and salamanders are on the list of protected wild animals and may not be collected or sold in Minnesota, unless otherwise permitted. It is illegal to release non-native animals in Minnesota, and the agency strongly encourages that animals maintained in captivity should not be released back into the wild, due to disease and invasive species concerns.

With the relevant permit, frogs/toads (including eggs and tadpoles) can be imported to Minnesota for sale as pets or for other purposes other than bait (a list of acceptable native/non-native frogs is included) for in state residents only. Wild turtles native to Minnesota may be imported in state, if the species is not on the state's endangered/threatened species list and legally collected in their state of origin. Native turtles, besides painted/snapping turtles, may not be sold as pets in Minnesota. Painted and snapping turtles can be recreationally harvested by in-state residents only, with appropriate license(s) and restrictions associated with collection limits, size, season, and harvest methods. A permit is required to import captive raised or bred native turtles into Minnesota. Relevant license(s) are needed to obtain, possess, transport, propagate and sell turtles and their eggs.

Iowa

In Iowa, endangered and threatened herptile species are afforded special protections by law; however, special concern species are afforded no protections under law. Unprotected species in Iowa are gartersnakes of any species, with western ribbonsnake as an exception. Timber rattlesnakes are unprotected in most but not all counties, but individual snakes can be killed anywhere in state if within 50 yards of an occupied house. Other non-listed herptiles native to Iowa that are legally obtained from outside of the state are exempt from education project permit requirements.

Via approved recreational and commercial licenses, there are open seasons for non-listed frog species, including the North American bullfrog, although daily and aggregate bag limits apply. Snapping turtles, painted turtles, smooth softshells and spiny softshells can all be recreationally and commercially collected/harvested if within the appropriate seasons, possession limits, aggregate weight restrictions, and approved harvest methods. For these frog and turtle species, annual bag limits are unlimited, and size restrictions are not required.

Snapping turtles, painted turtles, smooth softshells, North American bullfrogs and northern leopard frogs may be propagated and sold via approved aquaculture practices. Appropriate licenses/permits are required for scientific collection and wildlife rehabilitation of Iowa's amphibians and reptiles.

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Current regulations for nuisance wildlife do not include specific provisions for reptiles and amphibians. This rule would authorize a landowner to non-lethally or lethally remove a nuisance amphibian or reptile that is found in a house or its curtilage. If a nuisance amphibian or reptile is found on private property outside of a house or its curtilage, the animal must be non-lethally removed and placed in similar habitat on nearby property with the landowner's permission or receive written permission from the department to lethally remove it. Additionally, amphibian/reptile hibernacula located outside of a house or its curtilage cannot be destroyed or altered without written permission from the department. These regulations are proposed to limit the excessive killing of amphibians/reptiles that provide significant benefits to the ecosystem. Hibernacula are especially important as they are areas where large numbers of amphibians/reptiles may congregate during the cooler months. Impacts to hibernacula could destroy or significantly alter the local populations of these species.

Current regulations allow for the limited possession of live wild, native amphibians or reptiles not listed as endangered or threatened under ch. NR 27. Additional restrictions exist for live wild, native amphibians/reptiles classified as protected wild animals. Possession limits for all other species typically vary from two to five. Current regulations for other taxa in Wisconsin (mammals, birds, fish, mussels) generally do not allow for live collection from the wild and live possession; these regulations exist for various reasons, including disease concerns and humane treatment of animals. The department is proposing to not allow for the possession of endangered and threatened species or any amphibians or reptiles listed as a protected wild animal in s. NR 10.02, Admin Code. For all other amphibian and reptile species, the department is proposing 24-hour possession rather than possession for an unlimited amount of time. This would reduce the many disease concerns that exist from citizens collecting and keeping native amphibians/reptiles as pets, but still allow for the animals to be collected temporarily (children collecting frogs on a lake, an individual collecting a snake to show a friend, parents collecting a salamander from their window well to show their children, etc.). Several department approval methods exist to allow for the live possession of native amphibians/reptiles for purposes such as research, education, and wildlife rehabilitation.

Wisconsin currently has no regulations that address amphibian and reptile contests. Contests may consist

of turtle races, frog jumping contests, and other various activities where amphibians and reptiles are used for competitive interests. Under the proposed regulations, the department would prohibit the use of native amphibians and reptiles in such contests to protect wild, native populations throughout the state, primarily as an attempt to limit/prevent disease transfer and outbreaks, as well as for illegal pet trade collection and circulation. Using turtle races as an example, which have been well documented, particularly in Northwest Wisconsin (as recently as 2020), turtles are collected from the wild in large quantities in these areas and confined with other turtles in small areas prior to and after races. Turtle welfare can be neglected in various ways, most notably because turtles are often kept out in the open in hot conditions (exposure to heat-related deaths) and in dense areas where turtles can easily spread disease through direct contact and environmental contamination. After races occur, many turtles are not released back to the point of initial collection (often, they may be simply left to find their way home), and in cases where they are released to the point of collection, the turtles bring the potential to spread disease back to wild and naïve populations. Additionally, high congregations of turtles in the wild are vulnerable to collection through these events by bad actors and circulated into the illegal turtle trade, which is ravaging wild turtle populations across North America and the rest of the globe.

The department currently allows limited harvest of North American Bullfrogs as well as other species of native frogs (possession limit of 5/species), with one exception of the state endangered Blanchard's cricket frog. The rule proposes to limit harvest to bullfrogs. Collection of other frog species will no longer be allowed for harvest, although possession limits will be different for native frogs regarding use as bait. Bullfrog possession limits would remain at a possession limit of 5. Since 1984, the department has and continues to monitor all native frog species through the community science initiative 'The Wisconsin Frog and Toad Survey.' These survey results indicate that bullfrog numbers have responded well to existing harvest quotas, slowly increasing in number over the program's 40-year history. The department herpetologist has determined that the species can continue to be sustainably harvested at the current levels statewide. Restrictions on the harvest of other frog species, reflect the department's understanding that those species aren't typically harvested as a food resource for in state residents.

Current department turtle harvest regulations allow for the harvest of snapping turtles, smooth softshell turtles, spiny softshell turtles, and all other native turtle species in Wisconsin besides the Blanding's turtle (Protected Wild Animal), wood turtle (state Threatened), and ornate box turtle (state Endangered). Current turtle possession limits vary by species and location (e.g., inland waters, WI-MN boundary waters, WI-IA waters). The department is proposing to limit turtle harvest to the snapping turtle only. While snapping turtle possession limits on inland waters, size limits, seasons dates, and harvest methods would remain the same, the possession limit would be reduced to 3 on the Mississippi River. Lessening snapping turtle possession limits along Wisconsin's border waters would result in state harvest that are more consistent with Iowa and Minnesota and prevent overharvesting. Declining snapping turtle populations have been noted by turtle harvesters and a Mississippi River Pool 8 snapping turtle survival study. Further, the department is proposing to eliminate the harvest of all other previously harvestable native turtle species. Most notably, the two softshell turtles (spiny and smooth softshell species) which traditionally are harvested for food consumption, because of recently enacted laws in Minnesota, and due to the overall rarity and lack of data for the smooth softshell, which is a species of special concern and a species of greatest conservation need in Wisconsin, and can easily be confused with the more common spiny softshell. The department continues to advocate for the prohibition of commercial turtle harvesting in Wisconsin, as turtle species across the state and the United States, cannot reproduce fast enough to sustain their populations under commercial harvesting.

There are no current regulations specific to amphibians and reptiles on department lands. The following items are proposed on department lands: 1) prohibit the use of snake tongs or hooks, 2) require that all rocks, logs, etc. that are moved to search for amphibians/reptiles be returned as best as possible to their

original position, and 3) prohibit the molestation of amphibian/reptile hibernacula. These changes address concerns related to disease spread, destruction of key amphibian/reptile habitat (see #2, #3), and potential negative impacts to the animals (see #1, #2, #3). Department staff are aware of several situations on state property where the above activities have occurred and resulted in negative impacts to the species and their habitat.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

This rule is expected to have a minimal economic impact (less than \$50,000). These rules have the potential to impact private sellers of amphibians and reptiles. However, the potential economic impact will be very insignificant. Currently, state law generally prohibits the private sale of live native amphibians and reptiles with limited exceptions, including color variants that are bred in captivity. Previously no definition of “color variant” existed. Color variants of reptiles and amphibians are actually common in nature since individual’s colors vary significantly. However, the department doesn’t consider natural variations of color to be distinct from the normal morphological color patterns, which is the standard established in state statute. This rule defines “color variants” as entirely melanistic versions of a species which the department believes is closer to the intent of the statutory language. This previously vague language essentially created a loophole for the unlimited sale of amphibians and reptiles under certain circumstances. This new definition could have the potential to restrict the commercial sale of reptiles and amphibians that dealers previously deemed to be color variants. There are few known individuals who sell color variants. The department estimates that there are fewer than five private sellers in the state. Under these proposed changes, these sellers can continue to sell melanistic color variants provided that they are captive bred from a legal source.

Additionally, this rule may impact commercial fish harvesters on the Mississippi River. Again, the potential economic impact will be very insignificant. Current rules allow commercial harvesters to keep and sell turtles incidentally taken while fishing. However, this rule would require any live turtles to be immediately released while dead turtles may still be kept and sold. There are very few commercial fishers on the Mississippi River and the amount of turtles incidentally caught and sold is a very small portion of their overall commercial activity. The department does not have data indicating what percentage of turtles incidentally caught are still alive compared to those found dead. These commercial fishers can still sell turtles incidentally killed under these rules.

Finally, this rule has the potential to increase the commercial sales of non-native amphibians and reptiles in pet stores. Since the proposed rule will generally restrict the long-term possession of native wild amphibians and reptiles, individuals wanting to keep amphibians and reptiles as pets will turn to commercial pet stores. The department has heard that some pet stores already encourage some individuals to utilize the pet trade industry rather than collecting from the wild.

10. Effect on Small Business (initial regulatory flexibility analysis):

This rule will primarily impact private sellers of amphibians and reptiles and commercial fisher harvesters on the Mississippi River. Based on the information presented in section 10 of the analysis section of this board order, the department anticipates that this rule will have a minimal economic impact on small business.

11. Agency Contact Person: Rori Paloski, Herpetologist, 608-516-3742, Rori.Paloski@wisconsin.gov

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Scott Karel
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707
Scott.karel@wisconsin.gov
608-206-0222
608-267-7857 (fax)

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wisconsin.gov/calendar/>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

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

NR 10.02 (10) Gophersnakes *Pituophis catenifer*, ~~gray~~ central ratsnakes *Pantherophis spiloides alleghaniensis*, and the North American racers *Coluber constrictor*.

SECTION 2. NR 12.001 (1p) is created to read:

NR 12.0001 (1p) "Hibernaculum" means a shelter occupied by a dormant animal, typically during the colder periods of the year.

SECTION 3. NR 12.10 (1) (a) 1. is amended to read:

NR 12.10 (1) (a) 1. 1. Destroy any wild animal, ~~provided that all game and furbearing animals are disposed of as directed by the department~~, which is classified as:

SECTION 4. 12.10 (1) (a) 1. d. is created to read:

NR 12.10 (1) (a) 1. d. Any native amphibian and reptile, as defined in s. NR 16.01 (2) and (21), or their hibernaculum.

SECTION 5. NR 12.10 (1) (b) 2. is amended to read:

NR 12.10 (1) (b) 2. Live-trap and relocate any wild animal, except white-tailed deer, elk, black bear or any wild animal classified as endangered or threatened under s. NR 27.03, or any animal classified

as a harmful wild animal under s. NR 16.11, to open unenclosed lands not controlled by the department with the permission of the owner. Animals must be relocated in an area where there is adequate habitat and cover to support survival of the animal. Native amphibians and reptiles shall be released within 1 mile of the location of their capture. Pursuit of animals released under this subdivision by dogs may not occur in an area where a wild animal has been released for a period of 2 hours after release of the animal, except dogs may be released to pursue raccoons at any time after the raccoon has reached cover by climbing a tree or pole to a height of at least 10 feet.

SECTION 6. NR 12.10 (1) (b) 8., 16.001, and 16.01 (2m). are created to read:

NR 12.10 (1) (b) 8. Destroy any amphibian or reptile that is found in a building located on a property that the person owns, leases or occupies. For purposes of this section, building includes any structure devoted to animal husbandry or pet occupancy.

16.001 **Purpose.** This chapter is established to administer ch. 169, Stats., relating to live captive wild animals.

NR 16.01 (2m) “Color variant” means an albino or an entirely melanistic version of a species.

SECTION 7. NR 16.12 (title), (1), and (2) are amended to read:

NR 16.12 ~~Reptiles~~ Possession of reptiles and amphibians.

(1) APPLICABILITY. This section applies to the collection, possession and exhibition of live ~~or dead~~ native wild reptiles and live ~~or dead~~ native wild amphibians in Wisconsin.

(2) POSSESSION RESTRICTED. ~~No~~ Beginning on January 1, 2027, no person may take from the wild or possess any live ~~or dead~~ native amphibians or reptiles ~~or their eggs~~, except as provided under sub. (3) and s. NR 19.26, ~~or turtles taken under the authority of ss. NR 19.275, 21.13 and 22.13.~~ Any live native wild reptiles or amphibians possessed before January 1, 2027, must be registered with the department on or before June 30, 2027. Any native wild reptiles or amphibians not registered with the department on or before June 30, 2027, will be presumed to be in violation of this chapter.

SECTION 8. NR 16.12 (3) is repealed and recreated to read:

NR 16.12 (3) EXEMPTIONS ALLOWING POSSESSION OF NATIVE AMPHIBIANS AND REPTILES.

(a) A person may possess a live endangered or threatened amphibian or reptile if authorized under ss. 29.604 (6) and 169.30, Stats.

(b) A non-resident may possess a native amphibian or reptile within Wisconsin if it was obtained prior to January 1, 2027, and they have proof of lawful possession. Nonresidents establishing residency within the state must register these amphibians and reptiles with the department within six months of establishing residency. Any native wild reptiles or amphibians not registered with the department within six months of establishing residency will be presumed to be in violation of this chapter.

(c) A person may possess a native amphibian or reptile if authorized by ss. 169.24, 169.25, 169.26, and 169.27, Stats.

(d) A person may take and possess live native wild amphibians or reptiles for up to 24 hours as follows, provided that such amphibians and reptiles are humanely retained and housed and not comingled with any other amphibians or reptiles:

1. A person may restrain or transport a live native wild amphibian or reptile for medical treatment by a veterinarian or person holding a rehabilitation license. If the native live animal is able to be returned to the wild after medical treatment, it should be done within one mile of the location of original capture.

2. A person may remove or transport a live native wild amphibian or reptile from one location to a more appropriate location provided the new location is within one mile of the location of original capture.

3. A person may take and possess up to five in total live native salamanders and reptiles or any number of frogs provided that the species are not listed as endangered or threatened in s. NR 27.04 or specifically named in s. NR 10.02 and the reptiles and amphibians are returned within one mile of location of original capture.

(e) A person may possess native northern leopard frogs of the species *Lithobates pipiens*, mudpuppies of the species *Necturus maculosus*, and eastern tiger salamanders of the species *Ambystoma tigrinum* provided that such species are possessed for the purpose of purchase and sale under the authority

of a class A captive wild animal farm license issued under s. 169.15, Stats., or a class B captive wild animal farm license that was issued under s. 169.15, Stats., prior to January 1, 2027, and continuously maintained by the original applicant.

(f) Educational institutions may possess native reptiles and amphibians that legally taken or reared outside of the state and purchased under the authority of a class A captive wild animal farm license.

(g) A publicly owned museum and American Zoo and Aquarium Association accredited institution may possess native amphibians or reptiles if they are obtained from a legal source.

(h) A person may possess a live native snapping turtle for the purpose of harvest authorized under s. NR 19.275 (4), 21.13 (4), or 22.13 (4) for no more than seven days.

(i) A person who is engaged in a study or research that the department determines will lead to increased, useful scientific knowledge may possess a native amphibian or reptile for the purpose of research and education if authorized by the department by a permit under ss. 169.25 or 169.26, Stats., or s. NR 19.11.

(j) A person may possess native frogs not listed as threatened or endangered in ch. NR 27 which are purchased or taken as part of a shipment of live bait by a licensed bait dealer or registered fish farmer.

(k) A person may take from the wild, possess and kill native frogs as authorized by s. 169.12 (3), Stats. Any live frogs possessed under s. 169.12 (3), Stats., must be returned within one mile of the original capture location.

(L) A person may possess color variants of native amphibians and reptiles that have been bred in captivity and acquired from a legal source.

SECTION 9. NR 16.12 (4) is amended to read:

NR 16.12 (4) EXHIBITING. The exhibiting of live native reptiles and amphibians ~~possessed under the authority of sub. (3) (b) and s. NR 19.275 (2), does not require~~ requires a license under s. 169.07,

Stats., ~~when those captive wild animals are exhibited exclusively for noncommercial, educational purposes.~~

SECTION 10. NR 16.12 (5) is created to read:

NR 16.12 (5) AMPHIBIAN AND REPTILE CONTESTS. The use of wild native amphibians and reptiles for races or other types of events involving congregating and gathering any number of wild amphibians and reptiles is prohibited.

SECTION 11. NR 16.13 (2) (a), and (3) (a) are amended to read:

NR 16.13 (2) (a) Out-of-state collection. Native amphibians and reptiles legally ~~collected~~ taken out-of-state or purchased from out-of-state may be sold out-of-state or to an educational or research institutions in-state if the seller possesses a class A captive wild animal farm license issued under s. 169.15 (1) (a), Stats., to possess and sell those species. Institutions in possession of live native amphibians and reptiles shall have in their possession proof of origin. Such proof shall be presented, upon request, to any authorized officer or agent of the department or local, state, or federal law enforcement officer.

(3) (a) Northern leopard frogs, mudpuppies and eastern tiger salamanders. ~~Native leopard~~ Northern leopard frogs of the species *Lithobates pipiens*, mudpuppies of the species *Necturus maculosus* or eastern tiger salamanders of the species *Ambystoma tigrinum* ~~collected within Wisconsin~~ may be purchased from a seller that has been specifically authorized by a class A captive wild animal farm license issued under s. 169.15, Stats., or a bait dealers license issued under s. 29.509, Stats., to possess and sell these species. Individuals in possession of live native amphibians and reptiles shall have in their possession proof of origin. Such proof shall be presented, upon request, to any authorized officer or agent of the department or local, state, or federal law enforcement officer.

SECTION 12. NR 16.13 (3) (a) (note) is repealed.

SECTION 13. NR 16.13 (3) (b), 19.001 (5), and 19.26 (1) to (3) are amended to read:

NR 16.13 (3) (b) *Out-of-state collection*. Educational or research institutions may purchase native amphibians and reptiles legally collected out-of-state from an out-of-state seller or by the holder of a class A or B captive wild animal farm license issued under s. 169.15, Stats., who is authorized to possess or sell those species in-state. Individuals in possession of live native amphibians and reptiles shall have in their

possession proof of origin. Such proof shall be presented, upon request, to any authorized officer or agent of the department or local, state, or federal law enforcement officer.

NR 19.001 (5) "Carcass" means the dead body of any animal including the head, hair, skin, plumage, skeleton, eggs, or any other part thereof. Carcass does not include the shed skin of snakes.

NR 19.26 (1) The open season for ~~frogs~~ North American bullfrog runs from the Saturday nearest to May 1 to December 31.

(2) No person may take ~~frogs~~ North American bullfrogs with the aid of a firearm or air gun. Frogs shall be dispatched immediately.

(3) Possession limits for ~~frogs~~ are established in s. NR 16.12 North American bullfrogs is five.

SECTION 14. NR 19.275 (4) (b), (bm), and (c), are repealed.

SECTION 15. NR 21.11 (7) and 21.13 (4) (a) are amended to read

NR 21.11 (7) INCIDENTAL TURTLE CATCH. Turtles ~~taken~~ killed incidental to licensed commercial fishing operations may be possessed and sold. Live turtles captured incidental to licensed commercial fishing operations shall be released immediately and in the immediate vicinity of the point of capture.

NR 21.13 (4) (a)

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	40 <u>3</u>	12 inch minimum 16 inch maximum top shell measured from front to back

SECTION 16. NR 21.13 (4) (b), (bm), and (c), are repealed.

SECTION 17. NR 21.13 (4) (d), 22.11 (18), and 22.13 (4) (a) are amended to read:

NR 21.13 (4) (d)

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
-----------------------	--	---------------------------------------	-------------------

(d) Turtles incidentally taken killed in licensed commercial fishing operations	Continuous	None	None
---	------------	------	------

NR 22.11 (18) Except where otherwise expressly provided, turtles ~~taken killed~~ incidental to licensed commercial fishing operations may be possessed and sold. Live turtles captured incidental to licensed commercial fishing operations shall be released immediately and in the immediate vicinity of the point of capture.

NR 22.13 (4) (a)

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(a) Snapping turtle	July 15 to Nov. 30	10-3	12 inch minimum 16 inch maximum top shell measured from front to back

SECTION 18. NR 22.13 (4) (b), (bm), and (c), are repealed.

SECTION 19. NR 22.13 (4) (d) is amended to read:

Turtle species	Open seasons (both dates inclusive)	Daily bag and possession limit	Size limit
(d) Turtles incidentally taken killed in licensed commercial fishing operations	Continuously <u>Continuous</u>	None	None

SECTION 20. NR 45.04 (3) (h) is created to read:

NR 45.04 (3) (h) *Harassment of amphibians and reptiles.* No person may do any of the following while on department property:

1. Possess a snake hook, snake tong, or similar device that is used to handle amphibians or reptiles except as allowed by the department under s. 29.604, 29.614, or 169.25, Stats.

2. Damage, destroy, molest, deface, remove, or attempt to remove a hibernaculum as defined in s. NR 12.001 (1p).

3. Fail to return habitat features such as rocks and logs disturbed in the course of searching for amphibians and reptiles to as near their original position and condition as possible.

SECTION 21. EFFECTIVE DATE. This rule shall take effect on January 1, 2027.

SECTION 22. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

BY _____

Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary