

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b>  <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b>  November 5, 2025								
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> Chs. NR. 12, 16, 19, 21, 22, 27, 40 and 45									
<b>4. Subject</b> Amphibian and reptile regulations									
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>								
<b>7. Fiscal Effect of Implementing the Rule</b> <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input checked="" type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
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<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input checked="" type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td></td><td><input checked="" type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></td></tr></table>		<input type="checkbox"/> State's Economy	<input checked="" type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers		<input checked="" type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>		
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<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$ 0									
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
<b>11. Policy Problem Addressed by the Rule</b> Current rules establish provisions for a variety of activities involving Wisconsin's native amphibians and reptiles, including harvest, live take, possession, propagation, purchase, sale, trade, exhibition, rehabilitation, stocking and release. However, the majority of these rules have not been updated since the 1990s. Additionally, the department has heard feedback that these rules are difficult to interpret and enforce. These rules will be updated to provide better clarity to the public while better protecting the amphibians and reptiles. Poaching, harassment, increased collection pressure and wildlife trafficking are negatively impacting amphibian and reptile populations throughout North America and around the world. In addition, many emerging diseases are also causing increased pressure on amphibian and reptile populations.									
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> A notice for solicitation of comments on this analysis will be posted on the department's website in November 2025 and various interest groups may be contacted.									
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> A notice for solicitation of comments on this analysis will be posted on the department's website during a 10 day period in November 2025. No impacts to local governmentla units are anticapted.									
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b>  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" 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 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									

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who sell color variants, with our best estimates there being fewer than five private sellers in the state. 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.

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#### 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Native amphibian and reptile populations in Wisconsin are facing a variety of threats and many populations are declining. These rules attempt to minimize several of these threats. In addition, implementing these rules will get amphibian and reptiles rules in line with all other vertebrate taxa regulations in Wisconsin related to possession and collection from the wild. Wisconsin's current amphibian and reptile regulations are also lax in comparison to neighboring states. These regulations will help to minimize the numerous emerging herpetile disease concerns. Furthermore, the growing amphibian and reptile industry threatens our native populations, and these laws will help to combat that threat.

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#### 16. Long Range Implications of Implementing the Rule

Wisconsin is home to several endangered, threatened, and other rare amphibian and reptile species. Implementing these rules will reduce threats and help stabilize amphibian and reptile populations in Wisconsin. It will also make Wisconsin less attractive to those who participate in the illegal pet trade.

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#### 17. Compare With Approaches Being Used by Federal Government

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 reptile, 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.

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#### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

##### **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

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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. 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.

19. Contact Name Scott Karel	20. Contact Phone Number 608-206-0222
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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

"Only a limited number of businesses are expected to be impacted by the rule. Affected entities are primarily small businesses, and the associated implementation and compliance costs are expected to be minimal". See section 14 of the Fiscal Estimate and Economic Impact Analysis for a detailed description on which small business are expected to be impacted by this rule.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The assessment of the Rule's impact on small businesses is based primarily on expert judgment from Department staff familiar with the affected regulated community and implementation requirements. No external surveys or primary data collection were required because the number of small businesses potentially affected is limited there are no anticipated compliance costs.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements  
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting  
☐ Consolidation or Simplification of Reporting Requirements  
☐ Establishment of performance standards in lieu of Design or Operational Standards  
☐ Exemption of Small Businesses from some or all requirements  
☐ Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

Since the proposed rule is expected to have minimal or negligible impacts on small businesses, no specific methods were incorporated to reduce its impact on small businesses.

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5. Describe the Rule's Enforcement Provisions

This rule does not create any new enforcement standards. The changes proposed under this rule would fall under existing enforcement provisions of bag limits and illegal take.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No

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