

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 40, relating to the invasive species regulations, at the time and place shown below.

Hearing Information

Date: August 5, 2026

Time: 5:00 p.m.

Virtual Location Link:

<https://teams.microsoft.com/meet/27676256756943?p=nlrXu8CMOgNHslJ2rk>

Dial in by phone: +1 608-571-2209

Phone conference ID: 496 793 478#

Rule Information:

The proposed rule revision classifies additional invasive species under the existing prohibited and restricted categories established in ch. NR 40, Wis. Admin. Code. Once classified, these species will be subject to current administrative rules and state statutes governing their introduction, possession, transfer, and transport. The intent is to prevent the establishment of new invasive species in Wisconsin and to limit the spread of those already present.

The rule revision also includes reclassification of currently regulated species, such as changing a species from prohibited to restricted, or removing it from regulation altogether. Other proposed changes focus on improving the organization and clarity of the rule's sections on enforcement, interagency coordination, permitting, and preventative measures—helping to support compliance with ch. NR 40. In addition, the revision proposes housekeeping updates, including clarifying language and updating species taxonomy.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which is available here [Hearing Appearance form \(https://apps.dnr.wi.gov/doclink/forms/8300-014.pdf\)](https://apps.dnr.wi.gov/doclink/forms/8300-014.pdf). Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form \(https://apps.dnr.wi.gov/doclink/forms/8300-014.pdf\)](https://apps.dnr.wi.gov/doclink/forms/8300-014.pdf) and send it to mackenzie.manicki@wisconsin.gov.

Comments on the proposed rule must be received on or before August 7, 2026. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing.

Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources

Attn: Mackenzie Manicki

P.O. Box 7921

101 S. Webster Street,

Madison, WI 53707-7921

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>

Comments may be emailed to: mackenzie.manicki@wisconsin.gov

The rule may be reviewed, and comments made at:
<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Initial Regulatory Flexibility Analysis:

In s. 227.114, Stats., small business “means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000”. Based on this definition (number of employees) and using data from US Census Bureau (2022), 14.6% (27,552) of businesses are estimated to be small businesses (Table A, below).

Assuming 14.6% of the total economic impact due to regulation of Organisms-in-Trade is borne collectively by small businesses, this would equal additional costs of \$18,826.70 in Year 4 and \$75,562.30 in Year 6. The department was not able to collect the data on acreage or percent of landownership held by small businesses.

Table A: Number of small businesses estimated to be affected by NR40 rule revision based on number of employees

Firm Type	Number of Firms with Fewer than 25 Employees
Agriculture, Forestry, Fishing and Hunting	980
Utilities	55
Wholesale trade	7,116
Retail trade	19,401

TOTAL	27,552
Percent of Total Firms (N=188,177)	14.6%

Data Source: United States Census Bureau (2022). *2022 SUSB Annual Data Tables by Establishment Industry*

The specific number of pet trade firms, plant nursery firms, landscaping firms, other businesses that would be more directly impacted by the rule were not available. The total number of small businesses affected by rule can be different if based on the gross annual sales threshold (less than \$5,000,000). Further detail on these data is provided in Appendix D of the Rule Revision Guide.

Agency Small Business Regulatory Coordinator:

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