

Rule Summary and Fiscal Analysis (Part A)**Department of Natural Resources**

Agency Name

Division of Wildlife

Division

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1501:31-23-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Special endangered wild animal regulations.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **1531.08, 1531.25**

5. Statute(s) the rule, as filed, amplifies or implements: **1531.08, 1531.25**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule establishes special endangered wild animal regulations. The amendments to this rule will make the appropriate changes to the current list of endangered wild animals found in Ohio. Additions and deletions are based on the biological data for each of the specie#s current and projected populations.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

It is proposed that the status of several species of aquatic and terrestrial species be changed in this section to reflect the 2011 formal evaluation of species listed as endangered or threatened.

The following changes are recommended:

Remove from list:

Bobcat, *Lynx rufus*

Lake Erie watersnake, *Nerodia sipedon insularum*

Trumpeter swan, *Cygnus buccinator*

Golden #winged warbler, *Vermivora chrysoptera*

Yellow-bellied sapsucker, *Sphyrapicus varius*

Kramer#s cave beetle, *Pseudanophthalmus krameri*

Blackchin shiner, *Notropis heterodon*

Blacknose shiner, *Notropis heterolepis*

Mississippi Silvery minnow, *Hybognathus nuchalis*

Blue Sucker, *Cylceptis elongatus*

Mountain Madtom, *Noturus eleutherus*

Add to list:

Upland sandpiper, *Bartramia longicauda*

Fern cave isopod, *Caecidotea filicispeluncae*

Buckskin cave psuedoscorpion, *Apocochthonius hobbsi*

Unnamed cave isopod *Caecidotea* sp. nov

Iowa darter, *Etheostoma exile*

Gilt darter, *Percina evides*

It is recommended to change the name of Speckled chub, *Macrohybopsis aestivalis* to Shoal chub, *Macrhybopsis hyostoma* and to change the name of the Eastern massasauga, *Sistrurus catenatus catenatus* to *Sistrurus catenatus* to reflect changes

in taxonomic nomenclature.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **2/6/2012**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This change will not affect fees, require additional personnel, or require additional equipment. This rule modification will have no impact on the agencies revenue or expenditures.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

A.M. Sub HB1, line 740-401

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This change will not affect current licenses or require additional licenses, permits, or fees. It will not require any costs for compliance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**