

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:31-23-01

Rule Type: Amendment

Rule Title/Tagline: Special endangered wild animal regulations.

Agency Name: Department of Natural Resources

Division: Division of Wildlife

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 2/14/2022
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1531.06, 1531.08, 1531.10, 1531.25
5. What statute(s) does the rule implement or amplify? 1531.08, 1531.25
6. What are the reasons for proposing the rule?

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 species' current and projected populations.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

It is proposed to amend this rule by designating the following fish species as state endangered:

- Brook trout
- Alligator gar
- Blacknose shiner
- Longhead darter

The alligator gar, blacknose shiner, and longhead darter were previously extirpated from Ohio, but are now present in low numbers due to active management. The brook trout will change designations from state threatened to state endangered because the number of self-sustaining populations has declined.

It is proposed to amend this rule by designating the following butterflies as state endangered:

- Dreamy duskywing
- Aphrodite fritillary

These two butterfly species have undergone declines for more than twenty years.

It is proposed to amend this rule by designating the following dragonflies and damselflies as state endangered:

- Taiga bluet
- Hagen's bluet
- Boreal bluet
- Northern bluet
- Marsh bluet
- Riffle snaketail
- Slender baskettail
- Little blue dragonlet
- Skillet clubtail
- Golden-winged skimmer
- Four-spotted skimmer
- Allegheny river cruiser
- Smokey shadowdragon
- Stygian shadowdragon

The Division, through The Ohio State University, used citizen-science to conduct a four-year survey of dragonflies and damselflies in Ohio. The data on current distributions support the proposed species designations.

It is proposed to amend this rule by designating the blue crawfish as state endangered. A blue crawfish population has been discovered in Ohio and this species has limited distribution.

It is further proposed to amend this rule by removing the state-endangered designation for the following species:

Birds:

- Cattle egret

Mollusks:

- Eastern pondmussel

Butterflies:

- Regal fritillary
- Mitchell's satyr

Dragonflies and damselflies:

- Seepage dancer
- Plains clubtail
- Lilypad forktail
- Blue corporal

Caddisflies

- Chimarra socia
- Oecetis eddlestoni
- Brachyentrus nigrosoma

Mayflies

- Rhithrogena pellucida
- Litobranchna recurvata

Midges

- Rheopelopia acra

The cattle egret will be removed from the state endangered species listing and classified as a species of special interest. The cattle egret is not endemic to Ohio. In the past, individuals were known to show up sporadically and breed in areas, and then move on. They are now only occasionally seen in the state. The species' population is stable in the rest of its range.

The eastern pondmussel will be redesignated as state threatened due to improving populations.

The two butterfly species, Regal fritillary and Mitchell's satyr, have been extirpated from Ohio since the 1940s and 1950s. It is proposed to remove these species from designation because they are no longer found in Ohio.

The caddisflies, mayflies and midges were designated as state endangered in 2002, but there is no recent data to justify this designation.

The designation changes for dragonflies and damselflies will also be mirrored in the sampling and collection allowance, and the sales restriction, for these species designated as state endangered.

Uhler's Sunfly will be updated to the currently used common name, Uhler's Sundragon. The scientific name and designation as a state endangered species will remain the same.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The revision will include a change to update the common name from Uhler's Sunfly to Uhler's Sundragon in paragraphs A(10) and B(3) of the rule. The scientific name and designation as a state endangered species will not change.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No**

- 17. Does this rule have an adverse impact on business? No**

- 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**
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable