

Department of State
Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-31-21
 Rule ID(s): 9485
 File Date: 3/24/2021
 Effective Date: 6/22/2021

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Biological Diversity & Environmental Services
Contact Person:	Chris Richardson
Address:	5107 Edmondson Pike, Nashville, TN
Zip:	37211
Phone:	615-308-0477
Email:	chris.richardson@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-01-32	Rules and Regulations for In Need of Management, Threatened, and Endangered Species
Rule Number	Rule Title
1660-01-32-.02	Threatened and Endangered Species Lists and Rules
1660-01-32-.03	Wildlife In Need of Management List and Rules

Amendment

Rule 1660-01-32-.02 is amended by deleting the rule in its entirety and replacing with the following:

- (1) The following species or subspecies are listed as state endangered.

(a) Crayfish

Common Name	Scientific Name
Big South Fork Crayfish	<i>Cambarus bouchardi</i>
Mountain Crayfish	<i>Cambarus conasaugaensis</i>
Conasauga Blue Burrower	<i>Cambarus cymatilis</i>
Valley Flame Crayfish	<i>Cambarus deweesae</i>
Chickamauga Crayfish	<i>Cambarus extraneus</i>
Obey Crayfish	<i>Cambarus obeyensis</i>
Pristine Crayfish	<i>Cambarus pristinus</i>
Speckled Crayfish	<i>Cambarus lentiginosus</i>
Hatchie Burrowing Crayfish	<i>Creaserinus hortonii</i>
Blood River Crayfish	<i>Faxonius burri</i>
Flint River Crayfish	<i>Faxonius cooperi</i>
Hardin Crayfish	<i>Faxonius wrighti</i>
Tennessee Cave Crayfish	<i>Orconectes incomptus</i>

(b) Fish

Common Name	Scientific Name
Lake Sturgeon	<i>Acipenser fulvescens</i>
Ashy Darter	<i>Etheostoma cinereum</i>
Crown Darter	<i>Etheostoma corona</i>
Barrens Darter	<i>Etheostoma forbesi</i>
Tuckasegee Darter	<i>Etheostoma gutselli</i>
Egg-mimic Darter	<i>Etheostoma pseudovulatum</i>
Barrens Topminnow	<i>Fundulus julisia</i>
Cooša Chub	<i>Macrhybopsis etnieri</i>
Silverjaw minnow	<i>Notropis buccatus</i>

(c) Amphibians

Common Name	Scientific Name
Streamside Salamander	<i>Ambystoma barbouri</i>
Hellbender	<i>Cryptobranchus alleganiensis</i>

(d) Birds

Common Name	Scientific Name
-------------	-----------------

Bachman's Sparrow	<i>Peucaea aestivalis</i>
-------------------	---------------------------

(2) The following species or subspecies are listed as state threatened.

(a) Crayfish

Common Name	Scientific Name
Tennessee Bottlebrush Crayfish	<i>Barbicambarus simmonsii</i>
Hiwassee Crayfish	<i>Cambarus hiwasseeensis</i>
Greensaddle Crayfish	<i>Cambarus manningi</i>
Cocoa Crayfish	<i>Cambarus stockeri</i>
Brawleys Fork Crayfish	<i>Cambarus williamsi</i>
Nashville Crayfish	<i>Faxonius shoupi</i>
Crescent Crayfish	<i>Faxonius taylori</i>

(b) Fish

Common Name	Scientific Name
Western Sand Darter	<i>Ammocrypta clara</i>
Blue sucker	<i>Cycleptus elongatus</i>
Coppercheek Darter	<i>Etheostoma aquali</i>
Holiday Darter	<i>Etheostoma brevirostrum</i>
Coldwater Darter	<i>Etheostoma ditrema</i>
Redlips Darter	<i>Etheostoma maydeni</i>
Striated Darter	<i>Etheostoma striatulum</i>
Trispot Darter	<i>Etheostoma trisella</i>
Saddled Madtom	<i>Noturus fasciatus</i>
Frecklebelly Madtom	<i>Noturus munitus</i>
Longhead Darter	<i>Percina macrocephala</i>
Sickle Darter	<i>Percina williamsi</i>
Tennessee Logperch	<i>Percina apina</i>
Blotchside Logperch	<i>Percina burtoni</i>

(c) Amphibians

Common Name	Scientific Name
Berry Cave Salamander	<i>Gyrinophilus gulolineatus</i>
Tennessee Cave Salamander	<i>Gyrinophilus palleucus</i>
Big Mouth Cave Salamander	<i>Gyrinophilus palleucus necturoides</i>
Pale Salamander	<i>Gyrinophilus palleucus palleucus</i>
Wehrle's Salamander	<i>Plethodon wehrlei</i>

(d) Reptiles

Common Name	Scientific Name
Alligator Snapping Turtle	<i>Macrolemys temminckii</i>
Northern Pine Snake	<i>Pituophis melanoleucus melanoleucus</i>
Western Pygmy Rattlesnake	<i>Sistrurus miliarius streckeri</i>

(e) Birds

Common Name	Scientific Name
Henslow's Sparrow	<i>Centronyx henslowii</i>
Golden-winged Warbler	<i>Vermivora chrysoptera</i>

(f) Mammals

Common Name	Scientific Name
Little Brown Bat	<i>Myotis lucifugus</i>
Tri-colored Bat	<i>Perimyotis subflavus</i>

Authority: T.C.A. §§ 70-1-206, 70-8-104, 70-8-105, and 70-8-107.

Amendment

Rule 1660-01-32-.03 is amended by deleting the rule in its entirety and replacing with the following:

- (1) The following species or subspecies are listed as state wildlife in need of management

(a) Crayfish

Common Name	Scientific Name
Bottlebrush Crayfish	<i>Barbicambarus cornutus</i>
Short Mountain Crayfish	<i>Cambarus clivosus</i>
Prickly Cave Crayfish	<i>Cambarus hamulatus</i>
Spiny Scale Crayfish	<i>Cambarus jezerinaci</i>
Florence Crayfish	<i>Cambarus andersoni</i>
Barren River Crayfish	<i>Faxonius barrenensis</i>
Cumberland Plateau Cave Crayfish	<i>Orconectes barri</i>
Mammoth Cave Crayfish	<i>Orconectes pellucidus</i>

(b) Fish

Common Name	Scientific Name
Naked Sand Darter	<i>Ammocrypta beanii</i>
Scaly Sand Darter	<i>Ammocrypta vivax</i>
American Eel	<i>Anguilla rostrata</i>

Alligator Gar	<i>Atractosteus spatula</i>
Highfin Carpsucker	<i>Carpiodes velifer</i>
Tennessee Dace	<i>Chrosomus tennesseensis</i>
Clinch Dace	<i>Chrosomus sp. cf saylori</i>
Smoky Dace	<i>Clinostomus sp. cf. funduloides</i>
Emerald Darter	<i>Etheostoma baileyi</i>
Teardrop Darter	<i>Etheostoma barbouri</i>
Splendid Darter	<i>Etheostoma barrenense</i>
Orangefin Darter	<i>Etheostoma bellum</i>
Chickasaw Darter	<i>Etheostoma cervus</i>
Golden Darter	<i>Etheostoma denoncourtii</i>
Redband Darter	<i>Etheostoma luteovinctum</i>
Smallscale Darter	<i>Etheostoma microlepidum</i>
Lollypop Darter	<i>Etheostoma neopteron</i>
Sooty Darter	<i>Etheostoma olivaceum</i>
Firebelly Darter	<i>Etheostoma pyrrhogaster</i>
Arrow Darter	<i>Etheostoma sagitta</i>
Tippecanoe Darter	<i>Etheostoma tippecanoe</i>
Tuscumbia Darter	<i>Etheostoma tuscumbia</i>
Wounded Darter	<i>Etheostoma vulneratum</i>
Golden Topminnow	<i>Fundulus chrysotus</i>
Flame Chub	<i>Hemitremia flammea</i>
Plains Minnow	<i>Hybognathus placitus</i>
Lined Chub	<i>Hybopsis lineapunctata</i>
Southern Brook Lamprey	<i>Ichthyomyzon gagei</i>
Silver Lamprey	<i>Ichthyomyzon unicuspis</i>
Sturgeon Chub	<i>Macrhybopsis gelida</i>
Sicklefin Chub	<i>Macrhybopsis meeki</i>
Rainbow Shiner	<i>Notropis chrosomus</i>
Bigmouth Shiner	<i>Notropis dorsalis</i>
Bedrock Shiner	<i>Notropis rupestris</i>
Piebald Madtom	<i>Noturus gladiator</i>
Tangerine Darter	<i>Percina aurantiaca</i>
Slenderhead Darter	<i>Percina phoxocephala</i>
Olive Darter	<i>Percina squamata</i>
Frecklebelly Darter	<i>Percina stictogaster</i>
Riffle Minnow	<i>Phenacobius catostomus</i>
Blackfin Sucker	<i>Thoburnia atripinnis</i>
Southern Cavefish	<i>Typhlichthys subterraneus</i>

(c) Amphibians

Common Name	Scientific Name
Cumberland Dusky Salamander	<i>Desmognathus abditus</i>
Seepage Salamander	<i>Desmognathus aeneus</i>
Northern Pygmy Salamander	<i>Desmognathus organi</i>
Black Mountain Salamander	<i>Desmognathus welteri</i>
Pygmy Salamander	<i>Desmognathus wrightii</i>

Junaluska Salamander	<i>Eurycea junaluska</i>
Four-toed Salamander	<i>Hemidactylum scutatum</i>
Crawfish Frog	<i>Lithobates areolatus</i>
Weller's Salamander	<i>Plethodon welleri</i>
Yonahlossee Salamander	<i>Plethodon yonahlossee</i>

(d) Reptiles

Common Name	Scientific Name
Kirtland's Snake	<i>Clonohis kirtlandii</i>
Mississippi Green Water Snake	<i>Nerodia cyclopion</i>
Eastern Slender Glass Lizard	<i>Ophisaurus attenuatus longicaudus</i>
Coal Skink	<i>Plestiodon anthracinus</i>

(e) Birds

Common Name	Scientific Name
Golden Eagle	<i>Aquila chrysaetos</i>
Little Blue Heron	<i>Egretta caerulea</i>
Wood Thrush	<i>Hylocichla mustelina</i>
Least Bittern	<i>Ixobrychus exilis</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Swainson's Warbler	<i>Limnothlypis swainsonii</i>
Black-crowned Night-heron	<i>Nycticorax nycticorax</i>
King Rail	<i>Rallus elegans</i>
Cerulean Warbler	<i>Setophaga cerulea</i>
Bewick's Wren	<i>Thryomanes bewickii</i>

(f) Mammals

Common Name	Scientific Name
Star-nosed Mole	<i>Condylura cristata</i>
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>
Southern Rock Vole	<i>Microtus chrotorrhinus carolinensis</i>
Eastern Small-footed Bat	<i>Myotis leibii</i>
Southern Appalachian Woodrat	<i>Neotoma floridana haematoreia</i>
Eastern Woodrat	<i>Neotoma floridana illinoensis</i>
Allegheny Woodrat	<i>Neotoma magister</i>
Hairy-tailed Mole	<i>Parascalops breweri</i>
Long-tailed Shrew	<i>Sorex dispar</i>
American Water Shrew	<i>Sorex palustris</i>
Southern Bog Lemming	<i>Synaptomys cooperi</i>

Authority: T.C.A. §§ 70-1-206, 70-8-104, 70-8-105, and 70-8-107.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Angie Box	X				
Dennis Gardner	X				
Jimmy Granbery	X				
Kurt Holbert				X	
Steve Jones	X				
Connie King	X				
Brian McLerran	X				
Jim Ripley	X				
Tony Sanders	X				
James Stroud	X				
Kent Woods	X				
Tommy Woods	X				
Hank Wright	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission (board/commission/other authority) on 10/23/2020 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/31/2020

Rulemaking Hearing(s) Conducted on: (add more dates). 10/23/2020

Date: 12-8-2020

Signature: Bobby Wilson

Name of Officer: Bobby Wilson

Title of Officer: Executive Director

Agency/Board/Commission: Tennessee Fish and Wildlife Commission

Rule Chapter Number(s): 1660-01-32

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slater III
Herbert H. Slater III
Attorney General and Reporter

2/2/2021
Date

Department of State Use Only

Filed with the Department of State on: 3/24/2021

Effective on: 6/22/2021



Tre Hargett
Secretary of State

RECEIVED

MAR 24 2021

Secretary of State
Division of Publications

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Southern Environmental Law Center submitted a written comment to the Fish and Wildlife Commission. The Commission's response is as follows:

The Tennessee Fish and Wildlife Commission appreciates the comments submitted by the Southern Environmental Law Center. In summary, the SELC supports listing the Nashville Crayfish on the state threatened and endangered list, but the SELC "strongly encouraged" the Commission to list the Nashville Crayfish as endangered rather than threatened.

The state threatened and endangered species list incorporates the federal threatened and endangered species list by reference in Tenn. Comp. R. & Regs. 1660-01-32-.01. Therefore, the Nashville Crayfish is still listed as endangered under the proposed rule.

The Commission feels that the Nashville Crayfish should still be afforded some level of protection in the event the U.S. Fish and Wildlife Service removes the Nashville Crayfish from the federal endangered species list. The Commission feels this is appropriate to provide the protection needed while respecting the competing needs and circumstances at this time.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

The Agency does not believe that the rule amendment/repeal will have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule updates the state threatened and endangered species list. The Fish and Wildlife Commission must review the list every two years as required by Tenn. Code. Ann. § 70-8-105.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

No federal or state law requires this rule amendment. However, Tenn. Code Ann. § 70-8-105 requires the Fish and Wildlife Commission to review the state endangered species list every two years. As a result of that review, the Commission felt an update to the rule was needed.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

None.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rule amendment will not impact state or local revenues or expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Chris Richardson, Assistant Director, TWRA

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, Assistant Director, TWRA

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

5107 Edmondson Pike, Nashville, TN 37211; 615-308-0477; chris.richardson@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Biological Diversity & Environmental Services
Contact Person:	Chris Richardson
Address:	5107 Edmondson Pike, Nashville, TN
Zip:	37211
Phone:	615-308-0477
Email:	chris.richardson@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-01-32	Rules and Regulations for In Need of Management, Threatened, and Endangered Species
Rule Number	Rule Title
1660-01-32-.02	Threatened and Endangered Species Lists and Rules
1660-01-32-.03	Wildlife In Need of Management List and Rules

Amendment

Rule 1660-01-32-.02 is amended by deleting the rule in its entirety and replacing with the following:

(1) The following species or subspecies are listed as state endangered.

(a) Crayfish

Common Name	Scientific Name
Big South Fork Crayfish	<i>Cambarus bouchardi</i>
Mountain Crayfish	<i>Cambarus conasaugaensis</i>
Conasauga Blue Burrower	<i>Cambarus cymatilis</i>
Valley Flame Crayfish	<i>Cambarus deweesae</i>
Chickamauga Crayfish	<i>Cambarus extraneus</i>
Obey Crayfish	<i>Cambarus obeyensis</i>
Pristine Crayfish	<i>Cambarus pristinus</i>
Speckled Crayfish	<i>Cambarus lentiginosus</i>
Hatchie Burrowing Crayfish	<i>Creaserinus horti</i>
Blood River Crayfish	<i>Faxonius burri</i>
Flint River Crayfish	<i>Faxonius cooperi</i>
Hardin Crayfish	<i>Faxonius wrighti</i>
Tennessee Cave Crayfish	<i>Orconectes incomptus</i>

(b) Fish

Common Name	Scientific Name
Lake Sturgeon	<i>Acipenser fulvescens</i>
Ashy Darter	<i>Etheostoma cinereum</i>
Crown Darter	<i>Etheostoma corona</i>
Barrens Darter	<i>Etheostoma forbesi</i>
Tuckasegee Darter	<i>Etheostoma gutselli</i>
Egg-mimic Darter	<i>Etheostoma pseudovulatum</i>
Barrens Topminnow	<i>Fundulus julisia</i>
Coosa Chub	<i>Macrhybopsis etnieri</i>
Silverjaw minnow	<i>Notropis buccatus</i>

(c) Amphibians

Common Name	Scientific Name
Streamside Salamander	<i>Ambystoma barbouri</i>
Hellbender	<i>Cryptobranchus alleganiensis</i>

(d) Birds

Common Name	Scientific Name
--------------------	------------------------

Bachman's Sparrow	<i>Peucaea aestivalis</i>
-------------------	---------------------------

(2) The following species or subspecies are listed as state threatened.

(a) Crayfish

Common Name	Scientific Name
Tennessee Bottlebrush Crayfish	<i>Barbicambarus simmonsii</i>
Hiwassee Crayfish	<i>Cambarus hiwasseeensis</i>
Greensaddle Crayfish	<i>Cambarus manningi</i>
Cocoa Crayfish	<i>Cambarus stockeri</i>
Brawleys Fork Crayfish	<i>Cambarus williamsi</i>
Nashville Crayfish	<i>Faxonius shoupi</i>
Crescent Crayfish	<i>Faxonius taylori</i>

(b) Fish

Common Name	Scientific Name
Western Sand Darter	<i>Ammocrypta clara</i>
Blue sucker	<i>Cycleptus elongatus</i>
Coppercheek Darter	<i>Etheostoma aquali</i>
Holiday Darter	<i>Etheostoma brevirostrum</i>
Coldwater Darter	<i>Etheostoma ditrema</i>
Redlips Darter	<i>Etheostoma maydeni</i>
Striated Darter	<i>Etheostoma striatulum</i>
Trispot Darter	<i>Etheostoma trisella</i>
Saddled Madtom	<i>Noturus fasciatus</i>
Frecklebelly Madtom	<i>Noturus munitus</i>
Longhead Darter	<i>Percina macrocephala</i>
Sickle Darter	<i>Percina williamsi</i>
Tennessee Logperch	<i>Percina apina</i>
Blotchside Logperch	<i>Percina burtoni</i>

(c) Amphibians

Common Name	Scientific Name
Berry Cave Salamander	<i>Gyrinophilus gulolineatus</i>
Tennessee Cave Salamander	<i>Gyrinophilus palleucus</i>
Big Mouth Cave Salamander	<i>Gyrinophilus palleucus necturoides</i>
Pale Salamander	<i>Gyrinophilus palleucus palleucus</i>
Wehrle's Salamander	<i>Plethodon wehrlei</i>

(d) Reptiles

Common Name	Scientific Name
Alligator Snapping Turtle	<i>Macrolemys temminckii</i>
Northern Pine Snake	<i>Pituophis melanoleucus melanoleucus</i>
Western Pygmy Rattlesnake	<i>Sistrurus miliarius streckeri</i>

(e) Birds

Common Name	Scientific Name
Henslow's Sparrow	<i>Centronyx henslowii</i>
Golden-winged Warbler	<i>Vermivora chrysoptera</i>

(f) Mammals

Common Name	Scientific Name
Little Brown Bat	<i>Myotis lucifugus</i>
Tri-colored Bat	<i>Perimyotis subflavus</i>

Authority: T.C.A. §§ 70-1-206, 70-8-104, 70-8-105, and 70-8-107.

Amendment

Rule 1660-01-32-.03 is amended by deleting the rule in its entirety and replacing with the following:

(1) The following species or subspecies are listed as state wildlife in need of management

(a) Crayfish

Common Name	Scientific Name
Bottlebrush Crayfish	<i>Barbicambarus cornutus</i>
Short Mountain Crayfish	<i>Cambarus clivosus</i>
Prickly Cave Crayfish	<i>Cambarus hamulatus</i>
Spiny Scale Crayfish	<i>Cambarus jezerinaci</i>
Florence Crayfish	<i>Cambarus andersoni</i>
Alabama Crayfish	<i>Faxonius alabamensis</i>
Barren River Crayfish	<i>Faxonius barrenensis</i>
Cumberland Plateau Cave Crayfish	<i>Orconectes barri</i>
Mammoth Cave Crayfish	<i>Orconectes pellucidus</i>

(b) Fish

Common Name	Scientific Name
Naked Sand Darter	<i>Ammocrypta beanii</i>
Scaly Sand Darter	<i>Ammocrypta vivax</i>
American Eel	<i>Anguilla rostrata</i>

Alligator Gar	<i>Atractosteus spatula</i>
Highfin Carpsucker	<i>Carpionodes velifer</i>
Tennessee Dace	<i>Chrosomus tennesseensis</i>
Rugby Dace Clinch Dace	<i>Chrosomus sp. 4 cf. saylori</i>
Smoky Dace	<i>Clinostomus sp. cf. funduloides</i>
Emerald Darter	<i>Etheostoma baileyi</i>
Teardrop Darter	<i>Etheostoma barbouri</i>
Splendid Darter	<i>Etheostoma barrenense</i>
Orangefin Darter	<i>Etheostoma bellum</i>
Chickasaw Darter	<i>Etheostoma cervus</i>
Golden Darter	<i>Etheostoma denoncourti</i>
Redband Darter	<i>Etheostoma luteovinctum</i>
Smallscale Darter	<i>Etheostoma microlepidum</i>
Lollypop Darter	<i>Etheostoma neopterum</i>
Sooty Darter	<i>Etheostoma olivaceum</i>
Firebelly Darter	<i>Etheostoma pyrrhogaster</i>
Arrow Darter	<i>Etheostoma sagitta</i>
Tippecanoe Darter	<i>Etheostoma tippecanoe</i>
Tuscumbia Darter	<i>Etheostoma tuscumbia</i>
Wounded Darter	<i>Etheostoma vulneratum</i>
Golden Topminnow	<i>Fundulus chrysotus</i>
Flame Chub	<i>Hemitremia flammea</i>
Plains Minnow	<i>Hybognathus placitus</i>
Lined Chub	<i>Hybopsis lineapunctata</i>
Southern Brook Lamprey	<i>Ichthyomyzon gagei</i>
Silver Lamprey	<i>Ichthyomyzon unicuspis</i>
Sturgeon Chub	<i>Macrhybopsis gelida</i>
Sicklefin Chub	<i>Macrhybopsis meeki</i>
Rainbow Shiner	<i>Notropis chrosomus</i>
Bigmouth Shiner	<i>Notropis dorsalis</i>
Bedrock Shiner	<i>Notropis rupestris</i>
Piebald Madtom	<i>Noturus gladiator</i>
Tangerine Darter	<i>Percina aurantiaca</i>
Blotchside Logperch	<i>Percina burtoni</i>
Slenderhead Darter	<i>Percina phoxocephala</i>
Olive Darter	<i>Percina squamata</i>
Frecklebelly Darter	<i>Percina stictogaster</i>
Riffle Minnow	<i>Phenacobius catostomus</i>
Blackfin Sucker	<i>Thoburnia atripinnis</i>
Southern Cavefish	<i>Typhlichthys subterraneus</i>

(c) Amphibians

Common Name	Scientific Name
Cumberland Dusky Salamander	<i>Desmognathus abditus</i>
Seepage Salamander	<i>Desmognathus aeneus</i>
Northern Pygmy Salamander	<i>Desmognathus organi</i>
Black Mountain Salamander	<i>Desmognathus welteri</i>

Pygmy Salamander	<i>Desmognathus wrighti</i>
Junaluska Salamander	<i>Eurycea junaluska</i>
Four-toed Salamander	<i>Hemidactylum scutatum</i>
Crawfish Frog	<i>Lithobates areolatus</i>
Wehrle's Salamander	<i>Plethodon wehrlei</i>
Weller's Salamander	<i>Plethodon welleri</i>
Yonahlossee Salamander	<i>Plethodon yonahlossee</i>

(d) Reptiles

Common Name	Scientific Name
Kirtland's Snake	<i>Clonophis kirtlandii</i>
Mississippi Green Water Snake	<i>Nerodia cyclopion</i>
Eastern Slender Glass Lizard	<i>Ophisaurus attenuatus longicaudus</i>
Coal Skink	<i>Plestiodon anthracinus</i>

(e) Birds

Common Name	Scientific Name
Golden Eagle	<i>Aquila chrysaetos</i>
Little Blue Heron	<i>Egretta caerulea</i>
Wood Thrush	<i>Hylocichla mustelina</i>
Least Bittern	<i>Ixobrychus exilis</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Swainson's Warbler	<i>Limnothlypis swainsonii</i>
Black-crowned Night-heron	<i>Nycticorax nycticorax</i>
King Rail	<i>Rallus elegans</i>
Cerulean Warbler	<i>Setophaga cerulea</i>
Bewick's Wren	<i>Thryomanes bewickii</i>

(f) Mammals

Common Name	Scientific Name
Star-nosed Mole	<i>Condylura cristata</i>
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>
Southern Rock Vole	<i>Microtus chrotorrhinus carolinensis</i>
Eastern Small-footed Bat	<i>Myotis leibii</i>
Southern Appalachian Woodrat	<i>Neotoma floridana haematoreia</i>
Eastern Woodrat	<i>Neotoma floridana illinoensis</i>
Allegheny Woodrat	<i>Neotoma magister</i>
Hairy-tailed Mole	<i>Parascalops breweri</i>
Long-tailed Shrew	<i>Sorex dispar</i>
American Water Shrew	<i>Sorex palustris</i>
Southern Bog Lemming	<i>Synaptomys cooperi</i>

Authority: T.C.A. §§ 70-1-206, 70-8-104, 70-8-105, and 70-8-107.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Angie Box	✓				
Dennis Gardner	✓				
Jimmy Granbery	✓				
Kurt Holbert				✓	
Steve Jones	✓				
Connie King	✓				
Brian McLerran	✓				
Jim Ripley	✓				
Tony Sanders	✓				
James Stroud	✓				
Kent Woods	✓				
Tommy Woods	✓				
Hank Wright	✓				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission (board/commission/other authority) on 10/23/2020 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/31/2020

Rulemaking Hearing(s) Conducted on: (add more dates). 10/23/2020

Date: _____

Signature: _____

Name of Officer: Bobby Wilson

Title of Officer: Executive Director

Agency/Board/Commission: Tennessee Fish and Wildlife Commission

Rule Chapter Number(s): 1660-01-32

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The Southern Environmental Law Center submitted a written comment to the Fish and Wildlife Commission. The Commission's response is as follows:

The Tennessee Fish and Wildlife Commission appreciates the comments submitted by the Southern Environmental Law Center. In summary, the SELC supports listing the Nashville Crayfish on the state threatened and endangered list, but the SELC "strongly encouraged" the Commission to list the Nashville Crayfish as endangered rather than threatened.

The state threatened and endangered species list incorporates the federal threatened and endangered species list by reference in Tenn. Comp. R. & Regs. 1660-01-32-.01. Therefore, the Nashville Crayfish is still listed as endangered under the proposed rule.

The Commission feels that the Nashville Crayfish should still be afforded some level of protection in the event the U.S. Fish and Wildlife Service removes the Nashville Crayfish from the federal endangered species list. The Commission feels this is appropriate to provide the protection needed while respecting the competing needs and circumstances at this time.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

The Agency does not believe that the rule amendment/repeal will have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule updates the state threatened and endangered species list. The Fish and Wildlife Commission must review the list every two years as required by Tenn. Code. Ann. § 70-8-105.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

No federal or state law requires this rule amendment. However, Tenn. Code Ann. § 70-8-105 requires the Fish and Wildlife Commission to review the state endangered species list every two years. As a result of that review, the Commission felt an update to the rule was needed.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

None.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rule amendment will not impact state or local revenues or expenditures.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Chris Richardson, Assistant Director, TWRA

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, Assistant Director, TWRA

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

5107 Edmondson Pike, Nashville, TN 37211; 615-308-0477; chris.richardson@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

None.