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Sequence Number: 10-09-17
 Notice ID(s): 2759
 File Date: 10/6/17

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

| | |
|---------------------------------|--|
| Agency/Board/Commission: | Tennessee Wildlife Resources Agency |
| Division: | Biodiversity |
| Contact Person: | Lisa Crawford |
| Address: | TWRA, PO Box 40747, Nashville, TN 37204-0747 |
| Phone: | 615-781-6606 |
| Email: | Lisa.Crawford@tn.gov |

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

| | |
|---------------------|--|
| ADA Contact: | Rick Pharris |
| Address: | TWRA, PO Box 40747, Nashville, TN 37204-0747 |
| Phone: | 615-781-6594 |
| Email: | Rick.Pharris@tn.gov |

Hearing Location(s) (for additional locations, copy and paste table)

| | | | |
|----------------|--------------------------|---|----------------------------------|
| Address 1: | Lone Oaks Farm | | |
| Address 2: | 10000 Lake Hardeman Road | | |
| City: | Middleton, TN | | |
| Zip: | 38052 | | |
| Hearing Date : | 12/08/2017 | | |
| Hearing Time: | 9:00 a.m. | <input checked="" type="checkbox"/> CST/CDT | <input type="checkbox"/> EST/EDT |

Additional Hearing Information:

www.loneoaksfarm.com

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.01 | Adoption of Federal Endangered Species Act |
| 1660-01-32-.02 | Threatened and Endangered Species Lists and Rules |
| 1660-01-32-.03 | Wildlife In Need of Management List and Rules |

New Rules

1660-01-32-.01, Adoption of Federal Endangered Species Act, is added as a new rule to read as follows:

- (1) The Tennessee Wildlife Resources Agency hereby adopts by reference the species and subspecies protected by the Federal Endangered Species Act of 1973, as amended, 16 USCA, Ch. 35. A list of Tennessee's Federally threatened and endangered species under the Endangered Species Act may be found at 50 C.F.R. §17.11.

Authority: T.C.A. §§70-1-206, 70-8-104, 70-8-106 and 70-8-107. **Administrative History:**
Original rule filed _____; effective _____.

1660-01-32-.02, Threatened and Endangered Species Lists and Rules, is added as a new rule to read as follows:

- (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> |
| Tennessee Cave Crayfish | <i>Orconectes incomptus</i> |
| Hardin Crayfish | <i>Faxonius wrighti</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 sp. 1</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> |
| 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> |

(c) Amphibians

| Common Name | Scientific Name |
|---------------------------|----------------------------------|
| Berry Cave Salamander | <i>Gyrinophilus gulolineatus</i> |
| Tennessee Cave Salamander | <i>Gyrinophilus pallescens</i> |

| | |
|---------------------------|---|
| Pale Salamander | <i>Gyrinophilus palleucus palleucus</i> |
| Big Mouth Cave Salamander | <i>Gyrinophilus palleucus necturoides</i> |

(d) Reptiles

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

(e) Birds

| Common Name | Scientific Name |
|-----------------------|------------------------------|
| Henslow's Sparrow | <i>Ammodramus 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, 70-8-106 and 70-8-107. **Administrative History:** Original rule filed _____; effective _____.

1660-01-32-.03, Wildlife In Need of Management List and Rules, is added as a new rule to read as follows:

(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 | <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> |
| Rugby Dace | <i>Chrosomus sp 1</i> |
| Smoky Dace | <i>Clinostomus funduloides ssp. 1</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> |
| Black Mountain Salamander | <i>Desmognathus welteri</i> |
| Pygmy Salamander | <i>Desmognathus wrighti</i> |
| Junaluska Salamander | <i>Eurycea junaluska</i> |
| Four-toed Salamander | <i>Hemidactylium scutatum</i> |
| Wehrle's Salamander | <i>Plethodon wehrlei</i> |
| Weller's Salamander | <i>Plethodon welleri</i> |

(d) Reptiles

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

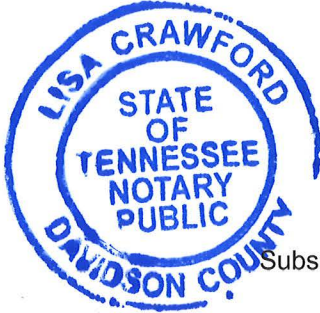
| Common Name | Scientific Name |
|---------------------------|--------------------------------|
| Golden Eagle | <i>Aquila chrysaetos</i> |
| Little Blue Heron | <i>Egretta caerulea</i> |
| Wood Thrush | <i>Hylocichla mustelina</i> |
| Least Bittern | <i>Ixobrychus exilis</i> |
| Loggerhead Shrike | <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, 70-8-106 and 70-8-107. Administrative History: Original rule filed _____; effective _____.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 10-5-17

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 10-5-17

Notary Public Signature: Lisa Crawford

My commission expires on: 3-10-2019

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Tre Hargett

Tre Hargett
Secretary of State

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