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Sequence Number: 09-22-11
 Rule ID(s): 5026
 File Date: 09/26/2011
 Effective Date: 12/25/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Environment and Conservation
Division:	Resource Management Division
Contact Person:	Todd Crabtree
Address:	7 th Floor, L & C Annex 401 Church Street Nashville, Tennessee
Zip:	37243-0447
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0400-06-02	Rare Plant Protection and Conservation Regulations
Rule Number	Rule Title
0400-06-02-.03	Promulgation of Lists
0400-06-02-.04	List of Endangered Species

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://tn.gov/sos/rules/1360/1360.htm>)

Chapter 0400-06-02
Rare Plant Protection and Conservation Regulations

Amendment

Paragraph (6) of Rule 0400-06-02-.03 Promulgation of Lists is amended by deleting it in its entirety and replacing it with the following paragraph (6) to read as follows:

- (6) Copies of the current list of endangered species or the list of threatened or special concern species shall be made available, upon request, by the Department of Environment and Conservation, Resource Management Division, 401 Church Street, Nashville, Tennessee 37243-0447.

Rule 0400-06-02-.04 List of Endangered Species is amended by deleting it in its entirety and replacing it with the following new Rule 0400-06-02-.04 to read as follows:

0040-06-02-.04 List of Endangered Species.

The endangered plant list of Tennessee includes the following:

Latin Name	Common Name
<i>Aconitum reclinatum</i> A.	Gray trailing wolfsbane
<i>Agalinis auriculata</i> (Michx.)	Blake Earleaved false-foxglove
<i>Agalinis heterophylla</i> (Nutt.) Small ex Britton	Prairie False Foxglove
<i>Agalinis oligophylla</i> Pennell	Ridge-stem false foxglove
<i>Agalinis plukenetii</i> (Eil.) Raf	Purple gerardia
<i>Allium stellatum</i> Fraser	Glade onion
<i>Anemone canadensis</i> L.	Canada anemone
<i>Anemone caroliniana</i> Walt.	Carolina anemone
<i>Apios priceana</i> Robbins	Price's potato-bean
<i>Arabis patens</i> Sullivan	Spreading rockcress
<i>Arabis perstellata</i> L. Braun	Braun's rockcress
<i>Arenaria lanuginosa</i> (Michx.) Rohrback	Wooly sandwort
<i>Aristida ramosissima</i> Engelm. ex Gray	Branched three-awn grass
<i>Asplenium scolopendrium</i> L. var. <i>americanum</i> (Fern.) Kartesz & Gandhi	Hart's-tongue fern
<i>Astilbe crenatiloba</i> (Britt.) Small	Crenate-lobed false goat's-beard
<i>Astragalus bibullatus</i> Barneby and Bridges	Pyne's ground-plum
<i>Betula papyrifera</i> Marsh var. <i>cordifolia</i> (Regel) Fern.	Heart-leaved paper birch
<i>Brachydontium trichodes</i> (Web.) Milde	Peak moss
<i>Bulbostylis ciliatifolia</i> (Eil.) Fern. var. <i>coarctata</i> (Eil.) Kral	Capillary hairsedge
<i>Calamagrostis cainii</i> Hitchcock	Cain's reedgrass
<i>Calamagrostis porteri</i> A. Gray	Porter's reedgrass
<i>Calopogon oklahomensis</i> D.H. Goldman	Oklahoma grass-pink
<i>Caltha palustris</i> L.	Marsh marigold
<i>Carex alopecoidea</i> Tuckerm.	Foxtail sedge
<i>Carex barrattii</i> Schweinitz and Torr.	Barratt's sedge
<i>Carex buxbaumii</i> Wahlenb.	Buxbaum's Sedge
<i>Carex canescens</i> L. ssp. <i>disjuncta</i> Fern.	Hoary Sedge
<i>Carex lonchocarpa</i> Willd. ex Spreng.	Southern Long Sedge
<i>Carex manhartii</i> Bryson	Manhart's sedge
<i>Carex muskingumensis</i> Schweinitz	Muskingum sedge
<i>Carex pellita</i> Willd.	Woolly sedge

Carex roanensis Hermann	Roan mountain sedge
Carex sterilis Willd.	Sterile sedge
Carex utriculata Boott.	Northwest Territory sedge
Carex vestita Willd.	Velvety sedge
Cephaloziella messalongi (Spruce) K. Muell.	a liverwort
Cerastium velutinum Raf.	Velvety cerastium
Clematis fremontii S. Wats.	Fremont's Leather Flower
Clematis glaucophylla Small	White-leaved leatherflower
Clematis morefieldii Kral	Huntsville vasevine
Clethra alnifolia L.	coastal pepperbush
Coeloglossum viride (L.) Hartman	Long-bracted green orchis
var. virescens (Muhl. ex Willd.) Luer	
Collinsia verna Nutt.	Spring blue-eyed Mary
Comptonia peregrina (L.) Coulter	Sweet-fern
Coreopsis latifolia Michx.	Broad-leaved tickseed
Coreopsis delphiniifolia Lam.	Larkspur-leaved coreopsis
Corydalis sempervirens (L.) Pers.	Pale corydalis
Crataegus harbisonii Beadle	Harbison's hawthorn
Crotalaria purshii DC.	Pursh's rattlebox
Cypripedium kentuckiense Reed	Southern lady's-slipper
Cypripedium reginae Walt.	Showy lady's-slipper
Dalea foliosa (A. Gray) Barneby	Leafy prairie-clover
Dalea purpurea Vent.	Purple prairie-clover
Delphinium exaltatum Ait.	Tall larkspur
Desmodium ochroleucum M.A. Curtis ex Canby	Creamflower tick-trefoil
Diamorpha smallii Britt.	Small's stonecrop
Dichanthelium acuminatum subsp. spretum	Eaton's witchgrass
(Schult.) Freckmann & Lelong	
Dichanthelium ensifolium subsp. curtifolium	Short-leaved panic grass
(Nash) Freckmann & Lelong	
Echinacea pallida (Nutt.) Nutt.	Pale Purple Coneflower
Echinacea tennesseensis (Beadle) Small	Tennessee coneflower
Eleocharis equisetoides (Ell.) Torr.	Horse-tail spike-rush
Eleocharis intermedia J.A. Schultes	matted spike rush
Eleocharis wolfii A. Gray	Wolf's spike rush
Elymus svensonii Church	Svenson's wild-rye
Eriocaulon decangulare L.	Ten-angle pipewort
Eriogonum longifolium Nutt.	Harper's umbrella-plant
var. harperi (Goodm.) Reveal	
Eriophorum virginicum L.	tawny cotton grass
Erysimum capitatum (Dougl.) Greene	Western wallflower
Eupatorium leucolepis (DC.) Torr. and A. Gray	White-bracted thoroughwort
Eurybia saxicastelli (J. J. N. Campbell & Medley)	Rockcastle aster
G. L. Nesom	
Euthamia gymnospermioides Green	Great Plains Goldentop
Fimbristylis perpusilla Harper	Harper's fimbristylis
Frullania appalachiana R. M. Schust.	a liverwort
Gentiana puberulenta J.S. Pringle	Prairie gentian
Geum aleppicum Jacq.	Yellow Avens
Geum geniculatum Michx.	Bent avens
Geum radiatum Michx.	Spreading avens
Gratiola floridana Nutt.	Florida hedge-hyssop
Hedyotis purpurea (L.) Torr. & A.Gray	Roan Mountain bluet
var. montana (Small) Fosberg	
Helenium brevifolium (Nutt.) Wood	Shortleaf sneezeweed
Helianthemum bicknellii Fern.	Plains frostweed
Helianthemum canadense (L.) Michx.	Canada frostweed
Helianthemum propinquum E.P. Bicknell	low frostweed
Helianthus verticillatus Small	Whorled sunflower

Homaliadelphus sharpii (Williams) Sharp	Sharp's homaliadelphus
Hydrocotyle americana L.	American water-pennywort
Hypericum adpressum Barton	Creeping St. John's-wort
Hypericum ellipticum Hook.	Pale St. John's-wort
Hypericum graveolens Bickl.	Mountain St. John's-wort
Iris brevicaulis Raf.	Lamance iris
Isoetes appalachiana D.F.Brunton & D.M.Britton	Appalachian Quillwort
Isoetes melanopoda Gay and Durieu	Blackfoot quillwort
Isoetes tennesseensis N.T. Luebke & J.M. Budke	Hiwassee quillwort
Isotria medeoloides (Pursh) Raf.	Small whorled pogonia
Juncus trifidus L. var. carolinianus Hamet-Ahti	Highland rush
Kalmia angustifolia L. var. carolina (Small) Fern.	Sheep-laurel
Lachnanthes carolina (Lam.)	Carolina redroot
Lachnocaulon anceps (Walt.) Morong	Bog-buttons
Leavenworthia exigua Rollins var. lutea Rollins	Pasture glade-cress
Lechea pulchella Raf.	Leggett's pinweed
Lejeunea sharpii (Schust.) Schust.	Sharp's lejeunia
Leptodontium viticulosoides var. sulphureum (Müller Hal.) R. H. Zander	Grandfather mountain leptodontium
Leptohymenium sharpii (Crum & Anders.) Buck & Crum	Mount Leconte moss
Leptoscyphus cuneifolius (Hook.) Mitt.	a liverwort
Lilium grayi S. Wats.	Gray's lily
Lilium philadelphicum L.	Wood lily
Linnaea borealis L.	Twinflower
Listera australis Lindl.	Southern twayblade
Lonicera prolifera (Kirchner) Rehder	Grape honeysuckle
Lycopodium annotinum L.	Stiff clubmoss
Lysimachia fraseri Duby	Fraser's loosestrife
Lysimachia quadriflora Sims	Fourflower Yellow Loosestrife
Lysimachia terrestris (L.) BSP.	Swamp loosestrife
Maianthemum stellatum (L.) Link	Starflower false Solomon's-seal
Marshallia grandiflora Beadle and Boynton	Large-flowered Barbara's-buttons
Marsipella funckii (Web. & Mohr) Dumort.	a liverwort
Melanthium latifolium Desr.	Broadleaf bunchflower
Melanthium virginicum L.	Virginia bunchflower
Melanthium woodii (J.W. Robbins ex Wood) Bodkin	Ozark bunchflower
Minuartia cumberlandensis (Wofford & Kral) McNeill	Cumberland sandwort
Minuartia godfreyi (Shinners) McNeill	Godfrey's stitchwort
Minuartia groenlandica (Retzius) Ostenfeld	Mountain sandwort
Muhlenbergia cuspidata (Torr.) Rydb.	Plains muhly
Muhlenbergia torreyana (Shult.) Hitchcock	Torrey's dropseed
Myriophyllum pinnatum (Walt.) B.S.P.	Cutleaf Watermilfoil
Nestronia umbellula Raf.	Nestronia
Onosmodium hispidissimum Mack.	Shaggy false gromwell
Onosmodium molle Michx. ssp subsetosum (Mack & Bush) Cochrane	Smooth false gromwell
Paxistima canbyi A. Gray	Canby's mountain-lover
Paysonia perforata (Rollins) O'Kane & Al-Shehbaz	Spring Creek Bladderpod
Paysonia stonensis (Rollins) O'Kane & Al-Shehbaz	Stones River Bladderpod
Perideridia americana (Nutt. ex DC.) Reichenb.	Thicket parsley
Physaria globosa (Desv.) O'Kane	Globe Bladderpod
Pityopsis ruthii (Small) Small	Ruth's golden-aster
Plantago cordata Lam.	Heart-leaved plantain
Platanthera grandiflora (Bigelow) Lindl.	Large purple fringed orchid
Platanthera integra (Nutt.) A. Gray ex Beck	Yellow fringeless orchid
Platanthera integrilabia (Correll) Luer	White fringeless orchid
Platanthera nivea (Nutt.) Luer	Snowy orchid
Poa palustris L.	owl bluegrass
Pogonia ophioglossoides (L.)Ker-Gawl.	Rose pogonia

Polygala nana (Michx.) DC.
Polygala nuttallii Torr. and A. Gray
Polygonella americana (Fisch. and Mey)
Ponthieva racemosa (Walt.) Mohr
Porella sp. nov. (sp. 1)
Prunus pumila L.
Pycnanthemum beadleii (Small) Fern.
Prenanthes crepidinea Michx.
Pycnanthemum verticillatum (Michx.) Pers.
Pyrola americana Sweet
Ranunculus aquatilis var. *diffusus* Withering
Rhamnus alnifolia L'Hér.
Rhynchosia latifolia Nutt.
Rhynchospora alba (L.) Vahl
Rhynchospora capillacea Torr.
Rhynchospora debilis Gale
Rhynchospora latifolia (Baldw.) Thomas
Rhynchospora rariflora (Michx.) Ell.
Rhynchospora wrightiana Boeckler
Ribes americanum P.Mill.
Rudbeckia triloba L. var. *pinnatifida* Torrey & A. Gray
Rugelia nudicaulis Shuttlw. ex Chapman
Sabatia capitata (Raf.) Blake
Sagittaria rigida Pursh
Sanguisorba canadensis L.
Saxifraga caroliniana A. Gray
Saxifraga pensylvanica L.
Schwalbea americana L.
Scutellaria arguta Buckl.
Sedum nevii A. Gray
Seymeria cassioides (J.F. Gmelin) Blake
Sida hermaphrodita (L.) Rusby
Silene ovata Pursh
Silene regia Sims
Silphium brachiatum Gattinger
Silphium wasiotense Medley
Solidago gattingeri Chapm.
Solidago lancifolia Torr. and A. Gray
Solidago ptarmicoides (Nees) Bovin
Solidago rupestris Raf.
Solidago spithamea M.A. Curtis
Sparganium androcladum (Engelm.) Morong
Sphenolobopsis pearsoni (Spruce) Shust. & Kitag.
Spiraea alba DuRoi
Spiraea virginiana Britt.
Spiranthes magnicamporum Sheviak
Spiranthes ochroleuca (Rydb.) Rydb.
Spiranthes odorata (Nutt.) Lindl.
Sporobolus junceus (P.Beauv.) Kunth
Stellaria alsine Grimm
Stellaria longifolia Muhl.
Stenanthium diffusum Wofford
Sullivantia sullivantii (Torr. & Gray) Britt.
Symphyotrichum praealtum (Poiret) G. L. Nesom
Symphyotrichum pratense (Rafinesque) Nesom
Symplocarpus foetidus (L.) Nutt.
Taxus canadensis Marsh.
Tetragonotheca helianthoides L.
Thaspium pinnatifidum (Buckley) A. Gray

Dwarf milkwort
 Nuttall's milkwort
 Small Southern jointweed
 Shadow-witch
 Hot porella
 sand cherry
 Beadle's mountain mint
 Nodding rattlesnake-root
 Whorled mountain-mint
 American wintergreen
 Eastern white water crowfoot
 Alderleaf buckthorn
 Prairie rhynchosia
 White beakrush
 Horned beakrush
 Savannah Beak-Rush
 Giant white-top sedge
 Few-flowered beak-rush
 Wright's beak-rush
 Wild Black Currant
 browneyed Susan
 Ruge's ragwort
 Rose gentian
 Sessile-Fruited Arrowhead
 Canada burnet
 Carolina saxifrage
 Swamp saxifrage
 Chaffseed
 Hairy scullcap
 Nevius' stonecrop
 Seymeria
 Virginia mallow
 Ovate catchfly
 Royal catchfly
 Cumberland rosinweed
 Kentucky rosinweed
 Gattinger's goldenrod
 Broadleaf goldenrod
 Prairie goldenrod
 Rock goldenrod
 Blue ridge goldenrod
 Branching bur-reed
 Sphenolobopsis
 Narrow-leaved meadow-sweet
 Virginia spiraea
 Great Plains Ladies'-Tresses
 Yellow nodding ladies'-tresses
 Sweetscent ladies'-tresses
 Piney-Woods Dropseed
 Trailing stitchwort
 Longleaf stitchwort
 Cumberland featherbells
 Sullivantia
 Willow aster
 Barrens silky aster
 Skunk-cabbage
 American yew
 Pineland squarehead
 Cutleaf meadow parsnip

Thelypteris simulata (Davenport) Nieuwl.
Tortula ammoniana Crum & Anders.
Tortula fragilis Tayl.
Triantha glutinosa (Walter) Small
Triantha racemosa (Walter) Small
Trichophorum cespitosum (L.) Hartman
Trifolium calcaricum J.L. Collins & Wieboldt
Trifolium reflexum L.
Trillium decumbens Harbison
Trillium lancifolium Raf.
Trillium pusillum Michx.
Trillium rugelii Rendle
Utricularia cornuta Michx.
Vaccinium elliotii Chapm.
Veronica catenata Pennell
Veronica scutellata L.
Viburnum bracteatum Rehd.
Viburnum molle Michx.
Vitis rupestris Scheele
Xyris ambigua Beyr. ex. Kunth.
Xyris fimbriata Eil.
Xyris tennesseensis R. Kral
Zigadenus glaucus Nutt.

Bog fern
Ammon's tortula
Fragile tortula
Coastal False Asphodel
Coastal false-asphodel
Tufted club-rush
Running glade clover
Buffalo clover
Trailing trillium
Narrow-leaved trillium
Least trillium
Southern nodding trillium
Horned bladderwort
Mayberry
Sessile water-speedwell
Marsh-speedwell
Limerock arrowwood
Softleaf arrow-wood
Rock grape
Coastal-plain yellow-eyed-grass
Fringed yellow-eyed-grass
Tennessee yellow-eyed-grass
White camas

Authority: T.C.A. §§ 70-8-301 et seq., and 4-5-201 et seq.

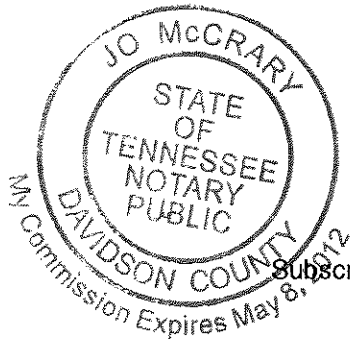
* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner on 05/05/2011 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 12/09/10

Rulemaking Hearing(s) Conducted on: (add more dates). 02/18/11



Date: 5-5-11

Signature: [Handwritten Signature]

Name of Officer: Robert J. Martineau, Jr.

Title of Officer: Commissioner of TDEC

Subscribed and sworn to before me on: 5-5-11

Notary Public Signature: Jo McCrary

My commission expires on: May 8, 2012

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.

[Handwritten Signature]
Robert E. Cooper, Jr.
Attorney General and Reporter
9-20-11
Date

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Filed with the Department of State on: 9/20/11

Effective on: 12/25/11

[Handwritten Signature]
Tre Hargett
Secretary of State

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REGISTRATIONS

Pursuant to T.C.A. §§ 70-8-305 and 70-8-313, I have reviewed and concur in these amendments to Chapter 0400-06-02, including the additions and deletions to the list of endangered species.



Julius T. Johnson, Commissioner
Department of Agriculture

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No one attended the Public Rulemaking Hearing. No Comments were received at the hearing or during the public comment period following the hearing which ended at 4:30 p.m. CDT March 4, 2011.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

There are approximately 9 rare plant dealer licenses issued each year at no cost to the dealer.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

The licensees are required to report the number of rare plants that they sell and the number they acquire. Typically this amounts to recording 6 numbers or less for each dealer. There are no new recordkeeping or reporting requirements or administrative costs contained in the amendment to rule 0400-06-02-.02.

- (3) A statement of the probable effect on impacted small businesses and consumers.

The amendment to rule 0400-06-02-.02 will have little effect on small businesses due to the fact that very few nurseries sell native plants and those plants that are listed are for the most part very obscure species that are not popular in cultivation.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

The amendment to rule 0400-06-02-.02 affects only a very small fraction of the nursery industry at present and the burden consists of one form to fill out each year. Any measures less burdensome would not achieve the purpose of the rule.

- (5) A comparison of the proposed rule with any federal or state counterparts.

The Endangered Species Act of 1973 (16 U.S.C. 1531-1544) is much more stringent and comprehensive than the amendment to rule 0400-06-02-.02. The federal law covers fewer plant species in Tennessee but the regulations are more restrictive.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

All of the nurseries that are subject to the reporting requirements would likely qualify as small businesses and their exemption from this rule would defeat the purpose of the rule.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule to 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://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department does not anticipate that these amended rules will have a financial 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 TCA 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;

This rulemaking includes modifications to Chapter 0400-06-02, Rare Plant Protection and Conservation Regulations, that remove some plants from the list, add some plants to the list and correct scientific names for some plants on the list.

- (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;

The Rare Plant Protection Act of 1985 (TCA §70-8-301) sets forth guidelines for establishing a rare plant list and maintaining a program to monitor the trade in endangered plant species.

- (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;

Nurseries that sell rare native plants are affected by this rule. These nurseries have neither urged adoption nor urged rejection of this rule.

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

The Department is not aware of any.

- (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 Department does not expect any increase or decrease in revenues or expenditures because there are no fees associated with this rule.

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

Todd Crabtree
Resource Management Division
7th Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-0447

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

Alan M. Leiserson
Legal Services Director, Office of General Counsel
Tennessee Department of Environment and Conservation

- (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

Office of General Counsel

Tennessee Department of Environment and Conservation
20th Floor, L&C Tower
Nashville, Tennessee 37243-1548
Phone: 615-532-0131
Alan.Leiserson@tn.gov

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

The Department is not aware of any.

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Paragraph (6) of Rule 0400-06-02-.03 Promulgation of Lists is amended by deleting it in its entirety and replacing it with the following paragraph (6) to read as follows:

- (6) Copies of the current list of endangered species or the list of threatened or special concern species shall be made available, upon request, by the Department of Environment and Conservation, ~~Division of Natural Areas Resource Management Division~~, 401 Church Street, Nashville, Tennessee 37243-0447.

Rule 0400-06-02-.04 List of Endangered Species is amended by deleting it in its entirety and replacing it with the following new Rule 0400-06-02-.04 to read as follows:

0040-06-02-.04 List of Endangered Species.

The endangered plant list of Tennessee includes the following:

Latin Name	Common Name
<i>Aconitum reclinatum</i> A.	Gray trailing wolfsbane
<i>Agalinis auriculata</i> (Michx.)	Blake Earleaved false-foxglove
<i>Agalinis heterophylla</i> (Nutt.) Small ex Britton	Prairie False Foxglove
<i>Agalinis oligophylla</i> Pennell	Ridge-stem false foxglove
<i>Agalinis plukenetii</i> (Eil.) Raf	Purple gerardia
<i>Allium stellatum</i> Fraser	Glade onion
<i>Anemone canadensis</i> L.	Canada anemone
<i>Anemone caroliniana</i> Walt.	Carolina anemone
<i>Apios priceana</i> Robbins	Price's potato-bean
<i>Arabis patens</i> Sullivan	Spreading rockcress
<i>Arabis perstellata</i> L. Braun	Braun's rockcress
<i>Arenaria lanuginosa</i> (Michx.) Rohrback	Wooly sandwort
<i>Aristida ramosissima</i> Engelm. ex Gray	Branched three-awn grass
<i>Asplenium scolopendrium</i> L. var. <i>americanum</i> (Fern.) Kartesz & Gandhi	Hart's-tongue fern
<i>Astilbe crenatiloba</i> (Britt.) Small	Crenate-lobed false goat's-beard
<i>Astragalus bibullatus</i> Barneby and Bridges	Pyne's ground-plum
<i>Betula papyrifera</i> Marsh var. <i>cordifolia</i> (Regel) Fern.	Heart-leaved paper birch
<i>Brachydontium trichodes</i> (Web.) Milde	Peak moss
<i>Bulbostylis ciliatifolia</i> (Eil.) Fern. var. <i>coarctata</i> (Eil.) Kral	Capillary hairsedge
<i>Calamagrostis cainii</i> Hitchcock	Cain's reedgrass
<i>Calamagrostis porteri</i> A. Gray	Porter's reedgrass
<i>Calamovilfa arcuata</i> K.E. Rogers	Cumberland sandgrass
<i>Calopogon oklahomensis</i> D.H. Goldman	Oklahoma grass-pink
<i>Caltha palustris</i> L.	Marsh marigold
<i>Carex alopecoidea</i> Tuckerm.	Foxtail sedge
<i>Carex barrattii</i> Schweinitz and Torr.	Barratt's sedge
<i>Carex buxbaumii</i> Wahlenb.	Buxbaum's Sedge
<i>Carex canescens</i> L. ssp. <i>disjuncta</i> Fern.	Hoary Sedge
<i>Carex lonchocarpa</i> Willd. ex Spreng.	Southern Long Sedge
<i>Carex manhartii</i> Bryson	Manhart's sedge
<i>Carex muskingumensis</i> Schweinitz	Muskingum sedge

Carex pellita Willd.	Woolly sedge
Carex roanensis Hermann	Roan mountain sedge
Carex sterilis Willd.	Sterile sedge
Carex utriculata Boott.	Northwest Territory sedge
Carex vestita Willd.	Velvety sedge
Cephaloziella messalongi (Spruce) K. Muell.	a liverwort
Cerastium velutinum Raf.	Velvety cerastium
Clematis fremontii S. Wats.	Fremont's Leather Flower
Clematis glaucophylla Small	White-leaved leatherflower
Clematis morefieldii Kral	Huntsville vasevine
Clethra alnifolia L.	coastal pepperbush
Coeloglossum viride (L.) Hartman var. virescens (Muhl. ex Willd.) Luer	Long-bracted green orchis
Collinsia verna Nutt.	Spring blue-eyed Mary
Comptonia peregrina (L.) Coulter	Sweet-fern
Coreopsis latifolia Michx.	Broad-leaved tickseed
Coreopsis delphiniifolia Lam.	Larkspur-leaved coreopsis
Corydalis sempervirens (L.) Pers.	Pale corydalis
Crataegus harbisonii Beadle	Harbison's hawthorn
Crotalaria purshii DC.	Pursh's rattlebox
Croton alabamensis E.A. Smith	Alabama croton
Cypripedium kentuckiense Reed	Southern lady's-slipper
Cypripedium reginae Walt.	Showy lady's-slipper
Dalea foliosa (A. Gray) Barneby	Leafy prairie-clover
Dalea purpurea Vent.	Purple prairie-clover
Delphinium exaltatum Ait.	Tall larkspur
Desmodium ochroleucum M.A. Curtis ex Canby	Creamflower tick-trefoil
Diamorpha smallii Britt.	Small's stonecrop
Dichanthelium aciculare (Desv. ex Poir.) Gould & C.A. Clark	Needleleaf witchgrass
Dichanthelium acuminatum subsp. spretum (Schult.) Freckmann & Lelong	Eaton's witchgrass
Dichanthelium ensifolium subsp. curtifolium (Nash) Freckmann & Lelong	Short-leaved panic grass
Echinacea pallida (Nutt.) Nutt.	Pale Purple Coneflower
Echinacea tennesseensis (Beadle) Small	Tennessee coneflower
Eleocharis equisetoides (Ell.) Torr.	Horse-tail spike-rush
Eleocharis intermedia J.A. Schultes	matted spike rush
Eleocharis wolfii A. Gray	Wolf's spike rush
Elymus svensonii Church	Svenson's wild-rye
Eriocaulon decangulare L.	Ten-angle pipewort
Eriogonum longifolium Nutt. var. harperi (Goodm.) Reveal	Harper's umbrella-plant
Eriophorum virginicum L.	tawny cotton grass
Erysimum capitatum (Dougl.) Greene	Western wallflower
Eupatorium leucolepis (DC.) Torr. and A. Gray	White-bracted thoroughwort
Eurybia saxicastelli (J. J. N. Campbell & Medley) G. L. Nesom	Rockcastle aster
Euthamia gymnospermioides Green	Great Plains Goldentop
Fimbristylis perpusilla Harper	Harper's fimbristylis
Frullania appalachiana R. M. Schust.	a liverwort
Gentiana puberulenta J.S. Pringle	Prairie gentian
Geum aleppicum Jacq.	Yellow Avens
Geum geniculatum Michx.	Bent avens
Geum radiatum Michx.	Spreading avens
Gratiola floridana Nutt.	Florida hedge-hyssop
Hedyotis purpurea (L.) Torr. & A. Gray var. montana (Small) Fosberg	Roan Mountain bluet
Helenium brevifolium (Nutt.) Wood	Shortleaf sneezeweed

<i>Helianthemum bicknellii</i> Fern.	Plains frostweed
<i>Helianthemum canadense</i> (L.) Michx.	Canada frostweed
<i>Helianthemum propinquum</i> E.P. Bicknell	low frostweed
<i>Helianthus verticillatus</i> Small	Whorled sunflower
<i>Homaliadelphus sharpii</i> (Williams) Sharp	Sharp's homaliadelphus
<i>Hydrocotyle americana</i> L.	American water-pennywort
<i>Hypericum adpressum</i> Barton	Creeping St. John's-wort
<i>Hypericum ellipticum</i> Hook.	Pale St. John's-wort
<i>Hypericum graveolens</i> Bickl.	Mountain St. John's-wort
<i>Iris brevicaulis</i> Raf.	Lamance iris
<i>Isoetes appalachiana</i> D.F. Brunton & D.M. Britton	Appalachian Quillwort
<i>Isoetes melanopoda</i> Gay and Durieu	Blackfoot quillwort
<i>Isoetes tennesseensis</i> N.T. Luebke & J.M. Budke	Hiwassee quillwort
<i>Isotria medeoloides</i> (Pursh) Raf.	Small whorled pogonia
<i>Juncus trifidus</i> L. var. <i>carolinianus</i> Hamet-Ahti	Highland rush
<i>Kalmia angustifolia</i> L. var. <i>carolina</i> (Small) Fern.	Sheep-laurel
<i>Lachnanthes carolina</i> (Lam.)	Dandy Carolina redroot
<i>Lachnocaulon anceps</i> (Walt.) Morong	Bog-buttons
<i>Leavenworthia exigua</i> Rollins var. <i>lutea</i> Rollins	Pasture glade-cress
<i>Lechea pulchella</i> Raf.	Leggett's pinweed
<i>Lejeunea sharpii</i> (Schust.) Schust.	Sharp's lejeunia
<i>Leptodontium viticulosoides</i> var. <i>sulphureum</i> (Müller Hal.) R. H. Zander	Grandfather mountain leptodontium
<i>Leptohymenium sharpii</i> (Crum & Anders.) Buck & Crum	Mount Leconte moss
<i>Leptoscyphus cuneifolius</i> (Hook.) Mitt.	a liverwort
<i>Lesquerella globosa</i> (Desv.) S. Watson	Short's bladderpod
<i>Lesquerella perforata</i> Rollins	Spring Creek bladderpod
<i>Lesquerella stonensis</i> Rollins	Stones River bladderpod
<i>Lilium grayi</i> S. Wats.	Gray's lily
<i>Lilium philadelphicum</i> L.	Wood lily
<i>Linnaea borealis</i> L.	Twinflower
<i>Listera australis</i> Lindl.	Southern twayblade
<i>Lonicera prolifera</i> (Kirchner) Rehder	Grape honeysuckle
<i>Lycopodium annotinum</i> L.	Stiff clubmoss
<i>Lysimachia fraseri</i> Duby	Fraser's loosestrife
<i>Lysimachia quadriflora</i> Sims	Fourflower Yellow Loosestrife
<i>Lysimachia terrestris</i> (L.) BSP.	Swamp loosestrife
<i>Maianthemum stellatum</i> (L.) Link	Starflower false Solomon's-seal
<i>Marshallia grandiflora</i> Beadle and Boynton	Large-flowered Barbara's-buttons
<i>Marsupella funckii</i> (Web. & Mohr) Dumort.	a liverwort
<i>Melanthium latifolium</i> Desr.	Broadleaf bunchflower
<i>Melanthium virginicum</i> L.	Virginia bunchflower
<i>Melanthium woodii</i> (J.W. Robbins ex Wood) Bodkin	Ozark bunchflower
<i>Minuartia cumberlandensis</i> (Wofford & Kral) McNeill	Cumberland sandwort
<i>Minuartia godfreyi</i> (Shinners) McNeill	Godfrey's stitchwort
<i>Minuartia groenlandica</i> (Retzius) Ostenfeld	Mountain sandwort
<i>Muhlenbergia cuspidata</i> (Torr.) Rydb.	Plains muhly
<i>Muhlenbergia torreyana</i> (Shult.) Hitchcock	Torrey's dropseed
<i>Myriophyllum pinnatum</i> (Walt.) B.S.P.	Cutleaf Watermilfoil
<i>Nestronia umbellula</i> Raf.	Nestronia
<i>Onosmodium hispidissimum</i> Mack.	Shaggy false gromwell
<i>Onosmodium molle</i> Michx. ssp. <i>subsetosum</i> (Mack & Bush) Cochrane	Smooth false gromwell
<i>Paxistima canbyi</i> A. Gray	Canby's mountain-lover
<i>Paysonia perforata</i> (Rollins) O'Kane & Al-Shehbaz	Spring Creek Bladderpod
<i>Paysonia stonensis</i> (Rollins) O'Kane & Al-Shehbaz	Stones River Bladderpod
<i>Perideridia americana</i> (Nutt. ex DC.) Reichenb.	Thicket parsley
<i>Physaria globosa</i> (Desv.) O'Kane	Globe Bladderpod
<i>Pityopsis ruthii</i> (Small) Small	Ruth's golden-aster

<i>Plantago cordata</i> Lam.	Heart-leaved plantain
<i>Platanthera grandiflora</i> (Bigelow) Lindl.	Large purple fringed orchid
<i>Platanthera integra</i> (Nutt.) A. Gray ex Beck	Yellow fringeless orchid
<i>Platanthera integrilabia</i> (Correll) Luer	White fringeless orchid
<i>Platanthera nivea</i> (Nutt.) Luer	Snowy orchid
<i>Poa palustris</i> L.	owl bluegrass
<i>Pogonia ophioglossoides</i> (L.)Ker-Gawl.	Rose pogonia
<i>Polygala nana</i> (Michx.) DC.	Dwarf milkwort
<i>Polygala nuttallii</i> Torr. and A. Gray	Nuttall's milkwort
<i>Polygonella americana</i> (Fisch. and Mey)	Small Southern jointweed
<i>Ponthieva racemosa</i> (Walt.) Mohr	Shadow-witch
<i>Porella</i> sp. nov. (sp. 1)	Hot porella
<i>Prenanthes aspera</i> Michx.	Rough rattlesnake-root
<i>Prunus pumila</i> L.	sand cherry
<i>Pycnanthemum beadlei</i> (Small) Fern.	Beadle's mountain mint
<i>Prenanthes crepidinea</i> Michx.	Nodding rattlesnake-root
<i>Pycnanthemum verticillatum</i> (Michx.) Pers.	Whorled mountain-mint
<i>Pyrola americana</i> Sweet	American wintergreen
<i>Ranunculus aquatilis</i> var. <i>diffusus</i> Withering	Eastern white water crowfoot
<i>Rhamnus alnifolia</i> L'Hér.	Alderleaf buckthorn
<i>Rhynchosia latifolia</i> Nutt.	Prairie rhynchosia
<i>Rhynchospora alba</i> (L.) Vahl	White beakrush
<i>Rhynchospora capillacea</i> Torr.	Horned beakrush
<i>Rhynchospora debilis</i> Gale	Savannah Beak-Rush
<i>Rhynchospora latifolia</i> (Baldw.) Thomas	Giant white-top sedge
<i>Rhynchospora rariflora</i> (Michx.) Ell.	Few-flowered beak-rush
<i>Rhynchospora wrightiana</i> Boeckler	Wright's beak-rush
<i>Ribes americanum</i> P.Mill.	Wild Black Currant
<i>Rudbeckia triloba</i> L. var. <i>pinnatifida</i> Torrey & A. Gray	browneyed Susan
<i>Rugelia nudicaulis</i> Shuttlw. ex Chapman	Rugel's ragwort
<i>Sabatia capitata</i> (Raf.) Blake	Rose gentian
<i>Sagittaria rigida</i> Pursh	Sessile-Fruited Arrowhead
<i>Sanguisorba canadensis</i> L.	Canada burnet
<i>Sarracenia oreophila</i> (Kearney) Wherry	Green pitcher plant
<i>Saxifraga caroliniana</i> A. Gray	Carolina saxifrage
<i>Saxifraga pensylvanica</i> L.	Swamp saxifrage
<i>Schwalbea americana</i> L.	Chaffseed
<i>Scutellaria arguta</i> Buckl.	Hairy scullcap
<i>Sedum nevii</i> A. Gray	Nevius' stonecrop
<i>Seymeria cassioides</i> (J.F. Gmelin) Blake	Seymeria
<i>Sida hermaphrodita</i> (L.) Rusby	Virginia mallow
<i>Silene ovata</i> Pursh	Ovate catchfly
<i>Silene regia</i> Sims	Royal catchfly
<i>Silphium brachiatum</i> Gattinger	Cumberland rosinweed
<i>Silphium wasiotense</i> Medley	Kentucky rosinweed
<i>Solidago gattingeri</i> Chapm.	Gattinger's goldenrod
<i>Solidago lancifolia</i> Torr. and A. Gray	Broadleaf goldenrod
<i>Solidago ptarmicoides</i> (Nees) Bovin	Prairie goldenrod
<i>Solidago rupestris</i> Raf.	Rock goldenrod
<i>Solidago spithamea</i> M.A. Curtis	Blue ridge goldenrod
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching bur-reed
<i>Sphenolobopsis pearsoni</i> (Spruce) Shust. & Kitag.	Sphenolobopsis
<i>Spiraea alba</i> DuRoi	Narrow-leaved meadow-sweet
<i>Spiraea virginiana</i> Britt.	Virginia spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Great Plains Ladies'-Tresses
<i>Spiranthes ochroleuca</i> (Rydb.) Rydb.	Yellow nodding ladies'-tresses
<i>Spiranthes odorata</i> (Nutt.) Lindl.	Sweetscent ladies'-tresses
<i>Sporobolus junceus</i> (P.Beauv.) Kunth	Piney-Woods Dropseed
<i>Stellaria alsine</i> Grimm	Trailing stitchwort

<i>Stellaria longifolia</i> Muhl.	Longleaf stitchwort
<i>Stenanthium diffusum</i> Wofford	Cumberland featherbells
<i>Sullivantia sullivantii</i> (Torr. & Gray) Britt.	Sullivantia
<i>Symphotrichum praealtum</i> (Poiret) G. L. Nesom	Willow aster
<i>Symphotrichum pratense</i> (Rafinesque) Nesom	Barrens silky aster
<i>Symplocarpus foetidus</i> (L.) Nutt.	Skunk-cabbage
<i>Taxus canadensis</i> Marsh.	American yew
<i>Tetragonotheca helianthoides</i> L.	Pineland squarehead
<i>Thaspium pinnatifidum</i> (Buckley) A. Gray	Cutleaf meadow parsnip
<i>Thelypteris simulata</i> (Davenport) Nieuwl.	Bog fern
<i>Tortula ammonsiana</i> Crum & Anders.	Ammon's tortula
<i>Tortula fragilis</i> Tayl.	Fragile tortula
<i>Triantha glutinosa</i> (Walter) Small	Coastal False Asphodel
<i>Triantha racemosa</i> (Walter) Small	Coastal false-asphodel
<i>Trichophorum cespitosum</i> (L.) Hartman	Tufted club-rush
<i>Trifolium calcaricum</i> J.L. Collins & Wieboldt	Running glade clover
<i>Trifolium reflexum</i> L.	Buffalo clover
<i>Trillium decumbens</i> Harbison	Trailing trillium
<i>Trillium lancifolium</i> Raf.	Narrow-leaved trillium
<i>Trillium pusillum</i> Michx.	Least trillium
<i>Trillium rugelii</i> Rendle	Southern nodding trillium
<i>Utricularia cornuta</i> Michx.	Horned bladderwort
<i>Vaccinium elliotii</i> Chapm.	Mayberry
<i>Veronica catenata</i> Pennell	Sessile water-speedwell
<i>Veronica scutellata</i> L.	Marsh-speedwell
<i>Viburnum bracteatum</i> Rehd.	Limerock arrowwood
<i>Viburnum molle</i> Michx.	Softleaf arrow-wood
<i>Vitis rupestris</i> Scheele	Rock grape
<i>Xyris ambigua</i> Beyr. ex. Kunth.	Coastal-plain yellow-eyed-grass
<i>Xyris fimbriata</i> Ell.	Fringed yellow-eyed-grass
<i>Xyris tennesseensis</i> R. Kral	Tennessee yellow-eyed-grass
<i>Zigadenus glaucus</i> Nutt.	White camas

Authority: T.C.A. §§ 70-8-301 et seq., and 4-5-201 et seq.