

Department of State
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Sequence Number: 1047-13
 Rule ID(s): 5592
 File Date: 10/17/13
 Effective Date: 1/15/14

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Environment and Conservation
Division:	Natural Areas
Contact Person:	Todd Crabtree
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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-.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://state.tn.us/sos/rules/1360/1360.htm>)

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

Amendment

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 List of Endangered Species to read as follows:

0400-06-02-.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 white monkshood
<i>Agalinis auriculata</i> (Michx.) Blake	ear-leaved 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> (Ell.) Raf	purple gerardia
<i>Allium stellatum</i> Fraser	glade onion
<i>Anemone caroliniana</i> Walt.	Carolina anemone
<i>Apios priceana</i> Robbins	Price's potato-bean
<i>Arenaria lanuginosa</i> (Michx.) Rohrbach	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>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>Boechera patens</i> (Sull.) Al-Shehbaz	spreading rockcress
<i>Boechera perstellata</i> (E. L. Braun) Al-Shehbaz	Braun's rockcress
<i>Brachydontium trichodes</i> (Web.) Milde	peak moss
<i>Botrychium simplex</i> E. Hitchc.	least moonwort
<i>Bulbostylis ciliatifolia</i> (Ell.) Fern. var. <i>coarctata</i> (Ell.) Kral	capillary hairsedge
<i>Calamagrostis cainii</i> Hitchcock	Cain's reedgrass
<i>Calamagrostis porteri</i> A. Gray	Porter's reedgrass
<i>Caltha palustris</i> L.	marsh marigold
<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 fumosimontana</i> Estes	Smoky Mountain 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
<i>Carex tetanica</i> Schkuhr	rigid sedge
<i>Cephaloziella messalongi</i> (Spruce) K. Muell.	a liverwort
<i>Cerastium velutinum</i> Raf.	velvety cerastium
<i>Clematis fremontii</i> S. Wats.	Fremont's Leather Flower
<i>Clematis glaucophylla</i> Small	white-leaved leatherflower
<i>Clematis morefieldii</i> Kral	Huntsville vasevine
<i>Clethra alnifolia</i> L.	coastal pepperbush
<i>Coeloglossum viride</i> (L.) Hartman var. <i>virescens</i> (Muhl. ex Willd.) Luer	long-bracted green orchis
<i>Collinsia verna</i> Nutt.	blue-eyed Mary
<i>Comptonia peregrina</i> (L.) Coulter	sweet-fern
<i>Coreopsis latifolia</i> Michx.	broad-leaved tickseed
<i>Coreopsis delphiniifolia</i> Lam.	larkspur-leaved coreopsis

<i>Corydalis sempervirens</i> (L.) Pers.	pale corydalis
<i>Crataegus harbisonii</i> Beadle	Harbison's hawthorn
<i>Cypripedium kentuckiense</i> Reed	southern lady's-slipper
<i>Cypripedium reginae</i> Walt.	showy lady's-slipper
<i>Dalea foliosa</i> (A. Gray) Barneby	leafy prairie-clover
<i>Dalea purpurea</i> Vent.	purple prairie-clover
<i>Delphinium exaltatum</i> Ait.	tall larkspur
<i>Desmodium ochroleucum</i> M.A. Curtis ex Canby	creamflower tick-trefoil
<i>Diamorpha smallii</i> Britt.	Small's stonecrop
<i>Dichantherium acuminatum</i> ssp. <i>spretum</i> (Schult.) Freckmann & Lelong	Eaton's witchgrass
<i>Dichantherium ensifolium</i> ssp. <i>curtifolium</i> (Nash) Freckmann & Lelong	short-leaved panic grass
<i>Echinacea pallida</i> (Nutt.) Nutt.	pale purple coneflower
<i>Eleocharis elliptica</i> Kunth	elliptic spike rush
<i>Eleocharis equisetoides</i> (Ell.) Torr.	horse-tail spike-rush
<i>Eleocharis intermedia</i> J.A. Schultes	matted spike rush
<i>Eleocharis wolfii</i> A. Gray	Wolf's spike rush
<i>Eriocaulon decangulare</i> L.	ten-angle pipewort
<i>Eriogonum longifolium</i> Nutt. var. <i>harperi</i> (Goodm.) Reveal	Harper's umbrella-plant
<i>Eriophorum virginicum</i> L.	tawny cotton grass
<i>Erysimum capitatum</i> (Dougl.) Greene	western wallflower
<i>Eupatorium leucolepis</i> (DC.) Torr. and A. Gray	white-bracted thoroughwort
<i>Eurybia saxicastelli</i> (J. J. N. Campbell & Medley) G. L. Nesom	Rockcastle aster
<i>Euthamia gymnospermoides</i> Green	Great Plains goldentop
<i>Fimbristylis perpusilla</i> Harper	Harper's fimbristylis
<i>Frullania appalachiana</i> R. M. Schust.	a liverwort
<i>Gentiana puberulenta</i> J.S. Pringle	prairie gentian
<i>Geum aleppicum</i> Jacq.	yellow avens
<i>Geum geniculatum</i> Michx.	bent avens
<i>Geum radiatum</i> Michx.	spreading avens
<i>Glyceria laxa</i> (Scribn.) Scribn.	limp manna grass
<i>Gratiola floridana</i> Nutt.	Florida hedge-hyssop
<i>Hedyotis purpurea</i> (L.) Torr. & A.Gray var. <i>montana</i> (Small) Fosberg	Roan Mountain bluet
<i>Helenium brevifolium</i> (Nutt.) Wood	shortleaf sneezeweed
<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 moss
<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>Lachnanthes carolina</i> (Lam.)	Carolina redroot
<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 Le Conte moss
<i>Leptoscyphus cuneifolius</i> (Hook.) Mitt.	a liverwort
<i>Lilium grayi</i> S. Wats.	Gray's lily
<i>Lilium philadelphicum</i> L.	wood lily
<i>Listera australis</i> Lindl.	southern twayblade

Lonicera prolifera (Kirchner) Rehder
Lysimachia fraseri Duby
Lysimachia quadriflora Sims
Lysimachia terrestris (L.) BSP.
Maianthemum stellatum (L.) Link
Marshallia grandiflora Beadle and Boynton
Marshallia obovata (Walt.) Beadle & F.E. Boynton
Marsupella funckii (Web. & Mohr) Dumort.
Melanthium latifolium Desr.
Melanthium virginicum L.
Melanthium woodii (J.W. Robbins ex Wood) Bodkin
Minuartia cumberlandensis (Wofford & Kral) McNeill
Minuartia godfreyi (Shinners) McNeill
Minuartia groenlandica (Retzius) Ostenfeld
Muhlenbergia cuspidata (Torr.) Rydb.
Muhlenbergia torreyana (Shult.) Hitchcock
Myriophyllum pinnatum (Walt.) B.S.P.
Nestronia umbellula Raf.
Onosmodium hispidissimum Mack.
Onosmodium molle Michx. ssp. *subsetosum*
(Mack & Bush) Cochrane
Patis racemosa
(Sm.) Romasch., P.M. Peterson & R. J. Soreng
Paxistima canbyi A. Gray
Paysonia perforata (Rollins) O'Kane & Al-Shehbaz
Paysonia stonensis (Rollins) O'Kane & Al-Shehbaz
Perideridia americana (Nutt. ex DC.) Reichenb.
Phegopteris connectilis (Michx.) Watt
Physaria globosa (Desv.) O'Kane
Pityopsis ruthii (Small) Small
Plantago cordata Lam.
Platanthera grandiflora (Bigelow) Lindl.
Platanthera integra (Nutt.) A. Gray ex Beck
Platanthera integrilabia (Correll) Luer
Platanthera nivea (Nutt.) Luer
Poa palustris L.
Pogonia ophioglossoides (L.) Ker-Gawl.
Polygala nana (Michx.) DC.
Polygala nuttallii Torr. and A. Gray
Polygonella americana (Fisch. and Mey)
Ponthieva racemosa (Walt.) Mohr
Porella gracillima
Prenanthes aspera Michx.
Prunus pumila L.
Pycnanthemum beadlei (Small) Fern.
Pycnanthemum verticillatum (Michx.) Pers.
Pyrola americana Sweet
Ranunculus aquatilis var. *diffusus* Withering
Rhamnus alnifolia L'Hér.
Rhynchospora capillacea Torr.
Rhynchospora debilis Gale
Rhynchospora rariflora (Michx.) Eil.
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 pennsylvanica L.
Scutellaria arguta Buckl.
grape honeysuckle
Fraser's loosestrife
fourflower yellow loosestrife
swamp loosestrife
starflower false solomom's-seal
large-flowered Barbara's-buttons
spoonshape Barbara's buttons
a liverwort
broadleaf bunchflower
Virginia bunchflower
Ozark bunchflower
Cumberland sandwort
Godfrey's stitchwort
mountain sandwort
plains muhly
Torrey's dropseed
cutleaf Watermilfoil
conjurer's nut
shaggy false gromwell
smooth false gromwell
mountain ricegrass
Canby's mountain-lover
Spring Creek bladderpod
Stones River bladderpod
thicket parsley
long beech fern
globe bladderpod
Ruth's golden-aster
heart-leaved plantain
large purple fringed orchid
yellow fringeless orchid
white fringeless orchid
snowy orchid
owl bluegrass
rose pogonia
dwarf milkwort
Nuttall's milkwort
small southern jointweed
shadow-witch
hot porella
rough rattlesnake-root
sand cherry
Beadle's mountain mint
whorled mountain-mint
American wintergreen
eastern white water crowfoot
alderleaf buckthorn
horned beak-rush
savannah beak-rush
few-flowered beak-rush
browneyed susan
Rugel's ragwort
rose gentian
sessile-fruited arrowhead
canada burnet
Carolina saxifrage
swamp saxifrage
hairy scullcap

<i>Sedum nevii</i> A. Gray	Nevius' stonecrop
<i>Silene ovata</i> Pursh	ovate catchfly
<i>Silphium brachiatum</i> Gattinger	Cumberland rosinweed
<i>Solidago gattingeri</i> Chapm.	Gattinger's goldenrod
<i>Solidago lancifolia</i> Torr. and A. Gray	broadleaf goldenrod
<i>Solidago porteri</i> Small	Porter's 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.	a liverwort
<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.	Sullivan's coolwort
<i>Symphotrichum ericoides</i>	bushy aster
(L.) G.L. Nesom var. <i>ericoides</i>	
<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>Thaspium pinnatifidum</i> (Buckley) A. Gray	cutleaf meadow parsnip
<i>Tortula ammoniana</i> Crum & Anders.	Ammon's tortula
<i>Tortula fragilis</i> Tayl.	fragile tortula
<i>Triantha glutinosa</i> (Walter) Small	sticky false asphodel
<i>Triantha racemosa</i> (Walter) Small	coastal false-asphodel
<i>Tridens flavus</i>	purpletop tridens
(L.) Hitchc. var. <i>chapmanii</i> (Small) Shinners	
<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 arrow-wood
<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.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner on 6-27-2013 (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: 02/01/13

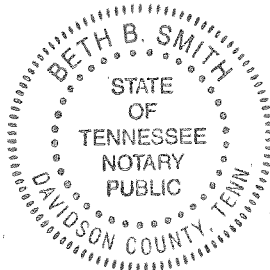
Rulemaking Hearing(s) Conducted on: (add more dates). 04/12/13

Date: 6-27-13

Signature: *Robert J. Martineau, Jr.*

Name of Officer: Robert J. Martineau, Jr.

Title of Officer: Commissioner



My Commission Expires JULY 6, 2015

Subscribed and sworn to before me on: 6-27-13

Notary Public Signature: *Beth B. Smith*

My commission expires on: July 6, 2015

Pursuant to T.C.A. §§ 70-8-305 and 70-8-313, I have reviewed and concur with the additions and deletions to the list of endangered species.

Julius T. Johnson
Julius T. Johnson, Commissioner
Department of Agriculture

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.

Robert E. Cooper, Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter
10-10-13
Date

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Filed with the Department of State on: 10/17/13

Effective on: 1/15/14

Tre Hargett
Tre Hargett
Secretary of State

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.

Comment: At the December 2, 2009 meeting of the Tennessee Rare Plant Scientific Advisory committee a decision was made to remove *Prenanthes crepidinea* Michx. from the list of endangered plants. A number of new populations had been discovered in recent years and the committee determined that this species was not as rare as formerly believed. In addition, at the December 12, 2012 meeting of the committee a decision was made to remove *Prenanthes crepidinea* Michx. from the rare plant list entirely. In the intervening years since the 2009 meeting, additional populations were discovered in several areas of the state and the committee decided that this species did not deserve even the lowest status of special concern.

Although this species was not proposed to be deleted change from processes subsequent to the 2009 meeting it is clear that the scientific community is in agreement that *Prenanthes crepidinea* Michx. should not be on the list of endangered plants for Tennessee, and, therefore, it should be deleted from the list.

Response: The Department agrees and has deleted *Prenanthes crepidinea* Michx. from the list of endangered plants.

Comment: A commenter believes that *Prenanthes aspera* Michx. was deleted in error during the rule change subsequent to the 2009 meeting and should be restored to the list as endangered. The committee has not propose any change to the status of *Prenanthes aspera* Michx. in ether the 2009 or 2012 meeting.

Response: The Department agrees and has restored *Prenanthes aspera* Michx. to the list of endangered plants.

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.

- (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 no changes to the costs or benefits to small businesses in the proposed rule changes.
- (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.

There are no changes to reporting or recordkeeping in the proposed rule changes.
- (3) A statement of the probable effect on impacted small businesses and consumers.

No effect on businesses or consumers is expected.
- (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.

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) 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.

There are no additional requirements in the rule changes.

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://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 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;

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 (T.C.A. § 70-8-301 et seq.) 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;

Rare plant dealers would be the only entities that could potentially be affected and these dealers did not comment on these proposed rule changes.

- (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
Division of Natural Areas
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-1378

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

Jenny Howard
Deputy General Counsel
Office of General Counsel

- (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
SS-7039 (October 2011)

William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-0131
Jenny.Howard@tn.gov

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

The Department is not aware of any.

**Department of State
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Division:	Natural Areas
Contact Person:	Todd Crabtree
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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-.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://state.tn.us/sos/rules/1360/1360.htm>)

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

Amendment

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 List of Endangered Species to read as follows:

0400-06-02-.04 List of Endangered Species.

The endangered plant list of Tennessee includes the following:

Latin Name	Common Name
<i>Aconitum reclinatum</i> A. Gray	Gray trailing white monkshood
<i>Agalinis auriculata</i> (Michx.) Blake	Blake ear-leaved 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> (Ell.) 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>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>Boechera patens</i> (Sull.) Al-Shehbaz	spreading rockcress
<i>Boechera perstellata</i> (E. L. Braun) Al-Shehbaz	Braun's rockcress
<i>Brachydontium trichodes</i> (Web.) Milde	peak moss
<i>Botrychium simplex</i> E. Hitchc.	least moonwort
<i>Bulbostylis ciliatifolia</i> (Ell.) Fern. var. <i>coarctata</i> (Ell.) 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 fumosimontana</i> Estes	Smoky Mountain sedge
<i>Carex lonchocarpa</i> Willd. ex Spreng.	southern Long-Sedge <u>long sedge</u>
<i>Carex manhartii</i> Bryson	Manhart's sedge
<i>Carex muskingumensis</i> Schweinitz	Muskingum sedge
<i>Carex pellita</i> Willd.	wooly sedge
<i>Carex roanensis</i> Hermann	Roan mountain sedge
<i>Carex sterilis</i> Willd.	Sterile sedge
<i>Carex utriculata</i> Boott.	Northwest Territory sedge
<i>Carex vestita</i> Willd.	Velvety sedge
<i>Carex tetanica</i> Schkuhr	rigid sedge
<i>Cephalozia messalongi</i> (Spruce) K. Muell.	a liverwort
<i>Cerastium velutinum</i> Raf.	velvety cerastium
<i>Clematis fremontii</i> S. Wats.	Fremont's Leather Flower
<i>Clematis glaucophylla</i> Small	white-leaved leatherflower

<i>Clematis morefieldii</i> Kral	Huntsville vasevine
<i>Clethra alnifolia</i> L.	coastal pepperbush
<i>Coeloglossum viride</i> (L.) Hartman var. <i>virescens</i> (Muhl. ex Willd.) Luer	long-bracted green orchis
<i>Collinsia verna</i> Nutt.	Spring blue-eyed Mary
<i>Comptonia peregrina</i> (L.) Coulter	sweet-fern
<i>Coreopsis latifolia</i> Michx.	broad-leaved tickseed
<i>Coreopsis delphiniifolia</i> Lam.	larkspur-leaved coreopsis
<i>Corydalis sempervirens</i> (L.) Pers.	pale corydalis
<i>Crataegus harbisonii</i> Beadle	Harbison's hawthorn
<i>Crotalaria purshii</i> DC.	Pursh's rattlebox
<i>Cypripedium kentuckiense</i> Reed	southern lady's-slipper
<i>Cypripedium reginae</i> Walt.	showy lady's-slipper
<i>Dalea foliosa</i> (A. Gray) Barneby	leafy prairie-clover
<i>Dalea purpurea</i> Vent.	purple prairie-clover
<i>Delphinium exaltatum</i> Ait.	tall larkspur
<i>Desmodium ochroleucum</i> M.A. Curtis ex Canby	creamflower tick-trefoil
<i>Diamorpha smallii</i> Britt.	Small's stonecrop
<i>Dichantherium acuminatum</i> ssp. <i>spretum</i> (Schult.) Freckmann & Lelong	Eaton's witchgrass
<i>Dichantherium ensifolium</i> ssp. <i>curtifolium</i> (Nash) Freckmann & Lelong	short-leaved panic grass
<i>Echinacea pallida</i> (Nutt.) Nutt.	pale purple coneflower
<i>Echinacea tennesseensis</i> (Beadle) Small	Tennessee coneflower
<i>Eleocharis elliptica</i> Kunth	elliptic spike rush
<i>Eleocharis equisetoides</i> (Ell.) Torr.	horse-tail spike-rush
<i>Eleocharis intermedia</i> J.A. Schultes	matted spike rush
<i>Eleocharis wolfii</i> A. Gray	Wolf's spike rush
<i>Elymus svensonii</i> Church	Svenson's wild-rye
<i>Eriocaulon decangulare</i> L.	ten-angle pipewort
<i>Eriogonum longifolium</i> Nutt. var. <i>harperi</i> (Goodm.) Reveal	Harper's umbrella-plant
<i>Eriophorum virginicum</i> L.	tawny cotton grass
<i>Erysimum capitatum</i> (Dougl.) Greene	western wallflower
<i>Eupatorium leucolepis</i> (DC.) Torr. and A. Gray	white-bracted thoroughwort
<i>Eurybia saxicastelli</i> (J. J. N. Campbell & Medley) G. L. Nesom	Rockcastle aster
<i>Euthamia gymnospermoides gymnospermoides</i> Green	Great Plains goldentop
<i>Fimbristylis perpusilla</i> Harper	Harper's fimbristylis
<i>Frullania appalachiana</i> R. M. Schust.	a liverwort
<i>Gentiana puberulenta</i> J.S. Pringle	prairie gentian
<i>Geum aleppicum</i> Jacq.	yellow avens
<i>Geum geniculatum</i> Michx.	bent avens
<i>Geum radiatum</i> Michx.	spreading avens
<i>Glyceria laxa</i> (Scribn.) Scribn.	limp manna grass
<i>Gratiola floridana</i> Nutt.	Florida hedge-hyssop
<i>Hedyotis purpurea</i> (L.) Torr. & A. Gray var. <i>montana</i> (Small) Fosberg	Roan Mountain bluet
<i>Helenium brevifolium</i> (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 <u>moss</u>
<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

Isoetes melanopoda Gay and Durieu
Isoetes tennesseensis N.T. Luebke & J.M. Budke
Isotria medeoloides (Pursh) Raf.
Juncus trifidus L. var. *carolinianus* Hamet-Ahti
Kalmia angustifolia L. var. *carolina* (Small) Fern.
Lachnanthes caroliana (Lam.)
Lachnocaulon anceps (Walt.) Morong
Leavenworthia exigua Rollins var. *lutea* Rollins
Lechea pulchella Raf.
Lejeunea sharpii (Schust.) Schust.
Leptodontium viticulosoides var. *sulphureum*
(Müller Hal.) R. H. Zander
Leptohyemium sharpii (Crum & Anders.) Buck & Crum
Leptoscyphus cuneifolius (Hook.) Mitt.
Lilium grayi S. Wats.
Lilium philadelphicum L.
Linnaea borealis L.
Listera australis Lindl.
Lonicera prolifera (Kirchner) Rehder
Lycopodium annotinum L.
Lysimachia fraseri Duby
Lysimachia quadriflora Sims
Lysimachia terrestris (L.) BSP.
Maianthemum stellatum (L.) Link
Marshallia grandiflora Beadle and Boynton
Marshallia obovata (Walt.) Beadle & F.E. Boynton
Marsupella funckii (Web. & Mohr) Dumort.
Melanthium latifolium Desr.
Melanthium virginicum L.
Melanthium woodii (J.W. Robbins ex Wood) Bodkin
Minuartia cumberlandensis (Wofford & Kral) McNeill
Minuartia godfreyi (Shinners) McNeill
Minuartia groenlandica (Retzius) Ostenfeld
Muhlenbergia cuspidata (Torr.) Rydb.
Muhlenbergia torreyana (Shult.) Hitchcock
Myriophyllum pinnatum (Walt.) B.S.P.
Nestronia umbellula Raf.
Onosmodium hispidissimum Mack.
Onosmodium molle Michx. ssp. *subsetosum*
(Mack & Bush) Cochrane
Patis racemosa
(Sm.) Romasch., P.M. Peterson & R. J. Soreng
Paxistima canbyi A. Gray
Paysonia perforata (Rollins) O'Kane & Al-Shehbaz
Paysonia stonensis (Rollins) O'Kane & Al-Shehbaz
Perideridia americana (Nutt. ex DC.) Reichenb.
Phegopteris connectilis (Michx.) Watt
Physaria globosa (Desv.) O'Kane
Pityopsis ruthii (Small) Small
Plantago cordata Lam.
Platanthera grandiflora (Bigelow) Lindl.
Platanthera integra (Nutt.) A. Gray ex Beck
Platanthera integrilabia (Correll) Luer
Platanthera nivea (Nutt.) Luer
Poa palustris L.
Pogonia ophioglossoides (L.) Ker-Gawl.
Polygala nana (Michx.) DC.
Polygala nuttallii Torr. and A. Gray
Polygonella americana (Fisch. and Mey)
Ponthieva racemosa (Walt.) Mohr
blackfoot quillwort
Hiwassee quillwort
small whorled pogonia
Highland-rush
Sheep-laurel
Carolina redroot
Beg-buttons
Pasture-glade-cress
Leggett's pinweed
Sharp's lejeunia
Grandfather Mountain leptodontium
Mount Leconte Le Conte moss
a liverwort
Gray's lily
wood lily
Twinflower
southern twayblade
grape honeysuckle
Stiff clubmoss
Fraser's loosestrife
fourflower ~~Yellow Loosestrife~~ yellow loosestrife
swamp loosestrife
starflower false ~~Solomon~~ solomon's-seal
large-flowered Barbara's-buttons
spoonshape Barbara's buttons
a liverwort
broadleaf bunchflower
Virginia bunchflower
Ozark bunchflower
Cumberland sandwort
Godfrey's stitchwort
mountain sandwort
plains muhly
Torrey's dropseed
cutleaf Watermilfoil
conjurer's nut
shaggy false gromwell
smooth false gromwell
mountain ricegrass
Canby's mountain-lover
Spring Creek Bladderpod bladderpod
Stones River Bladderpod bladderpod
thicket parsley
long beech fern
globe Bladderpod bladderpod
Ruth's golden-aster
heart-leaved plantain
large purple fringed orchid
yellow fringeless orchid
white fringeless orchid
snowy orchid
owl owl bluegrass
rose pogonia
dwarf milkwort
Nuttall's milkwort
small ~~Southern~~ southern jointweed
shadow-witch

<i>Porella</i> sp. nov. (sp. 1) <u>gracillima</u>	hot porella
<i>Prenanthes aspera</i> Michx.	<u>rough rattlesnake-root</u>
<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 <u>beak-rush</u>
<i>Rhynchospora debilis</i> Gale	savannah Beak-Rush <u>beak-rush</u>
<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 <u>susan</u>
<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 <u>sessile-fruited arrowhead</u>
<i>Sanguisorba canadensis</i> L.	canada burnet
<i>Saxifraga caroliniana</i> A. Gray	Carolina saxifrage
<i>Saxifraga pennsylvanica</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 porteri</i> Small	<u>Porter's goldenrod</u>
<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.	<u>Sphenolobopsis a liverwort</u>
<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 <u>Plains ladies'-tresses</u>
<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 <u>Piney-woods dropseed</u>
<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.	Sullivan's coolwort
<i>Symphotrichum ericoides</i>	<u>bushy aster</u>
(L.) G.L. Nesom var. <i>ericoides</i>	
<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>Tetragenotheca helianthoides</i> L.	Pineiland 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	sticky false asphodel
<i>Triantha racemosa</i> (Walter) Small	coastal false-asphodel
<i>Tridens flavus</i>	<u>purpletop tridens</u>
(L.) Hitchc. var. <i>chapmanii</i> (Small) Shinnery	
<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 arrowweed <u>arrow-wood</u>
<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.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner on 06/27/2013, 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: 02/01/13

Rulemaking Hearing(s) Conducted on: (add more dates). 04/12/13

Date: June 27, 2013

Signature: _____

Name of Officer: Robert J. Martineau, Jr.

Title of Officer: Commissioner

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Pursuant to T.C.A. §§ 70-8-305 and 70-8-313, I have reviewed and concur with the additions and deletions to the list of endangered species.

Julius T. Johnson, Commissioner
Department of Agriculture

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.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

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.

Comment: At the December 2, 2009 meeting of the Tennessee Rare Plant Scientific Advisory committee a decision was made to remove *Prenanthes crepidinea* Michx. from the list of endangered plants. A number of new populations had been discovered in recent years and the committee determined that this species was not as rare as formerly believed. In addition, at the December 12, 2012 meeting of the committee a decision was made to remove *Prenanthes crepidinea* Michx. from the rare plant list entirely. In the intervening years since the 2009 meeting, additional populations were discovered in several areas of the state and the committee decided that this species did not deserve even the lowest status of special concern.

Although this species was not proposed to be deleted change from processes subsequent to the 2009 meeting it is clear that the scientific community is in agreement that *Prenanthes crepidinea* Michx. should not be on the list of endangered plants for Tennessee, and, therefore, it should be deleted from the list.

Response: The Department agrees and has deleted *Prenanthes crepidinea* Michx. from the list of endangered plants.

Comment: A commenter believes that *Prenanthes aspera* Michx. was deleted in error during the rule change subsequent to the 2009 meeting and should be restored to the list as endangered. The committee has not propose any change to the status of *Prenanthes aspera* Michx. in ether the 2009 or 2012 meeting.

Response: The Department agrees and has restored *Prenanthes aspera* Michx. to the list of endangered plants.

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.

- (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 no changes to the costs or benefits to small businesses in the proposed rule changes.

- (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.

There are no changes to reporting or recordkeeping in the proposed rule changes.

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

No effect on businesses or consumers is expected.

- (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.

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) 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.

There are no additional requirements in the rule changes.

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://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 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;

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 (T.C.A. § 70-8-301 et seq.) 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;

Rare plant dealers would be the only entities that could potentially be affected and these dealers did not comment on these proposed rule changes.

- (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
Division of Natural Areas
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
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- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Jenny Howard
Deputy General Counsel
Office of General Counsel

- (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

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

The Department is not aware of any.