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Sequence Number: 12-06-16
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File Date: 12/14/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 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:	TWRA, Region 2 Ray Bell Office Building		
Address 2:	Ellington Agricultural Center, 5105 Edmondson Pike		
City:	Nashville		
Zip:	37211		
Hearing Date :	02/17/2017		
Hearing Time:	9:00 a.m., local time	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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

Chapter Number	Chapter Title
1660-03-01	Rules and Regulations Governing Access to Public Records
Rule Number	Rule Title
1660-03-01-.01	Charges for Access to Public Records
1660-03-01-.02	Requests for Access to Public Records
1660-03-01-.03	Requests for Reproduction of Public Records
1660-03-01-.04	Waiver of Fees
1660-03-01-.05	Reduction of Fees
1660-03-01-.06	Payment for Records

New Rule

1660-01-32-.01, Threatened and Endangered Species List and Rules, is added as a new rule chapter with the following new rule:

- (1) The following species or subspecies are listed as state endangered. The federal status for these species and subspecies are also listed, if any.

(a) Mussels

Common Name	Scientific Name	Federal Status
Cumberland Elktoe	<i>Alasmidonta atropurpurea</i>	Endangered
Appalachian Elktoe	<i>Alasmidonta raveneliana</i>	Endangered
Spectaclecase	<i>Cumberlandia monodonta</i>	Endangered
Fanshell	<i>Cyprogenia stegaria</i>	Endangered
Dromedary Pearlymussel	<i>Dromus dromas</i>	Endangered
Duck River Dartersnapper	<i>Epioblasma ahlstedti</i>	Endangered
Cumberlandian Combshell	<i>Epioblasma brevidens</i>	Endangered
Oyster Mussel	<i>Epioblasma capsaeformis</i>	Endangered
Tan Riffleshell	<i>Epioblasma florentina walkeri</i>	Endangered
Upland Combshell	<i>Epioblasma metastriata</i>	Endangered
Catspaw	<i>Epioblasma obliquata obliquata</i>	Endangered
Southern Acornshell	<i>Epioblasma othcaloogensis</i>	Endangered
Snuffbox	<i>Epioblasma triquetra</i>	Endangered
Shiny Pigtoe	<i>Fusconaia cor</i>	Endangered
Finerayed Pigtoe	<i>Fusconaia cuneolus</i>	Endangered
Cracking Pearlymussel	<i>Hemistena lata</i>	Endangered
Pink Mucket	<i>Lampsilis abrupta</i>	Endangered
Alabama Lampmussel	<i>Lampsilis virescens</i>	Endangered
Birdwing Pearlymussel	<i>Lemiox rimosus</i>	Endangered
Scaleshell	<i>Leptodea leptodon</i>	Endangered
Coosa Moccasinshell	<i>Medionidus parvulus</i>	Endangered
Ring Pink	<i>Obovaria retusa</i>	Endangered
Littlewing Pearlymussel	<i>Pegias fabula</i>	Endangered
White Wartyback	<i>Plethobasus cicatricosus</i>	Endangered
Orangefoot Pimpleback	<i>Plethobasus cooperianus</i>	Endangered
Sheepnose	<i>Plethobasus cyphyus</i>	Endangered
Clubshell	<i>Pleurobema clava</i>	Endangered
Southern Clubshell	<i>Pleurobema decium</i>	Endangered

Southern Pigtoe	<i>Pleurobema georgianum</i>	Endangered
Cumberland Pigtoe	<i>Pleurobema gibberum</i>	Endangered
Georgia Pigtoe	<i>Pleurobema hanleyianum</i>	Endangered
Ovate Clubshell	<i>Pleurobema perovatum</i>	Endangered
Rough Pigtoe	<i>Pleurobema plenum</i>	Endangered
Slabside Pearlymussel	<i>Pleurobema dolabelloides</i>	Endangered
Rayed Kidneyshell	<i>Ptychobranthus foremanianus</i>	Endangered
Triangular kidneyshell	<i>Ptychobranthus greeni</i>	Endangered
Fluted Kidneyshell	<i>Ptychobranthus subtentum</i>	Endangered
Rough Rabbitsfoot	<i>Quadrula cylindrica strigillata</i>	Endangered
Winged Mapleleaf	<i>Quadrula fragosa</i>	Endangered
Cumberland Monkeyface	<i>Quadrula intermedia</i>	Endangered
Appalachian Monkeyface	<i>Quadrula sparsa</i>	Endangered
Pale Lilliput	<i>Toxolasma cylindrellus</i>	Endangered
Rayed Bean	<i>Villosa fabalis</i>	Endangered
Purple Bean	<i>Villosa perpurpurea</i>	Endangered
Cumberland Bean	<i>Villosa trabalis</i>	Endangered

(b) Snails

Common Name	Scientific Name	Federal Status
Painted Snake Coiled Forest Snail	<i>Anguispira picta</i>	Threatened
Anthony's Riversnail	<i>Athearnia anthonyi</i>	Endangered
Royal Snail	<i>Marstonia ogmorhaphe</i>	Endangered

(c) Crayfish

Common Name	Scientific Name	Federal Status
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>Fallicambarus hortonii</i>	
Blood River Crayfish	<i>Orconectes burri</i>	
Flint River Crayfish	<i>Orconectes cooperi</i>	
Tennessee Cave Crayfish	<i>Orconectes incomptus</i>	
Nashville Crayfish	<i>Orconectes shoupi</i>	Endangered
Hardin Crayfish	<i>Orconectes wrighti</i>	

(d) Fish

Common Name	Scientific Name	Federal Status
Lake Sturgeon	<i>Acipenser fulvescens</i>	
Laurel Dace	<i>Chrosomus saylora</i>	Endangered
Blue Shiner	<i>Cyprinella caerulea</i>	Threatened
Slender Chub	<i>Erimystax cahni</i>	Threatened
Bluemask Darter	<i>Etheostoma akatulo</i>	Endangered
Ashy Darter	<i>Etheostoma cinereum</i>	
Crown Darter	<i>Etheostoma corona</i>	
Barrens Darter	<i>Etheostoma forbesi</i>	
Tuckasegee Darter	<i>Etheostoma gutselli</i>	
Tuxedo Darter	<i>Etheostoma lemniscatum</i>	Endangered
Marbled Darter	<i>Etheostoma marmorinum</i>	Endangered
Egg-mimic Darter	<i>Etheostoma pseudovulatum</i>	
Citico Darter	<i>Etheostoma sitikuense</i>	Endangered
Cumberland Darter	<i>Etheostoma susanae</i>	Endangered
Boulder Darter	<i>Etheostoma wapiti</i>	Endangered
Barrens Topminnow	<i>Fundulus julisia</i>	
Coosa Chub	<i>Macrhybopsis sp. 1</i>	
Palezone Shiner	<i>Notropis albizonatus</i>	Endangered
Silverjaw minnow	<i>Notropis buccatus</i>	
Smoky Madtom	<i>Noturus baileyi</i>	Endangered
Chucky Madtom	<i>Noturus crypticus</i>	Endangered
Yellowfin Madtom	<i>Noturus flavipinnis</i>	Threatened
Pygmy Madtom	<i>Noturus stanauli</i>	Endangered
Amber Darter	<i>Percina antesella</i>	Endangered
Conasauga Logperch	<i>Percina jenkinsi</i>	Endangered
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered

(e) Amphibians

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

(f) Birds

Common Name	Scientific Name	Federal Status
Bachman's Sparrow	<i>Peucaea aestivalis</i>	
Interior Least Tern	<i>Sternula antillarum athalassos</i>	Endangered

(g) Mammals

Common Name	Scientific Name	Federal Status
Virginia Big-eared Bat	<i>Corynorhinus townsendii virginianus</i>	Endangered
Carolina Northern Flying Squirrel	<i>Glaucomys sabrinus coloratus</i>	Endangered
Gray Bat	<i>Myotis grisescens</i>	Endangered
Indiana Bat	<i>Myotis sodalis</i>	Endangered

(2) The following species or subspecies are listed as state threatened. The federal status for these species and subspecies are also listed, if any.

(a) Mussels

Common Name	Scientific Name	Federal Status
Fine-lined pocketbook	<i>Lampsilis altilis</i>	Threatened
Alabama moccasinshell	<i>Medionidus acutissimus</i>	Threatened
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	Threatened

(b) Crayfish

Common Name	Scientific Name	Federal Status
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>Orconectes taylori</i>	

(c) Fish

Common Name	Scientific Name	Federal Status
Western Sand Darter	<i>Ammocrypta clara</i>	
Blackside Dace	<i>Chrosomus cumberlandensis</i>	Threatened
Blue sucker	<i>Cycleptus elongatus</i>	
Spotfin Chub	<i>Erimonax monachus</i>	Threatened
Coppercheek Darter	<i>Etheostoma aquali</i>	
Slackwater Darter	<i>Etheostoma boschungii</i>	Threatened
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>	

Snail Darter	<i>Percina tanasi</i>	Threatened
Sickle Darter	<i>Percina williamsi</i>	
Shovelnose Sturgeon	<i>Scaphirhynchus platyrhynchus</i>	Threatened

(d) Amphibians

Common Name	Scientific Name	Federal Status
Berry Cave Salamander	<i>Gyrinophilus gulolineatus</i>	
Tennessee Cave Salamander	<i>Gyrinophilus pallescens</i>	
Pale Salamander	<i>Gyrinophilus pallescens pallescens</i>	
Big Mouth Cave Salamander	<i>Gyrinophilus pallescens necturoides</i>	

(e) Reptiles

Common Name	Scientific Name	Federal Status
Bog Turtle	<i>Clemmys muhlenbergii</i>	Threatened
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	
Northern Pine Snake	<i>Pituophis melanoleucus</i>	
Western Pigmy Rattlesnake	<i>Sistrurus miliarius streckeri</i>	

(f) Birds

Common Name	Scientific Name	Federal Status
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	

(g) Mammals

Common Name	Scientific Name	Federal Status
Little Brown Bat	<i>Myotis lucifugus</i>	
Northern Myotis	<i>Myotis septentrionalis</i>	Threatened
Tri-colored Bat	<i>Perimyotis subflavus</i>	

- (3) Except as provided for in Tennessee Code Annotated, Section 70-8-106(d) and (e), it shall be unlawful for any person to take, harass, or destroy wildlife listed as threatened or endangered or otherwise to violate terms of Section 70-8-105(c) or to destroy knowingly the habitat of such species without due consideration of alternatives for the welfare of the species listed in (1) of this rule, or (2) the United States List of Endangered and Threatened Wildlife found at 50 CFR 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 _____.

New Rule

1660-01-32-.02, Wildlife In Need of Management List and Rules, is added as a new rule chapter with the following new rule:

- (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>Orconectes alabamensis</i>
Barren River Crayfish	<i>Orconectes 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>Carpionodes velifer</i>
Tennessee Dace	<i>Chrosomus tennesseensis</i>
Rugby Darter	<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 denoncourtii</i>
Redband Darter	<i>Etheostoma luteovinctum</i>
Smallscale Darter	<i>Etheostoma microlepidum</i>
Lollypop Darter	<i>Etheostoma neopteron</i>
Sooty Darter	<i>Etheostoma olivaceum</i>
Firebelly Darter	<i>Etheostoma pyrrhogaster</i>
Arrow Darter	<i>Etheostoma sagitta</i>
Tippecanoe Darter	<i>Etheostoma tippecanoe</i>
Tuscumbia Darter	<i>Etheostoma tuscumbia</i>
Wounded Darter	<i>Etheostoma vulneratum</i>
Golden Topminnow	<i>Fundulus chrysotus</i>
Flame Chub	<i>Hemitremia flammea</i>
Plains Minnow	<i>Hybognathus placitus</i>
Lined Chub	<i>Hybopsis lineapunctata</i>
Southern Brook Lamprey	<i>Ichthyomyzon gagei</i>
Silver Lamprey	<i>Ichthyomyzon unicuspis</i>
Sturgeon Chub	<i>Macrhybopsis gelida</i>
Sicklefin Chub	<i>Macrhybopsis meeki</i>
Rainbow Shiner	<i>Notropis chrosomus</i>

Bigmouth Shiner	<i>Notropis dorsalis</i>
Bedrock Shiner	<i>Notropis rupestris</i>
Piebald Madtom	<i>Noturus gladiator</i>
Tangerine Darter	<i>Percina aurantiaca</i>
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
Henslow's Sparrow	<i>Ammodramus henslowii</i>
Olive-sided Flycatcher	<i>Contopus cooperi</i>
Little Blue Heron	<i>Egretta caerulea</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>

- (2) It shall be unlawful for any person to knowingly destroy the habitat of "Wildlife in Need of Management", except as authorized by the Executive Director.
- (3) The Executive Director of the Tennessee Wildlife Resources Agency may permit the taking, possession, transportation, exportation or shipment of species or subspecies on the list of "Wildlife in Need of Management" for scientific or educational purposes, for propagation in captivity or for other purposes to benefit, or not harmful to, the species.
- (4) Upon good cause shown, and where necessary to alleviate damage to property, to protect human health and safety, "Wildlife in Need of Management" may be removed, captured, or destroyed but only pursuant to a permit issued by the Executive Director; provided these species may be removed, captured, or destroyed without permit by any person in emergency situations involving immediate threat to human life.

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

Repeal

1660-03-01-.01, Charges For Access To Public Records, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

Repeal

1660-03-01-.02, Requests For Access To Records, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

Repeal

1660-03-01-.03, Requests For Reproduction Of Records, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

Repeal

1660-03-01-.04, Waiver Of Fees, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

Repeal

1660-03-01-.05, Reduction Of Fees, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

Repeal

1660-03-01-.06, Payment For Records, shall be repealed in its entirety.

Authority: T.C.A. §§69-9-209; 70-1-206; 10-7-501, et seq.; and 2008 Public Chapter 1179.
Administrative History: Original rule filed February 22, 2010; effective May 23, 2010.

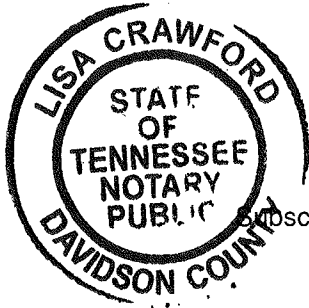
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 12-12-16

Signature: *Ed Carter*

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 12-12-16

Notary Public Signature: *Lisa Crawford*

My commission expires on: 3-10-19

Department of State Use Only

Filed with the Department of State on: 12/14/16

Tre Hargett

Tre Hargett
Secretary of State

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