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Notice of Rulemaking Hearing

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

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| Agency/Board/Commission: | Environment and Conservation |
| Division: | Division of Natural Areas |
| Contact Person: | Todd Crabtree |
| Address: | William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243 |
| Phone: | (615) 306-6292 |
| Email: | Todd.Crabtree@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:

| | |
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| ADA Contact: | ADA Coordinator |
| Address: | William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243 |
| Phone: | 615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298 |
| Email: | kathryn.reitz@tn.gov |

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

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| Address 1: | Multimedia Room, 3 rd Floor |
| Address 2: | William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue |
| City: | Nashville, Tennessee |
| Zip: | 37243 |
| Hearing Date: | 03/26/2024 |
| Hearing Time: | 10:30 AM <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT |

Alternate Hearing Option

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| Method 1: | Microsoft Teams meeting Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 276 814 710 052 Passcode: 2pxZcZ Download Teams Join on the web |
| Method 2: | Join with a video conferencing device stateoftn@m.webex.com |

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| | Video Conference ID: 115 071 631 1 Alternate VTC instructions |
| Method 3: | Or call in (audio only) +1 629-209-4396,,674036075# United States, Nashville Phone Conference ID: 674 036 075# Find a local number Reset PIN Learn More Meeting options |

Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Rachael Maitland at (423) 836-8925 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Rachael Maitland al (423) 836-8925 o tdec.titlevi@tn.gov para obtener más información.

The purpose of this rulemaking is to update the endangered plant list in Rule 0400-06-02-.04 by removing, adding, and correcting names that appear on the current list.

The Department prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-natural-areas.html>.

Draft copies are also available for review at the following address:

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

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of Natural Areas; Attention: Todd Crabtree, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243; telephone 615-306-6292 or by email at Todd.Crabtree@tn.gov. However, such written comments must be received by 4:30 PM CDT, March 28, 2024, to ensure consideration. For further information, please contact Todd Crabtree at the above address or telephone number or by e-mail at Todd.Crabtree@tn.gov.

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 |
|----------------|--|
| 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 <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

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

Amendments

Paragraph (6) of Rule 0400-06-02-.03 Promulgation of Lists is amended by deleting it in its entirety and substituting instead the following:

- (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~~ Division of Natural Areas, 401 Church Street 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-~~0447~~.

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

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 decemloba</i> (Greene) Pennel | ten lobe 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>Anemone caroliniana</i> Walt. | Carolina anemone |
| <u><i>Anthoxanthum hirtum</i></u> (Schrank) Y. Schouten & Veldkamp | <u>hairy sweetgrass</u> |
| <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>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>Blephilia subnuda</i> Simmers & Kral | Cumberland pagoda-plant |
| <u><i>Blephilia woffordii</i> Floden</u> | <u>Caney Fork woodmint</u> |
| <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 |
| <u><i>Campanula rotundifolia</i> L.</u> | <u>bluebell bellflower</u> |
| <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 interior</i> L. H. Bailey | inland sedge |
| <i>Carex lonchocarpa</i> Willd. ex Spreng. | southern long sedge |

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| <i>Carex manhartii</i> Bryson | Manhart's sedge |
| <i>Carex muskingumensis</i> Schweinitz | Muskingum sedge |
| <u><i>Carex pallescens</i> L.</u> | <u>pale sedge</u> |
| <i>Carex pellita</i> Willd. | woolly sedge |
| <i>Carex tetanica</i> Schkuhr | rigid sedge |
| <u><i>Carex utriculata</i> Boott</u> | <u>Northwest Territory sedge</u> |
| <i>Cephaloziella messalongi</i> (Spruce) K. Muell. | a liverwort |
| <i>Cerastium velutinum</i> Raf. | velvety cerastium |
| <u><i>Chelone obliqua</i> L.</u> | <u>red turtlehead</u> |
| <i>Clematis fremontii</i> S. Wats. | Fremont's Leather Flower |
| <i>Clematis vinacea</i> Floden | wine colored leatherflower |
| <i>Clematis morefieldii</i> Kral | Huntsville vasevine |
| <i>Clethra alnifolia</i> L. | coastal pepperbush |
| <i>Coeloglossum viride</i> (L.) Hartman | long-bracted green orchis |
| var. <i>virescens</i> (Muhl. ex Willd.) Luer | |
| <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>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>Dichanthelium acuminatum</i> ssp. <i>spretum</i> | Eaton's witchgrass |
| (Schult.) Freckmann & Lelong | |
| <i>Dichanthelium ensifolium</i> ssp. <i>curtifolium</i> | short-leaved panic grass |
| (Nash) Freckmann & Lelong | |
| <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 harperi</i> Goodman | 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) | Rockcastle aster |
| G. L. Nesom | |
| <i>Euthamia gymnospermoides</i> Green | Great Plains goldentop |
| <i>Fimbristylis perpusilla</i> Harper | Harper's fimbristylis |
| <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 | Roan Mountain bluet |
| var. <i>montana</i> (Small) Fosberg | |
| <i>Helenium brevifolium</i> (Nutt.) Wood | shortleaf sneezeweed |
| <i>Helianthemum canadense</i> (L.) Michx. | Canada frostweed |
| <i>Helianthemum propinquum</i> E.P. Bicknell | low frostweed |
| <i>Helianthus verticillatus</i> Small | whorled sunflower |
| <u><i>Heteranthera missouriensis</i> C.N. Horn</u> | <u>bouquet mud plantain</u> |
| <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 |

Hypericum graveolens Bickl.
Iris brevicaulis Raf.
Isoetes appalachiana D.F. Brunton & D.M. Britton
Isoetes melanopoda Gay and Durieu
Isoetes tennesseeensis N.T. Luebke & J.M. Budke
Isotria medeoloides (Pursh) Raf.
Lachnanthes carolina (Lam.)
Lachnocaulon anceps (Walter) Morong
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.
Listera australis Lindl.—
Lithospermum parviflorum Weakley, Witsell & D. Estes
Lithospermum subsetosum
(Mack. & Bush) Weakley, Witsell, & D. Estes
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
Marsipella funckii (Web. & Mohr) Dumort.
Melanthium latifolium Desr.
Melanthium virginicum L.
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.
Nabalus asper (Michx.) Torr. & A. Gray
Nestronia umbellula Raf.
Packera crawfordii (Britt.) A.M. Mahoney & R.R. Lowal
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
Penstemon kralii D. Estes
Penstemon tubiflorus Nutt.
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
mountain St. John's-wort
Lamance iris
Appalachian quillwort
blackfoot quillwort
Hiwassee quillwort
small whorled pogonia
Carolina redroot
whitehead bogbutton
Leggett's pinweed
Sharp's lejeunia
Grandfather Mountain leptodontium
Mount Le Conte moss
a liverwort
Gray's lily
wood lily
southern twayblade
softhair marbleseed
smooth false gromwell
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
Cumberland sandwort
Godfrey's stitchwort
mountain sandwort
plains muhly
Torrey's dropseed
cutleaf Watermilfoil
rough rattlesnake root
conjurer's nut
Crawford's ragwort
mountain ricegrass
Canby's mountain-lover
Spring Creek bladderpod
Stones River bladderpod
Kral's beardtongue
white wand beard tongue
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

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| <i>Porella gracillima</i> | hot porella |
| <i>Prunus pumila</i> L. | sand cherry |
| <i>Pycnanthemum beadlei</i> (Small) Fern. | Beadle's mountain mint |
| <i>Pycnanthemum torrei</i> Benth. | Torrey's mountain mint |
| <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. | <u>prairie snoutbean</u> |
| <i>Rhynchospora capillacea</i> Torr. | horned beak-rush |
| <i>Rhynchospora debilis</i> Gale | savannah beak-rush |
| <i>Rhynchospora rariflora</i> (Michx.) Ell. | few-flowered beak-rush |
| <i>Rudbeckia triloba</i> var. <i>beadlei</i> (Small) Fernald | 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>Saxifraga caroliniana</i> A. Gray | Carolina saxifrage |
| <i>Saxifraga pensylvanica</i> L. | swamp saxifrage |
| <i>Schoenoplectus subterminalis</i> (Torr.) Soják | swaying bulrush |
| <i>Scutellaria arguta</i> Buckl. | 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>Stachys appalachiana</i> D.B. Poind. & J.B. Nelson | Appalachian hedge-nettle |
| <i>Stellaria alsine</i> Grimm | trailing stitchwort |
| <i>Stenanthium diffusum</i> Wofford | Cumberland featherbells |
| <i>Sullivantia sullivantii</i> (Torr. & Gray) Britt. | Sullivan's coolwort |
| <i>Symphyotrichum ericoides</i> | bushy aster |
| (L.) G.L. Nesom var. <i>ericoides</i> | |
| <i>Symphyotrichum 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 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> | 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 |

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| <i>Trillium tennesseense</i> E.E. Schill. & Floden | Tennessee 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 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 the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: January 17, 2024

Signature: _____

Name of Officer: Roger McCoy

Title of Officer: Director of the Division of Natural Areas

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State