

WALTER RABON
COMMISSIONER

CHRIS HARPER
DIRECTOR

August 25, 2026

MEMORANDUM

To: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Chris Harper

SUBJECT **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in The Wildflower Preservation Act of 1973 (O.C.G.A. § 12-6-1 *et seq.*) and the Endangered Wildlife Act of 1973 (O.C.G.A. § 27-3-130 *et seq.*), the Board of Natural Resources proposes to amend its rules governing the protection of endangered, threatened, rare or unusual species. The proposed amendments (copy attached hereto) are to Rule 391-4-10-.07 and Rule 391-4-10-.09. The Board of Natural Resources will consider the proposed amendments and any comments received during the public comment period at its meeting on October 27, 2026, at 9:00 AM, at the DNR Board Room, 2 Martin Luther King, Jr. Drive, SE Suite 1252 East, Atlanta, GA 30334.

SYNOPSIS

The purpose of Rule 391-4-10-.07 is to provide exceptions for activities that are otherwise prohibited under the Wildflower Preservation Act or Rule 391-4-10-.06. The proposed exception would allow for the sale, transportation and possession of 39 protected plant species denoted by an asterisk in 391-4-10-.09 without a permit issued by the Georgia Department of Natural Resources.

The native plant horticulture industry is an emerging and important sector of Georgia's economy, and research indicates that private landowners are increasingly seeking native plants for use in residential landscapes. Several protected species have long been established in the horticultural trade and are propagated from cultivated stock rather than collected from wild populations. To support the responsible growth of Georgia's native plant industry, this exemption would allow these designated species to

be sold without a DNR permit, provided they are propagated from pre-existing horticultural stock and not collected from wild populations.

The purpose of Rule 391-4-10-.09 is to identify the species protected under the Endangered Wildlife Act of 1973 and the Wildflower Preservation Act of 1973. As outlined in Rule 391-4-10-.01, the department is required to periodically review its protected species list and make additions and deletions when appropriate. This rule was last revised by the department in 2006 and needs revisions in the following categories:

- 49 species of listed animals and plants have had a name change since the last revision. The proposed list has been updated to the most current names accepted by the scientific community.
- Species designated as endangered or threatened under the provisions of the Endangered Species Act of 1973 (ESA; federal law) must also be designated at the same or higher protection level on the state protected species list. This requirement stems from our cooperative agreement with the U.S. Fish and Wildlife Service to manage federally listed species in the state and is encoded in rule 391-4-10-.02. The proposed rule ensures that the state listing status is correct for all ESA listed species with a currently recognized population in Georgia.
- The 2025 State Wildlife Action Plan (SWAP) revision provided the most up-to-date status and trend information for Species of Greatest Conservation Need in Georgia. Technical Team Leaders used SWAP data and additional information provided during a public nomination period to determine status changes including:
 - Removing 40 species from the list because recent survey data shows that populations have recovered due to conservation actions or other factors.
 - Adding 145 species to the list because survey data shows they are declining and face significant threats that could further impact populations.
 - Updating the status of 66 species to reflect current status. An example would be upgrading a species status from threatened to endangered.

Changes to the list are summarized in Table 1. Largest increases are for plants and invertebrates which reflects the higher diversity and recent emphasis on surveys for these historically under-surveyed groups.

Table 1. Comparison of the number of species currently protected (2006) and proposed for protection under the proposed rule (2026).

	2006	2026
Mammals	10	12
Birds	20	24
Reptiles	16	18
Amphibians	9	12
Fishes	57	60
Invertebrates	51	89
Plants	155	208
Total	318	423

This synopsis of the proposed rule amendments, together with an exact copy of the amendments, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by electronic mail and are available for review on the Division web page (<https://georgiawildlife.com/ProtectedSpeciesList>). Please call 706-557-3213 or email katrina.morris@dnr.ga.gov to request a copy.

Members of the general public will have an opportunity to comment on these proposed regulations at a public hearing scheduled at 7:00 PM on September 8th, 2026, at the Wildlife Resources Division Headquarters Office, 2067 US Hwy 278 SE, Social Circle GA, 30025. Any participant at the hearing may present data, make a statement or comment or offer a viewpoint or argument, either orally or in writing. Statements should be concise to permit everyone an opportunity to speak. Participants in the hearing are required to register on arrival and to notify the registering official of their intent to give a statement. Participants may also bring a written copy of their statement.

Those unable to attend the hearing may submit comments on this proposed rule electronically by sending an email to wscscomments@dnr.ga.gov using the subject line Protected Species List, by telephone at 706-557-3213 or by submitting written statements, which must be received before close of business on September 20, 2026. Written statements should be mailed to the attention of Trina Morris at:

Georgia Department of Natural Resources
Wildlife Resources Conservation Center
2065 US Hwy 278 SE
Social Circle, GA 30025

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