

4 VAC 15-20-130. Definitions and Miscellaneous: In General; Endangered and threatened species; adoption of federal list; additional species enumerated.

SUMMARY:

The recommendation is to (i) update the date reference to the federal list of endangered and threatened wildlife species; and (ii) update the Virginia List of Endangered and Threatened Species to add Roanoke Logperch as endangered and to remove Emerald Shiner as state threatened to reflect their status in Virginia more accurately.

RECOMMENDED LANGUAGE OF AMENDMENT:

4 VAC 15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

- 1 A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered
2 Species Act of December 28, 1973 (16 USC §§ 1531 through 1543), as amended as of ~~October~~
3 ~~10, 2024~~ April 6, 2026, and declares all species listed thereon to be endangered or threatened
4 species in the Commonwealth. Pursuant to subdivision 12 of § 29.1-103 of the Code of Virginia,
5 the director is hereby delegated authority to propose adoption of modifications and amendments
6 to the Federal Endangered and Threatened Species List in accordance with the procedures of
7 §§ 29.1-501 and 29.1-502 of the Code of Virginia.
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9 B. In addition to the provisions of subsection A of this section, the following species are declared
10 endangered or threatened in the Commonwealth and are afforded the protection provided by
11 Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:
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1. Fish:	
Endangered:	
Dace, Clinch	Chrosomus sp. cf. saylori
Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
<u>Logperch, Roanoke</u>	<u>Percina rex</u>
Sunfish, blackbanded	Enneacanthus chaetodon
Threatened:	
Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorbranchium

Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus
2. Amphibians:	
Endangered:	
Salamander, eastern tiger	Ambystoma tigrinum
Threatened:	
Salamander, Mabee's	Ambystoma mabeei
3. Reptiles:	
Endangered:	
Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	Crotalus horridus
Turtle, bog	Glyptemys muhlenbergii
Turtle, eastern chicken	Deirochelys reticularia
Threatened:	
Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta
4. Birds:	
Endangered:	
Plover, Wilson's	Charadrius wilsonia
Rail, black	Laterallus jamaicensis
Woodpecker, red-cockaded	Dryobates borealis
Wren, Bewick's	Thryomanes bewickii
Threatened:	
Falcon, peregrine	Falco peregrinus
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis

Sparrow, Henslow's	<i>Ammodramus henslowii</i>
Tern, gull-billed	<i>Sterna nilotica</i>
5. Mammals:	
Endangered:	
Bat, Rafinesque's eastern big-eared	<i>Corynorhinus rafinesquii macrotis</i>
Bat, little brown	<i>Myotis lucifugus</i>
Bat, tri-colored	<i>Perimyotis subflavus</i>
Hare, snowshoe	<i>Lepus americanus</i>
Shrew, American water	<i>Sorex palustris</i>
Vole, rock	<i>Microtus chrotorrhinus</i>
6. Mollusks:	
Endangered:	
Coil, rubble	<i>Helicodiscus lirellus</i>
Coil, shaggy	<i>Helicodiscus diadema</i>
Deertoe	<i>Truncilla truncata</i>
Elephantear	<i>Elliptio crassidens</i>
Elimia, spider	<i>Elimia arachnoidea</i>
Floater, brook	<i>Alasmidonta varicosa</i>
Ghostsail, thankless	<i>Holsingeria unthinksensis</i>
Heelsplitter, Tennessee	<i>Lasmigona holstonia</i>
Lilliput, purple	<i>Toxolasma lividus</i>
Mussel, slippershell	<i>Alasmidonta viridis</i>
Pigtoe, Ohio	<i>Pleurobema cordatum</i>
Pigtoe, pyramid	<i>Pleurobema rubrum</i>
Springsnail, Appalachian	<i>Fontigens bottimeri</i>
Springsnail (no common name)	<i>Fontigens morrisoni</i>
Supercoil, spirit	<i>Paravitrea hera</i>
Threatened:	
Floater, green	<i>Lasmigona subviridis</i>
Papershell, fragile	<i>Leptodea fragilis</i>

Pimpleback	Quadrula pustulosa
Pistolgrip	Tritogonia verrucosa
Riversnail, spiny	Ioflualis
Sandshell, black	Ligumia recta
Supercoil, brown	Paravitrea septadens
7. Arthropods:	
Threatened:	
Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

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14 C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth
15 any threatened or endangered species of fish or wildlife except as authorized by law.

16 D. The incidental take of certain species may occur in certain circumstances and with the
17 implementation of certain conservation practices as described in this subsection:

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat, Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures.	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. Department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	Little to no direct lethal taking expected.
		Public safety or property damage risk – need for tree removal, application of	Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase the buffer to a 1/4-mile radius	Little to no direct lethal taking expected.

		<p>prescribed fire, or other land management actions affecting known roosts; removal of animals from known roosts.</p>	<p>with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, one tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates.</p> <p>Known roost trees: no tree removal, use of prescribed fire, or other land management action within a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk.</p> <p>Department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats.</p> <p>Use of exclusion devices that allow individual animals to escape.</p> <p>Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.</p>	
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E. Experimental populations of certain species are described in the table in this subsection, consistent with the identification of these species in state conservation plans. These populations are geographically distinct from naturally occurring populations and are not subject to the penalties and prohibitions authorized under § [29.1-568](#) of the Code of Virginia.

Species	Designated Location of Experimental Population	County or City	Take Exemptions
Eastern tiger salamander (<i>Ambystoma tigrinum</i>)	Lands located within the 2025 boundaries of the department's Big Woods Wildlife Management Area and The Nature Conservancy's Piney Grove Preserve	Sussex County	Take is authorized unless otherwise prohibited by other Virginia laws or regulations

RATIONALE:

Adoption of the updated and modified federal list of endangered and threatened wildlife species: Maintaining the currency of the Board’s adoption of the federal list is essential to

clarifying the state and federal status of each affected species and to ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species.

Addition of Roanoke Logperch as a state endangered species: In 2025, the Roanoke Logperch was removed from the list of federal endangered species. The decision to de-list this species federally was mainly due to new information about its distribution in Virginia and longstanding efforts to reduce sediment loading through best management practices, implement habitat restoration, and restrict instream construction to outside of spawning periods. However, in Virginia, the species is still threatened by excessive fine sediment, mainly through runoff from agricultural and urban land uses adjacent to the streams in which it occurs. Staff think that the use of number and lengths of occupied streams as metrics for federal delisting did not adequately consider the quality and long-term viability of populations. For instance, Roanoke logperch populations in the Pigg River, Otter River, and Goose Creek – all genetically similar – exhibit low genetic diversity and low population size, compared to other Virginia streams. Listing Roanoke Logperch as state endangered will allow the Department to prioritize and implement projects such as dam removal, stream restoration, and species translocation (e.g., to support species reintroduction or genetic augmentation). As a state endangered species, a conservation plan will be developed that will identify specific goals for Roanoke Logperch recovery and delisting. The plan will allow for the designation and implementation of nonessential or experimental populations that will assist in the species' long-term conservation.

Delisting/removal of Emerald Shiner as a state threatened species: The Emerald Shiner has been listed as a state threatened species since 1992. Species records in Virginia are extremely rare, with the last known collection to be in the Clinch River in 1990 and the Powell River in 1968. Despite its rarity and peripheral nature in Virginia, it is considered to have the largest distribution of any North American minnows. Virginia is located on the eastern edge of range for the species and its rarity on our waters is not indicative of imperilment across its range.