

**RULES
OF
TENNESSEE WILDLIFE RESOURCES AGENCY
WILDLIFE RESOURCES**

**CHAPTER 1660-01-02
RULES AND REGULATIONS GOVERNING BIRDS**

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1660-01-02-.01 REPEALED.

Authority: T.C.A. § 70-1-206. **Administrative History:** Original rule certified May 8, 1974. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 29, 1993. Repeal filed July 19, 2001; effective October 2, 2001.

1660-01-02-.02 MIGRATORY BIRD HUNTING.

- (1) The following regulations apply only to Woods Reservoir of A.E.D.C., Barkley Unit I, Cheatham Lake, Old Hickory-Units I and II, Camden-Units I and II, Big Sandy, Cordell Hull, Gooch - Unit A, Harmon's Creek, Haynes Bottom, Reelfoot, Tigrett and West Sandy Wildlife Management Areas, except for portions of Barkley and Cheatham Reservoir Wildlife Management Areas as noted in Paragraph (3) of these Rules and Regulations.
 - (a) For the purpose of this rule the following definitions apply:
 1. A permanent draw blind site is a waterfowl hunting blind location established by the Tennessee Wildlife Resources Agency and assigned annually by a random drawing as provided in Paragraph (3) of Rule 1660-01-08-.05.
 2. A temporary blind is either a structure assembled or placed for one day of waterfowl hunting; a boat that is used for one day of waterfowl hunting; or, a site consisting of the use of natural vegetation or conditions for concealment for one day of waterfowl hunting.
 3. A permanent registered blind site is a waterfowl hunting blind location registered to a specific individual on Reelfoot or West Sandy identified with geographic coordinates and further described in this chapter. These sites may not be relocated or transferred to another individual. It is the intent that over time all permanent registered blind sites will be converted to permanent draw blind sites or temporary blind sites.
 4. A permanent blind, as further described in this chapter, is a permanent registered blind, a permanent draw blind, or a permanent public blind site.
 5. A subimpoundment is the water managed by the Tennessee Wildlife Resources Agency or its management partner in association with waterfowl hunting and habitat management.
 - (b) No waterfowl hunting on Barkley Unit I, Camden B Unit I, Cheatham Lake, Cordell Hull, Gooch- Unit A, Haynes Bottom, Old Hickory - Units I and II, and Woods Reservoir of A.E.D.C. Wildlife Management Areas during the late waterfowl seasons, except from

(Rule 1660-01-02-.02, continued)

fixed (floating or post type) blinds registered with the Tennessee Wildlife Resources Agency except as provided for in proclamation and as exempted in subparagraphs (h), (i) and (l) below. Permanent draw blinds and temporary blinds must be within five (5) feet of designated stakes. Designated stakes may not be moved without approval of the area manager.

- (c) All permanent draw blind construction and/or placement on designated blind sites must be complete by the fourth Monday in October. To be considered complete, a structure with minimum dimensions of 4 feet wide, 4 feet high and 8 feet long not to exceed 30 feet in length and not to exceed 300 total square feet with walls consisting of netting, wire or solid material to which camouflage can be attached, which can be hunted from as determined by the area manager, must be in place and remain in place throughout the waterfowl season. All camouflage must be completed by opening day of waterfowl season. Permits for blinds not meeting these requirements will be cancelled. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resources Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the primary draw blind permittee, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the primary draw blind permittee shall not be denied the opportunity to participate in the drawing the following year. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.
- (d) No more than eight individuals age sixteen (16) or older may occupy a permanent draw blind site at any time. This restriction shall include those permanent draw blind sites that may become temporary blind sites as a result of those blinds not being chosen at the blind allocation drawing or cancelled by the Tennessee Wildlife Resources Agency.
- (e) The permittee, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of the shooting hours of that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted use) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.
- (f) All blinds must be removed from the reservoir and government property by May 1 of the following year. Any blind not removed will become the property of the Tennessee Wildlife Resources Agency for future use and/or destruction.
- (g) If any waterfowl blind permittee violates any of the Rules and Regulations contained herein, he/she is subject to have his/her blind permit canceled in addition to the penalty prescribed by law.
- (h) Hunting will be permitted from permanent draw blinds and temporary blinds on Camden-Unit II, Big Sandy (including Gin Creek Unit), Barkley Unit II, Cordell Hull, Harmon's Creek, Tigrett, and West Sandy in accordance with statewide rules and regulations. Any temporary blinds or hides and decoys must be at least 200 yards from any permanent blind and must be removed from the area at the end of shooting each day. All permanent blinds must be within 5 feet of designated stakes.

(Rule 1660-01-02-.02, continued)

- (i) Hunting will be permitted from permanent draw blinds and staked positions for temporary blinds on Old Hickory-Unit I and Unit II. Hunting from temporary blinds is on a first-come, first-serve basis. Any temporary blinds constructed on staked positions and decoys must be removed from the area at the end of shooting hours each day.
 - (j) Trespassing or disturbance is prohibited in posted areas during the waterfowl season.
 - (k) Public access will be prohibited in the subimpoundments of Barkley-Unit I, Cheatham Lake, Haynes Bottom, Old Hickory-Units I and II, Camden Units I and II, Big Sandy, Gooch-Unit A, Tigrett, and West Sandy from two hours after legal shooting hours have ended until four a.m. the following day during the late duck season(s).
 - (l) Blinds not chosen at the blind allocation drawing or cancelled by Tennessee Wildlife Resources Agency will become temporary blind sites for the year of the drawing. If the primary blind permittee or sign-on(s) do not meet the deadline for having the blind on site, or violates any other provision of this rule, they forfeit their opportunity to participate in any duck blind drawing the following year. The primary waterfowl blind permittee is the person who was drawn for a permanent draw blind or who registers a permanent registered blind. A sign-on is a person other than the primary blind permittee who possesses a waterfowl blind permit for said blind.
 - (m) The primary waterfowl blind permittee shall be responsible for blind construction and removal deadlines. The primary waterfowl blind permittee shall be responsible for removal of all associated blind materials, including all litter and trash, stakes, weights, and lines within fifteen (15) days after the last day of waterfowl hunting.
 - (n) No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August. Blind holders may conduct agricultural plantings in areas adjacent to their permitted blind sites if written approval in advance is obtained from the area manager.
- (2) The following regulations apply to the Wildlife Management Area, as indicated:
- (a) A.E.D.C. (except Woods Reservoir), Anderson Tully, Barkley Unit II, Bogota (Pool 1), Cottonport, Yellow Creek, Long Island, Lick Creek, New Hope, Percy Priest - Unit II, Candies Creek, Roger's Creek, Johnson Bottoms, Mark's Creek Unit of Cheatham Lake, and areas as specified under proclamation of Cheatham Lake, White Oak, that area of Barkley Reservoir as specified under annual proclamation, that portion of Old Hickory- Unit III, from Mile No. 268 upstream to the abandoned Lock and Dam Site No. 6 at approximately Mile No. 281, Ernest Rice, Sr., Obion River, Moss Island, Gooch-Units B, C and E, Shelby Forest State Park and Wolf River.
 - 1. No permanent blinds allowed.
 - 2. Decoys must be picked up each day.
 - 3. Temporary blinds must be built the day of the hunt and hunters using temporary blinds must remove or destroy such blinds at the end of the day's hunt.
 - (b) Reserved
 - (c) Reelfoot Wildlife Management Area

(Rule 1660-01-02-.02, continued)

1. Waterfowl hunting on Reelfoot Wildlife Management Area is restricted to hunting from either permanent or temporary blinds as defined herein. For the purpose of this rule, the following definitions apply:
 - (i) A permanent blind is a framed structure as least 4 feet wide, 4 feet high and 8 feet long with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, that is constructed on or moved to either a permanent registered blind site, or a permanent draw blind site. The permanent draw blind is further restricted in size so as not to exceed 30 feet in length and not to exceed 300 total square feet as provided in Rule 1660-01-02-.02(1)(c).
 - (ii) A temporary blind is either a structure assembled or placed for one day of waterfowl hunting or boat that is used for one day of waterfowl hunting or, a site consisting of the use of natural vegetation or conditions for concealment for one day of waterfowl hunting.
 - (iii) A permanent registered blind site is a waterfowl hunting blind site registered in 1986 with the Tennessee Wildlife Resources Agency and identified by geographic coordinates in 1995. These sites may not be relocated.
2. Permanent registered blind sites may be registered only by the 1991 registrants.
3. In order to annually register a permanent registered blind site, an individual must purchase a Reelfoot waterfowl blind permit Type 025. Registration may be done either in person at any TWRA License agent location or through certified mail between February 18 and July 31, inclusive. If registration is in person, the registrant must present a photo ID. To complete the registration process, blind holders must send a signed copy of the Type 025 to the TWRA Sales Office postmarked by July 31. If registered through the mail, a signed and notarized affidavit proving identification must be included and the registration must be postmarked between February 18 and July 31, inclusive.
4. A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind site. These persons, hereinafter, will be referred to as sign-ons. The permanent registered blind site holder must obtain a type 026 Reelfoot Sign-on Permit for each individual sign-on. Each Type 026 must be signed and notarized and a photocopy submitted by the blind site registrant. Photocopies of each type 026 must be post marked by July 31 to the TWRA Sales Office.
5. Failure to annually register a permanent registered blind site between February 18 and July 31 shall result in the termination of its status as a permanent registered blind site after which it may be designated as a permanent draw blind site, in the discretion of the area manager or an authorized employee of Tennessee Wildlife Resources Agency.
6. Each permanent registered blind site holder must display, and maintain year-round in a conspicuous location, the appropriate permanent number inside the blind or on a stake with painted numbers which are at least two inches in height. When a floating blind is moved to a permanent registered blind site, the number must be immediately transferred from the stake to the floating blind. No permanent blind may be locked or barricaded to deny access to any portion of the blind used for discharging firearms at game when the blind is not in use. No

(Rule 1660-01-02-.02, continued)

permanent blind site may be utilized or manipulated in such a manner so as to interfere with the lawful use of the blind or so as to interfere with the lawful taking of wildlife.

7. The permittee, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.
8. Neither permanent blind site holders nor their sign-ons may compete for nor may they be registered or signed on any other Tennessee Wildlife Resources Agency blind site in the state.
9. Unregistered and/or unnumbered permanent blinds and illegal temporary blinds are subject to removal and/or destruction at the discretion of the area manager or a designee of the Tennessee Wildlife Resources Agency.
10. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and on each permanent draw blind site. Completion of blind construction and/or placement on these sites must occur by the fourth Monday in October. Failure to complete construction and/or placement of a permanent blind by the deadline shall result in the termination of its status as a permanent blind site, permitting its use as a site for a temporary blind for the remainder of that hunting season. Thereafter, it may be designated as a permanent draw blind site, at the discretion of the area manager. Camouflage on permanent blind sites must be completed by opening day of the regular waterfowl season. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resource Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.
11. Decoys located at permanent blind sites shall be removed by blind holders within fifteen (15) days after the closing date of the final annual waterfowl hunting season. The use or possession of containers made of plastic or metal that are utilized for waterfowl decoys is prohibited while participating in waterfowl hunting on the waters of Reelfoot Lake.
12. No temporary blind shall be placed closer than two hundred (200) yards from a permanent blind site.

(Rule 1660-01-02-.02, continued)

13. Persons hunting from temporary blinds must remove all decoys and other blind materials at the end of each day's hunt. No decoys and/or other blind materials may be placed at a temporary blind site and left unattended.
14. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior approval of the area manager.
15. Blind owners may not abandon blinds on Reelfoot Wildlife Management Area and are responsible for removing all related materials, including all litter and trash, stakes, weights and lines. Abandoned blinds and related materials may be removed, destroyed or otherwise disposed of by the area manager or his designee.
16. Any person violating any rule and regulation contained herein, is subject to have his/her blind site permit canceled and/or hunting privileges on Reelfoot Wildlife Management Area revoked in addition to other penalties as prescribed by law.
17. The Wildlife Resources Commission shall review this Rule every four (4) years.

(d) West Sandy Wildlife Management Area

1. Waterfowl hunting on West Sandy Wildlife Management Area is restricted to hunting from either permanent or temporary blinds as defined herein. For the purpose of this rule the following definitions apply:
 - (i) A permanent blind is a framed structure of a minimum of 4 feet wide, 4 feet high and 8 feet long not to exceed 30 feet in length and not to exceed 300 total square feet, with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, and that is constructed on or moved to either a permanent registered blind site or a permanent draw blind site.
 - (ii) A permanent registered blind site is a waterfowl hunting blind location registered to a specific individual in 2000 by the Tennessee Wildlife Resources Agency and identified with geographic coordinates. These sites may not be relocated or transferred to another individual. It is the intent that over time all permanent registered blind sites will be converted to permanent draw blind sites or temporary blind sites. Prior to the 2001 waterfowl hunting season, the agency will make available to the public, a plat containing the geographic coordinates of each permanent registered blind site.
 - (iii) A permanent draw blind site is a waterfowl hunting blind location established by the Tennessee Wildlife Resources Agency and assigned annually by a random drawing as provided in Paragraph (6) of Rule 1660-01-08-.05.
 - (iv) A temporary blind is either a structure assembled or placed for one day of waterfowl hunting; a boat that is used for one day of waterfowl hunting; or, a site consisting of the use of natural vegetation or conditions for concealment for one day of waterfowl hunting.
2. Any person who was the primary registrant of a blind at West Sandy during the 1997-98 season may register a permanent registered blind site during the 2000 registration process. The primary registrants of blind sites 0222 and 1902 during the 1996-97 registration will be considered as 1997-98 registrants for the

(Rule 1660-01-02-.02, continued)

- purpose of this Rule. Only one site may be registered per individual. Co-registrants are not permitted. After the initial registration no names may be added nor may the registrant transfer to another site. Permit holders may be deleted from specific sites, either voluntarily or due to cancellation. Individuals registered for a permanent blind site may not be registered on any other blind site within TWRA's blind regulatory process. Registrants must be at least 16 years of age and possess applicable permit or license. Registrants must appear in person during the 2000 registration and all subsequent annual registrations.
3. During the last fourteen days of May in the year 2000, all individuals who were registered blind holders during the 1997-98 waterfowl season as specified in Paragraph 2 must have identified for TWRA the specific blind site they have selected for their permanent registered blind site. Failure to select this site will result in the loss of future registration privileges. The permanent registered blind site chosen by that same individual will then be located with geographic coordinates by TWRA. The site will then be initially registered on the first Saturday in August of 2000 by the applicant.
 4. In order to annually register a permanent registered blind site, an individual must purchase either a combination waterfowl and small game annual permit or a sportsman's license and provide it to TWRA personnel at the time of registration. After the initial registration, each individual must annually renew registration either in person with the area manager or through the individual's written and properly executed power of attorney delivered to the area manager, on the 1st Saturday in August at the time and location specified.
 5. A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind sites. These persons, hereinafter referred to as sign-ons must be identified at the time of the blind registration.
 6. Failure to annually register a permanent registered blind site during the designated time period on the 1st Saturday in August shall result in the termination of its status as a permanent registered blind site after which it may be designated as a permanent draw blind site, at the discretion of TWRA.
 7. Each permanent registered blind site holder must display, and maintain year-round in a conspicuous location, the appropriate permit number inside the blind or on a stake with painted numbers which are at least two inches in height. When a floating blind is moved to a permanent registered blind site, the number must be immediately transferred from the stake to the floating blind. No permanent blind may be locked or barricaded to deny entrance to other hunters when the blind is not in use.
 8. The permittee, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.

(Rule 1660-01-02-.02, continued)

9. Neither permanent registered blind site holders nor their sign-ons may compete for nor may they be registered or signed on any other Tennessee Wildlife Resources Agency blind site in the state.
10. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and each permanent draw blind site by the fourth Monday in October and remain in place for the entire waterfowl season. All camouflage must be completed by opening day of waterfowl season. Failure to construct and/or place a permanent blind on a permanent registered blind site by the fourth Monday in October shall result in its termination as a permanent registered blind site, permitting its use as a temporary blind site for the remainder of that hunting season. Thereafter, it may be designated as a permanent draw blind site at the discretion of the area manager. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the Tennessee Wildlife Resources Agency, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind site holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.
11. Unregistered and/or unnumbered permanent blinds and illegal temporary blinds are subject to removal and/or destruction at the discretion of the area manager or a designee of the Tennessee Wildlife Resources Agency.
12. No temporary blind shall be placed closer than two hundred (200) yards from a permanent blind site. Persons hunting from temporary blinds must remove all decoys and other blind materials at the end of each day's hunt. No decoys and/or other blind materials may be placed at a temporary blind site and left unattended.
13. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August. Blind holders may conduct agricultural plantings in areas adjacent to their permitted blind sites if written approval in advance is obtained from the area manager.
14. Blind owners may not abandon blinds and are responsible for removing all related materials. Abandoned blinds and related materials may be removed, destroyed or otherwise disposed of by the Executive Director or his designee.
15. Any person violating any rule and regulation contained herein, is subject to have his/her blind site permit canceled and/or hunting privileges on West Sandy Wildlife Management Area revoked in addition to other penalties as prescribed by law.
16. Safety concerns require that the Tennessee Valley Authority (TVA) conduct repairs and maintenance to levee and pump house infrastructures that may create water levels incompatible for waterfowl hunting during the 2012-13, 2013-14 and possibly the 2014-15 waterfowl seasons. During this time, the Executive Director shall have the discretion to deem those permanent registered blind sites duly registered during the period of maintenance and repair by TVA while

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suspending the registration and all other annual requirements of this rule. Further, the Executive Director shall have the discretion to allow those permanent registered blind site holders to compete for or sign on any other Tennessee Wildlife Resources Agency blind sites in the state. Waterfowl blind drawings at this location will be suspended when TVA repair work creates conditions incompatible for waterfowl hunting.

- (3) The following regulations apply to Tennessee Wildlife Resources Agency controlled lands not designated as Wildlife Management Areas or Wildlife Refuges, except as otherwise designated:
 - (a) No permanent blinds allowed.
 - (b) Decoys must be removed at the end of the day's hunt.
 - (c) Temporary blinds must be built the day of the hunt and hunters using temporary blinds must remove or destroy such blinds at the end of the day's hunt.
- (4) Special Rules and Regulations - Waterfowl Hunting on Land Between the Lakes
 - (a) Season, hours, bag and possession limits same as statewide regulations, unless further restricted by USFS - Land Between the Lakes.
 - (b) Areas closed to waterfowl hunting:
 1. Areas above 359' elevation, as posted.
 2. Bards Lake.
 3. Rushing Bay.
 4. Campgrounds, lake access, and other public use areas and safety zones as posted.

Authority: T.C.A. §§ 70-1-206, 70-5-101 and 70-4-107. **Administrative History:** Original rule certified May 8, 1974. Amendment filed October 29, 1974; effective November 29, 1974. Amendment filed November 4, 1974; effective December 4, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed June 29, 1977; effective July 29, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed July 2, 1979; effective August 16, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed May 27, 1983; effective June 27, 1983. Amendment filed November 13, 1984; effective December 13, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed September 24, 1986; effective November 8, 1986. Amendment filed June 27, 1988; effective August 11, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed December 18, 1989; effective February 1, 1990. Amendment filed June 7, 1990; effective July 22, 1990. Amendment filed December 12, 1990; effective January 26, 1991. Amendment filed April 28, 1993; effective June 12, 1993. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed August 26, 1993; effective November 9, 1993. Amendment filed January 30, 1995; effective April 15, 1995. Amendment filed February 8, 1996; effective April 23, 1996. Amendment filed April 22, 1996; effective July 6, 1996. Amendment filed August 13, 1998; effective October 13, 1998. Amendment filed August 26, 1998; effective November 9, 1998. Amendment filed September 17, 1998; effective December 1, 1998. Amendment filed November 24, 1999; effective February 7, 2000. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed March 5, 2002; stay filed May 16, 2002; withdrawal of stay filed May 22, 2002;

effective May 25, 2002. Amendment filed May 20, 2003; effective August 3, 2003. Amendment filed June 3, 2004; effective August 17, 2004. Amendments filed May 25, 2005; effective August 8, 2005. Amendment filed March 2, 2009; effective May 16, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendment filed October 5, 2012; effective January 3, 2013. The Government Operations Committee filed a 29-day stay of the effective date of these rules; new effective date February 1, 2013.

1660-01-02-.03 FALCONRY.

- (1) Definitions:
 - (a) "Raptor" - means a live migratory bird of the family Accipitriformes or the great horned owl (*Bubo virginianus*) of the family Strigidae.
 - (b) "Take" - means to trap or capture, or attempt to trap or capture a raptor for the purpose of falconry.
 - (c) "Falconry" - means the sport of taking quarry by means of a trained raptor.
 - (d) "Service" - means the U.S. Fish and Wildlife Service, U.S. Department of Interior.
 - (e) "State" - means the Tennessee Wildlife Resources Agency.
 - (f) "Bred in captivity" or "captive-bred" - refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
 - (g) "Captivity" - means a live raptor held in a controlled environment that is intensively manipulated by man for the purpose of producing raptors of selected species, and that has boundaries designated to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include, but are not limited to, artificial housing, waste removal, health care, and protection from predators, and artificially supplied foods.
- (2) Examination - Before any Apprentice Falconry Permit is issued, the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination approved by the Service relating to the basic biology, care, and handling of raptors, literature, laws, regulations, and other appropriate subject matter.
- (3) Permit requirement - A valid state falconry permit from Tennessee or another state meeting federal falconry standards is required before any person may take, possess, or transport a raptor for falconry purposes. Falconers from other states must obtain a Tennessee permit within 60 days of Tennessee residency in order to continue the practice of falconry in Tennessee.
- (4) An applicant who wishes to practice falconry must submit an application, with appropriate permit fee, for a State Falconry Permit to the Executive Director of the Agency.
- (5) Permit conditions - Every permit issued shall be subject to the following:
 - (a) A permittee may not take, transport, or possess a bald eagle for falconry purposes.
 - (b) A permittee may trade or transfer a raptor to another permittee if no money or other consideration is involved, except as authorized under state and federal propagation permits. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if prior written approval of the state which issued the permit is obtained, stating that federal and their state legal requirements are being met.

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- (c) A permittee may not take, possess, or transport a raptor in violation of restrictions, conditions, and requirements of the Federal or State Falconry Permit Regulations.
 - (d) Any change in ownership including, but not limited to, take from the wild, transfer, death, and or escape, shall be reported to the Service electronically at <http://permits.fws.gov/186A> within five (5) working days. A copy of such will be provided to the State within the same amount of time.
- (6) Permits will expire on June 30 of the third year from date of issuance.
- (7) Classes of permits - Three classes of falconry permits shall be issued, including:
- (a) Apprentice class - Conditions of this class include:
 - 1. An apprentice permittee shall be at least fourteen (14) years old;
 - 2. A sponsor who is a holder of a General or Master Falconry Permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three (3) apprentices at one time;
 - 3. An apprentice permittee shall not possess more than one raptor and may not obtain more than one raptor as a replacement bird during any twelve-month period; and
 - 4. An apprentice permittee may only possess a wild American Kestrel (*Falco sparverius*) or a Red-tailed Hawk (*Buteo jamaicensis*) captured by the apprentice, or a captive-bred raptor from a legal source.
 - (b) General Class - Conditions of this class include:
 - 1. A general permittee shall be at least eighteen (18) years old;
 - 2. A general permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent;
 - 3. A general permittee may not possess more than three raptors and may not obtain more than two raptors from the wild as replacement birds during any twelve-month period; and;
 - 4. A general permittee may not take, transport, or possess any species listed as Threatened or Endangered by the Service, except as provided by the State and Federal Falconry Regulations.
 - (c) Master Class - Conditions of this class include:
 - 1. An applicant must have at least five years experience in the practice of falconry at the General class level or its equivalent;
 - 2. A master permittee may not possess more than five raptors, and may not obtain more than two raptors taken from the wild for replacement birds during any twelve-month period;

(Rule 1660-01-02-.03, continued)

3. A master permittee may not take, transport or possess any species listed as Endangered by the Service except as provided by the State and Federal Falconry Regulations.
 4. Except as provided by the State and Federal Falconry Regulations, a master permittee may not take, transport, or possess as part of his five-bird limitation, more than one raptor listed as Threatened by the Service and/or State, or listed as In Need of Management by the State, and then only in accordance with Federal Regulations, 50 CFR 17, 21, and 22, and/or current State Proclamation "Proclaiming the Taking of Raptors for the Purpose of Falconry."
- (8) Facilities and equipment - Before any falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the Tennessee Wildlife Resources Agency as meeting the following standards:
- (a) Facilities - The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. Applicants shall have the following facilities, except that depending upon climate conditions and sensitivity of the species, only one of the following facilities may be required.
 1. Indoor facilities (mews) shall be large enough to allow easy access for caring for raptors housed in the facility. If more than one raptor is to be housed in the facility, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow each bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.
 2. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire or roofed to protect the birds from disturbances and attack by predators, except that perches more than 62 feet high need not be covered or roofed. The enclosures shall be wide enough to insure that the birds' wings shall not strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.
 - (b) Equipment – An applicant must possess the following before obtaining a permit:
 1. Jesses - At least one pair of Aylmeri jesses of pliable leather or suitable synthetic material to be used when any raptor is flown free. Traditional type one-piece jesses may be used on raptors when not being flown;
 2. Leashes and swivels - At least one flexible, weather resistant leash and one strong swivel of acceptable falconry design;
 3. Bath container - At least one container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;
 4. Outdoor perches - At least one weathering area perch of an acceptable design shall be provided for each raptor; and,
 5. Weighing device - A reliable scale or balance suitable for weighing the raptor(s) and graduated in increments of not more than 2 ounces (15 grams) shall be provided.

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- (c) Maintenance - All facilities and equipment shall be kept at or above the preceding standards at all times.
 - (d) Transportation - A raptor may be transported or held in temporary facilities, which shall be provided with an adequate perch and protection from extreme temperatures and excessive disturbance, for a period not to exceed thirty (30) days.
- (9) Marking - All raptors held within this state, except those held for scientific, rehabilitation, or zoological purposes, shall have a numbered, seamless, non-reusable marker supplied by the Service and available via the State. In the instance of raptors acquired after the effective date of these regulations, markers shall be attached immediately upon acquisition. Alteration, counterfeiting, or defacing of a marker is prohibited, except that permittees may remove the rear tab on markers and may smooth any imperfect surface, provided that the marker and the number are not affected. Loss or removal of any band must be reported to both the Service and the State within five (5) business days of the loss. The band must be replaced within thirty (30) days by a like band issued by the Service and available through the State.
- (10) Taking restriction - Raptors may be taken only in accordance with the appropriate proclamations promulgated by the Tennessee Wildlife Resources Commission.
- (11) Other restrictions:
- (a) Any person who possesses a lawfully acquired raptor before the effective date of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.
 - (b) Any person who possesses raptors before the effective date of these regulations in excess of the number allowed under his class permit shall be allowed to retain the extra raptors. All such raptors shall be identified with markers supplied by the Service, and no additional raptors can be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.
 - (c) A falconry permit holder shall obtain written permission from the State before any species not indigenous to this state is intentionally released to the wild. The marker of any intentionally released bird shall be removed and surrendered to the Tennessee Wildlife Resources Agency upon release. A standard Federal bird band shall be attached to such birds by the state or authorized Federal bird bander whenever possible.
 - (d) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed form provided by the State/Service designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.
 - (e) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping.
- (12) Interstate transport - Non-transfer, interstate import and export conditions follow:
- (a) Non-residents of this state who are permit holders from states which are recognized as falconry states by the Service may transport into this state raptors for personal falconry

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use (e.g. meets) provided the laws and regulations concerning hunting and falconry are observed, including the purchase of an appropriate Tennessee non-resident hunting license prior to pursuit of wild prey by falconry in Tennessee.

- (b) Residents of this state who are falconry permittees may transport their raptors into other states that are recognized by the Service as falconry states for personal falconry use, provided all applicable hunting and falconry laws and regulations are observed.

Authority: T.C.A. §§ 70-1-206 and 70-4-414. **Administrative History:** Original rule filed June 25, 1975; effective July 25, 1975. Amendment filed March 2, 1978; effective April 1, 1978. Repeal and new rule filed August 26, 1998; effective November 9, 1998. Repeal and new rule filed May 25, 2011; effective August 23, 2011.

1660-01-02-.04 REPEALED.

Authority: T.C.A. §§70-1-206 and 70-1-206. **Administrative History:** Original rule filed September 29, 1978; effective November 13, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed June 4, 1982; effective July 19, 1982. Repeal filed June 24, 1985; effective August 8, 1985.