

Notice of Rulemaking Hearing
Tennessee Wildlife Resources Commission

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules, amendments of rules, or repeals of rules pursuant to Tennessee Code Annotated, Section 70-1-206. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Region II Conference Room of the Tennessee Wildlife Resources Agency, Ray Bell Region II Building, 5105 Edmondson Pike, Nashville, Tennessee, at 9:00 a.m., local time, on the 31st day of March, 2005.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Carolyn Wilson, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204, telephone number (615)781-6594.

For a copy of this notice of rulemaking hearing, contact: Sheryl Holtam, Attorney, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, telephone number (615)781-6606.

Substance of Proposed Rules

Chapter 1660-1-2
Rules and Regulations for Birds

Amendments

Rule 1660-1-2-.02 (1) (a) Migratory Bird Hunting is amended by inserting a new paragraph following paragraph 5 to read as follows:

6. Blinds not chosen at the blind allocation drawing or canceled 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.

Rule 1660-1-2-.02 (2)(a) Migratory Bird Hunting is amended by inserting the language "Bogota (Pool 1)" alphabetically in paragraph (a) so that paragraph (a) reads as follows:

- (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.

Rule 1660-1-2-.02(2) Migratory Bird Hunting is amended by inserting a new paragraph (e) to read as follows:

- (e) Bogota Wildlife Management Area (Except Pool 1)
1. Waterfowl hunting is restricted to temporary blind sites as defined herein.
 - (i) A temporary blind is either a structure assembled or placed for a hunt or boat that is used for hunting; or, a site consisting of the use of natural vegetation or conditions for concealment for a specified hunt.
 2. Hunters are restricted to areas as specified on the TWRA Reservation Card.
 3. All hunters in a party are required to hunt in the same temporary blind site for which they were drawn.
 4. Decoys and temporary blinds may be left out over the specified hunt but must be removed upon completion of the hunt on the last day.
 5. No motorized vessels allowed.
 6. Hunters are required to park in designated parking areas only.

Statutory Authority: T.C.A. §§70-1-206 and 70-4-107

Chapter 1660-1-5
Rules and Regulations for Fishing

Amendment

Rule 1660-1-5-.03 (7), TWRA Lakes, is amended by adding "Laurel Hill Lake" alphabetically to paragraph (7) so that it reads as follows:

- (7) Hunting is permitted during the regular hunting season on the following lakes and adjacent state lands, except on areas posted as safety zones: Garrett Lake, VFW Lake, Whiteville Lake, Coy Gaither Bedford Lake, Laurel Hill Lake, Carroll Lake (no big game hunting allowed on Carroll Lake and State owned land adjacent thereto), and Reelfoot-Indian Creek Watershed Lakes. Trapping is allowed on Reelfoot-Indian Creek Watershed Lakes as set out in statewide regulations. Waterfowl hunting is permitted from temporary or natural blinds only on Garrett Lake, Laurel Hill Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes. Blinds and decoys must be removed daily from Garrett Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes. Firearms are prohibited on all areas except those open to hunting. Boats may be used for waterfowl hunting on Garrett Lake, Laurel Hill Lake, Whiteville Lake, and Reelfoot-Indian Creek Watershed Lakes.

Chapter 1660-1-8
Rules and Regulations of Hunts

PERMIT REQUIREMENTS - WILDLIFE MANAGEMENT AREAS, REFUGES AND
OTHER AGENCY CONTROLLED LANDS

Amendment

Rule 1660-1-8-.03 Paragraph (3) is amended by deleting it in its entirety and inserting the following language so it shall read:

- (3) Before any person, except those under 16 years of age hunting small game and waterfowl, may hunt on a wildlife management area or refuge, he must possess a permit as outlined below.
- (a) A WMA Small Game permit is required on the following wildlife management areas and refuges:

AEDC	Buffalo Springs	C. M. Gooch
Alpine Mountain	Camden Units I & II	Cypress Pond
Arnold Hollow	Catoosa	Eagle Creek
Bark Camp Barrens	Cheatham	Eagle Lake Refuge
Barkley Units I & II	Cheatham Lake	Ernest Rice Sr.
Bean Switch Refuge	Chickamauga (Candies Creek, Foothills	
Beaver Dam Creek	Johnson Bottoms, Rogers Forks of the River	
Big Sandy (including Gin Creek)	Creek, Yellow Creek Units)	Haley-Jaqueth
Black Bayou Refuge	Chuck Swan	Harmon Creek
Bogota	Cold Creek	Haynes Bottom
Bridgestone/Firestone	Centennial Cordell Hull	Henderson Island Refuge
Wilderness	Cordell Hull Refuge	Hick Hill
Browntown	Cove Creek	Hickory Flat

Hiwassee Refuge	MTSU	Shelby Forest
Holly Fork	Natchez Trace	Shelton Ferry Wetland
Hop-In Refuge	New Hope	Sundquist
Jackson Swamp	Nolichucky	Tellico Lake
Jarrell Switch Refuge	North Chickamauga Creek	Tie Camp
John Tully	Oak Ridge	Tigrett
Kingston Refuge	Obion River	Watts Bar (Long Island Unit)
Kyker Bottoms Refuge	Old Hickory (Unit I)	West Sandy
Laurel Hill	Old Hickory Lock 5 Refuge	White Lake Refuge
Lick Creek	Pea Ridge	White Oak
Lick Creek Bottoms	Percy Priest (Units I & II)	WilliamSPORT
Maness Swamp Refuge	Perryville	Wolf River
Maple Springs Wetland	Prentice Cooper	Woods Reservoir Refuge
Mingo Swamp Wetland	Rankin	Yanahli
Moss Island	Royal Blue	Yuchi Refuge at Smith Bend

A WMA small game permit is required for individuals participating in dog training. A field trial permit is required on Percy Priest WMA and the Tellico Lake – McGhee-Carson Unit.

(b) A WMA Small Game and Waterfowl permit is required for hunting waterfowl on the following wildlife management areas and refuges:

AEDC	C.M. Gooch	North Chickamauga Creek
Barkley Units I & II	Ernest Rice Sr.	Oak Ridge
Big Sandy (including Gin Creek)	Harmon Creek	Obion River
Bogota	Haynes Bottom	Old Hickory (Unit I)
Camden Units I & II	Hiwassee Refuge	Shelby Forest
Cheatham Lake	Holly Fork	Tigrett
Chickamauga (Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units)	Jackson Swamp	Watts Bar (Long Island Unit)
Cold Creek	Jarrell Switch Refuge	West Sandy
Cordell Hull	Moss Island	White Oak
Cordell Hull Refuge	Lick Creek	Yanahli
	Lick Creek Bottoms	Yuchi Refuge at Smith Bend
	Mingo Swamp Wetland	
	Moss Island	
	New Hope	
	Nolichucky	

(c) A WMA big game permit is required for hunting deer, bear, boar, feral hogs, and turkey on the following wildlife management areas and refuges:

AEDC	Beaver Dam Creek	Browntown
Alpine Mountain	Big Sandy (including Gin Creek)	Buffalo Springs
Arnold Hollow	Bogota	C. M. Gooch
Bark Camp Barrens	Bridgestone/Firestone	Camden Units I & II
Barkley Units I & II	Centennial Wilderness	Catoosa
Bean Switch Refuge		Cheatham

Cheatham Lake	Holly Fork	Old Hickory Lock 5
Cherokee	Hop-In Refuge	Refuge
Chickamauga (Candies	International Paper	Pea Ridge
Creek, Johnson	Jackson Swamp	Percy Priest (Units I & II)
Bottoms, Rogers	Jarrell Switch Refuge	Perryville
Creek, Yellow Creek	John Tully	Prentice Cooper
Units)	Kingston Refuge	President's Island
Chuck Swan	Laurel Hill	Rankin
Cold Creek	Lick Creek	Royal Blue
Cordell Hull	Lick Creek Bottoms	Shelby Forest
Cordell Hull Refuge	Lovell Field	Shelton Ferry Wetland
Cove Creek	Maness Swamp Refuge	Sundquist
Cypress Pond	Maple Springs Wetland	Tellico Lake
Eagle Creek	Mingo Swamp Wetland	Tie Camp WMA
Eagle Lake Refuge	Moss Island	Tigrett
Ernest Rice Sr.	MTSU	Watts Bar (Long Island
Fall Creek Fall State Park	Natchez Trace	Unit)
Foothills	Nathan B. Forrest State	West Sandy
Forks of the River	Historical Area	White Lake Refuge
Gallatin Steam Plant	New Hope	White Oak
Harmon Creek	Nolichucky	Williamsport
Haynes Bottom	North Chickamauga Creek	Wolf River
Henderson Island Refuge	Oak Ridge	Woods Reservoir Refuge
Hick Hill	Obion River	Yanahli
Hickory Flat	Old Hickory (Unit I)	Yuchi Refuge at Smith
Hiwassee Refuge		Bend

(d) A WMA Small Game or WMA Small Game and Waterfowl permit is required to trap on all areas that require a small game hunting permit.

Statutory Authority: T.C.A. §§70-1-206 and 70-4-107

Rule 1660-1-8-.05(3)(d) Permit Applications and Drawings, is amended by deleting it in its entirety and by substituting instead the following new paragraph:

- (d) Individuals must produce the following licenses and permits in order to compete in the drawing:

All areas (except Reelfoot)-Annual Hunting and Fishing License, Annual Small Game and Waterfowl Permit, or Sportsman License, or any Lifetime Sportsman License.

Reelfoot - Annual Hunting and Fishing License, Annual Reelfoot Preservation Permit, Annual Waterfowl License or Sportsman License, or any Lifetime Sportsman License.

Statutory Authority: T.C.A. §§70-1-206 and 70-4-107

Rule 1660-1-8-.05 Permit Applications and Drawings, is amended by inserting a new paragraph (4) and renumbering succeeding paragraphs to read as follows:

- (4) Waterfowl hunt drawing and allocation procedure on Bogota Wildlife Management Area (except Pool 1).
 - (a) Each individual desiring to participate in a quota waterfowl hunt must complete a hunt application supplied by the Tennessee Wildlife Resources Agency.
 - (b) Applicants may submit only one application. If an individual's name appears on more than one application, that individual will be rejected, his fee forfeited, and will be subject to prosecution.
 - (c) Youths under sixteen (16) years of age, on or before the day of the hunt, may apply, however they must apply in a party of at least one adult eighteen (18) years of age or older.
 - (d) All information requested on the application must be completed by the applicant. Failure to clearly specify all information will result in the application being returned.
 - (e) Applications must be received by the Tennessee Wildlife Resources Agency as specified on the application. Applications received after this deadline will be returned.
 - (f) All persons wishing to hunt together as a party must submit one application, listing all of the applicants of that party. The number of applicants comprising a party may not exceed four (4) members.
 - (g) Each application must be accompanied by a \$10.00 non-refundable handling fee for each applicant thereon.
 - (h) Successful applicants must also possess appropriate licenses and permits in order to participate in the hunts.
 - (i) Priority drawings and procedures for qualifying with priority status will be established as indicated on applications.
 - (j) A computer drawing will be held to determine successful applicants. Any vacancies will not be filled for that hunt date.
 - (k)

Statutory Authority: T.C.A. §§70-1-206 and 70-4-107

Chapter 1660-1-15
Animal Importation

New Rule

Rule 1660-1-15 Animal Importation is amended by inserting a new rule to read as follows:

1660-1-15-.02 Importation of Wildlife Carcasses, Parts and Products

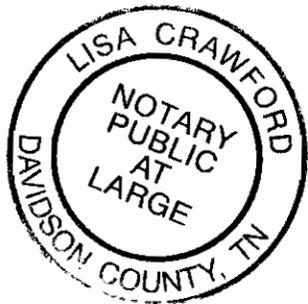
- (1) No person may import, transport, or possess in Tennessee a cervid carcass or carcass part from a state or province that has a known case of chronic wasting disease (CWD) except as provided herein:
 - (a) Meat that has bones removed.
 - (b) Meat that has no portion of the spinal column or head attached.
 - (c) Antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull.)
 - (d) Cleaned teeth.
 - (e) Finished taxidermy and antler products.
 - (f) Hides and tanned products.

Statutory Authority: T.C.A. §§70-1-206 and 70-4-107

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Wildlife Resources Commission

Gary T. Myers
Gary T. Myers, Secretary
Tennessee Wildlife Resources Commission

Subscribed and sworn to before me this the 24 day of January, 2005



Lisa Crawford
Notary Public

My commission expires: 1-26-08

The notice of rulemaking set out herein was properly filed in the Department of State on the 31 day of Jan, 2005.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: [Signature]

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