

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 20th day of April, 2006.

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 of 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 1660-1-8
Rules and Regulations of Hunts

Amendment

Rule 1660-1-8-.03, Permit Requirements - Wildlife Management Areas, Refuges And Other Agency Controlled Lands, Paragraph (3) is amended by adding Three Rivers alphabetically in the list 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
Alpine Mountain

Arnold Hollow
Bark Camp Barrens

Barkley Units I & II
Bean Switch Refuge

Bear Hollow Mountain	Foothills	Oak Ridge
Beaver Dam Creek	Forks of the River	Obion River
Big Sandy (including	Haley-Jaqueth	Old Hickory (Unit I)
Gin Creek)	Harmon Creek	Old Hickory Lock 5
Black Bayou Refuge	Haynes Bottom	Refuge
Bogota	Henderson Island Refuge	Pea Ridge
Bridgestone/Firestone	Hick Hill	Percy Priest (Units I & II)
Centennial Wilderness	Hickory Flat	Perryville
Browntown	Hiwassee Refuge	Prentice Cooper
Buffalo Springs	Holly Fork	Rankin
Camden Units I & II	Hop-In Refuge	Royal Blue
Catoosa	Jackson Swamp	Shelby Forest
Cheatham	Jarrell Switch Refuge	Shelton Ferry
Cheatham Lake	John Tully	Sundquist
Chickamauga (Candies	Kingston Refuge	Tellico Lake
Creek, Johnson Bottoms,	Kyker Bottoms Refuge	Three Rivers
Rogers Creek, Yellow	Kyles Ford	Tie Camp
Creek Units)	Laurel Hill	Watts Bar (Long Island
Chuck Swan	Lick Creek	Unit)
Cold Creek	Lick Creek Bottoms	West Sandy
Cordell Hull	Maness Swamp Refuge	White Lake Refuge
Cordell Hull Refuge	Maple Springs	White Oak
Cove Creek	Mingo Swamp	Williamsport
C. M. Gooch	Moss Island	Wolf River
Cypress Pond	MTSU	Woods Reservoir Refuge
Eagle Creek	Natchez Trace	Yanahli
Eagle Lake Refuge	New Hope	Yuchi Refuge at Smith
Ernest Rice Sr.	Nolichucky	Bend
	North Chickamauga	
	Creek	

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	Bottoms, Rogers	Haynes Bottom
Barkley Units I & II	Creek, Yellow Creek	Hiwassee Refuge
Big Sandy (including Gin	Units)	Holly Fork
Creek	Cold Creek	Jackson Swamp
Bogota	Cordell Hull	Jarrell Switch Refuge
Camden Units I & II	Cordell Hull Refuge	Moss Island
Cheatham Lake	C.M. Gooch	Lick Creek
Chickamauga (Candies	Ernest Rice Sr.	Lick Creek Bottoms
Creek, Johnson	Harmon Creek	Mingo Swamp

Moss Island	Old Hickory (Unit I)	West Sandy
New Hope	Shelby Forest	White Oak
Nolichucky	Three Rivers	Yanahli
North Chickamauga Creek	Tigrett	Yuchi Refuge at Smith
Oak Ridge	Watts Bar (Long Island	Bend
Obion River	Unit)	

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

- (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

Chapter 1660-1-14
Rules and Regulations for Refuges And
Wildlife Management Areas

Amendment

Rule 1660-1-14-.03 Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit I and Prentice Cooper Wildlife Management Areas is deleted in its entirety, including the title, and inserting the following language so it shall read:

Rule 1660-1-14-.03 Catoosa, Cheatham, Forks of the River, Laurel Hill, Pea Ridge, and Percy Priest Unit I Wildlife Management Areas.

- (1) Unauthorized entry or presence on Catoosa, Cheatham, Forks of the River, Laurel Hill, Pea Ridge, and Percy Priest Unit I Wildlife Management Areas is prohibited during the following times and conditions:
 - (a) Between sunset and sunrise.
 - (b) When in the judgment of the area manager, weather conditions are such that travel over roads would result in undue damage to said roads.
 - (c) During such periods as the Wildlife Resources Agency, or other authorized agencies, may be conducting special projects, the nature of which is such that the presence of the general public would have a detrimental effect on such operations or when the nature of the operation may constitute a danger to the public. When Fire hazards exist.
 - (d) When fire hazards exist.
- (2) Said area shall be temporarily posted when any of the conditions under (b), (c) and (d) exist.
- (3) The use of any alcoholic beverage is prohibited on Catoosa, Cheatham, Forks of the River, Laurel Hill, Pea Ridge, and Percy Priest Unit I Wildlife Management Areas, except in designated camping areas.

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

New Rule

Chapter 1660-1-14
Rules and Regulations for Refuges And
Wildlife Management Areas

Rule 1660-1-14-.09 REPEALED, is amended by deleting it in its entirety and inserting the following language to read as follows:

Rule 1660-1-14-.09 Hunting And Miscellaneous Uses of Wildlife Management Areas on State Forests.

(1) General.

- (a) On wildlife management areas, the hunter (except raccoon, opossum, and turkey hunters) may not enter prior to two (2) hours before sunrise, and must be out of the area by one (1) hour after sunset or legal closing time. Raccoon and opossum hunters must be out of the area one (1) hour after sunrise, except on the Martha Sundquist State Forest portion of the Cherokee Wildlife Management Area.
- (b) Only guides approved by the hunt manager and issued a written permit (see Rule 0080-7-1-.07 Commercial Operations) will be allowed on managed hunts and these may not carry guns while guiding unless they possess a valid hunting license, big game stamp and area hunt permit.
- (c) When the hunt manager assigns compartments, hunters must remain in the compartment assigned.
- (d) Unauthorized persons are prohibited from being in the wildlife management area during deer and turkey managed hunts on Chuck Swan and Prentice Cooper Wildlife Management Areas
- (e) Use, possession or transportation of firearms, bows and arrows or other weapons is expressly prohibited except during times when they may be legally used for hunting or when in route to Division of Forestry or TWRA provided shooting range located on the WMA. Persons possessing a firearm, bow and arrows, or other weapons on a WMA are required to have a valid WMA permit.
- (f) Target practice is prohibited except at ranges provided by the Tennessee Division of Forestry or Wildlife Resources Agency.
- (g) The use of wire, nails or other metal materials is prohibited in the building or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand attached to a tree with these materials. Portable climbing devices and stands that do not injure trees are excepted from this rule.
- (h) The use of buckshot for hunting and/or taking of deer and turkey is specifically prohibited.

- (i) Other miscellaneous uses of WMA on State Forests shall be in accordance with posted notices and/or as indicated on the hunt permit.
- (2) Safety Rules
- (a) The hunter's permit is subject to cancellation if he/she is found to be careless with firearms and no permit fee refund will be made.
 - (b) No hunt participant shall be in possession of any alcoholic beverage, narcotic drug, barbiturate, or marijuana while hunting within the WMA. No person may be under the influence of these substances while hunting on a WMA.
 - (c) Firearms loaded with ammunition in either the chamber or magazine may not be transported in or on motorized vehicles. Except that, muzzleloaders may be transported in a loaded condition if the percussion cap or primer is removed from the nipple or tube. Flintlock muzzleloaders must have the priming powder removed from the pan, the frizzen open and the vent plugged.
 - (d) Hunting is specifically prohibited inside posted safety zones on WMAs on State Forests.
 - (e) Possession and official use of firearms by law enforcement officers is permitted.
- (3) Dogs and Pets.
- (a) Use or possession of dogs for hunting, driving, rallying or other purposes that disturbs wildlife is prohibited on Wildlife Management Areas on State Forests except when authorized by Commission proclamation or Regulation.
 - (b) Dogs and other pets must be on a leash or under the handler's control at all times.
 - (c) These rules and regulations shall not be construed to conflict with rules and regulations promulgated by any State or Federal Agency with whom the Wildlife Resources Agency manages any area under terms of a cooperative agreement or memorandum of understanding.
 - (d) Any unleashed dog found on Wildlife Management Areas on State Forests shall be impounded and disposed of according to the procedures outlined in T.C.A. §70-4-118.
- (4) Camping and Picnicking
- (a) Overnight camping may be permitted as authorized by Rules and Regulations 0080-7-1.
 - (b) Houseboats and floats are prohibited from mooring and anchoring overnight along the shorelines of State property on Norris Lake.
- (5) Trail bikes, mini-bikes, and other off-road-vehicles
- (a) Off-road-vehicles are allowed as authorized by Rule 0080-7-1.

- (b) All incidents resulting in the injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the district forester or area manager. This report does not relieve persons from the responsibility of making any other accident reports which may be required under state law.

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

Amendment

Chapter 1660-1-14
Rules and Regulations for Refuges And
Wildlife Management Areas

Rule 1660-1-14-.13 Hunting and Miscellaneous Uses of Wildlife Management Areas and other Tennessee Wildlife Resources Agency Controlled Lands. The title is amended by inserting “excluding State Forests” at the end so that it shall read:

Rule 1660-1-14-.13 Hunting and Miscellaneous Uses of Wildlife Management Areas and other Tennessee Wildlife Resources Agency Controlled Lands, excluding State Forests.

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

Amendment

Chapter 1660-2-4
Rules and Regulations Governing Reporting of Boating Accidents

Rule 1660-2-4-.01(1) Accident Report is amended by deleting paragraph (1) and by substituting a new paragraph (1) that shall read as follows:

- (1) The operator of a vessel shall immediately notify the Wildlife Resources Agency and, within the time period prescribed in Rule 1660-2-4-.01(2), submit the casualty or accident report when, as a result of an occurrence that involved the vessel or its equipment –

Rule 1660-2-4-.01(1)(b) Accident Report is amended by changing the monetary value of damage to the vessel or combination of vessels and other property damage totals from \$200 to \$500, so that as amended, the rule shall read as follows:

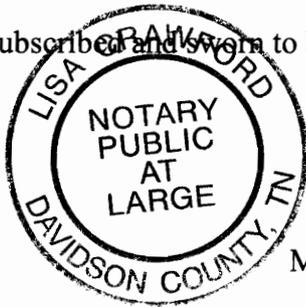
- (b) A person is injured and receives medical treatment beyond first aid; damage to the vessel or combination of vessels and other property damage totals more than \$500; or

Statutory Authority: T.C.A. §§69-9-209 and 70-1-206.

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 23 day of February, 2006



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 21 day of Feb., 2006.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: [Signature]

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SECRETARY OF STATE