

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 03-19-15
Rule ID(s): S898
File Date: 3/27/15
Effective Date: 6/25/15

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Director's Office
Contact Person:	Lisa Crawford
Address:	PO Box 40747, Nashville, TN
Zip:	37204
Phone:	615-781-6606
Email:	Lisa.Crawford@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1660-01-28	Rules And Regulations Governing License And Permit Fees
Rule Number	Rule Title
1660-01-28-.01	Basic Resident Licenses and Fees
1660-01-28-.02	Non-Resident Licenses and Fees
1660-01-28-.03	Wildlife Management Area & Designated Area Permits and Fees
1660-01-28-.04	Miscellaneous Licenses, Permits and Fees
1660-01-28-.07	Permits and Fees for Tier One Hunter Education Centers and Public Firing Ranges
1660-01-28-.08	Permits and Fees for Tier Two Hunter Education Centers and Public Firing Ranges
1660-01-28-.09	Permits and Fees for Tier Three Hunter Education Centers and Public Firing Ranges
1660-01-28-.10	Licenses for Hunting, Trapping, and Fishing Guide Services

Amendment

1660-01-28-.01, Basic Resident Licenses and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

- (1) Licenses and fees are set out as follows:

Type: Description:

01	Resident Combination Hunting and Fishing License	\$33.00
02	Resident Junior Hunting, Fishing and Trapping License... ..	\$9.00
04	Sportsman License.....	\$165.00
05	Resident Waterfowl License - Supplemental.....	\$37.00
09	Resident Big Game Gun License - Supplemental.....	\$33.00
10	Resident Big Game Archery License - Supplemental... ..	\$33.00
11	Resident Big Game Muzzleloader License - Supplemental.....	\$33.00
19	Resident Trapping License.....	\$33.00
20	Resident County of Residence Fishing License- Except Trout	\$10.00
21	Resident 1-Day Fishing License- Except Trout.....	\$6.00
22	Resident Trout License - Supplemental	\$21.00
23	Resident 1-day Fishing License- All Species	\$11.00
63	Resident South Holston Reservoir License- Supplemental	\$20.00

No resident of Tennessee shall be required to possess any of the licenses listed above when hunting on the 4th Saturday in August, known as free hunting day. Hunting is limited to those species on which there is an open season as proclaimed by the Tennessee Fish & Wildlife Commission.

Authority: T.C.A. §70-1-206, §70-2-201, and §70-2-219. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 24, 2006; effective October 7, 2006. Amendment filed January 4, 2008; effective March 19, 2008. Amendment filed June 28, 2010; effective September 26, 2010.

Amendment

1660-01-28-.02, Non-Resident Licenses and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

- (1) Licenses and fees are set out as follows:

Type: Description:

70	Non-Resident Junior Hunting & Fishing License	\$10.00
71	Non-Resident Small Game & Waterfowl Hunting License	\$110.00
72	Non-Resident 7 Day Small Game & Waterfowl Hunting License.....	\$61.00
73	Non-Resident All Game Hunting License.....	\$305.00
74	Non-Resident 7-Day All Game Hunting License	\$214.00
76	Non-Resident Fishing License - Except Trout.....	\$49.00
77	Non-Resident 3-Day Fishing License - Except Trout	\$20.00
78	Non-Resident 3-Day Fishing License - All Species.....	\$40.00
79	Non-Resident 10 Day Fishing License - Except Trout	\$30.00
80	Non-Resident 10 Day Fishing License - All Species.....	\$61.00
81	Non-Resident Fishing License - All Species	\$98.00
85	Non-Resident 7-Day Junior All Game Hunting License	\$26.00
86	Non-Resident Junior All Game Hunting License	\$41.00

Authority: T.C.A. §70-1-206 §70-2-219, §70-2-202. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed January 4, 2008; effective March 19, 2008. Amendment filed June 28, 2010; effective September 26, 2010.

1660-01-28-.03, Wildlife Management Area & Designated Area Permits and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

(1) Permits and fees are set out as follows:

Type: Description:

25	Reelfoot Waterfowl Blind Permit*	\$61.00
35	Resident Annual High Impact Habitat Conservation Permit.....	\$73.00
36	Resident Daily High Impact Habitat Conservation Permit.....	\$15.00
37	Non-Resident Annual High Impact Habitat Conservation Permit.....	\$232.00
38	Non-Resident Daily High Impact Habitat Conservation Permit.....	\$37.00
65	Resident/Non-Resident Bedford Lake 1 Day Fishing Permit	\$6.00
87	Big Game Management Permit*.....	\$24.00
88	Reelfoot Preservation Permit, 3-Days**	\$10.00
89	Reelfoot Preservation Permit, Annual**	\$16.00
90	Reelfoot Preservation Permit, 1-Day**	\$3.00
91	Designated Area - Combination Waterfowl and Small Game Permit*	\$61.00
92	Designated Area - Combination Waterfowl and Small Game Permit, 1-Day*	\$12.00
93	Designated Area - Small Game Permit – Except Waterfowl – Annual*	\$20.00
94	WMA Big Game Permit – Annual*.....	\$24.00
95	Cherokee WMA Big Game Permit, Non-Quota*.....	\$18.00
96	3-Day Gatlinburg Trout Permit.....	\$9.00
97	Resident or Non-Resident 1-Day Gatlinburg Trout License	\$11.00
98	Tellico/Citico Trout Permit, 1-Day.....	\$6.00
99	1-Day Gatlinburg Trout Permit.....	\$3.00
	Quota Hunt Application Fee	\$12.00
	Field Trials – WMA (Per Trial)*.....	\$75.00

* Supplemental

** Supplemental if hunting, fishing or trapping.

No resident of Tennessee shall be required to possess any of the permits listed above when hunting on the 4th Saturday in August, known as free hunting day. Hunting is limited to those species on which there is an open season as proclaimed by the Tennessee Fish & Wildlife Commission.

Authority: T.C.A. §70-1-206, §70-2-219, and §70-2-225. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 24, 2006; effective October 7, 2006. Amendment filed January 22, 2007; effective April 7, 2007. Amendment filed June 28, 2010; effective September 26, 2010. Amendment filed November 17, 2010; effective February 15, 2011.

Amendment

1660-01-28-.04, Miscellaneous Licenses, Permits and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

(1) Licenses, permits and fees are set out as follows:

Type: Description:

06	Migratory Bird Permit (Harvest Inventory Permit).....	\$1.00
07	Facility Fishing License	no cost
12	Apprentice Hunter Education Permit.....	\$11.00
13	Hunter Education Field Day Exemption Fee (21 and over).....	\$11.00
100	Resident Senior Commercial Fisher License	no cost

101	Resident Commercial Fisher License.....	\$244.00
102	Commercial Helper License - Fishing	\$244.00
103	Non-Resident Commercial Fisher License.....	\$1,220.00
105	Resident Commercial Musseler License	\$244.00
106	Resident/Non-Resident Commercial Turtle Permit – Supplemental	no cost
107	Non-Resident Commercial Musseler License	\$1,220.00
108	Resident Commercial Roe Fish Permit – Supplemental.....	\$1,220.00
109	Cultured Pearl License	\$1,220.00
110	Non-Resident Commercial Roe Fish Permit, Supplemental	\$1,830.00
111	Resident Wholesale Roe Fish Permit.....	\$610.00
112	Non-Resident Wholesale Roe Fish Dealer.....	\$1,220.00
113	Wholesale Fish Dealer's License	\$610.00
115	Wholesale Mussel Dealer's License.....	\$610.00
116	Non-Resident Fish Dealer's License	\$610.00
117	Falconry General Permit – Supplemental	\$73.00
118	Resident Fish Dealer's License	\$62.00
119	Resident/Non-Resident Commercial Bow License - Fishing.....	no cost
120	Non-Resident Trapping License.....	\$200.00
121	Resident/Non-resident Fur Buyer License	\$183.00
122	Falconry Apprentice Permit – Supplemental.....	\$73.00
123	Falconry Master Permit – Supplemental	\$73.00
124	Commercial Wildlife Preserve - Big Game Permit	\$366.00
125	Commercial Wildlife Preserve - Small Game Permit.....	\$183.00
141	Taxidermist Permit.....	\$122.00
149	Animal Importation Permit, One Shipment.....	\$31.00
150	Animal Importation Permit, Annual.....	\$244.00
160	Permanent Exhibitor Permit.....	\$1,220.00
161	Temporary Exhibitor Permit.....	\$305.00
164	Resident Senior Citizen Combination Hunting & Fishing License.....	\$4.00
166	Resident Permanent Senior Citizen Combination Hunting & Fishing License.....	\$49.00
167	Resident Annual Senior Citizen Sportsman License.....	\$49.00
168***	Resident Annual Sport Combination Hunting and Fishing License – Certified Physically or Mentally Disabled (under 18).....	\$5.00
169****	Resident Permanent Sport Combination Hunting and Fishing License – Certified Intellectually Disabled	\$10.00
170	Personal Possess Permit, Class I, One Animal,	\$183.00
171	Personal Possess Permit, Class I, Entire Facility,.....	\$1,830.00
172	Personal Possession Permit, Class II, One Animal	\$31.00
173	Personal Possession Permit, Class II, Entire Facility.....	\$305.00
174	Propagation Facility Permit, Small Game/Waterfowl	\$61.00
175	Propagation Facility Permit, Class II, Except Small Game/Waterfowl.....	\$305.00
176	Propagation Facility Permit, Class I	\$3,050.00
189	Resident Permanent Sport Combination Hunting and Fishing License - Permanent Wheelchair Restricted	\$10.00
190	Slat Basket Tag Permit.....	\$10.00
191	Daily TWRA Lake Fishing Permit.....	\$6.00
192	TWRA Lake Boat Rental Permit.....	\$10.00
193	Annual TWRA Lake Fishing Permit.....	\$48.00
194	Replacement License or Permit – Cost for replacement of one license or permit in a single transaction	\$7.00
195	Replacement License or Permit \$1.00 – Cost for replacement of each additional license or permit in a single Type 194 transaction.....	\$1.00
197	Resident Permanent Sport Fishing License - Certified Blind	\$10.00
198	Resident Permanent Sport Combination Hunting and Fishing License (Sport Fishing and Hunting License) - Disabled Veterans	\$10.00
199	Resident Permanent Sport Fishing License – Persons Drawing Social Security Benefits Due to Mental Retardation	\$10.00

500 Hunter Education Replacement Card.....\$7.00

***Pursuant to T.C.A. §70-2-104(e)(4), it shall be denoted on the license that the hunter is disabled.

**** Pursuant to 2012 Public Chapter 713, it shall be denoted on the license that the hunter is intellectually disabled.

Authority: T.C.A. §70-1-206, §70-2-205, §70-2-208, §70-2-215, §70-2-219, §70-2-220, and §70-2-221.
Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 29, 2005; effective October 12, 2005. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed February 26, 2007; effective May 12, 2007. Amendments 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, 2012. Amendment filed November 7, 2012; effective February 5, 2013.

New Rule

1660-01-28-.07, Permits and Fees for Tier One Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier One Ranges:

Tier One Ranges shall include: Cheatham WMA, Catoosa WMA, Prentice Cooper WMA, North Cumberland WMA, Chuck Swan WMA, and Yanahli WMA firing ranges.

(a) Permit Fees:

1. Adult (16 years of age and older) - \$5.00 per 2 hours.
2. Adult Annual Permit (16 years of age and older) - \$100.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.08, Permits and Fees for Tier Two Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier Two Ranges:

Tier Two Ranges shall include: Stones River Hunter Education Center and Firing Range and John Sevier Hunter Education Center and Firing Range.

(a) Permit Fees:

1. Adult (16 years of age and older) - \$7.50 per 2 hours.
2. Adult Annual Permit (16 years of age and older) - \$150.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.09, Permits and Fees for Tier Three Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier Three Ranges:

Tier Three Ranges shall include Tennessee Wildlife Resources Agency Hunter Education Center and Firing Range (Bartlett).

(a) Permit Fees:

1. Adult (16 years of age and older) - \$9.50 per hour.
2. Adult Annual Permit (16 years of age and older) - \$300.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.10, Licenses for Hunting, Trapping, and Fishing Guide Services, shall read:

(1) Licenses are set out as follows:

Type:	Description:	
450	Resident Guide License	\$150.00
455	Non-Resident Guide License	\$650.00

A guide is any individual who accepts compensation for providing assistance to another in any act of hunting, fishing and/or trapping and shall be required to possess a guide license.

Entities employing individuals as guides may purchase such resident and non-resident guide licenses as may be necessary for its employees.

Authority: T. C. A. §70-1-206. Administrative History: Original rule filed _____; effective _____.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
Jeff McMillin	✓			✓
Chad Baker	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Bill Cox	✓			
Jeffrey H. Griggs	✓			
Connie King	✓			
Tom Rice				✓
Jim Ripley	✓			
James Stroud				✓
Trey Teague	✓			
David Watson	✓			
Jamie Woodson				✓

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 01/16/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/21/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 01/16/2015

Date: 2/25/15

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 2-25-15

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

March 18, 2015
Date

Department of State Use Only

Filed with the Department of State on: 3/27/15

Effective on: 6/25/15

Tre Hargett
Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-01-28

New	<u> X </u>
Amendment	<u> X </u>
Repeal	<u> </u>

There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Agency does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Agency anticipates no change in reporting, recordkeeping, or other administrative costs to incorporate the proposed rule change into the existing the TWRA system.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Agency does not anticipate significant impact to small businesses in Tennessee.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Agency is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Agency is not aware of any federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Agency does not anticipate significant impact to small businesses in Tennessee.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

No

Please describe the increase in expenditures or decrease in revenues:

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule creates new fees and adjusts existing fees for hunting and fishing licenses and permits. The Tennessee Fish and Wildlife Commission has the authority to create new licenses and permits and adjust existing fees pursuant to TCA 70-1-206. The Commission's authority to adjust existing fees and create new fees is limited by the increase in total revenue generated by the proposed changes. The total revenue increase generated by a proposed license package cannot exceed the percentage increase in the consumer price index since license and permit prices were last adjusted. At the time of filing this rule, the percentage increase in CPI, since 2005 when prices were last adjusted, was approximately 22%.

In addition to the adjustment of existing fees, this rule restructures fees associated with Agency firing ranges and wildlife management area user permits and creates new fees for hunting and fishing guides. The rule also abolishes the non-resident one-day fishing license and creates new licenses for Tennessee senior citizens.

The projected increase in total revenue generated by this rule is approximately 18.6%.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA 70-1-206

50 C.F.R. § 80 - Tennessee's portion of federal funding associated with the Wildlife Restoration Act and the Sport Fish Restoration Act is based in part on the number of paid license holders in Tennessee annually. Changes to the federal regulations relative to what qualifies as a paid license holder necessitated changes to senior citizen licenses. According to new regulations passed in 2011, in order to qualify as a paid license holder "... The agency must receive net revenue from a multiyear license that is in close approximation to the net revenue received for a single-year license providing similar privileges ..." This change disqualified approximately 177,000 Tennessee senior citizens that purchased the type 166 Permanent Senior Citizen license. As a result, Tennessee lost approximately \$2 million in federal funding annually. By creating the low cost type 164 and raising the cost of the type 166, these licenses will now qualify under the new federal regulations.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule will directly impact the sportsmen and women of Tennessee. Although the agency did not receive formal public comment, it did receive informal comments and they have been split as it concerns support and opposition for this rule. The Tennessee Wildlife Federation, one of the largest organized groups of sportsmen and women in Tennessee, is supportive of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This Rule is projected to generate approximately \$5.9 million in additional revenue for the Wildlife Fund. This projection is based on the number of licenses and permits sold last year and an estimate of the number newly created permits the Agency will sell. The additional revenue will not be fully realized until license year 2016-2017 because licenses for 2015-2016 will go on sale March 1st at the current prices.

created permits the Agency will sell. The additional revenue will not be fully realized until license year 2016-2017 because licenses for 2015-2016 will go on sale March 1st at the current prices.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Barry Sumners, Assistant Executive Director, TWRA, 615-781-6600, barry.sumners@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Chris Richardson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 837-6016, Chris.Richardson@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Red Line Copy

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Agency/Board/Commission: Tennessee Wildlife Resources Agency
Division: Director's Office
Contact Person: Lisa Crawford
Address: PO Box 40747, Nashville, TN
Zip: 37204
Phone: 615-781-6606
Email: Lisa.Crawford@tn.gov

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- New
- Repeal

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02	Resident Junior Hunting, Fishing and Trapping License.....	\$7.00	\$9.00
04	Sportsman License.....	\$135.00	\$165.00
05	Resident Waterfowl License - Supplemental	\$30.00	\$37.00
09	Resident Big Game Gun License - Supplemental... ..	\$27.00	\$33.00
10	Resident Big Game Archery License - Supplemental... ..	\$27.00	\$33.00
11	Resident Big Game Muzzleloader License - Supplemental.....	\$27.00	\$33.00
15	Resident Elk License.....	\$27.00	
19	Resident Trapping License.....	\$27.00	\$33.00
20	Resident County of Residence Fishing License- Except Trout.....	\$8.00	\$10.00
21	Resident 1-Day Fishing License- Except Trout.....	\$5.00	\$6.00
22	Resident Trout License - Supplemental.....	\$17.00	\$21.00
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Authority: T.C.A. §70-1-206, §70-2-201, and §70-2-219. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 24, 2006; effective October 7, 2006. Amendment filed January 4, 2008; effective March 19, 2008. Amendment filed June 28, 2010; effective September 26, 2010.

Amendment

1660-01-28-.02, Non-Resident Licenses and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

(1) Licenses and fees are set out as follows:

Type: Description:

70	Non-Resident Junior Hunting & Fishing License	\$8.00	\$10.00
71	Non-Resident Small Game & Waterfowl Hunting License.....	\$90.00	\$110.00
72	Non-Resident 7 Day Small Game & Waterfowl Hunting License.....	\$50.00	\$61.00
73	Non-Resident All Game Hunting License.....	\$250.00	\$305.00
74	Non-Resident 7-Day All Game Hunting License	\$175.00	\$214.00
75	Nonresident Elk License.....	\$300.00	
76	Non-Resident Fishing License - Except Trout.....	\$40.00	\$49.00
77	Non-Resident 3-Day Fishing License - Except Trout	\$46.00	\$20.00
78	Non-Resident 3-Day Fishing License - All Species.....	\$33.00	\$40.00
79	Non-Resident 10 Day Fishing License - Except Trout.....	\$25.00	\$30.00
80	Non-Resident 10 Day Fishing License - All Species.....	\$50.00	\$61.00
81	Non-Resident Fishing License - All Species	\$80.00	\$98.00
82	Non-Resident 1-Day Fishing License - Except Trout	\$7.50	
83	Non-Resident 1-Day Fishing License - All Species	\$15.50	
85	Non-Resident 7-Day Junior All Game Hunting License	\$24.50	\$26.00
86	Non-Resident Junior All Game Hunting License	\$39.00	\$41.00

Authority: T.C.A. §70-1-206 §70-2-219, §70-2-202. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed January 4, 2008; effective March 19, 2008. Amendment filed June 28, 2010; effective September 26, 2010.

Amendment

1660-01-28-.03, Wildlife Management Area & Designated Area Permits and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

(1) Permits and fees are set out as follows:

Type: Description:

25	Reelfoot Waterfowl Blind Permit*	\$50.00	\$61.00
35	Resident Annual High Impact Habitat Conservation Permit	\$60.00	\$73.00
36	Resident Daily High Impact Habitat Conservation Permit	\$12.00	\$15.00
37	Non-Resident Annual High Impact Habitat Conservation Permit	\$190.00	\$232.00
38	Non-Resident Daily High Impact Habitat Conservation Permit	\$30.00	\$37.00
65	Resident/Non-Resident Bedford Lake 1 Day Fishing Permit	\$5.00	\$6.00
87	Big Game Management Permit*	\$24.00	
88	Reelfoot Preservation Permit, 3-Days**	\$10.00	
89	Reelfoot Preservation Permit, Annual**	\$16.00	
90	Reelfoot Preservation Permit, 1-Day**	\$3.00	
91	Designated Area - Combination Waterfowl and Small Game Permit*	\$50.00	\$61.00
92	Designated Area - Combination Waterfowl and Small Game Permit, 1-Day*	\$10.00	\$12.00
93	Designated Area - Small Game Permit – Except Waterfowl – Annual*	\$16.00	\$20.00
94	WMA Big Game Permit – Annual*	\$20.00	\$24.00
95	Cherokee WMA Big Game Permit, Non-Quota*	\$15.00	\$18.00
96	3-Day Gatlinburg Trout Permit	\$9.00	
97	Resident or Non-Resident 1-Day Gatlinburg Trout License	\$11.00	
98	Tellico/Citico Trout Permit, 1-Day	\$5.00	\$6.00
99	1-Day Gatlinburg Trout Permit	\$3.00	
	Quota Hunt Application Fee	\$10.00	\$12.00
	Field Trials – WMA (Per Trial)*	\$50.00	\$75.00

* Supplemental

** Supplemental if hunting, fishing or trapping.

No resident of Tennessee shall be required to possess any of the permits listed above when hunting on the 4th Saturday in August, known as free hunting day. Hunting is limited to those species on which there is an open season as proclaimed by the ~~Tennessee Wildlife Resources Commission~~ Tennessee Fish & Wildlife Commission.

Authority: T.C.A. §70-1-206, §70-2-219, and §70-2-225. Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 24, 2006; effective October 7, 2006. Amendment filed January 22, 2007; effective April 7, 2007. Amendment filed June 28, 2010; effective September 26, 2010. Amendment filed November 17, 2010; effective February 15, 2011.

Amendment

1660-01-28-.04, Miscellaneous Licenses, Permits and Fees, is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

(1) Licenses, permits and fees are set out as follows:

Type: Description:

06	Migratory Bird Permit (Harvest Inventory Permit)	\$1.00	
07	Facility Fishing License	no cost	
12	Apprentice Hunter Education Permit	\$10.00	\$11.00
13	Hunter Education Field Day Exemption Fee (21 and over)	\$11.00	
100	Resident Senior Commercial Fisher License	no cost	
101	Resident Commercial Fisher License	\$200.00	\$244.00
102	Commercial Helper License - Fishing	\$200.00	\$244.00
103	Non-Resident Commercial Fisher License	\$1,000.00	\$1,220.00
105	Resident Commercial Musseler License	\$200.00	\$244.00
106	Resident/Non-Resident Commercial Turtle Permit – Supplemental	no cost	
107	Non-Resident Commercial Musseler License	\$1,000.00	\$1,220.00
108	Resident Commercial Roe Fish Permit – Supplemental	\$1,000.00	\$1,220.00
109	Cultured Pearl License	\$1,000.00	\$1,220.00
110	Non-Resident Commercial Roe Fish Permit, Supplemental	\$1,500.00	\$1,830.00
111	Resident Wholesale Roe Fish Permit	\$500.00	\$610.00
112	Non-Resident Wholesale Roe Fish Dealer	\$1,000.00	\$1,220.00
113	Wholesale Fish Dealer's License	\$500.00	\$610.00
115	Wholesale Mussel Dealer's License	\$500.00	\$610.00
116	Non-Resident Fish Dealer's License	\$500.00	\$610.00
117	Falconry General Permit – Supplemental	\$60.00	\$73.00
118	Resident Fish Dealer's License	\$50.00	\$62.00
119	Resident/Non-Resident Commercial Bow License - Fishing	no cost	
120	Non-Resident Trapping License	\$400.00	\$200.00
121	Resident/Non-resident Fur Buyer License	\$150.00	\$183.00
122	Falconry Apprentice Permit – Supplemental	\$60.00	\$73.00
123	Falconry Master Permit – Supplemental	\$60.00	\$73.00
124	Commercial Wildlife Preserve - Big Game Permit	\$300.00	\$366.00
125	Commercial Wildlife Preserve - Small Game Permit	\$150.00	\$183.00
141	Taxidermist Permit	\$100.00	\$122.00
149	Animal Importation Permit, One Shipment	\$25.00	\$31.00
150	Animal Importation Permit, Annual	\$200.00	\$244.00
160	Permanent Exhibitor Permit	\$1,000.00	\$1,220.00
161	Temporary Exhibitor Permit	\$250.00	\$305.00
164	Resident Annual Senior Citizen Combination Hunting & Fishing License	\$4.00	
466	Resident Senior Citizen's Permanent License Resident Permanent Senior Citizen Combination Hunting & Fishing License	\$40.00	\$49.00
167	Annual Senior Citizen's Permit – Supplemental Resident Annual Senior Citizen Sportsman License	\$40.00	\$49.00
168***	Resident Annual Sport Combination Hunting and Fishing License – Certified Physically or Mentally Disabled (under 18)	\$5.00	
169****	Resident Permanent Sport Combination Hunting and Fishing License – Certified Intellectually Disabled	\$10.00	
170	Personal Possess Permit, Class I, One Animal	\$150.00	\$183.00
171	Personal Possess Permit, Class I, Entire Facility	\$1,500.00	\$1,830.00
172	Personal Possession Permit, Class II, One Animal	\$25.00	\$31.00
173	Personal Possession Permit, Class II, Entire Facility	\$250.00	\$305.00
174	Propagation Facility Permit, Small Game/Waterfowl	\$50.00	\$61.00
175	Propagation Facility Permit, Class II, Except Small Game/Waterfowl	\$250.00	\$305.00
176	Propagation Facility Permit, Class I	\$2,500.00	\$3,050.00
189	Resident Permanent Sport Combination Hunting and Fishing License - Permanent Wheelchair Restricted	\$10.00	
190	Slat Basket Tag Permit	\$8.00	\$10.00
191	Daily TWRA Lake Fishing Permit	\$5.00	\$6.00

192	TWRA Lake Boat Rental Permit.....	\$8.00	\$10.00
193	Annual TWRA Lake Fishing Permit.....	\$40.00	\$48.00
194	Replacement License or Permit – Cost for replacement of one license or permit in a single transaction	\$6.00	\$7.00
195	Replacement License or Permit \$1.00 – Cost for replacement of each additional license or permit in a single Type 194 transaction	\$1.00	
197	Resident Permanent Sport Fishing License - Certified Blind	\$10.00	
198	Resident Permanent Sport Combination Hunting and Fishing License (Sport Fishing and Hunting License) - Disabled Veterans	\$10.00	
199	Resident Permanent Sport Fishing License – Persons Drawing Social Security Benefits Due to Mental Retardation	\$10.00	
500	Hunter Education Replacement Card	\$6.00	\$7.00

***Pursuant to T.C.A. §70-2-104(e)(4), it shall be denoted on the license that the hunter is disabled.

**** Pursuant to 2012 Public Chapter 713, it shall be denoted on the license that the hunter is intellectually disabled.

Authority: T.C.A. §70-1-206, §70-2-205, §70-2-208, §70-2-215, §70-2-219, §70-2-220, and §70-2-221.
 Administrative History: Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 29, 2005; effective October 12, 2005. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed February 26, 2007; effective May 12, 2007. Amendments 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, 2012. Amendment filed November 7, 2012; effective February 5, 2013.

New Rule

1660-01-28-.07, Permits and Fees for Tier One Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier One Ranges:

Tier One Ranges shall include: Cheatham WMA, Catoosa WMA, Prentice Cooper WMA, North Cumberland WMA, Chuck Swan WMA, and Yanahli WMA firing ranges.

(a) Permit Fees:

1. Adult (16 years of age and older) - \$5.00 per 2 hours.
2. Adult Annual Permit (16 years of age and older) - \$100.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.08, Permits and Fees for Tier Two Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier Two Ranges:

Tier Two Ranges shall include: Stones River Hunter Education Center and Firing Range and John Sevier Hunter Education Center and Firing Range.

(a) Permit Fees:

1. Adult (16 years of age and older) - \$7.50 per 2 hours.
2. Adult Annual Permit (16 years of age and older) - \$150.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.09, Permits and Fees for Tier Three Hunter Education Centers and Public Firing Ranges, shall read:

(1) Permits and Fees for Tier Three Ranges:

Tier Three Ranges shall include Tennessee Wildlife Resources Agency Hunter Education Center and Firing Range (Bartlett).

(a) Permit Fees:

1. Adult (16 years of age and older) - \$9.50 per hour.
2. Adult Annual Permit (16 years of age and older) - \$300.00.
3. Classroom Permit - \$50.00 per hour or \$150 per day (up to 8 hours.)
4. Surcharge of \$61.00 for after-hour use of facilities in addition to regular rates.

Authority: T.C.A. §§70-1-206 and §70-2-224. Administrative History: Original rule filed _____; effective _____.

New Rule

1660-01-28-.10, Licenses for Hunting, Trapping, and Fishing Guide Services, shall read:

(1) Licenses are set out as follows:

<u>Type:</u>	<u>Description:</u>	
450	Resident Guide License	\$150.00
455	Non-Resident Guide License	\$650.00

A guide is any individual who accepts compensation for providing assistance to another in any act of hunting, fishing and/or trapping and shall be required to possess a guide license.

Entities employing individuals as guides may purchase such resident and non-resident guide licenses as may be necessary for its employees.

Authority: T. C. A. §70-1-206. Administrative History: Original rule filed _____; effective _____.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
Jeff McMillin				
Chad Baker				
Jim Bledsoe				
Harold Cannon				
Bill Cox				
Jeffrey H. Griggs				
Connie King				
Tom Rice				
Jim Ripley				
James Stroud				
Trey Teague				
David Watson				
Jamie Woodson				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 01/16/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/21/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 01/16/2015

Date: _____

Signature: _____

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

RECEIVED
2015 MAR 27 PM 12: 54
SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-01-28

New	<u>X</u>
Amendment	<u>X</u>
Repeal	<u> </u>

There were no public comments to the above-described rule.

Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Agency does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Agency anticipates no change in reporting, recordkeeping, or other administrative costs to incorporate the proposed rule change into the existing the TWRA system.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Agency does not anticipate significant impact to small businesses in Tennessee.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Agency is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Agency is not aware of any federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Agency does not anticipate significant impact to small businesses in Tennessee.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

No

Please describe the increase in expenditures or decrease in revenues:

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule creates new fees and adjusts existing fees for hunting and fishing licenses and permits. The Tennessee Fish and Wildlife Commission has the authority to create new licenses and permits and adjust existing fees pursuant to TCA 70-1-206. The Commission's authority to adjust existing fees and create new fees is limited by the increase in total revenue generated by the proposed changes. The total revenue increase generated by a proposed license package cannot exceed the percentage increase in the consumer price index since license and permit prices were last adjusted. At the time of filing this rule, the percentage increase in CPI, since 2005 when prices were last adjusted, was approximately 22%.

In addition to the adjustment of existing fees, this rule restructures fees associated with Agency firing ranges and wildlife management area user permits and creates new fees for hunting and fishing guides. The rule also abolishes the non-resident one-day fishing license and creates new licenses for Tennessee senior citizens.

The projected increase in total revenue generated by this rule is approximately 18.6%.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA 70-1-206

50 C.F.R. § 80 - Tennessee's portion of federal funding associated with the Wildlife Restoration Act and the Sport Fish Restoration Act is based in part on the number of paid license holders in Tennessee annually. Changes to the federal regulations relative to what qualifies as a paid license holder necessitated changes to senior citizen licenses. According to new regulations passed in 2011, in order to qualify as a paid license holder "... The agency must receive net revenue from a multiyear license that is in close approximation to the net revenue received for a single-year license providing similar privileges ..." This change disqualified approximately 177,000 Tennessee senior citizens that purchased the type 166 Permanent Senior Citizen license. As a result, Tennessee lost approximately \$2 million in federal funding annually. By creating the low cost type 164 and raising the cost of the type 166, these licenses will now qualify under the new federal regulations.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This rule will directly impact the sportsmen and women of Tennessee. Although the agency did not receive formal public comment, it did receive informal comments and they have been split as it concerns support and opposition for this rule. The Tennessee Wildlife Federation, one of the largest organized groups of sportsmen and women in Tennessee, is supportive of this rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This Rule is projected to generate approximately \$5.9 million in additional revenue for the Wildlife Fund. This projection is based on the number of licenses and permits sold last year and an estimate of the number newly created permits the Agency will sell. The additional revenue will not be fully realized until license year 2016-2017 because licenses for 2015-2016 will go on sale March 1st at the current prices.

created permits the Agency will sell. The additional revenue will not be fully realized until license year 2016-2017 because licenses for 2015-2016 will go on sale March 1st at the current prices.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Barry Sumners, Assistant Executive Director, TWRA, 615-781-6600, barry.sumners@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Chris Richardson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 837-6016, Chris.Richardson@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.