

<b>Department of State</b> <b>Division of Publications</b> 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower Nashville, TN 37243 Phone: 615-741-2650 Email: <a href="mailto:publications.information@tn.gov">publications.information@tn.gov</a>	<b>For Department of State Use Only</b>	
	Sequence Number:	<u>03-21-15</u>
	Rule ID(s):	<u>5900</u>
	File Date:	<u>3/27/15</u>
	Effective Date:	<u>6/25/15</u>

# 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).

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Director's Office
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	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
1660-01-14	Rules And Regulations For Refuges, Wildlife Management Areas, And Public Hunting Areas
Rule Number	Rule Title
1660-01-14-.15	Fees for Use of North Cumberland Wildlife Management Area

Amendment

1660-01-14-.15, Fees for Use of North Cumberland Wildlife Management Area, shall be amended by changing the title of the rule to "Impact Permits for Use of Wildlife Management Areas."

Amendment

1660-01-14-.15, Impact Permits for Use of Wildlife Management Areas, shall be amended by deleting paragraph (1) in its entirety and by replacing it with a new paragraph (1) so that, as amended, it shall read:

- (1) A High Impact Habitat Conservation Permit is required for riding hooved animals, bicycling, and off highway vehicle use on designated wildlife management areas. Persons holding a valid hunting license with an appropriate permit to hunt on a wildlife management area and youths under age thirteen (13) are exempt.

Authority: T.C.A. §§70-1-206 and 70-2-225. Administrative History: Original rule filed August 5, 2002; effective October 19, 2002. Amendment filed September 16, 2003; effective November 30, 2003. Amendment filed February 10, 2005; effective April 26, 2005. Amendment filed June 3, 2008; effective August 17, 2008.

\* 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  
 3/20/2015 Herbert H. Slatery III  
 Attorney General and Reporter

Department of State Use Only

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

Effective on: 6/25/15



Tre Hargett  
Secretary of State

RECEIVED  
2015 MAR 27 PM 12:49  
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: 1660-01-14-.15

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

---

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 commission anticipates that no small businesses shall be affected by the proposed rule. The rule amendment moves the fees associated with horseback riding, bicycling, and off highway vehicle use on North Cumberland Wildlife Management Area to the agency fee rule (1660-01-28) as a housekeeping measure.

(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 commission anticipates no additional reporting, record keeping or other administrative costs.

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

The commission anticipates no impact on small businesses and consumers.

(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 Commission is unaware of alternatives to the proposed rule and does not believe the rule, as proposed, would in any way affect small businesses.

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

The Commission is unaware of 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 Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

### **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:

n/a

## 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;

As a housekeeping measure, the TWRA is moving all fees contained in various TWRA rules to our main fee rule found at 1660-01-28. The fees already associated with horseback riding, bicycling, and off highway vehicle use on North Cumberland Wildlife Management Area ("WMA") are being moved to 1660-01-28.

- (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 grants authority to the Tennessee Fish & Wildlife Commission to promulgate rules and 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 effects no person, organization, corporation or governmental entity as it combines all of the agency fees into one rule (1660-01-28.)

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

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (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;

As a result of this rule amendment, there is no fiscal impact.

- (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.

This rule amendment moves the fees associated with North Cumberland WMA to the agency fee rule.

Red Line Copy

Department of State  
Division of Publications  
312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

For Department of State Use Only

Sequence Number: 03-21-15  
Rule ID(s): 5900  
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).

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Director's Office
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	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
1660-01-14	Rules And Regulations For Refuges, Wildlife Management Areas, And Public Hunting Areas
Rule Number	Rule Title
1660-01-14-.15	Fees for Use of North Cumberland Wildlife Management Area

Amendment

1660-01-14-.15, Fees for Use of North Cumberland Wildlife Management Area, shall be amended by changing the title of the rule to "Impact Permits for Use of Wildlife Management Areas."

Amendment

1660-01-14-.15, Impact Fees for Use of Wildlife Management Areas, shall be amended by deleting paragraph (1) in its entirety and by replacing it with a new paragraph (1) so that, as amended, it shall read:

(1) ~~Fees for horseback riding, bicycling, and off highway vehicle use shall be as follows (youths under age thirteen (13) exempted):~~

~~(a) Residents~~

1. Annual Fee - \$60.00 or possession of an annual or permanent Hunting and Fishing License and any permit (required to hunt on the North Cumberland Wildlife Management Area) or any Sportsman License.

2. Daily Fee - \$12.00

(b) Non-Residents

1. Annual Fee - \$190.00 or possession of a Non-Resident Annual "All Game" hunting license and any permit required to hunt on the North Cumberland Wildlife Management Area.

2. Daily Fee - \$30.00

(1) A High Impact Habitat Conservation Permit is required for riding hooped animals, bicycling, and off highway vehicle use on designated wildlife management areas. Persons holding a valid hunting license with an appropriate permit to hunt on a wildlife management area and youths under age thirteen (13) are exempt.

Authority: T.C.A. §§70-1-206 and 70-2-225. Administrative History: Original rule filed August 5, 2002; effective October 19, 2002. Amendment filed September 16, 2003; effective November 30, 2003. Amendment filed February 10, 2005; effective April 26, 2005. Amendment filed June 3, 2008; effective August 17, 2008.

\* 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.

\_\_\_\_\_  
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 12:50  
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: 1660-01-14-.15

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

---

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 commission anticipates that no small businesses shall be affected by the proposed rule. The rule amendment moves the fees associated with horseback riding, bicycling, and off highway vehicle use on North Cumberland Wildlife Management Area to the agency fee rule (1660-01-28) as a housekeeping measure.

(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 commission anticipates no additional reporting, record keeping or other administrative costs.

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

The commission anticipates no impact on small businesses and consumers.

(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 Commission is unaware of alternatives to the proposed rule and does not believe the rule, as proposed, would in any way affect small businesses.

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

The Commission is unaware of 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 Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

### **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:

n/a

**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;

As a housekeeping measure, the TWRA is moving all fees contained in various TWRA rules to our main fee rule found at 1660-01-28. The fees already associated with horseback riding, bicycling, and off highway vehicle use on North Cumberland Wildlife Management Area ("WMA") are being moved to 1660-01-28.

- (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 grants authority to the Tennessee Fish & Wildlife Commission to promulgate rules and 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 effects no person, organization, corporation or governmental entity as it combines all of the agency fees into one rule (1660-01-28.)

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

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (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;

As a result of this rule amendment, there is no fiscal impact.

- (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.

This rule amendment moves the fees associated with North Cumberland WMA to the agency fee rule.

**Department of State  
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: publications.information@tn.gov

**For Department of State Use Only**

Sequence Number: 03-25-15  
Rule ID(s): \_\_\_\_\_  
File Date: 3/27/15  
Effective Date: 3/27/15

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

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

**Type of Action on Rule:**

**Stay of Effective Date of Rules**

Rule Filing Date: 03/27/2015  
Rule Original Effective Date: 06/25/2015  
Length of Stay (not to exceed 75 days): 6  
New Effective Date of Rule Filing: 07/01/2015

**Notice of Withdrawal of Stay**

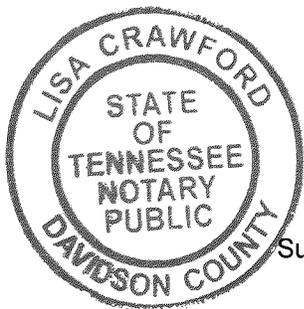
Stay Filing Date: (mm/dd/yy)  
Stay Effective Date: (mm/dd/yy)  
New Effective Date of Rule Filing: (mm/dd/yy)

**Notice of Withdrawal of Rules**

Rule Filing Date: (mm/dd/yy)  
Rule Effective Date: (mm/dd/yy)

**Rule(s)** (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/RuleTitle per row)

Chapter Number	Chapter Title
1660-01-14	Rules And Regulations For Refuges, Wildlife Management Areas, And Public Hunting Areas
Rule Number	Rule Title
1660-01-14-.15	Fees for Use of North Cumberland Wildlife Management Area



Date: 3/20/15

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 3-20-15

Notary Public Signature: Lisa Crawford

My commission expires on: 3-10-2019

**Department of State Use Only**

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

Tre Hargett  
Tre Hargett  
Secretary of State

RECEIVED  
2015 MAR 27 PM 12:46  
SECRETARY OF STATE  
PUBLICATIONS