

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 25th day of May, 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 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 1660-1-8
Rules and Regulations of Hunts

Amendment

Rule 1660-1-8-.05 (4) Permit Applications and Drawings, is amended by deleting paragraph (4) in its entirety and inserting a new paragraph (4) 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 make application at times specified and as per instructions supplied by the Tennessee Wildlife Resources Agency.
 - (b) Applicants may apply only once per year. If more than one application is received per hunter, 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 (21) years of age or older.
- (d) All information requested at the time of application must be completed provided. Failure to specify all information will result in the application being rejected.
- (e) The number of applicants comprising a party may not exceed four (4) members.
- (f) Each application must be accompanied by a \$10.00 non-refundable handling fee for each applicant, except Sportsman License holders and persons possessing a type 167 permit.
- (g) Successful applicants must also possess appropriate licenses and permits in order to participate in the hunts.
- (h) Priority drawings and procedures for qualifying with priority status will be established as indicated by TWRA.
- (i) A computer drawing will be held to determine successful applicants. Any vacancies will not be filled for that hunt date.

Statutory Authority: T.C.A. §§70-1-206, 70-4-107, and 70-5-101

Chapter 1660-1-11
Rules and Regulations Governing Shooting

Amendments

Rule 1660-1-11-.02 Operation of Private Wildlife Preserve is amended by deleting paragraph (2), subparagraph (a) in its entirety and replacing it with the following language:

- (a) Any person desiring to operate a Private Wildlife Preserve as herein defined shall make application to the Wildlife Resources Agency for a permit to do so. The Wildlife Resources Agency will cause an inspection to be made of the wildlife preserve and if same shall be found to be meeting the qualifications of these rules and regulations, a permit will be issued. The permit will grant the privilege to the owner or operator of said Private Wildlife Preserve to release captive wildlife approved by the Wildlife Resources Agency. All Class III species and fowl authorized under this permit must come from sources approved by the Tennessee

Department of Agriculture. The species to be released will be indicated on the permit.

Rule 1660-1-11-.02 Operation of Private Wildlife Preserve is amended by deleting paragraph (3), subparagraph (c) in its entirety and replacing it with the following language:

- (c) The following species of Cervidae may only be held or harvested by wildlife preserves if such animals are obtained from a herd outside of the state that has been certified as Chronic Wasting Disease free for the past 5 years, and are authorized for import by the Tennessee Department of Agriculture.
 - 1. Elk/Red Deer (*Cervus elaphus*)
 - 2. Black-tailed Deer/Mule Deer (*Odocoileus hemionus*)
 - 3. Moose (*Alces alces*)
 - 4. Other Class III wildlife species shown to be susceptible to CWD

Wildlife preserves may also hold and harvest the above mentioned species if these animals are obtained within the state of Tennessee from a herd in a CWD surveillance program continuously for the past 5 years or prior to July 1, 2006, whichever time period is shorter, as recognized by Tennessee Department of Agriculture. Animals so obtained shall not have been exposed to non-surveillance animals during the surveillance period. Also, these animals must retain the identification marker(s) placed on the animals while in the surveillance programs.

The Tennessee Department of Agriculture, USDA or TWRA must be notified within 24 hours of the harvest or death of the above mentioned Cervidae. The head and neck of these animals must be retained and refrigerated by the preserve operator for at least 72 hours in order to allow for any necessary testing by the above agencies.

Rule 1660-1-11-.02 Operation of Private Wildlife Preserve is amended by deleting paragraph (4), sub-paragraph (a) in its entirety and replacing it with the following language:

- (a) The land area for which a permit will be issued must contain a minimum of twenty (20) acres and this land must be in one continuous tract. No artificial structures or devices can be used to create a hunting or training area less than twenty (20) acres. On wildlife preserves that require fencing, the fencing must be done in a continuous manner along the boundaries in such a fashion to

prevent the escape of animals being held by the preserve. On wildlife preserves where big game species are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire and such fence shall be a minimum of eight (8) feet in height. On wildlife preserves where only swine, goats or sheep are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire, and such fence shall be a minimum of four (4) feet in height. On wildlife preserves where foxes and raccoons are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire with a maximum of four (4) inch spacing, anchored at the base and such fence shall be a minimum of seventy-two (72) inches in height. On wildlife preserves where rabbits are hunted, the boundaries must be fenced with wire fence with a maximum of two (2) inch spacing anchored at the base and such fence shall be a minimum of thirty-six (36) inches in height. Wildlife preserve boundaries which are fenced with a minimum of eight (8) foot fencing, must have any entrance to such preserve posted with signs identifying it as a wildlife preserve. Wildlife preserve boundaries that are fenced with less than eight (8) foot fencing or no fencing at all, must have its boundaries posted every fifty (50) yards with signs identifying it as a wildlife preserve. All signs used to identify a wildlife preserve must be at least 8-1/2 inches by 11 inches and have the words "Wildlife Preserve" printed on the sign in letters not less than 1 inch in height on contrasting background.

Rule 1660-1-11-.02 Operation of Private Wildlife Preserve is amended by deleting paragraph (5) in its entirety and replacing it with the following language:

(5) Records

- (a) Permittees will maintain records on forms provided by TWRA showing the number and species of wildlife purchased, the name and address of the source of supply, number and species propagated, the number and species released, and the number and species taken. Also, permittees will maintain records on forms provided by TWRA, listing the name and address of each hunt participant, the date of the hunt and their hunt record. These records are to be kept for a minimum of three (3) years and be available for inspection at the address listed on the permit for the Wildlife Preserve by agents of the Tennessee Wildlife Resources agency upon request.

- (b) Operator and/or owners of a Wildlife Preserve must have at the address indicated on their preserve permit receipts for all animals held, released, hunted, and/or harvested on such preserve. These receipts must have the name and address of the supplier and be signed by such supplier. The receipts are to list species, numbers, sex, and all identifiers for animal(s) listed on such receipt. These receipts are to be provided to agents of TWRA or the Department of Agriculture upon request.

Statutory Authority: T.C.A. §70-1-206 and §70-4-413

Chapter 1660-1-18
Rules and Regulations Live Wildlife

Amendments

Rule 1660-1-18-.05 Special Provisions is amended by deleting paragraph (1) in its entirety and replacing it with the following language:

- (1) All Nature Centers, Rehabilitation Centers, Educational Exhibits, and Zoos meeting provisions which exempt them from the fees for necessary permits must complete an application and provide requested information. No Class III Wildlife may be possessed by a Nature Center, Rehabilitation Center or Educational Exhibits, nor may these permittees hold any other Captive Wildlife Permits issued by the Tennessee Wildlife Resources Agency, unless authorized by the Executive Director of the Tennessee Wildlife Resources Agency. This prohibition does not apply to facilities deemed as a bonafide zoo.

Rule 1660-1-18-.05 Special Provisions is amended by deleting paragraph (4), subparagraph (b), part 2 in its entirety and replacing it with the following language:

- 2. Documentation showing one of the following qualifications has been met in order to be eligible for a Rehabilitation and/or Education exhibit permit:
 - (i) Two hundred hours of experience in rehabilitation or handling of the species in which the person wishes to be permitted; or
 - (ii) One year of full time employment as a Veterinary Technician; or
 - (iii) Possess a Doctorate of Veterinary Medicine and be Board Certified in the State of Tennessee; or

- (iv) Possess a valid permit for Wildlife Rehabilitation or Education from another state for the species in which the person wishes to be permitted. Also, individuals in this category must have been in good standing in the state which the permit was held.

Rule 1660-1-18-.05 Special Provisions is amended by deleting paragraph (4), subparagraph (p), parts 2 and 3 in their entirety and replacing them with the following language:

- 2. Animals authorized by the Executive Director of Tennessee Wildlife Resources Agency for use under the authority of a valid Educational Exhibit Permit issued by the Tennessee Wildlife Resources Agency.

Statutory Authority: T.C.A. §§70-1-206, 70-4-401, 70-4-404 and 70-4-405

Chapter 1660-1-28
Rules And Regulations Governing Licenses, Permits and Fees

Amendments

Rule 1660-1-28-.01 Basic Resident Licenses and Fees is amended by inserting the following language at the end of paragraph (1):

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 Wildlife Resources Commission.

Rule 1660-1-28-.03 Wildlife Management Area and Designated Area Permits and Fees is amended by inserting the following language at the end of paragraph (1):

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.

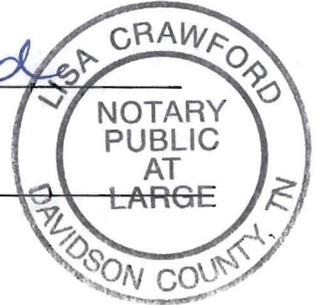
Statutory Authority: T.C.A. §70-1-206

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 16 day of March, 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 20 day of March, 2006.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: [Signature]

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