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 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Fax: 615-741-5133  
 Email: [register.information@tn.gov](mailto:register.information@tn.gov)

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Sequence Number: 02-05-12  
 Rule ID(s): 3185  
 File Date: 07/04/2012  
 Effective Date: 07/03/2012

## Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. §4-5-205

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Wildlife
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
1660-01-08	Rules and Regulations of Hunts
Rule Number	Rule Title
1660-01-08-.03	Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands
1660-01-08-.05	Permit Applications and Drawings

Chapter 1660-01-08  
 Rules and Regulations of Hunts

Amendments

Rule 1660-01-08-.03 Permit Requirements - Wildlife Management Areas, Refuges and Other Agency Controlled Lands, is amended by deleting the rule in its entirety and replacing it with the following:

- (1) Permits (On Wildlife Management Areas and Refuges Where Permits Are Required).
  - (a) Before any person may hunt on a wildlife management area or refuge he must possess a valid and appropriate area hunt permit as specified in Items (2) and (3) below, except when exempt from doing so under the provisions of Item (1)(b) below. Such permits are not transferable.
  - (b) Hunt applicants or participants must be seventeen (17) years of age or over for hunting turkey, deer, bear and wild hog except that youths, ages 6-16, may apply and participate if they are accompanied on the hunt by an adult, twenty-one (21) years of age or older. Youths under sixteen (16) years of age are exempt from purchasing an area hunt permit on all wildlife management areas and refuges when hunting any species except big

game, but they must be accompanied on the hunt by an adult who possesses a valid hunt permit.

- (c) A management area hunt permit is automatically voided when the permittee's bag limit is filled.

(2) Reelfoot Preservation Permit.

- (a) Before any person shall hunt, trap fish or participate in boating upon the waters or lands of Reelfoot Wildlife Management Area, including the washout and tailwaters downstream as marked, Black Bayou Refuge, and that portion of the Reelfoot National Wildlife Refuge in Tennessee, a Reelfoot Preservation Permit shall be carried on the person of said users when participating in the above mentioned activities for inspection by duly authorized officers.

- (b) Exemptions - Persons exempt from the Reelfoot Preservation Permit requirement are those under sixteen (16) years of age, residents sixty-five (65) years of age or older, and holders of the adult Sportsman License or Lifetime Sportsman License.

(3) Before any person, except those under sixteen (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	Foothills	North Chickamauga Creek
Alpine Mountain	Forks of the River	North Cumberland
Arnold Hollow	Haley-Jaqueth	Oak Ridge
Bark Camp Barrens	Harmon Creek	Obion River
Barkley	Haynes Bottom	Old Hickory
Bean Switch Refuge	Henderson Island Refuge	Old Hickory Lock 5 Refuge
Bear Hollow Mountain	Hick Hill	Owl Hollow Mill
Beaver Dam Creek	Hickory Flat	Paint Rock Refuge
Big Sandy (including Gin Creek)	Hiwassee Refuge	Pea Ridge
Bogota	Hop-In Refuge	Percy Priest
Bridgestone/Firestone Centennial Wilderness	Horns Bluff Refuge	Perryville
	Jackson Swamp	Prentice Cooper
Browntown	Jarrell Switch Refuge	Rankin
Buffalo Springs	John Tully	Shelton Ferry
Camden	Keyes-Harrison	Skinner Mountain
Catoosa	Kingston Refuge	South Fork Refuge
Cedar Hill Swamp	Kyker Bottoms Refuge	Tellico Lake
Charlotte Ann Finnell Neal	Kyles Ford	Thorny Cypress
Cheatham	Laurel Hill	Tie Camp
Cheatham Lake	Lick Creek	Tigrett
Chickamauga	Lick Creek Bottoms	The Boils
Chuck Swan	Luper Mountain	Three Rivers
Cordell Hull	Maness Swamp Refuge	Tumbleweed
Cordell Hull Refuge	Maple Springs	Watts Bar
Cove Creek	Meeman-Shelby Forest	West Sandy
C. M. Gooch	Mingo Swamp	White Lake Refuge
Cummings Cove	Moss Island	White Oak
Cypress Pond	Mount Roosevelt	Williamsport
Dry Creek	MTSU	Wolf River
Eagle Creek	Natchez Trace	Woods Reservoir Refuge
Eagle Lake Refuge	New Hope	Yanahli
Ernest Rice Sr.	Nolichucky	Yuchi Refuge

Flintville Hatchery	Normandy	
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A WMA small game permit is required for individuals participating in dog training. A field trial permit is required on Percy Priest WMA and Tellico Lake WMA.

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

AEDC	Horns Bluff Refuge	Old Hickory
Barkley	Jackson Swamp	Percy Priest
Big Sandy (including Gin Creek)	Jarrell Switch Refuge	Shelton Ferry
Bogota	John Tully	South Fork Refuge
C.M. Gooch	Moss Island	The Boils
Camden	Lick Creek	Thorny Cypress
Cedar Hill Swamp	Lick Creek Bottoms	Three Rivers
Charlotte Ann Finnell Neal	Meeman-Shelby Forest	Tigrett
Cheatham Lake	Mingo Swamp	Tumbleweed
Chickamauga	Moss Island	Watts Bar
Cordell Hull	New Hope	West Sandy
Cordell Hull Refuge	Nolichucky	White Oak
Ernest Rice Sr.	North Chickamauga Creek	Wolf River
Harmon Creek	Paint Rock Refuge	Yanahli
Haynes Bottom	Oak Ridge	Yuchi Refuge
Hiwassee Refuge	Obion River	

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

AEDC	Fall Creek Falls State Park	Normandy
Alpine Mountain	Flintville Hatchery	North Chickamauga Creek
Arnold Hollow	Foothills	North Cumberland
Bark Camp Barrens	Forks of the River	Oak Ridge
Barkley	Gallatin Steam Plant	Obion River
Bear Hollow Mountain	Haley-Jaqueth	Old Hickory
Bean Switch Refuge	Harmon Creek	Old Hickory Lock 5 Refuge
Beaver Dam Creek	Haynes Bottom	Owl Hollow Mill
Big Sandy (including Gin Creek)	Henderson Island Refuge	Paint Rock Refuge
Bogota	Hick Hill	Pea Ridge
Bridgestone/Firestone	Hickory Flat	Percy Priest
Centennial Wilderness	Hiwassee Refuge	Perryville
Browntown	Hop-In Refuge	Prentice Cooper
Buffalo Springs	Horns Bluff Refuge	President's Island
C. M. Gooch	Jackson Swamp	Rankin
Camden	Jarrell Switch Refuge	Shelton Ferry
Catoosa	John Tully	Skinner Mountain
Cedar Hill Swamp	Keyes-Harrison	South Fork Refuge
Charlotte Ann Finnell Neal	Kingston Refuge	Tellico Lake
Cheatham	Kyles Ford	The Boils
Cheatham Lake	Laurel Hill	Thorny Cypress
Cherokee	Lick Creek	Three Rivers
Chickamauga	Lick Creek Bottoms	Tie Camp WMA
Chuck Swan	Luper Mountain	Tigrett
Cordell Hull	Maness Swamp Refuge	Tumbleweed
Cordell Hull Refuge	Maple Springs	Watts Bar
Cove Creek	Meeman-Shelby Forest	West Sandy
Cummings Cove	Mingo Swamp	White Lake Refuge
Cypress Pond	Moss Island	White Oak
Dry Creek	Mount Roosevelt	Williamsport

Eagle Creek	MTSU	Wolf River
Eagle Lake Refuge	Natchez Trace	Woods Reservoir Refuge
Edgar Evins State Park	New Hope	Yanahli
Enterprise South Park	Nolichucky	Yuchi Refuge
Ernest Rice Sr.		

- (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.

Authority: T.C.A. §§70-1-206, 70-2-201, 70-4-107 and 70-5-101

*Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule certified May 8, 1974. Amendment filed July 18, 1974; effective August 18, 1974. Amendment filed December 23, 1974; effective January 23, 1975. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed October 8, 1975; effective November 7, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed October 22, 1976; effective November 22, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed January 24, 1984; effective February 23, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed July 25, 1986; effective September 8, 1986. Amendment filed July 8, 1987; effective August 22, 1987. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 19, 1993. Amendment filed September 26, 1996; effective December 10, 1996. Amendments filed August 16, 1999; effective October 30, 1999. Amendment filed July 1, 2000; effective September 23, 2000. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendment filed July 29, 2004; effective October 12, 2004. Amendment filed July 12, 2005; effective September 25, 2005. Amendment filed October 25, 2005; effective January 8, 2006. Amendment filed June 22, 2006; effective September 5, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 25, 2008; effective September 8, 2008.*

#### Amendment

Rule 1660-01-08-.05 Permit Applications and Drawings, is amended by deleting section (1) (a) in its entirety and inserting a new paragraphs (1) (a) to read as follows:

- (1) Quota Big Game Hunt Drawings
- (a) Each individual desiring to participate in a managed quota deer, bear, or turkey hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency, except as indicated in items (i), (j), and (k) below.

Rule 1660-01-08-.05 Permit Applications and Drawings, is further amended by deleting sections (2) and (3) in their entirety and inserting new sections (2) and (3) to read as follows:

- (2) Waterfowl blind drawing and allocation procedure on wildlife management areas.
- (a) Permanent blind sites will be allocated by hand-held drawings for the wildlife management areas: Barkley-Unit I, Big Sandy (including Gin Creek Unit), Camden-Units I and II, Cheatham Lake, Gooch-Unit A, Harmon's Creek, Haynes Bottom, Old Hickory-Units I and II, Reelfoot (except as provided in Rule 1660-1-2-.02), Tigrett, West Sandy, and Woods Reservoir of A.E.D.C.
- (b) Each individual desiring to participate in the waterfowl blind drawing must complete an application supplied by the Tennessee Wildlife Resources Agency. Each individual wishing to compete in the drawing must appear in person at the designated location.

Applications must be submitted between the hours of 7 a.m. and 10 a.m. (local time) on the first Saturday in August.

(c) No individual may apply for more than one area. One application is permitted per person. Each applicant must be at least sixteen (16) years of age to compete in the drawing or sign-on.

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

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

Reelfoot - Annual Reelfoot Preservation Permit, or Sportsman License, or any Lifetime Sportsman License.

(e) Applications will be drawn in order to establish priorities for blind sites. All participants wishing to sign-on with a successful applicant must do so when he makes his/her choice of blind sites. An individual's application for blind selection is immediately voided when he/she signs-on with another applicant. All Individuals wishing to sign-on must possess the necessary licenses and permits indicated in subparagraph (d). Individuals desiring to sign-on must be present.

(f) Permits for blinds will be issued at the time of the drawing. Cancelled or unbuilt blinds will be designated as temporary blind sites and available on a first come-first served basis. All decoy and other hunt associated items must be removed at the end of each day.

(g) No person shall buy, sell, barter, loan or transfer under any theory of law, or offer to buy, sell, barter, loan or transfer under any theory of law, a waterfowl draw blind site permit or the privilege of signing on a waterfowl draw blind site permit issued pursuant to this rule. Any person violating this rule and regulation is subject to have his/her permit and/or hunting privileges revoked in addition to other penalties as prescribed by law.

(3) Waterfowl quota hunt computer drawing and allocation procedures

(a) Each individual or party 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's applications will be rejected.

(c) Only applicants sixteen (16) years of age or older on or before the day of the hunt may apply; however, at least one adult, of at least twenty-one years of age, must accompany any youth under sixteen (16) years of age in the hunt party. Youths 6-15 years of age may apply for youth only waterfowl hunts. If successful the youth party must be accompanied by at least one non-hunting adult. Party may not exceed five (5) youths.

(d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.

(e) Any successful applicant or successful party member may bring four (4) additional hunters of his choice to the hunt. However, the number of hunters may not exceed five (5) hunters at any time during the hunt, one of which must be a successful applicant.

(f) Successful applicants must return a "notice of intention" to TWRA two weeks prior to a deadline established by TWRA. A confirmation number will be issued to the applicant.

(g) Successful applicants that fail to return the notice of intention to TWRA two weeks prior to the TWRA established deadline will forfeit their reservation. Any vacant hunt units will be

filled by a hand-held drawing at a time and location specified and as per instructions supplied by the Tennessee Wildlife Resources Agency.

- (h) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).
- (i) Successful applicants and the additional hunters in the party must also possess appropriate licenses and permits in order to participate in the hunts.
- (j) Priority drawings and procedures for qualifying with priority status will be established as indicated by TWRA.
- (k) A computer drawing will be held to determine successful applicants.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107.

*Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule filed July 19, 1976; effective August 18, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 28, 1979; effective October 12, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed February 6, 1981; effective March 23, 1981. Amendment filed August 12, 1982; effective August 31, 1982. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed April 22, 1988; effective June 6, 1988. Amendment filed September 1, 1988; effective October 16, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed June 11, 1992; effective July 26, 1992. Amendment filed February 12, 1996; effective April 27, 1996. Amendment filed July 26, 1996; effective October 7, 1996. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed March 4, 1998; effective May 18, 1998. Amendment filed May 20, 1998; effective August 3, 1998. Amendments filed September 17, 1998; effective December 1, 1998. Amendment filed July 13, 1999; effective September 26, 1999. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendments filed July 12, 2005; effective September 25, 2005. Amendments filed October 25, 2005; effective January 8, 2006. Amendment filed June 20, 2006; effective September 3, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 5, 2008; withdrawn June 5, 2008. Amendment filed June 11, 2008; effective August 25, 2008. Amendments filed January 5, 2009; effective March 21, 2009. Amendment filed April 1, 2009; effective June 15, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendments filed November 17, 2010; effective February 15, 2011.*

\* 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
William L. Brown	✓			
Jim Bledsoe	✓			
William Cannon	✓			
Jeffrey H. Griggs	✓			
Julius Johnson				✓
Robert Martineau				✓
Jeff McMillan	✓			
Mitchell S. Parks	✓			
Julie Schuster	✓			
Todd A. Shelton				✓
Trey Teague	✓			
Eric Wright	✓			
Danya Welch				✓

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 01/13/2012 (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: 11/21/2011

Rulemaking Hearing(s) Conducted on: (add more dates). 01/13/2012

Date: 1-18-12

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 1-18-12

Notary Public Signature: Lisa Crawford

My commission expires on: 05-15-2015

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.

Robert E. Cooper, Jr.  
 Attorney General and Reporter  
3-29-12

Date

Department of State Use Only

Filed with the Department of State on: 07/04/2012

Effective on: 07/03/2012

Tre Hargett

Tre Hargett  
Secretary of State

RECEIVED  
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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: 1660-01-08

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

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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. §4-5-203(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 does not anticipate significant impact to small businesses in Tennessee. The rule establishes new permit requirements for select WMAs and a new drawing procedure for waterfowl blind quota drawings.

(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 record keeping associated with this rule.

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

The Commission anticipates no probable effect to small businesses.

(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 be burdensome to 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?

The Commission is not aware of any projected financial impacts on local governments.

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;

Over time, Wildlife Management Areas (WMAs) are added or removed by proclamation. The rule amendments update the list of WMAs that require small game, waterfowl, and/or big game permits. These fees help support management practices on WMAs. The rule amendment also alters the drawing process for waterfowl quota hunt drawings. The new rule allows parties to have equal representation in the drawing as individuals.

- (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 Wildlife Resources Commission (TWRC) to promulgate rules and regulations. TCA §§ 70-2-201 and 70-2-219 authorize the TWRC to require permits for hunting or fishing in designated areas.

- (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;

Persons hunting on specified WMAs will be required to possess certain hunting permits. Since this is already required on most WMAs, there should be little impact to said individuals. The Tennessee Wildlife Resources Agency will be impacted by the changes in the waterfowl blind drawing procedures due to the fact that the drawing process will need to be redesigned.

- (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;

The impact to state government revenues and expenditures is minimal as a result of this rule amendment since permits are already required on most WMAs. There will be negligible increases in revenue and expenditures for the new waterfowl drawing process.

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

Daryl Ratajczak, Chief of Wildlife and Forestry, possesses substantial knowledge and understanding of this rule. (Daryl.Ratajczak@tn.gov)

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

Nat Johnson, TWRA Assistant Executive Director, 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

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

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

There was a need to update the WMA list of required permits and to make the waterfowl drawing process more equitable.

Red Line Copy

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312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
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<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Wildlife
<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):**

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**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
1660-01-08	Rules and Regulations of Hunts
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1660-01-08-.03	Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands
1660-01-08-.05	Permit Applications and Drawings

Chapter 1660-01-08  
Rules and Regulations of Hunts

Amendments

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  - (a) Before any person may hunt on a wildlife management area or refuge he must possess a valid and appropriate area hunt permit as specified in Items (2) and (3) below, except when exempt from doing so under the provisions of Item (1)(b) below. Such permits are not transferable.
  - (b) Hunt applicants or participants must be seventeen (17) years of age or over for hunting turkey, deer, bear and wild hog, except that youths, ages 6-16, may apply and participate if they are accompanied on the hunt by an adult, twenty-one (21) years of age or older. Youths under sixteen (16) years of age are exempt from purchasing an area hunt permit on all wildlife management areas and refuges when hunting any species except big

game, but they must be accompanied on the hunt by an adult who possesses a valid hunt permit.

(c) A management area hunt permit is automatically voided when the permittee's bag limit is filled.

(2) Reelfoot Preservation Permit.

(a) Before any person shall hunt, trap fish or participate in boating upon the waters or lands of Reelfoot Wildlife Management Area, including the washout and tailwaters downstream as marked, Black Bayou Refuge, and that portion of the Reelfoot National Wildlife Refuge in Tennessee, a Reelfoot Preservation Permit shall be carried on the person of said users when participating in the above mentioned activities for inspection by duly authorized officers.

(b) Exemptions - Persons exempt from the Reelfoot Preservation Permit requirement are those under sixteen (16) years of age, residents sixty-five (65) years of age or older, and holders of the adult Sportsman License or Lifetime Sportsman License.

(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	Cypress Pond	Natchez Trace
Alpine Mountain	Eagle Creek	New Hope
Arnold Hollow	Eagle Lake Refuge	Nolichucky
Bark Camp Barrens	Ernest Rice Sr.	Normandy
Barkley ( <u>Units I &amp; II</u> )	Foothills	North Chickamauga Creek
Bean Switch Refuge	Forks of the River	North Cumberland
Bear Hollow Mountain	Haley-Jaqueth	Oak Ridge
Beaver Dam Creek	Harmon Creek	Obion River
Big Sandy (including Gin Creek)	Haynes Bottom	Old Hickory ( <u>Units I, II, &amp; III</u> )
<u>Black Bayou Refuge</u>	Henderson Island Refuge	Old Hickory Lock 5 Refuge
Bogota	Hick Hill	Owl Hollow Mill
Bridgestone/Firestone Centennial Wilderness	Hickory Flat	Pea Ridge
	Hiwassee Refuge	Percy Priest ( <u>Units I &amp; II</u> )
Browntown	<u>Holly Fork</u>	Perryville
Buffalo Springs	Hop-In Refuge	Prentice Cooper
Camden ( <u>Units I &amp; II</u> )	Jackson Swamp	Rankin
Catoosa	Jarrell Switch Refuge	Shelton Ferry
Cedar Hill Swamp	John Tully	Tellico Lake
Charlotte Ann Finnell Neal	Kingston Refuge	Tie Camp
Cheatham	Kyker Bottoms Refuge	Tigrett
Cheatham Lake	Kyles Ford	The Boils
Chickamauga ( <u>Gandies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units</u> )	Laurel Hill	Three Rivers
	Lick Creek	Watts Bar ( <u>Long Island Unit</u> )
	Lick Creek Bottoms	West Sandy
Chuck Swan	Maness Swamp Refuge	White Lake Refuge
<u>Gold Creek</u>	Maple Springs	White Oak
Cordell Hull	Meeman-Shelby Forest	Williamsport
Cordell Hull Refuge	Mingo Swamp	Wolf River
Cove Creek	Moss Island	Woods Reservoir Refuge
C. M. Gooch	MTSU	Yanahli
Cummings Cove		Yuchi Refuge <u>at Smith Bend</u>
<u>Dry Creek</u>	<u>Flintville Hatchery</u>	<u>Horns Bluff Refuge</u>
<u>Keyes-Harrison</u>	<u>Luper Mountain</u>	<u>Mount Roosevelt</u>
<u>Paint Rock Refuge</u>	<u>Skinner Mountain</u>	<u>South Fork Refuge</u>

<u>Thorny Cypress</u>	<u>Tumbleweed</u>	
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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 WMA – 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	<u>Cummings Cove</u>	Nolichucky
Barkley ( <u>Units I &amp; II</u> )	Ernest Rice Sr.	North Chickamauga Creek
Big Sandy (including Gin Creek)	Harmon Creek	Oak Ridge
Bogota	Haynes Bottom	Obion River
C.M. Gooch	Hiwassee Refuge	Old Hickory ( <u>Units I, II, &amp; III</u> )
Camden ( <u>Units I &amp; II</u> )	<u>Holly Fork</u>	Percy Priest ( <u>Units I &amp; II</u> )
Cedar Hill Swamp	Jackson Swamp	Shelton Ferry
Charlotte Ann Finnell Neal	Jarrell Switch Refuge	The Boils
Cheatham Lake	Moss Island	Three Rivers
Chickamauga ( <u>Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units</u> )	Lick Creek	Tigrett
	Lick Creek Bottoms	Watts Bar ( <u>Long Island Unit</u> )
<u>Cold Creek</u>	Meeman-Shelby Forest	West Sandy
Cordell Hull	Mingo Swamp	White Oak
Cordell Hull Refuge	Moss Island	Yanahli
<u>Horns Bluff Refuge</u>	New Hope	Yuchi Refuge <u>at Smith Bend</u>
<u>South Fork Refuge</u>	<u>John Tully</u>	<u>Paint Rock Refuge</u>
<u>Wolf River</u>	<u>Thorny Cypress</u>	<u>Tumbleweed</u>

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

AEDC	Eagle Creek	New Hope
Alpine Mountain	Eagle Lake Refuge	Nolichucky
Arnold Hollow	Ernest Rice Sr.	Normandy
Bark Camp Barrens	Fall Creek Falls State Park	North Chickamauga Creek
Barkley ( <u>Units I &amp; II</u> )	Foothills	North Cumberland
Bear Hollow Mountain	Forks of the River	Oak Ridge
Bean Switch Refuge	Gallatin Steam Plant	Obion River
Beaver Dam Creek	Harmon Creek	Old Hickory ( <u>Units I, II, &amp; III</u> )
Big Sandy (including Gin Creek)	Haynes Bottom	Old Hickory Lock 5 Refuge
Bogota	Henderson Island Refuge	Owl Hollow Mill
Bridgestone/Firestone	Hick Hill	Pea Ridge
Centennial Wilderness	Hickory Flat	Percy Priest ( <u>Units I &amp; II</u> )
Browntown	Hiwassee Refuge	Perryville
Buffalo Springs	<u>Holly Fork</u>	Prentice Cooper
C. M. Gooch	Hop-In Refuge	President's Island
Camden ( <u>Units I &amp; II</u> )	Jackson Swamp	Rankin
Catoosa	Jarrell Switch Refuge	Shelton Ferry
Cedar Hill Swamp	John Tully	Tellico Lake
Charlotte Ann Finnell Neal	Kingston Refuge	The Boils
Cheatham	Kyles Ford	Three Rivers
Cheatham Lake	Laurel Hill	Tie Camp WMA
Cherokee	Lick Creek	Tigrett
Chickamauga ( <u>Candies Creek, Johnson Bottoms, Rogers Creek, Yellow Creek Units</u> )	Lick Creek Bottoms	Watts Bar ( <u>Long Island Unit</u> )
	Maness Swamp Refuge	West Sandy
	Maple Springs	White Lake Refuge
Chuck Swan	Meeman-Shelby Forest	White Oak
<u>Cold Creek</u>	Mingo Swamp	Williamsport
Cordell Hull	Moss Island	Wolf River

Cordell Hull Refuge	MTSU	Woods Reservoir Refuge
Cove Creek	Natchez Trace	Yanahli
Cummings Cove	<del>Nathan B. Forrest State</del>	Yuchi Refuge <del>at Smith Bend</del>
Cypress Pond	<del>Historical Area</del>	
<del>Dry Creek</del>	<del>Edgar Evins State Park</del>	<del>Enterprise South Park</del>
<del>Flintville Hatchery</del>	<del>Haley-Jaqueth</del>	<del>Horns Bluff Refuge</del>
<del>Keyes-Harrison</del>	<del>Luper Mountain</del>	<del>Mount Roosevelt</del>
<del>Paint Rock Refuge</del>	<del>Skinner Mountain</del>	<del>South Fork Refuge</del>
<del>Thorny Cypress</del>	<del>Tumbleweed</del>	

- (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.

Authority: T.C.A. §§70-1-206, 70-2-201, 70-4-107 and 70-5-101

Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule certified May 8, 1974. Amendment filed July 18, 1974; effective August 18, 1974. Amendment filed December 23, 1974; effective January 23, 1975. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed October 8, 1975; effective November 7, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed October 22, 1976; effective November 22, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed January 24, 1984; effective February 23, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed July 25, 1986; effective September 8, 1986. Amendment filed July 8, 1987; effective August 22, 1987. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 19, 1993. Amendment filed September 26, 1996; effective December 10, 1996. Amendments filed August 16, 1999; effective October 30, 1999. Amendment filed July 1, 2000; effective September 23, 2000. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendment filed July 29, 2004; effective October 12, 2004. Amendment filed July 12, 2005; effective September 25, 2005. Amendment filed October 25, 2005; effective January 8, 2006. Amendment filed June 22, 2006; effective September 5, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 25, 2008; effective September 8, 2008.

#### Amendment

Rule 1660-01-08-.05 Permit Applications and Drawings, is amended by deleting section (1) (a) in its entirety and inserting a new paragraphs (1) (a) to read as follows:

(1) Quota Big Game Hunt Drawings

- (a) Each individual desiring to participate in a managed quota deer, bear, ~~or~~ turkey ~~or wild bear~~ hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency, except as indicated in items (i), (j), and (k) below.

Rule 1660-01-08-.05 Permit Applications and Drawings, is further amended by deleting sections (2) and (3) in their entirety and inserting new sections (2) and (3) to read as follows:

(2) Waterfowl blind drawing and allocation procedure on wildlife management areas.

- (a) Permanent blind sites will be allocated by hand-held drawings for the wildlife management areas: Barkley-Units I ~~and II~~, Big Sandy (including Gin Creek Unit), Camden-Units I and II, Cheatham Lake, ~~Cordell Hull~~, Gooch-Unit A, Harmon's Creek, Haynes Bottom, Old Hickory-Units I and II, Reelfoot (except as provided in Rule 1660-1-2-.02), Tigrett, West Sandy, and Woods Reservoir of A.E.D.C.

- (b) Each individual desiring to participate in the waterfowl blind drawing must complete an application supplied by the Tennessee Wildlife Resources Agency. Each individual wishing to compete in the drawing must appear in person at the designated location. Applications must be submitted between the hours of 7 a.m. and 10 a.m. (local time) on the first Saturday in August.
- (c) No individual may apply for more than one area. One application is permitted per person. Each applicant must be at least sixteen (16) years of age to compete in the drawing or sign-on.
- (d) Individuals must produce the following licenses and permits in order to compete in the drawing:

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

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

- (e) Applications will be drawn in order to establish priorities for of blind sites. All participants wishing to sign-on with a successful applicant must do so when he makes his/her choice of blind sites. An individual's application for blind selection is immediately voided when he/her signs-on with another applicant. All Individuals wishing to sign-on must possess the necessary licenses and permits indicated in subparagraph (d). Individuals desiring to sign-on must be present.
- (f) Permits for blinds will be issued at the time of the drawing. ~~For cancelled or unbuilt blinds, permits will be issued as selected in subparagraph (e). Canceled or unbuilt blinds will be designated as temporary blind sites and available on a first come-first served basis. All decoy and other hunt associated items must be removed at the end of each day.~~
- (g) No person shall buy, sell, barter, loan or transfer under any theory of law, or offer to buy, sell, barter, loan or transfer under any theory of law, a waterfowl draw blind site permit or the privilege of signing on a waterfowl draw blind site permit issued pursuant to this rule. Any person violating this rule and regulation is subject to have his/her permit and/or hunting privileges revoked in addition to other penalties as prescribed by law.

(3) Waterfowl quota hunt computer drawing and allocation procedures

- (a) Each individual or party 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's applications will be rejected.
- (c) Only applicants sixteen (16) years of age or older on or before the day of the hunt may apply; however, at least one adult, of at least twenty-one years of age, must accompany any youth under sixteen (16) years of age in the hunt party. Youths 6-15 years of age may apply for youth only waterfowl hunts. If successful the youth party must be accompanied by at least one non-hunting adult. Party may not exceed five (5) youths.
- (d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.
- (e) ~~The successful applicant~~ Any successful applicant or successful party member may bring ~~three (3) four (4)~~ additional hunters of his choice to the hunt. However, the number of hunters in a party may not exceed four (4) five (5) hunters at any time during the hunt, one of which must be the a successful applicant.

- (f) Successful applicants must return a "notice of intention" to TWRA two weeks prior to ~~the hunt date~~ a deadline established by TWRA. A confirmation number will be issued to the applicant.
- (g) Successful applicants that fail to return the notice of intention to TWRA two weeks prior to the ~~hunt date~~ TWRA established deadline will forfeit their reservation. Any vacant hunt units will be filled by a hand-held drawing at a time and location specified and as per instructions supplied by the Tennessee Wildlife Resources Agency.
- (h) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).
- (i) Successful applicants and the additional hunters in the party must also possess appropriate licenses and permits in order to participate in the hunts.
- (j) Priority drawings and procedures for qualifying with priority status will be established as indicated by TWRA.
- (k) A computer drawing will be held to determine successful applicants.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107.

*Authority: T.C.A. §§70-1-206 and 70-4-107. Administrative History: Original rule filed July 19, 1976; effective August 18, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 28, 1979; effective October 12, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed February 6, 1981; effective March 23, 1981. Amendment filed August 12, 1982; effective August 31, 1982. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed April 22, 1988; effective June 6, 1988. Amendment filed September 1, 1988; effective October 16, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed June 11, 1992; effective July 26, 1992. Amendment filed February 12, 1996; effective April 27, 1996. Amendment filed July 26, 1996; effective October 7, 1996. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed March 4, 1998; effective May 18, 1998. Amendment filed May 20, 1998; effective August 3, 1998. Amendments filed September 17, 1998; effective December 1, 1998. Amendment filed July 13, 1999; effective September 26, 1999. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendments filed July 12, 2005; effective September 25, 2005. Amendments filed October 25, 2005; effective January 8, 2006. Amendment filed June 20, 2006; effective September 3, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 5, 2008; withdrawn June 5, 2008. Amendment filed June 11, 2008; effective August 25, 2008. Amendments filed January 5, 2009; effective March 21, 2009. Amendment filed April 1, 2009; effective June 15, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendments filed November 17, 2010; effective February 15, 2011.*