

**Department of State**  
**Division of Publications**  
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**For Department of State Use Only**

Sequence Number: 04-07-11  
Rule ID(s): 4942  
File Date: 04/15/2011  
Effective Date: 07/14/2011

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Wildlife Resources Agency
<b>Division:</b>	Boating
<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
1660-02-07	Rules and regulations Governing operations of Vessels
Rule Number	Rule Title
1660-02-07-.37	Emory River

Rules and Regulations  
of the  
Tennessee Wildlife Resources Agency

Chapter 1660-02-07  
Rules and Regulations Governing Operations of Vessels

Repeal

Rule 1660-02-07-.37, Emory River, is repealed by deleting the rule in its entirety.

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

The roll-call vote by the Tennessee Wildlife Resources Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown	✓			
Mike Chase				✓
Johnny Coleman				✓
Jeffrey H. Griggs	✓			
Mike Hayes				✓
Julius Johnson				✓
Robert Martineau				✓
Jeff McMillin	✓			
Mitchell S. Parks	✓			
Julie Schuster	✓			
Todd A. Shelton				✓
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 03/24/2011 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/16/2011

Rulemaking Hearing(s) Conducted on: (add more dates). 03/24/2011

Date: 3-25-11

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 3-25-11

Notary Public Signature: Lisa Crawford

My commission expires on: 8-23-11

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  
4-8-11

Date

Department of State Use Only

Filed with the Department of State on: 04/15/2011

Effective on: 07/14/2011

*Tre Hargett*  
Tre Hargett  
Secretary of State

RECEIVED  
2011 APR 15 PM 12:08  
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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.

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RULE: 1660-02-07-.37  
Rules and Regulations Governing Operations of Vessels  
Emory River

New \_\_\_\_\_  
Amendment \_\_\_\_\_  
Repeal   X  

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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. § 4-5-202(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 does not anticipate significant impact to small businesses in Tennessee. The rule repeals an established Slow, No Wake zone on the Emory River, Emory River Mile (ERM) 1.2 to ERM 3.0.

(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 repealed would be burdensome to small businesses.

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

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

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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 repeals the rule that established a Slow, No Wake zone on the Emory River – Emory River Mile 1.2 to 3.0 in Roane County.

- (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;

There is no mandate in state or federal law to repeal this rule. There are guidelines and legal directives that must be followed if a lake zoning is repealed.

- (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;

Boaters who utilize this particular section of the river will be most affected. The Tennessee Valley Authority officials who have completed ash recovery operations in this section of the river request repeal of this rule as does the Wildlife Resources Agency.

- (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;

No increase or decrease in state expenditures is expected as a result of the repeal.

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

Darren Rider, Chief of Boating, TWRA [Darren.rider@tn.gov](mailto:Darren.rider@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](mailto:Nat.Johnson@tn.gov)

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

All work has been completed for the Kingston ash recovery operations in this section of the river and staged TVA equipment (dredges, recovery craft and support vessels) has been removed.

### **Impact on Local Governments**

Pursuant to T.C.A. Sections 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." (Public Chapter 1070, 2010 Legislative Session.)

The Agency anticipates that this amended rule will have no financial impact on local governments.

Red Line Copy

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Rules and Regulations  
of the  
Tennessee Wildlife Resources Agency

Chapter 1660-02-07  
Rules and Regulations Governing Operations of Vessels

Repeal

Rule 1660-02-07-.37, Emory River, is repealed by deleting the rule in its entirety.

1660-02-07-.37 ~~EMORY RIVER~~

~~All motorboats being operated within Emory River Mile (ERM) 1.2 and ERM 3.0 shall be operated at a "Slow - No Wake" speed and shall not tow a person on water skis, surfboard or similar devices.~~

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

The roll-call vote by the Tennessee Wildlife Resources Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown				
Mike Chase				
Johnny Coleman				
Jeffrey H. Griggs				
Mike Hayes				
Julius Johnson				
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Mitchell S. Parks				
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I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 01/16/2011

Rulemaking Hearing(s) Conducted on: (add more dates). 03/24/2011

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: \_\_\_\_\_

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

\_\_\_\_\_  
 Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

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