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Sequence Number: 05-34-10
Rule ID(s): 4737
File Date (effective date): 05/28/2010
End Effective Date: 11/24/2010

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission: Tennessee Wildlife Resources Agency
Division: Boating
Contact Person: Lisa Crawford
Address: PO Box 40747
Zip: 37204
Phone: 615-781-6606
Email: Lisa.Crawford@tn.gov

Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Pursuant to T.C.A. §4-5-208 and T.C.A. §69-9-209, the Tennessee Wildlife Resources Commission is promulgating this emergency rule regarding operation of vessels on Fort Loudoun Lake, specifically Tennessee River Mile (TRM) 646.2 to 647.0. and on Norris Reservoir, specifically Clinch River Mile (CRM) 120.0 to 120.7. This rule is necessary to insure the safety of recreational boaters and their equipment as well as the safety of the Knoxville Utility Board contracted workers and their equipment on Fort Loudoun Lake and the safety of recreational boaters and their equipment as well as the safety of Tennessee Department of Transportation workers and their equipment on Norris Reservoir.

This area of the river on Fort Loudoun Lake is currently undergoing significant work activities to install sanitary sewer and fresh water lines. Included in this are underwater surveying, underwater blasting, and assembly of underwater pipe. This work area traverses the main channel of the Tennessee River in downtown Knoxville that is impacting unwary or unfamiliar boaters. This area of the river on Norris Reservoir is currently undergoing significant work activities involving the removal of the existing bridge and the construction of a new bridge. This work area is on the Clinch River at the Highway 33 bridge where boating traffic is heavy and congested. Memorial Day weekend is generally the beginning of the boating season.

This emergency rule would provide statutory authority to require persons entering the affected zones to operate at a Slow-No Wake speed. The Commission feels that the normal rule making process would not provide the immediate safeguards sought by the Knoxville Utility Board and the Tennessee Department of Transportation. Therefore, the Tennessee Wildlife Resources Commission feels time is of the essence due to the impending start of the "peak" boating season that significantly increases boating traffic and the adoption of an emergency rule is justified and necessary.

For copies of the entire text of the proposed amendment contact: Darren Rider, Chief of Boating, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204.

Chapter Number	Chapter Title
1660-02-07	Rules and Regulations Governing Operations of Vessels
Rule Numbers	Rule Titles
1660-02-07-.14	Fort Loudoun Lake
1660-02-07-.28	Norris Reservoir

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

Emergency Rule

Rule 1660-02-07-.14 Fort Loudoun Lake

Rule 1660-02-07-.14 Fort Loudoun Lake is amended by adding a new paragraph (8) which shall read as follows:

- (8) All motorboats being operated within the Tennessee River Mile (TRM) 646.2 and TRM 647.0 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.

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

Emergency Rule

Rule 1660-02-07-.28 Norris Reservoir

Rule 1660-02-07-.28 Norris Reservoir is amended by adding a new paragraph (4) which shall read as follows:

- (4) All motorboats being operated within the Clinch River Mile (CRM) 120.0 and CRM 120.7 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 emergency hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown	✓			
Mike Chase	✓			
Johnny Coleman	✓			
Jim Fyke				✓
Ken Givens				✓
Jeffrey H. Griggs	✓			
Mike Hayes	✓			
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 an emergency rule(s), lawfully promulgated and adopted.



Date: 5-25-10

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 5-25-10

Notary Public Signature: Lisa Crawford

My commission expires on: 8-23-11

All emergency 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.
Robert E. Cooper, Jr.
Attorney General and Reporter
5-28-10
Date

Department of State Use Only

Filed with the Department of State on: 5/28/10

Effective for: 180 *days

Effective through: 11/24/10

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett
Tre Hargett
Secretary of State

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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 rule would establish a Slow, No-Wake zone on Fort Loudoun Lake the Tennessee River – Tennessee River Mile (TRM) 646.2 to 647.0 in Knox County and establish a Slow, No Wake zone on Norris Reservoir the Clinch River (CRM) 120.0 to 120.7 in Union 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 establish this rule. There are guidelines and legal directives that must be followed if a lake zoning is established.

- (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 these particular sections of the rivers will be most affected. The Knoxville Utility Board officials and the Tennessee Department of Transportation who are contracting the construction operations in these sections of the rivers urge adoption 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 this rule.

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

Darren Rider, Chief of Boating, TWRA

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

Nat Johnson, Assistant Executive Director, TWRA

- (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, TWRA, P.O. Box 40747, Nashville, TN 37204 (615) 781-6555

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

These no wake zones will include the areas where construction has begun to install sanitary sewer and fresh water lines, removal of an old bridge and the construction of a new bridge. These zones will protect recreational boaters from staged equipment and protect workers that will be above and below the water performing the construction.