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Division of Publications**

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For Department of State Use Only

Sequence Number: 07-01-14
Rule ID(s): 5749
File Date: 7/11/14
Effective Date: 9/29/14

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
1660-01-14	Rules and Regulations for Refuges, Wildlife Management Areas, and Public Hunting Areas
Rule Number	Rule Title
1660-01-14-.03	Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1 and Prentice Cooper Wildlife Management Areas.
1660-01-14-.10	State Operated Wildlife and/or Waterfowl Refuges.
1660-01-14-.13	Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands.

Chapter 1660-01-14
Rules and Regulations for Refuges,
Wildlife Management Areas and Public Hunting Areas

Amendments

Rule 1660-01-14-.03(3), Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1 and Prentice Cooper Wildlife Management Areas, is amended by deleting paragraph (3) in its entirety and inserting new paragraph (3) to read as follows:

- (3) The use of any alcoholic beverage is prohibited on Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1, Prentice Cooper, and Yanahli Wildlife Management Areas, except in designated camping areas.

Authority: T.C.A. §§70-1-206 and 70-4-107.

Administrative History: Original rule certified May 8, 1974. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed February 27, 2004; effective May 12, 2004.

Amendment

Rule 1660-01-14-.10(1), State Operated Wildlife and/or Waterfowl Refuges, is amended by deleting subparagraph (c) from paragraph (1), in its entirety and inserting a new subparagraph (c) to read as follows:

- (c) The concentrating, driving, rallying, or disturbance of waterfowl, cranes, and/or coots by means of the aid of water, land, or air conveyance or by any other means whatsoever is prohibited.

Authority: T.C.A. §§70-1-206 and 70-4-107.

Administrative History: Original rule filed June 8, 1977; effective July 8, 1977. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 27, 1988; effective August 11, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed August 29, 1990; effective October 13, 1990. Amendment filed October 21, 1991; effective December 5, 1991. Amendment filed December 14, 1992; effective January 29, 1993. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed April 4, 1994; effective June 18, 1994. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed September 30, 1997; effective December 13, 1997. Amendment filed July 19, 2001; effective October 2, 2001.

Amendment

Rule 1660-01-14-.13(1), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is amended by deleting subparagraph (c) from paragraph (1), in its entirety and inserting a new subparagraph (c) to read as follows:

- (c) Unauthorized persons are prohibited from being in the wildlife management area during deer, bear, and turkey hunts, except on the Cherokee and Land Between the Lakes Wildlife Management Areas, or as otherwise specified by rule or proclamation.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed June 3, 2008; effective August 17, 2008.

Amendment

Rule 1660-01-14-.13(4), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is further amended by deleting subparagraphs (b) and (c) from paragraph (4) in their entirety, and inserting new subparagraphs (b) and (c) to read as follows:

- (b) Overnight camping may be permitted on designated areas by permission from the Area Manager, except on non-Agency lands where legally promulgated rules specify otherwise. Camping shall not exceed 3 weeks in length from the beginning to the end of the camping stay. Owner's contact information (name, phone number, address) or TWRA ID number and date of arrival must be displayed on camper, tent, vehicle, etc., at all times.
- (c) Houseboats, floats and other watercraft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMAs from the third Thursday of May through the second Tuesday of September. Houseboats, floats and other watercraft are prohibited from blocking access to coves. In addition, mooring lines cannot be placed to prevent cove access or create a boating hazard. Anchoring and/or mooring shall not exceed 21 consecutive days in length from the beginning to the end of the anchoring and/or mooring stay.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed June 3, 2008; effective August 17, 2008.

Amendment

1660-01-14-.13(5), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is further amended by adding new parts 4. and 5. to subparagraph (j), to read as follows:

- (j) 4. Horses and other saddle and pack animals are prohibited at all times on Bridgestone/Firestone Centennial Wilderness, Foothills and Oak Ridge Wildlife Management Areas.
- 5. Horses and other saddle and pack animals are prohibited during big game seasons on Cheatham, Laurel Hill, and Yanahli Wildlife Management Areas.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. 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
Jeffrey H. Griggs	✓			
Chad Baker	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Bill Cox	✓			
Connie King	✓			
Jeff McMillin	✓			
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 4/25/2014 and 05/23/2014 (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: 02/14/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 04/25/2014 and 05/23/2014



Date: 6.23.14

Signature: [Handwritten Signature]

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 6-23-14
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.

RE Cooper Jr
Robert E. Cooper, Jr.
Attorney General and Reporter
6-26-14
Date

Department of State Use Only

Filed with the Department of State on: 7/1/14

Effective on: 9/29/14

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED
2014 JUL -1 AM 11:33
OFFICE OF
SECRETARY OF STATE

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

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 does not anticipate significant impact to small businesses in Tennessee.

On Yanahli WMA, this rule prohibits use of alcohol. Use of alcohol in designated camping areas is not prohibited. It also adds cranes to the list of species that cannot be concentrated, driven, rallied, or disturbed by means of the aid of water, land, or air conveyance or by any other means whatsoever. It removes boar from the list of species that unauthorized persons are prohibited from being in the wildlife management area when hunting is taking place. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay. The rule allows houseboats, floats and other water craft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMA's from the third Thursday of May through the second Tuesday of September. This rule prohibits horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts.

(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:

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;

On Yanahli WMA, this rule prohibits use of alcohol. Use of alcohol in designated camping areas is not prohibited. It also adds cranes to the list of species that cannot be concentrated, driven, rallied, or disturbed by means of the aid of water, land, or air conveyance or by any other means whatsoever. It removes boar from the list of species that unauthorized persons are prohibited from being in the wildlife management area when hunting is taking place. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay. The rule allows houseboats, floats and other water craft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMA's from the third Thursday of May through the second Tuesday of September. This rule prohibits horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts.

- (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 and Wildlife Commission (TFWC) 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 affects recreational boaters on Norris Reservoir and adoption is supported by these entities. This rule also affects non-traditional users of WMAs. This rule excludes horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts. It restricts use of alcohol on the Yanahli WMA, except in designated camping areas. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay.

- (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.

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

Richard Kirk, Region 2 Wildlife Program Manager, 615-837-6020, (Richard.Kirk@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

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

n/a

Red Line Copy

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Fax: 615-741-5133
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Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

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
1660-01-14	Rules and Regulations for Refuges, Wildlife Management Areas, and Public Hunting Areas
Rule Number	Rule Title
1660-01-14-.03	Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1 and Prentice Cooper Wildlife Management Areas.
1660-01-14-.10	State Operated Wildlife and/or Waterfowl Refuges.
1660-01-14-.13	Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands.

Chapter 1660-01-14
Rules and Regulations for Refuges,
Wildlife Management Areas and Public Hunting Areas

Amendments

Rule 1660-01-14-.03(3), Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1 and Prentice Cooper Wildlife Management Areas, is amended by deleting paragraph (3) in its entirety and inserting new paragraph (3) to read as follows:

- (3) ~~The use of any alcoholic beverage is prohibited on Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1, and Prentice Cooper Wildlife Management Areas, except in designated camping areas.~~

- (3) The use of any alcoholic beverage is prohibited on Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit 1, Prentice Cooper and Yanahli Wildlife Management Areas, except in designated camping areas.

Authority: T.C.A. §§70-1-206 and 70-4-107.

Administrative History: Original rule certified May 8, 1974. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed February 27, 2004; effective May 12, 2004.

Amendment

Rule 1660-01-14-.10(1), State Operated Wildlife and/or Waterfowl Refuges, is amended by deleting subparagraph (c) from paragraph (1), in its entirety and inserting a new subparagraph (c) to read as follows:

- (c) ~~The concentrating, driving, rallying, or disturbance of waterfowl and/or coots by means of the aid of water, land, or air conveyance or by any other means whatsoever is prohibited.~~
- (c) The concentrating, driving, rallying, or disturbance of waterfowl, cranes, and/or coots by means of the aid of water, land, or air conveyance or by any other means whatsoever is prohibited.

Authority: T.C.A. §§70-1-206 and 70-4-107.

Administrative History: Original rule filed June 8, 1977; effective July 8, 1977. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 27, 1988; effective August 11, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed August 29, 1990; effective October 13, 1990. Amendment filed October 21, 1991; effective December 5, 1991. Amendment filed December 14, 1992; effective January 29, 1993. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed April 4, 1994; effective June 18, 1994. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed September 30, 1997; effective December 13, 1997. Amendment filed July 19, 2001; effective October 2, 2001.

Amendment

Rule 1660-01-14-.13(1), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is amended by deleting subparagraph (c) from paragraph (1), in its entirety and inserting a new subparagraph (c) to read as follows:

- (c) ~~Unauthorized persons are prohibited from being in the wildlife management area during deer, bear, boar and turkey hunts, except on the Cherokee and Land Between the Lakes Wildlife Management Area, or as otherwise specified by rule or proclamation.~~
- (c) Unauthorized persons are prohibited from being in the wildlife management area during deer, bear, and turkey hunts, except on the Cherokee and Land Between the Lakes Wildlife Management Areas, or as otherwise specified by rule or proclamation.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed June 3, 2008; effective August 17, 2008.

Amendment

Rule 1660-01-14-.13(4), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is further amended by deleting subparagraphs (b) and (c) from paragraph (4) in their entirety, and inserting new subparagraphs (b) and (c) to read as follows:

- (b) ~~Overnight camping may be permitted on designated areas by permission from the Area Manager, except on non-Agency lands where legally promulgated rules specify~~

otherwise. Such camping is subject to the limitations prescribed in the permit, and shall not exceed 3 weeks in length from the beginning to the end of the camping stay.

- (b) Overnight camping may be permitted on designated areas by permission from the Area Manager, except on non-Agency lands where legally promulgated rules specify otherwise. Camping shall not exceed 3 weeks in length from the beginning to the end of the camping stay. Owner's contact information (name, phone number, address) or TWRA ID number and date of arrival must be displayed on camper, tent, vehicle, etc., at all times.
- ~~(c) Houseboats and floats are prohibited from mooring and anchoring overnight along the shorelines of State property on Norris Lake.~~
- (c) Houseboats, floats and other watercraft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMAs from the third Thursday of May through the second Tuesday of September. Houseboats, floats and other watercraft are prohibited from blocking access to coves. In addition, mooring lines cannot be placed to prevent cove access or create a boating hazard. Anchoring and/or mooring shall not exceed 21 consecutive days in length from the beginning to the end of the anchoring and/or mooring stay.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed June 3, 2008; effective August 17, 2008.

Amendment

1660-01-14-.13(5), Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is further amended by adding new parts 4. and 5. to subparagraph (j), to read as follows:

- (j)
 - 4. Horses and other saddle and pack animals are prohibited at all times on Bridgestone/Firestone Centennial Wilderness, Foothills and Oak Ridge Wildlife Management Areas.
 - 5. Horses and other saddle and pack animals are prohibited during big game seasons on Cheatham, Laurel Hill, and Yanahli Wildlife Management Areas.

Authority: T.C.A. §70-1-206.

Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. 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
Jeffrey H. Griggs				
Chad Baker				
Jim Bledsoe				
Harold Cannon				
Bill Cox				
Connie King				
Jeff McMillin				
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 05/23/2014 (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: 02/14/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 04/25/2014 and 05/23/2014

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.

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

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

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

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.

On Yanahli WMA, this rule prohibits use of alcohol. Use of alcohol in designated camping areas is not prohibited. It also adds cranes to the list of species that cannot be concentrated, driven, rallied, or disturbed by means of the aid of water, land, or air conveyance or by any other means whatsoever. It removes boar from the list of species that unauthorized persons are prohibited from being in the wildlife management area when hunting is taking place. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay. The rule allows houseboats, floats and other water craft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMA's from the third Thursday of May through the second Tuesday of September. This rule prohibits horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts.

(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:

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;

On Yanahli WMA, this rule prohibits use of alcohol. Use of alcohol in designated camping areas is not prohibited. It also adds cranes to the list of species that cannot be concentrated, driven, rallied, or disturbed by means of the aid of water, land, or air conveyance or by any other means whatsoever. It removes boar from the list of species that unauthorized persons are prohibited from being in the wildlife management area when hunting is taking place. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay. The rule allows houseboats, floats and other water craft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMA's from the third Thursday of May through the second Tuesday of September. This rule prohibits horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts.

- (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 and Wildlife Commission (TFWC) 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 affects recreational boaters on Norris Reservoir and adoption is supported by these entities. This rule also affects non-traditional users of WMAs. This rule excludes horses and pack animals on Bridgestone Firestone, Oak Ridge and Foothills WMAs, while limiting their activity on Cheatham, Laurel Hill and Yanahli WMAs to time periods other than big game hunts. It restricts use of alcohol on the Yanahli WMA, except in designated camping areas. It limits camping on WMAs to not exceed 3 weeks in length from the beginning to the end of the camping stay.

- (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.

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

Richard Kirk, Region 2 Wildlife Program Manager, 615-837-6020, (Richard.Kirk@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

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

n/a