

Rulemaking Hearing Rules
of the
Tennessee Wildlife Resources Agency

Chapter 1660-1-11
Rules and Regulations Governing Shooting

Amendments

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

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

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

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

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

animals must retain the identification marker(s) placed on the animals while in the surveillance programs.

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

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

- (a) The land area for which a permit will be issued must contain a minimum of twenty (20) acres and this land must be in one continuous tract. No artificial structures or devices can be used to create a hunting or training area less than twenty (20) acres. On wildlife preserves that require fencing, the fencing must be done in a continuous manner along the boundaries in such a fashion to prevent the escape of animals being held by the preserve. On wildlife preserves where big game species are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire and such fence shall be a minimum of eight (8) feet in height. On wildlife preserves where only swine, goats or sheep are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire, and such fence shall be a minimum of four (4) feet in height. On wildlife preserves where foxes and raccoons are hunted, the boundaries must be fenced with woven wire fence of a minimum twelve and half (12.5) gauge wire with a maximum of four (4) inch spacing, anchored at the base and such fence shall be a minimum of seventy-two (72) inches in height. On wildlife preserves where rabbits are hunted, the boundaries must be fenced with wire fence with a maximum of two (2) inch spacing anchored at the base and such fence shall be a minimum of thirty-six (36) inches in height. Wildlife preserve boundaries which are fenced with a minimum of eight (8) foot fencing, must have any entrance to such preserve posted with signs identifying it as a wildlife preserve. Wildlife preserve boundaries that are fenced with less than eight (8) foot fencing or no fencing at all, must have its boundaries posted every fifty (50) yards with signs identifying it as a wildlife preserve. All signs used to identify a wildlife preserve must be at least 8-1/2 inches by 11 inches and have the words "Wildlife Preserve" printed on the sign in letters not less than 1 inch in height on contrasting background.

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

(5) Records

- (a) Permittees will maintain records on forms provided by TWRA showing the number and species of wildlife purchased, the name and address of the source of supply, number and species propagated, the number and species released, and the number and species taken. Also, permittees will maintain records on forms provided by TWRA, listing the name and address of each hunt participant, the date of the hunt and their hunt record. These records are to be kept for a minimum of three (3) years and be available for inspection at the address listed on the permit for the Wildlife Preserve by agents of the Tennessee Wildlife Resources agency upon request.
- (b) Operator and/or owners of a Wildlife Preserve must have at the address indicated on their preserve permit receipts for all animals held, released, hunted, and/or harvested on such preserve. These receipts must have the name and address of the supplier and be signed by such supplier. The receipts are to list species, numbers, sex, and all identifiers for animal(s) listed on such receipt. These receipts are to be provided to agents of TWRA or the Department of Agriculture upon request.

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

Legal Contact and/or party who will approve final copy: Sheryl Holtam, Staff Attorney
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Signature of the agency officer or officers directly responsible for proposing and/or drafting this rule amendment.

Larry Marcum
Chief of Wildlife

The roll-call vote by the Tennessee Wildlife Resources Commission on this rulemaking hearing rule amendment was as follows:

	Aye	No	Abstain
R. B. "Buddy" Baird	_____	_____	_____
Mike Chase	_____	_____	_____
Johnny Coleman	_____	_____	_____
William W. Cox	_____	_____	_____
Thomas H. Edwards	_____	_____	_____
Jim Fyke	_____	_____	_____
Ken Givens	_____	_____	_____
Mike Hayes	_____	_____	_____
Tom Hensley	_____	_____	_____
Gary K. Kimsey	_____	_____	_____
Boyce C. Magli	_____	_____	_____
Jeanette Rudy	_____	_____	_____
Hugh Simonton, Jr.	_____	_____	_____

Attached hereto and made a part of this record is an item entitled "Public Comments".

I certify that this is an accurate and complete copy of rulemaking hearing rule amendment, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on the 25th day of May, 2006.

Further, I certify that this rule amendment is properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 20th day of March, 2006, and such notice of rulemaking hearing having been published in the April, 2006,

issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 25th day of May, 2006.

Gary T. Myers, Secretary

Subscribed and sworn to before me this the ____ day of _____, 2006.

Notary Public

My commission expires : _____

All rulemaking hearing rule amendments 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.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rule amendment set out herein was properly filed in the Department of State on the 13th day of July, 2006, and will become effective on the 26th day of September, 2006.