

Department of State
 Division of Publications
 312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 07-14-14
 Notice ID(s): 2200
 File Date: 7/16/14

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Boating & Law Enforcement
Contact Person:	Lisa Crawford
Address:	TWRA, PO Box 40747, Nashville, TN 37204-0747
Phone:	615-781-6606
Email:	Lisa.Crawford@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Rick Pharris
Address:	TWRA, PO Box 40747, Nashville, TN 37204-0747
Phone:	615-781-6594
Email:	Rick.Pharris@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	TWRA, Region 2 Ray Bell Office Building		
Address 2:	Ellington Agricultural Center, 5105 Edmondson Pike		
City:	Nashville		
Zip:	37211		
Hearing Date :	September 19, 2014		
Hearing Time:	9:00 a.m., local time	<input checked="" type="checkbox"/> CDT	<input type="checkbox"/> EDT

Additional Hearing Information:

--

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.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

Amendment

Rule 1660-01-14-.13, Hunting And Miscellaneous Uses Of Wildlife Management Areas And Other Tennessee Wildlife Resources Agency Controlled Lands, is amended by deleting subparagraphs (1)(d), (2)(b) and (2)(c) in their entirety and by renumbering subparagraph (2)(d) accordingly so that, as amended, the rule shall read:

- (1) General.
 - (a) On management areas, the hunter (except raccoon, opossum, and turkey hunters) may not enter prior to two (2) hours before sunrise, and he must be out of the area by one (1) hour after sunset or legal closing time. Raccoon and opossum hunters must be out of the area one (1) hour after sunrise, except on the Cherokee Wildlife Management Area.
 - (b) Only guides approved by the hunt manager will be allowed on managed hunts and these may not carry guns while guiding unless they possess a valid hunting license, big game stamp and area hunt permit. When compartments are assigned by the hunt manager, hunters must remain in the compartment assigned.
 - (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.
- (2) Safety Rules.
 - (a) No hunt participant shall be in possession of any alcoholic beverage, narcotic drug, barbiturate, or marijuana while hunting within a management area or other Wildlife Resources Agency controlled lands. No individual may be under the influence of these substances at any time while within a management area or other Wildlife Resources Agency controlled lands.
 - (b) Target practice is prohibited except at ranges provided by the Wildlife Resources Agency or the USDA Forest Service. Safety Zones may be designated and posted by the area manager. Safety Zones are defined as an area of protection which may have restricted hunting activities around dwellings, recreation areas, firing and archery ranges and roads.
- (3) Dogs.
 - (a) Use or possession of dogs is prohibited on wildlife management areas or on other Wildlife Resources Agency controlled lands except when authorized by Commission proclamation or regulation.
 - (b) These rules and regulations shall not be construed to conflict with rules and regulations promulgated by any State or Federal Agency with whom the Wildlife Resources Agency manages any area under terms of a cooperative agreement.
 - (c) Any dog found on Wildlife Resources Agency controlled lands shall be impounded and disposed of according to the procedures outlined in T.C.A. §70-4-118.
- (4) Camping And Picnicking.
 - (a) Camping is specifically prohibited at State fish hatcheries. Visiting prohibited between 5 p.m. and 8 a.m.
 - (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.
 - (d) Picnicking is permitted on designated areas.
- (5) Miscellaneous.
- (a) Other use of wildlife management areas and other Wildlife Resources Agency controlled lands is subject to approval of the Executive Director, Regional Manager, Park Superintendent, State Forest Supervisor, National Forest Supervisor, or Forest Service National Recreation Area Supervisor.
 - (b) All motorized vehicles must be muffler equipped to suppress noise and be spark arrestor equipped to prevent fires. Operation of motorized vehicles is confined to roads and trails not designated as closed or as authorized by the Area Manager. On LBL, motorized vehicles are prohibited on all roads and trails not designated as open by signs and/or other appropriate methods. Driving off road into woods, fields, or on foot trails or utility right-of-way is prohibited on all agency owned wildlife management areas. Motorized vehicles may be prohibited on any agency owned wildlife management area if deemed necessary to protect wildlife, vegetation, and/or properties.
 - (c) Vehicles shall not be parked in any manner that will block or deny access to any road or trail.
 - (d) In addition to the above, the following apply to the use of trail bikes, mini-bikes, and other off-highway-vehicles:
 1. Off Highway Vehicles (OHVs) are restricted to use on roads open to other motorized traffic, except where prohibited by state or federal statute, and designated trails only. Roads shall be posted if closed.
 2. OHVs may be prohibited from certain high use areas and at certain times when there is a threat to public safety or wildlife as indicated by signs.
 3. Driving off roads and designated trails into woods, fields, and utility rights of way is prohibited unless otherwise provided.
 4. OHVs may be operated during daylight hours and at other times when participating in authorized activities.
 5. OHVs must be equipped with properly functioning mufflers and spark arresters.
 6. OHVS MAY NOT BE OPERATED IN A RECKLESS OR OTHERWISE UNSAFE MANNER. NO HARASSMENT OR DISTURBANCE OF PEOPLE OR WILDLIFE IS PERMITTED.
 7. ALL INCIDENTS RESULTING IN THE INJURY TO PERSONS OR DAMAGE TO PROPERTY MUST BE REPORTED BY THE PERSON OR PERSONS INVOLVED AS SOON AS POSSIBLE TO THE DISTRICT FORESTER, AREA MANAGER, OR PARK SUPERINTENDENT. THIS REPORT DOES NOT

RELIEVE PERSONS FROM THE RESPONSIBILITY OF MAKING ANY OTHER ACCIDENT REPORTS WHICH MAY BE REQUIRED UNDER STATE LAW.

8. Off Highway Vehicle is any vehicle capable of traveling off highways within the state. The term includes all-terrain vehicles, motorcycles, dune buggies and other four-wheeled vehicles used for off-road activities.
- (e) The use of wire, nails or other metal materials is expressly prohibited in the building or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand attached to a tree with these materials. Portable climbing devices or stands that do not injure trees are excepted from this rule.
- (f) Acts of disorderly, obnoxious, or boisterous conduct, including acts that interfere with the orderly process of hunting, are prohibited. Violators shall be removed from the area and/or prosecuted. When an individual is convicted for a flagrant violation(s) or repeated violations of regulations governing management areas, the Executive Director shall at his discretion bar said individual from all management areas for a period of up to two years of date of written notification.
- (g) No person shall deface, damage, destroy or remove any equipment, structure, trees, fruits, nuts, crops, or other plants, dirt, gravel or sod from any wildlife management area or other Wildlife Resources Agency controlled lands without specific authorization.
- (h) No garbage, rubbish, litter or any refuse, sewage or other material which would pollute said area or waters, or render them unsightly or unsanitary shall be thrown, left or deposited on the area.
- (i) No warming, camping or any type fire shall be allowed except at designated camping areas. Anyone causing a forest fire shall be held liable for the cost of suppression.
- (j) The following apply to the use of saddle and pack animals on Wildlife Management Areas:
1. Horses and other saddle and pack animals are permitted on roads and trails open to motorized traffic and other trails or routes established for their use.
 2. Riding off roads into woods, fields, or on foot trails is prohibited unless otherwise provided.
 3. Horses and other saddle and pack animals may be prohibited from certain high use areas such as campgrounds, picnic areas, main-traveled roads, etc. as indicated by signs.
 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.
- (k) The following shall apply to abandoned and unattended property:
1. Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Area Manager or an authorized person.
 2. Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Area manager or other authorized person, is prohibited and any property so left may be impounded by the Area Manager or an authorized person, and may be disposed of according to state procedures. In

the event unattended property interferes with a safe and orderly management of the area, it may be impounded at any time.

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 filed July 1, 2014; effective September 29, 2014.

Rule 1660-01-14-.14, Hunting And Miscellaneous Uses Of Public Hunting Areas, is amended by deleting paragraph (2) in its entirety and by renumbering the remaining paragraphs accordingly. It is also amended by deleting subparagraph (3)(c) and renumbering subparagraph (d) accordingly so that, as amended, the rule shall read:

- (1) Permits (On Public Hunting Areas Where Required, As Per Agreement)
 - (a) Before any person may hunt on a Public Hunting Area he must possess a valid and appropriate hunt permit purchased from a Public Hunting Area permit agent. This permit must be available for inspection while on the area.
 - (b) A public hunting area permit is subject to cancellation if the permittee violates any of the rules and regulations of the area.
- (2) Safety Rules
 - (a) The hunter's permit is subject to cancellation if he is found to be careless with firearms and no permit fee refund will be made.
 - (b) No hunt participant shall be in possession of any alcoholic beverage, narcotic drug barbiturate, or marijuana while hunting within the Public Hunting Area. No person may be under the influence of these substances while hunting on a Public Hunting Area.
 - (c) Hunting is specifically prohibited inside safety zones on all public hunting areas.
- (3) Miscellaneous
 - (a) All motorized vehicles must be muffler equipped to suppress noise and be spark arrestor equipped to prevent fires. Operation of motorized vehicles is confined to roads not designated as closed and driving off road into woods fields, strip mines, foot trails and utility rights-of-way is prohibited. Enduros, rallies, and/or motocross competition is prohibited on all agency-owned wildlife management areas.
 - (b) Vehicles shall not be parked in any manner which will block or deny access to any road or trail.
 - (c) The use of wire, nails or other metal materials is prohibited in the building or attaching or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand attached to a tree with these materials. Portable climbing devices and stands that do not injure trees are excepted from this rule.
 - (d) No person shall deface, damage, destroy or remove any equipment, structure, sign, trees, plants, dirt or gravel from any Public Hunting Area without proper authorization.
 - (e) No garbage, refuse, litter or sewage shall be left or deposited on a Public Hunting Area.
 - (f) The use of buckshot for hunting and/or taking of deer and turkey is specifically prohibited.
 - (g) The use of ATVs (4 wheelers, 3 wheelers, dirt bikes, etc.) or any unlicensed motorized vehicle is prohibited on the Weyerhaeuser Public Hunting Area.
 - (h) Open fires are prohibited on all public hunting areas.

- (i) Other miscellaneous uses of public hunting areas shall be in accordance with posted notices and/or as indicated on the hunt permit.

Authority: T.C.A. §70-1-206. Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed May 2, 2003; effective July 16, 2003.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 7-15-14

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 7-15-14

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15

Department of State Use Only

Filed with the Department of State on: 7/16/14

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED
2014 JUL 16 PM 12:37
OFFICE OF
SECRETARY OF STATE