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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:	Wildlife
Contact Person:	Lisa Crawford
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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:	Carolyn Wilson
Address:	TWRA, PO Box 40747, Nashville, TN 37204-0747
Phone:	615-781-6594
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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 :	11/20/2008
Hearing Time:	9:00 a.m., local time

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (for additional chapters, copy and paste table)

	Chapter Number	Chapter Title
	1660-01-02	Rules and Regulations for Birds
	Rule Number	Rule Title
	1660-01-02-.02	Migratory Bird Hunting

	Chapter Number	Chapter Title
	1660-01-08	Rules and Regulations of Hunts
	Rule Number	Rule Title
	1660-01-08-.05	Permit Applications and Drawings

	Chapter Number	Chapter Title
	1660-01-11	Rules and Regulations Governing Shooting
	Rule Number	Rule Title
	1660-01-11-.02	Operation of Private Wildlife Preserve

	Chapter Number	Chapter Title
	1660-01-15	Rules and Regulations for Animal Importation
	Rule Number	Rule Title
	1660-01-15-.02	Importation of Wildlife Carcasses, Parts, and Products

	Chapter Number	Chapter Title
	1660-01-27	Rules and Regulations for Hunter Education Centers and Firing Ranges
	Rule Number	Rule Title
	1660-01-27-.04	Stones River Hunter Education Center and Cheatham WMA Firing Range

Chapter 1660-01-02
Rules and Regulations for Birds

Amendment

Rule 1660-01-02-.02(2) Migratory Bird Hunting is amended by deleting Paragraph (c) in its entirety and inserting a new paragraph (c) to read as follows:

(c) Reelfoot Wildlife Management Area

1. Waterfowl hunting on Reelfoot Wildlife Management Area is restricted to hunting from either permanent or temporary blinds as defined herein. For the purpose of this rule, the following definitions apply:
 - (i) A permanent blind is a framed structure as least 4 feet wide, 4 feet high and 8 feet long with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, that is constructed on or moved to either a permanent registered blind site, or a permanent draw blind site. The permanent draw blind is further restricted in size so as not to exceed 30 feet in length and not to exceed 300 total square feet as provided in Rule 1660-01-02-.02(1)(c).
 - (ii) A temporary blind is either a structure assembled or placed for one day of waterfowl hunting or boat that is used for one day of waterfowl hunting or, a site consisting of the

use of natural vegetation or conditions for concealment for one day of waterfowl hunting.

- (iii) A permanent registered blind site is a waterfowl hunting blind site registered in 1986 with the Tennessee Wildlife Resources Agency and identified by geographic coordinates in 1995. These sites may not be relocated.
- 2. Permanent registered blind sites may be registered only by the 1991 registrants.
- 3. In order to annually register a permanent registered blind site, an individual must purchase a Reelfoot waterfowl blind permit Type 025. Registration may be done either in person at any TWRA License agent location or through certified mail between Feb 18 and July 31, inclusive. If registration is in person, the registrant must present a photo ID. To complete the registration process, blind holders must send a signed copy of the Type 025 to the TWRA Sales Office postmarked by July 31. If registered through the mail, a signed and notarized affidavit proving identification must be included and the registration must be postmarked between Feb 18 and July 31, inclusive.
- 4. A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind site. These persons, hereinafter, will be referred to as sign-ons. The permanent registered blind site holder must obtain a type 026 Reelfoot Sign-on Permit for each individual sign-on. Each Type 026 must be signed and notarized and a photocopy submitted by the blind site registrant. Photocopies of each type 026 must be post marked by July 31 to the TWRA Sales Office.
- 5. Failure to annually register a permanent registered blind site between Feb18 and July 31 shall result in the termination of its status as a permanent registered blind site after which it may be designated as a permanent draw blind site, in the discretion of the area manager or an authorized employee of Tennessee Wildlife Resources Agency.

Statutory Authority: T.C.A. §§70-1-206 and 70-5-101

Chapter 1660-01-08
Rules and Regulations of Hunts

Amendment

Rule 1660-01-08-.05 Permit Applications and Drawings, is amended by deleting paragraph (1) in its entirety and inserting a new paragraph (1) to read as follows:

- (1) Quota Big Game Hunt Drawings
 - (a) Each individual desiring to participate in a managed quota deer, bear, turkey, or wild boar hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency, except as indicated in items (i), (j), and (k) below.
 - (b) Applicants may submit only one application, except youths six (6) through sixteen (16) years of age may apply for one additional young sportsman hunt on management areas. If an individual's name (except youths applying for one additional young sportsman hunt as noted above) appears on more than one application, that individual will be rejected, his permit fee forfeited, and he/she will be subject to prosecution.
 - (c) For quota big game hunts on wildlife management areas, applicants must be at least six (6) years of age prior to the date of the hunt.

- (d) All information requested on the application must be completed by the applicant. Failure to clearly specify all information will result in the application being returned.
- (e) Applications must be received by the Tennessee Wildlife Resources Agency as specified on the application. Applications received after this deadline will be returned.
- (f) All persons wishing to hunt together as a party must submit their applications as one unit, indicating identical hunt choices on all individual applications. The number of applicants comprising a party may not exceed fifteen (15) members. If the number of applicants exceeds the maximum party size, all applications of that party will be returned.
- (g) Each application must be accompanied by appropriate fees for each applicant thereon. Unsuccessful applicants will be reimbursed their fee.
- (h) Priority drawings and procedures for qualifying with priority status will be established as indicated on applications.
- (i) A drawing will be held to determine successful applicants. If unfilled hunt quotas exist after the regular drawing a vacancy drawing or drawings will be held to fill those vacancies. Successful and unsuccessful applicants will be notified by mail.
- (j) When vacancies exist following the drawing(s), quotas will be filled by issuing permits to any applicant, on a first-come, first-served basis at Regional Offices, Nashville Office, and at other locations as designated by the Agency. Permits are not transferable. An individual may obtain up to fifteen (15) permits for him/herself or for other individuals at one time, but will be allowed only one (1) permit per person for each available hunt, until all persons waiting in line at that location have had an opportunity to select permits.
- (k) Land Between the Lakes quota hunt drawings – Individuals desiring to participate in a quota hunt on Land Between the Lakes must submit an application as instructed by the USDA Forest Service.

Authority: T.C.A. §70-1-206.

Rule 1660-01-08-.05 Permit Applications and Drawings, is also amended by inserting new paragraph (6) Special Season Quota first-come first-served permits, so it now reads as follows:

- (6) Special Season Quota First-come, First-served Permits
 - (a) Each individual desiring to participate in a managed big game special season quota hunt must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency.
 - (b) Only individuals possessing a valid current Big Game License and youths 10-12 years of age with a valid Hunter Education card may apply. Appropriate fees are required for all special season quota permits unless exempt (Sportsman license holders and persons possessing a type 167 permit).
 - (c) Individuals who qualify to hunt and fish without a license under the terms of T.C.A. 70-2-204 are not required to obtain a permit in order to participate in special season deer or turkey hunts while hunting on lands referred to in T.C.A. 70-2-204.
 - (d) Special Season quotas will be filled by issuing permits to any applicant, on a first-come, first serve basis at Regional Offices, Nashville Office, and at other locations as designated by the Agency. Permits are not transferable.

- (e) Special Season permits will be issued on a first-come first-serve basis beginning the third Wednesday of August. An individual may obtain up to two (2) permits for him/herself and for up to five (5) other individuals. Individuals may obtain more than one (1) permit for the same hunt.
- (f) If permits are left unclaimed prior to the third Wednesday of September, the permits will be treated as leftovers and individuals may obtain up to five (5) permits per person. Individuals may obtain more than one (1) permit for the same hunt. Leftover permits will remain available until December 31st.
- (g) Quota hunts and permit allocation may be considered separately for each individual big game species.

Authority: T.C.A. §70-1-206.

Rule 1660-01-08-.05 Permit Applications and Drawings, is also amended by inserting new paragraph (7) Elk Hunt Quota Permits, so it now reads as follows:

(7) Elk Hunt Quota Permits

- (a) Each individual desiring to participate in a quota elk hunt must submit an application at times specified and as per instructions supplied by the Tennessee Wildlife Resources Agency.
- (b) Applicants may apply only once per year. If more than one application is received per hunter, that individual will be rejected, his fee forfeited, and he will be subject to prosecution.
- (c) Youths under the age of sixteen (16) years of age, on or before the day of the hunt, may apply; however, they must be accompanied by one non-hunting adult at least twenty-one (21) years of age or older who must remain in position to take immediate control of the firearm.
- (d) Only one (1) person may apply per application.
- (e) All information requested at the time of application must be completed; provided, failure to specify all information will result in the application being rejected.
- (f) Each application must be accompanied by a \$10.00 non-refundable handling fee for each applicant, except Sportsman License holders and persons possessing a type 167 permit.
- (g) Successful applicants must also possess appropriate licenses and permits in order to participate in the hunts.
- (h) Successful applicants will not be allowed to re-apply for an elk hunt quota permit for a period of ten (10) years following a successful draw.
- (i) Priority drawings and procedures for qualifying with priority status will be established as indicated by TWRA.
- (j) A computer drawing will be held to determine successful applicants.
- (k) Successful applicants may be subject to hunting in specialized elk compartments as designated by the TWRA.

Non-resident applicants will be restricted to no greater than twenty-five (25) percent of the drawn permits.

Authority: T.C.A. §70-1-206.

Chapter 1660-01-11
Rules and Regulations Governing Shooting

Amendment

1660-01-11-.02, Operation of Private Wildlife Preserve, is amended by adding a new subparagraph (b) to paragraph (2), Permits, to read as follows:

- (b) As of July 1, 2009, no new facilities will be issued a permit for the purpose of possessing and/or harvesting big game species under the authority of a Private Wildlife Preserve Permit.

Statutory Authority: §§70-1-206 and 70-4-413

Chapter 1660-01-15
Rules and Regulations for Animal Importation

Amendment

Rule 1660-01-15-.02 Importation of Wildlife Carcasses, Parts, and Products, is amended by removing subparagraph (1) (b), "Meat that has no portion of the spinal column or head attached," and renumbering the remaining subparagraphs accordingly so that paragraph (1) now reads as follows:

- (1) No person may import, transport, or possess in Tennessee a cervid carcass or carcass part from any area, as proclaimed by the Tennessee Wildlife Resources Commission, that has a known case of chronic wasting disease (CWD) except as provided herein:
 - (a) Meat that has bones removed.
 - (b) Antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull.)
 - (c) Cleaned teeth.
 - (d) Finished taxidermy and antler products.
 - (e) Hides and tanned products.

Authority: T.C.A. §70-1-206.

Chapter 1660-01-27
Rules and Regulations for Hunter Education Centers and Firing Ranges

Amendment

Rule 1660-01-27-.04 Stones River Hunter Education Center And Cheatham Wma Firing Range, is amended by placing a comma after "Stones River Hunter Education Center" and deleting the remainder of the title and then inserting "Yanahli Wma And Cheatham Wma Firing Ranges" in the title, to read as follows:

1660-01-27-.04 Stones River Hunter Education Center, Yanahli Wma And Cheatham Wma Firing Ranges

Statutory Authority: TCA §§ 70-1-206 and 70-4-107