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Sequence Number: 09-33-16
Rule ID(s): 6314
File Date: 9/28/16
Effective Date: 12/27/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Tennessee Wildlife Resources Agency
Division: Director's Office
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-.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
1660-01-14-.14	Hunting and Miscellaneous Uses of Public Hunting Areas

Amendment

1660-01-14-.10, State Operated Wildlife and/or Waterfowl Refuges, is amended by deleting the rule in its entirety and by replacing it with the following:

- (1) The following regulations apply to wildlife and/or waterfowl refuges:
 - (a) The hunting, fishing, killing, taking and/or attempted taking of any species of wildlife is prohibited, except where specifically provided by proclamation.
 - (b) The discharging or firing of any type of weapon within, or into a refuge is prohibited,

except during designated hunts.

- (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.
 - (d) Public use of refuge lands is permitted, except as otherwise prohibited by proclamation or rule. Public use is limited to activities of a temporary nature only.
 - (e) The construction of piers, boathouses, grills, or any other structure which is permanently affixed to the land or water is specifically prohibited on Hiwassee and Paint Rock Refuges.
- (2) The following regulations apply to Amnicola Refuge and Nickajack Cave Refuge:
- (a) Use of alcohol and drugs is prohibited.
 - (b) Camping or loitering is prohibited.
 - (c) Fireworks are prohibited.
 - (d) Picnicking prohibited unless provided for at designated areas.
 - (e) Pets must be confined to leash or carrier.
 - (f) Entrance on and/or use of Amnicola Refuge shall be by written permission only, and only at such time specified in the written permit.
 - (g) The Executive Director of the Tennessee Wildlife Resources Agency or persons designated by him shall have sole authority to grant the permission described above.
 - (h) Persons desiring use of Amnicola Refuge must contact the TWRA Region 3 Office, 464 Industrial Blvd., Crossville, Tennessee 38555 at least 10 days prior to the date for which permission is desired in order to allow adequate time for processing the permit.
 - (i) Trespass by land or water for any use is prohibited on or in the Nickajack Cave Refuge except that use of the observation deck and access trail to the deck is permitted between April 1 and October 15, inclusive, and that fishing by sport fishing methods as set out by statute or proclamation is permitted as long as no vessel or person enters the refuge boundary.

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

Amendment

1660-01-14-.13, Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is amended by deleting the rule in its entirety and by replacing it with the following:

- (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. Amendment filed _____; effective _____.

Amendment

1660-01-14-.14, Hunting and Miscellaneous Uses of Public Hunting Areas, is amended by deleting the rule in its entirety and replacing it with the following:

- (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) 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.
 - (b) 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 and 70-2-225. Administrative History: Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed May 2, 2003; effective July 16, 2003. Amendment filed _____; effective _____.

* 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
Chad Baker	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Jeff Cook	✓			
Bill Cox	✓			
Kurt Holbert	✓			
Connie King	✓			
Jeff McMillan	✓			
Jim Ripley	✓			
Bill Swan	✓			
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 08/19/2016 (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: 06/22/2016

Rulemaking Hearing(s) Conducted on: (add more dates). 08/19/2016

Date: 8/19/16

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 8.19.16

Notary Public Signature: Lisa Crawford

My commission expires on: 3-10-19



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.

Herbert H. Slatery III
 Herbert H. Slatery III
 Attorney General and Reporter
9/21/2016
 Date

Department of State Use Only

Filed with the Department of State on: 9/28/16

Effective on: 12/27/16

Tre Hargett
Tre Hargett
Secretary of State

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PUBLICATIONS

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;

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

(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;

All recordkeeping and administrative costs are estimated to be minimal and would be borne by the Agency through existing staff.

(3) A statement of the probable effect on impacted small businesses and consumers;

The rule as proposed would have no effect on businesses or consumers.

(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 rule puts forth necessary due process protections to fully implement previously passed legislation.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The rule is fairly similar to those that have been passed in participating compact states.

(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.

Businesses, small or otherwise, will not be impacted as there are no requirements placed on business.

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 Agency does not believe that the rule will have any impact on local governments.

Please describe the increase in expenditures or decrease in revenues:

The rule will neither increase expenditures, nor decrease revenues.

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;

As a result of legislative changes to state law, legal possession of firearms has been expanded and this rule still had prohibitions on possession in certain instances that were in conflict with the changes in the law.

- (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;

These rules are being amended in order to accurately reflect changes in Tennessee state law. These amendments will remove the conflicting language, bringing the rules in line with the law.

- (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;

Individuals possessing firearms on TWRA owned lands. There is no opposition or support for these changes.

- (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;

None

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

Chris Richardson, chris.richardson@tn.gov, 615-428-3728

- (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

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

Red Line Copy

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Agency/Board/Commission: Tennessee Wildlife Resources Agency
Division: Director's Office
Contact Person: Lisa Crawford
Address: PO Box 40747, Nashville, TN
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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)

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Rule Number	Rule Title
1660-01-14-.10	State Operated Wildlife and/or Waterfowl Refuges
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Amendment

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- (1) The following regulations apply to wildlife and/or waterfowl refuges:
 - (a) The hunting, fishing, killing, taking and/or attempted taking of any species of wildlife is prohibited, except where specifically provided by proclamation.
 - (b) The discharging or firing of any type of weapon within, or into a refuge is prohibited,

except during designated hunts.

- (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.
 - (d) Public use of refuge lands is permitted, except as otherwise prohibited by proclamation or rule. Public use is limited to activities of a temporary nature only.
 - ~~(e) Weapons are prohibited on lands and waters of refuges at all times, except:
 - 1. Weapons are permitted while traveling through refuges on main river channels.
 - 2. Weapons are permitted during designated hunts.~~
 - (f e) The construction of piers, boathouses, grills, or any other structure which is permanently affixed to the land or water is specifically prohibited on Hiwassee and Paint Rock Refuges.
- (2) The following regulations apply to Amnicola Refuge and Nickajack Cave Refuge:
- (a) Use of alcohol and drugs is prohibited.
 - (b) Camping or loitering is prohibited.
 - (c) ~~Firearms and/or~~ Fireworks are prohibited.
 - (d) Picnicking prohibited unless provided for at designated areas.
 - (e) Pets must be confined to leash or carrier.
 - (f) Entrance on and/or use of Amnicola Refuge shall be by written permission only, and only at such time specified in the written permit.
 - (g) The Executive Director of the Tennessee Wildlife Resources Agency or persons designated by him shall have sole authority to grant the permission described above.
 - (h) Persons desiring use of Amnicola Refuge must contact the TWRA Region 3 Office, 464 Industrial Blvd., Crossville, Tennessee 38555 at least 10 days prior to the date for which permission is desired in order to allow adequate time for processing the permit.
 - (i) Trespass by land or water for any use is prohibited on or in the Nickajack Cave Refuge except that use of the observation deck and access trail to the deck is permitted between April 1 and October 15, inclusive, and that fishing by sport fishing methods as set out by statute or proclamation is permitted as long as no vessel or person enters the refuge boundary.

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

Amendment

1660-01-14-.13, Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Resources Agency Controlled Lands, is amended by deleting the rule in its entirety and by replacing it with the following:

(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.
- ~~(d) Use, possession or transportation of firearms, bows and arrows or other weapons is expressly prohibited except when authorized under these regulations. On areas where overnight camping is permitted weapons must remain in camp except during legal hunting hours.~~

(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) Firearms loaded with ammunition in either the chamber or magazine may not be transported in or on motorized vehicles. Except that, muzzleloaders may be transported in a loaded condition if the percussion cap or primer is removed from the nipple or tube. Flintlock muzzleloaders must have the priming powder removed from the pan, the frizzen open and the vent plugged.~~
- ~~(c) Hunt participants may not carry sidearms while within the management area except during hunts where authorized. Hunt participants may not carry sidearms on their person except during authorized hunting hours on wildlife management area.~~
- (d 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. Amendment filed _____; effective _____.

Amendment

1660-01-14-.14, Hunting and Miscellaneous Uses of Public Hunting Areas, is amended by deleting the rule in its entirety and replacing it with the following:

(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) General~~

- ~~(a) Use, possession or transportation of firearms, bows and arrows or other weapons is expressly prohibited except during times when they may be legally used for hunting. Persons possessing a firearm on Public Hunting Lands are required to have a valid Public Hunting Area permit.~~

(3) 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 a) 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) Firearms loaded with ammunition in either the chamber or magazine may not be transported in or on motorized vehicles. Except that, muzzleloaders may be transported in a loaded condition if the percussion cap or primer is removed from the nipple or tube. Flintlock muzzleloaders must have the priming powder removed from the pan, the frizzen open and the vent plugged.~~
- (d b) Hunting is specifically prohibited inside safety zones on all public hunting areas.

(4) 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 and 70-2-225. **Administrative History:** Original rule filed July 19, 2001; effective October 2, 2001. Amendment filed May 2, 2003; effective July 16, 2003. Amendment filed _____; effective _____.

* 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
Chad Baker				
Jim Bledsoe				
Harold Cannon				
Jeff Cook				
Bill Cox				
Kurt Holbert				
Connie King				
Jeff McMillan				
Jim Ripley				
Bill Swan				
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 _____ (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: _____ (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). _____ (mm/dd/yy)

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: 3-10-19

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.

Herbert H. Slatery III
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	_____
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;

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

(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;

All recordkeeping and administrative costs are estimated to be minimal and would be borne by the Agency through existing staff.

(3) A statement of the probable effect on impacted small businesses and consumers;

The rule as proposed would have no effect on businesses or consumers.

(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 rule puts forth necessary due process protections to fully implement previously passed legislation.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The rule is fairly similar to those that have been passed in participating compact states.

(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.

Businesses, small or otherwise, will not be impacted as there are no requirements placed on business.

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 Agency does not believe that the rule will have any impact on local governments.

Please describe the increase in expenditures or decrease in revenues:

The rule will neither increase expenditures, nor decrease revenues.

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;

As a result of legislative changes to state law, legal possession of firearms has been expanded and this rule still had prohibitions on possession in certain instances that were in conflict with the changes in the law.

- (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;

These rules are being amended in order to accurately reflect changes in Tennessee state law. These amendments will remove the conflicting language, bringing the rules in line with the law.

- (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;

Individuals possessing firearms on TWRA owned lands. There is no opposition or support for these changes.

- (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;

None

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

Chris Richardson, chris.richardson@tn.gov, 615-428-3728

- (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

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



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P.O. BOX 40747
NASHVILLE, TENNESSEE 37204

December 14, 2016

Cody York, Director
Division of Publications
Office of Tennessee Secretary of State Tre Hargett
312 Rosa L. Parks Avenue
8th Floor, William R. Snodgrass Tennessee Tower
Nashville, TN 37243-1102

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SECRETARY OF STATE
PUBLICATIONS

Dear Mr. York:

On a recent agency rule filing, we've identified a typo in the rule filing for chapter 1660-01-14 (sequence number 09-33-16, rule ID 6314, effective 12/27/16):

On page 6 of the filing, the amendment for Rule 1660-01-14-.14(3)(c) states: "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." The phrase "or attaching" is repeated in this sentence and should only appear once.

If you'll please make this correction, we would greatly appreciate it.

Yours truly,

Lisa Crawford
Legal Assistant

/lc

Tennessee Secretary of State

Tre Hargett



Publications Division
312 Rosa L. Parks Avenue, 8th Floor
Nashville, Tennessee 37243-1102

Cody Ryan York
Director of Publications

615-253-4564
Cody.York@tn.gov

December 15, 2016

Ms. Lisa Crawford
Director's Office
Tennessee Wildlife Resources Agency
PO Box 40747
Nashville, TN 37204

Dear Ms. Crawford,

Per your letter received December 14, 2016, we have corrected the typographical error in Rule 1660-01-14-.14.

If you have any questions, please feel free to contact my office at 615-741-2650.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody York", written over a white background.

Cody Ryan York
Director of Publications