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For Department of State Use Only

Sequence Number: 10-07-12
 Rule ID(s): 5315
 File Date: 10/5/12
 Effective Date: 1/3/13

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:	Fisheries
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
1660-01-28	Rules And Regulations Governing License And Permit Fees
Rule Number	Rule Title
1660-1-28-.04	Miscellaneous Licenses, Permits And Fees

Chapter 1660-1-28
 Rules and Regulations Governing Licenses, Permits and Fees
 Amendment

Rule 1660-1-28-.04, Miscellaneous Licenses, Permits and Fees, is hereby amended by adding the Resident Senior Commercial Fishing License (Type 100) at no cost. As amended, the rule shall read:

1660-1-28-.04 MISCELLANEOUS LICENSES, PERMITS AND FEES

(1) Licenses, permits and fees are set out as follows:

Type: Description:

06	Migratory Bird Permit (Harvest Inventory Permit)	\$1.00
07	Facility Fishing License	no cost
12	Apprentice Hunting License	\$10.00
100	Resident Senior Commercial Fisher License	no cost
101	Resident Commercial Fisher License	\$200.00
102	Commercial Helper License - Fishing	\$200.00

103	Nonresident Commercial Fisher License	\$1,000.00
104	Nonresident Commercial Helper License - Fishing.....	\$1,000.00
105	Resident Commercial Musseler License.....	\$200.00
107	Nonresident Commercial Musseler License.....	\$1,000.00
108	Resident Commercial Roe Fish Permit – Supplemental... ..	\$1,000.00
109	Cultured Pearl License	\$1,000.00
110	Nonresident Commercial Roe Fish Permit, Supplemental.....	\$1,500.00
111	Resident Wholesale Roe Fish Permit	\$500.00
112	Nonresident Wholesale Roe Fish Dealer	\$1,000.00
113	Wholesale Fish Dealer's License	\$500.00
115	Wholesale Mussel Dealer's License	\$500.00
116	Nonresident Fish Dealer's License	\$500.00
117	Falconry General Permit – Supplemental	\$60.00
118	Resident Fish Dealer's License.....	\$50.00
120	Nonresident Trapping License	\$400.00
121	Resident/Non-resident Fur Buyer License	\$150.00
122	Falconry Apprentice Permit – Supplemental.....	\$60.00
123	Falconry Master Permit – Supplemental	\$60.00
124	Commercial Wildlife Preserve - Big Game Permit	\$300.00
125	Commercial Wildlife Preserve - Small Game Permit	\$150.00
141	Taxidermist Permit	\$100.00
149	Animal Importation Permit, One Shipment.....	\$25.00
150	Animal Importation Permit, Annual.....	\$200.00
160	Permanent Exhibitor Permit	\$1,000.00
161	Temporary Exhibitor Permit.....	\$250.00
166	Resident Senior Citizen's Permanent License	\$10.00
167	Annual Senior Citizen's Permit - Supplemental	\$40.00
170	Personal Possess Permit, Class I, One Animal,	\$150.00
171	Personal Possess Permit, Class I, Entire Facility,	\$1,500.00
172	Personal Possession Permit, Class II, One Animal	\$25.00
173	Personal Possession Permit, Class II, Entire Facility.	\$250.00
174	Propagation Facility Permit, Small Game/Waterfowl	\$50.00
175	Propagation Facility Permit, Class II, Except Small Game/Waterfowl.....	\$250.00
176	Propagation Facility Permit, Class I	\$2,500.00
189	Resident Permanent Sport Combination Hunting and Fishing License - Permanent Wheelchair Restricted	\$10.00
190	Slat Basket Tag Permit.....	\$8.00
194	Replacement License or Permit – Cost for replacement of one license or permit in a single transaction	\$6.00
195	Replacement License or Permit \$1.00 – Cost for replacement of each additional license or permit in a single Type 194 transaction	\$1.00
197	Resident Permanent Sport Fishing License - Certified Blind	\$10.00
198	Resident Permanent Sport Combination Hunting and Fishing License (Sport Fishing and Hunting License) - Disabled Veterans	\$10.00
199	Resident Permanent Sport Fishing License – Persons Drawing Social Security Benefits Due to Mental Retardation	\$10.00
500	Hunter Education Replacement Card	\$6.00

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

Authority: T.C.A. §70-1-206. **Administrative History:** Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 29, 2005; effective October 12, 2005. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed February 26, 2007; effective May 12, 2007.

* 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
William L. Brown				✓
Jim Bledsoe				✓
Harold Cannon	✓			
Jeffrey H. Griggs	✓			
Julius Johnson				✓
Robert Martineau				✓
Jeff McMillin	✓			
Mitchell S. Parks	✓			
Julie Schuster				✓
Trey Teague	✓			
Eric Wright	✓			
Danya Welch				✓

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 05/18/2012 (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: 03/23/2012

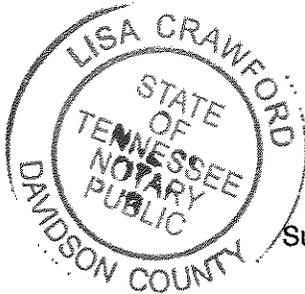
Rulemaking Hearing(s) Conducted on: (add more dates). 05/18/2012

Date: 5-31-12

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 5-31-12

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.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
9-25-12

Date

Department of State Use Only

Filed with the Department of State on: 10/5/12

Effective on: 1/3/13

Tre Hargett by Mary Kay, PA

Tre Hargett
Secretary of State

RECEIVED
2012 OCT -5 PM 12:20
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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: 1660-01-28-.04

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 anticipates no negative impact to small businesses.

- (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 change in reporting, recordkeeping, or other administrative costs to incorporate the proposed rule change into the existing the TWRA system.

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

The Commission anticipates no effect or impact to small businesses and 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 Commission anticipates no negative impact to small businesses.

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

The Commission is not aware of any 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 negative impact to small businesses.

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?

We do not anticipate any significant fiscal impact to local governments as a result of this rule amendment.

Please describe the increase in expenditures or decrease in revenues:

We do not anticipate any increase in expenditures or decrease in 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;

The Resident Senior Commercial Fishing License (Type 100) had been inadvertently left off of the original rule filing. This type is issued at no charge to those residents 70 years old or older in accordance with TCA §70-2-205(f).

- (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;

We are not aware of any federal law or regulation or any state law or regulations that directly relate to this rule.

- (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;

The Tennessee Wildlife Resources Agency is affected most directly by this rule. The Tennessee Wildlife Resources Agency is urging adoption of this rule.

- (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;

We do not anticipate any significant fiscal impact to the Agency, local or state revenues as a result of this rule amendment.

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

Eric Ganus, Fisheries Biologist, possesses substantial knowledge and understanding of this rule.
Eric.Ganus@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, 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

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

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

This rule change lessens the burden to commercial fishers by decreasing license cost.

Red Line Copy

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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:	Fisheries
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
1660-01-28	Rules And Regulations Governing License And Permit Fees
Rule Number	Rule Title
1660-1-28-.04	Miscellaneous Licenses, Permits And Fees

Chapter 1660-1-28
Rules and Regulations Governing Licenses, Permits and Fees
Amendment

Rule 1660-1-28-.04, Miscellaneous Licenses, Permits and Fees, is hereby amended by adding the Resident Senior Commercial Fishing License (Type 100) at no cost. As amended, the rule shall read:

1660-1-28-.04 MISCELLANEOUS LICENSES, PERMITS AND FEES

(1) Licenses, permits and fees are set out as follows:

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06	Migratory Bird Permit (Harvest Inventory Permit).....	\$1.00
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12	Apprentice Hunting License.....	\$10.00
100	Resident Senior Commercial Fisher License	no cost
101	Resident Commercial Fisher License.....	\$200.00
102	Commercial Helper License - Fishing.....	\$200.00

103	Nonresident Commercial Fisher License.....	\$1,000.00
104	Nonresident Commercial Helper License - Fishing.....	\$1,000.00
105	Resident Commercial Musseler License.....	\$200.00
107	Nonresident Commercial Musseler License.....	\$1,000.00
108	Resident Commercial Roe Fish Permit – Supplemental.....	\$1,000.00
109	Cultured Pearl License.....	\$1,000.00
110	Nonresident Commercial Roe Fish Permit, Supplemental.....	\$1,500.00
111	Resident Wholesale Roe Fish Permit.....	\$500.00
112	Nonresident Wholesale Roe Fish Dealer.....	\$1,000.00
113	Wholesale Fish Dealer's License.....	\$500.00
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121	Resident/Non-resident Fur Buyer License.....	\$150.00
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149	Animal Importation Permit, One Shipment.....	\$25.00
150	Animal Importation Permit, Annual.....	\$200.00
160	Permanent Exhibitor Permit.....	\$1,000.00
161	Temporary Exhibitor Permit.....	\$250.00
166	Resident Senior Citizen's Permanent License.....	\$10.00
167	Annual Senior Citizen's Permit - Supplemental.....	\$40.00
170	Personal Possess Permit, Class I, One Animal,.....	\$150.00
171	Personal Possess Permit, Class I, Entire Facility,.....	\$1,500.00
172	Personal Possession Permit, Class II, One Animal.....	\$25.00
173	Personal Possession Permit, Class II, Entire Facility.....	\$250.00
174	Propagation Facility Permit, Small Game/Waterfowl.....	\$50.00
175	Propagation Facility Permit, Class II, Except Small Game/Waterfowl.....	\$250.00
176	Propagation Facility Permit, Class I.....	\$2,500.00
189	Resident Permanent Sport Combination Hunting and Fishing License - Permanent Wheelchair Restricted.....	\$10.00
190	Slat Basket Tag Permit.....	\$8.00
194	Replacement License or Permit – Cost for replacement of one license or permit in a single transaction.....	\$6.00
195	Replacement License or Permit \$1.00 – Cost for replacement of each additional license or permit in a single Type 194 transaction.....	\$1.00
197	Resident Permanent Sport Fishing License - Certified Blind.....	\$10.00
198	Resident Permanent Sport Combination Hunting and Fishing License (Sport Fishing and Hunting License) - Disabled Veterans.....	\$10.00
199	Resident Permanent Sport Fishing License – Persons Drawing Social Security Benefits Due to Mental Retardation.....	\$10.00
500	Hunter Education Replacement Card.....	\$6.00

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

Authority: T.C.A. §70-1-206. **Administrative History:** Original rule filed February 10, 2005; effective April 26, 2005. Amendment filed July 29, 2005; effective October 12, 2005. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed February 26, 2007; effective May 12, 2007.

* 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
William L. Brown				
Jim Bledsoe				
Harold Cannon				
Jeffrey H. Griggs				
Julius Johnson				
Robert Martineau				
Jeff McMillin				
Mitchell S. Parks				
Julie Schuster				
Trey Teague				
Eric Wright				
Danya Welch				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 05/18/2012 (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: 03/23/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 05/18/2012

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: _____

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: 1660-01-28-.04

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 anticipates no negative impact to small businesses.

(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 change in reporting, recordkeeping, or other administrative costs to incorporate the proposed rule change into the existing the TWRA system.

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

The Commission anticipates no effect or impact to small businesses and 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 Commission anticipates no negative impact to small businesses.

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

The Commission is not aware of any 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 negative impact to small businesses.

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?

We do not anticipate any significant fiscal impact to local governments as a result of this rule amendment.

Please describe the increase in expenditures or decrease in revenues:

We do not anticipate any increase in expenditures or decrease in 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;

The Resident Senior Commercial Fishing License (Type 100) had been inadvertently left off of the original rule filing. This type is issued at no charge to those residents 70 years old or older in accordance with TCA §70-2-205(f).

- (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;

We are not aware of any federal law or regulation or any state law or regulations that directly relate to this rule.

- (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;

The Tennessee Wildlife Resources Agency is affected most directly by this rule. The Tennessee Wildlife Resources Agency is urging adoption of this rule.

- (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;

We do not anticipate any significant fiscal impact to the Agency, local or state revenues as a result of this rule amendment.

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

Eric Ganus, Fisheries Biologist, possesses substantial knowledge and understanding of this rule.
Eric.Ganus@tn.gov

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, 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

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

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

This rule change lessens the burden to commercial fishers by decreasing license cost.