

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 11-15-10
Rule ID(s): 4870
File Date: 11/17/2010
Effective Date: 02/15/2011

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Wildlife
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
1660-01-08	Rules and Regulations of Hunts
Rule Number	Rule Title
1660-01-08-.05	Permit Applications and Drawings

Chapter 1660-01-08
Rules and Regulations Governing Hunts

Amendments

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

(1) Quota Big Game Hunt Drawings

- (g) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Rule 1660-01-08-.05 Permit Applications and Drawings, Waterfowl quota hunt computer drawing and allocation procedures, is amended by deleting paragraph (3)(h) in its entirety and inserting a new paragraph (3)(h) to read as follows:

(3) Waterfowl quota hunt computer drawing and allocation procedures

- (h) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Rule 1660-01-08-.05 Permit Applications and Drawings, WMA Quota Hunts First-Come, First-Served Permits, is amended by deleting paragraph (6), Special Season Quota First-come, First-served Permits, in its entirety and renumbering the remaining paragraphs accordingly.

Rule 1660-01-08-.05 Permit Applications and Drawings, Elk Hunt Quota Permits, is amended by deleting paragraph (6)(f) in its entirety and inserting a new paragraph (6)(f) to read as follows:

(6) Elk Hunt Quota Permits

- (f) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Authority: T.C.A. §§70-1-206 and 70-4-107.

The roll-call vote by the Tennessee Wildlife Resources Commission on these rulemaking hearing rules was as follows:

Table with 5 columns: Board Member, Aye, No, Abstain, Absent. Rows include names like William L. Brown, Mike Chase, Johnny Coleman, etc., with checkmarks indicating votes.

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 10/28/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 8/27/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 10/28/2010



Date: 11-2-10

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: 11-2-10

Notary Public Signature: *Luis Crawford*

My commission expires on: 8-23-11

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.

RE Cooper Jr

Robert E. Cooper, Jr.
Attorney General and Reporter

11-9-10

Date

Department of State Use Only

Filed with the Department of State on: 11/17/2010

Effective on: 02/15/2011

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: 1660-01-08-05
Rules and Regulations Governing Hunts
Permit Applications and Drawings

New _____
Amendment X
Repeal _____

-
- There were no public comments to the above-described rule.
 - Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 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 does not anticipate significant impact to small businesses in Tennessee. The rule establishes different procedures for obtaining special WMA waterfowl hunting permits and should not affect current business activities.

(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 record keeping associated with this rule.

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

The Commission anticipates no probable effect to small businesses.

(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 is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome 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 probable effect to small businesses and exemptions to this rule would likely not be beneficial.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule to 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 Commission does not anticipate any financial impact on local governments.

Please describe the increase in expenditures or decrease in revenues:

The Commission anticipates no effect on expenditures or revenues of local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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 rule amendment changes the fee requirement to a non-refundable handling fee for Big Game Quota Hunts, Waterfowl Quota Hunts, and Elk Quota Hunts, and removes the requirement for a permit fee for big game quota hunts. Successful applicants will receive a permit for the drawn hunt; unsuccessful applicants will not receive a refund of their application fee. The rule also deletes the section on Special Season First-come, First-serve Permits.

- (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;

TCA §§70-1-206 and 70-4-107 grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate rules and regulations regarding hunts.

- (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 and big game hunters who apply for big game quota hunts on Wildlife Management Areas are 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. We do expect for administrative costs of implementing the quota hunt program to decrease, due to eliminating the need to print refund checks for unsuccessful applicants.

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

Greg Wathen, Chief of Wildlife, possesses substantial knowledge and understanding of this rule.

- (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.

N/A.

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Chapter 1660-01-08
Rules and Regulations Governing Hunts

Amendments

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

- (4) Quota Big Game Hunt Drawings
 - (g) ~~Each application must be accompanied by appropriate fees for each applicant thereon. Unsuccessful applicants will be reimbursed their fee.~~
- (1) Quota Big Game Hunt Drawings
 - (g) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Rule 1660-01-08-.05 Permit Applications and Drawings, Waterfowl quota hunt computer drawing and allocation procedures, is amended by deleting paragraph (3)(h) in its entirety and inserting a new paragraph (3)(h) to read as follows:

- (3) ~~Waterfowl quota hunt computer drawing and allocation procedures~~

(h) ~~Each application must be accompanied by a \$10.00 non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).~~

(3) Waterfowl quota hunt computer drawing and allocation procedures

(h) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Rule 1660-01-08-.05 Permit Applications and Drawings, WMA Quota Hunts First-Come, First-Served Permits, is amended by deleting paragraph (6), Special Season Quota First-come, First-served Permits, in its entirety and renumbering the remaining paragraphs accordingly.

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(6) Elk Hunt Quota Permits

(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.~~

(6) Elk Hunt Quota Permits

(f) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).

Authority: T.C.A. §§70-1-206 and 70-4-107.

The roll-call vote by the Tennessee Wildlife Resources Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown				
Mike Chase				
Johnny Coleman				
Jim Fyke				
Ken Givens Terry Oliver				
Jeffrey H. Griggs				
Mike Hayes				
Jeff McMillin				
Mitchell S. Parks				
Julie Schuster				
Todd A. Shelton				
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 10/28/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 8/27/2010

Rulemaking Hearing(s) Conducted on: (add more dates). 10/28/2010

Date: _____

Signature: _____