

**Department of State
Division of Publications**

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Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

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Sequence Number: 12-10-14
Rule ID(s): 5847
File Date: 12/9/14
Effective Date: 3/9/15

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:	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 Governing Hunts
Rule Number	Rule Title
1660-01-08-.03	Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands
1660-01-08-.05	Permit Applications and Drawings

Chapter 1660-01-08
Rules and Regulations of Hunts

Amendments

Rule 1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands, paragraph (3) subparagraph (a) is amended by adding Headwaters and Parker Branch Wildlife Management Areas so that, as amended, the rule shall read:

AEDC	Forks of the River	North Chickamauga Creek
Alpine Mountain	Haley-Jaqueth	North Cumberland
Arnold Hollow	Harmon Creek	Oak Ridge
Bark Camp Barrens	Haynes Bottom	Obion River
Barkley	Headwaters	Old Hickory
Bean Switch Refuge	Henderson Island Refuge	Old Hickory Lock 5 Refuge
Bear Hollow Mountain	Hick Hill	Owl Hollow Mill
Beaver Dam Creek	Hickory Flat	Paint Rock Refuge
Big Sandy (including Gin Creek)	Hiwassee Refuge	Parker Branch
Bogota	Hop-In Refuge	Pea Ridge
Bridgestone/Firestone	Horns Bluff Refuge	Percy Priest

Centennial Wilderness	Jackson Swamp	Perryville
Browntown	Jarrell Switch Refuge	Prentice Cooper
Buffalo Springs	John Tully	Rankin
Camden	Keyes-Harrison	Shelton Ferry
Catoosa	Kingston Refuge	Skinner Mountain
Cedar Hill Swamp	Kyker Bottoms Refuge	South Fork Refuge
Charlotte Ann Finnell Neal	Kyles Ford	Tellico Lake
Cheatham	Laurel Hill	Thorny Cypress
Cheatham Lake	Lick Creek	Tie Camp
Chickamauga	Lick Creek Bottoms	Tigrett
Chuck Swan	Luper Mountain	The Boils
Cordell Hull	Maness Swamp Refuge	Three Rivers
Cordell Hull Refuge	Maple Springs	Tumbleweed
Cove Creek	Meeman-Shelby Forest	Watts Bar
C. M. Gooch	Mingo Swamp	West Sandy
Cummings Cove	Moss Island	White Lake Refuge
Cypress Pond	Mount Roosevelt	White Oak
Dry Creek	MTSU	Williamsport
Eagle Creek	Natchez Trace	Wolf River
Eagle Lake Refuge	New Hope	Woods Reservoir Refuge
Ernest Rice Sr.	Nolichucky	Yanahli
Flintville Hatchery	Normandy	Yuchi Refuge
Foothills		

Rule 1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and Other Agency Controlled Lands, paragraph (3) subparagraph (b) is amended by adding Bean Switch Refuge, Cypress Pond Refuge, Eagle Lake Refuge, Headwaters Wildlife Management Area, and Parker Branch Wildlife Management Area so that, as amended, the rule shall read:

AEDC	Headwaters	Obion River
Barkley	Hiwassee Refuge	Old Hickory
Bean Switch Refuge	Horns Bluff Refuge	Parker Branch
Big Sandy (including Gin Creek)	Jackson Swamp	Percy Priest
Bogota	Jarrell Switch Refuge	Shelton Ferry
C.M. Gooch	John Tully	South Fork Refuge
Camden	Moss Island	The Boils
Cedar Hill Swamp	Lick Creek	Thorny Cypress
Charlotte Ann Finnell Neal	Lick Creek Bottoms	Three Rivers
Cheatham Lake	Meeman-Shelby Forest	Tigrett
Chickamauga	Mingo Swamp	Tumbleweed
Cordell Hull	Moss Island	Watts Bar
Cordell Hull Refuge	New Hope	West Sandy
Cypress Pond Refuge	Nolichucky	White Oak
Eagle Lake Refuge	North Chickamauga Creek	Wolf River
Ernest Rice Sr.	Paint Rock Refuge	Yanahli
Harmon Creek	Oak Ridge	Yuchi Refuge
Haynes Bottom		

Rule 1660-01-08-.03 Permit Requirements – Wildlife Management Areas, Refuges and other agency controlled lands, paragraph (3) subparagraph (c) is amended by adding Headwaters and Parker Branch Wildlife Management Areas so that, as amended, the rule shall read:

AEDC	Fall Creek Falls State Park	Normandy
Alpine Mountain	Flintville Hatchery	North Chickamauga Creek
Arnold Hollow	Foothills	North Cumberland
Bark Camp Barrens	Forks of the River	Oak Ridge
Barkley	Gallatin Steam Plant	Obion River
Bear Hollow Mountain	Haley-Jaqueth	Old Hickory

Bean Switch Refuge	Harmon Creek	Old Hickory Lock 5 Refuge
Beaver Dam Creek	Haynes Bottom	Owl Hollow Mill
Big Sandy (including Gin Creek)	Headwaters	Paint Rock Refuge
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Browntown	Hiwassee Refuge	Perryville
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Edgar Evins State Park	Natchez Trace	Woods Reservoir Refuge
Enterprise South Park	New Hope	Yanahli
Ernest Rice Sr.	Nolichucky	Yuchi Refuge

Authority: T.C.A. §§70-1-206, 70-2-201, 70-4-107 and 70-5-101. Administrative History: Original rule certified May 8, 1974. Amendment filed July 18, 1974; effective August 18, 1974. Amendment filed December 23, 1974; effective January 23, 1975. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed October 8, 1975; effective November 7, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed October 22, 1976; effective November 22, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed January 24, 1984; effective February 23, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed July 25, 1986; effective September 8, 1986. Amendment filed July 8, 1987; effective August 22, 1987. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 19, 1993. Amendment filed September 26, 1996; effective December 10, 1996. Amendments filed August 16, 1999; effective October 30, 1999. Amendment filed July 1, 2000; effective September 23, 2000. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendment filed July 29, 2004; effective October 12, 2004. Amendment filed July 12, 2005; effective September 25, 2005. Amendment filed October 25, 2005; effective January 8, 2006. Amendment filed June 22, 2006; effective September 5, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 25, 2008; effective September 8, 2008. Amendment filed April 4, 2012; effective July 3, 2012.

Rule 1660-01-08-.05 Permit Applications and Drawings is amended by changes to section (1) (e), (f) and (j), clarifying portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and by adding a new paragraph (8) which outlines the procedures for the Sandhill Crane quota permit drawing, so that, as amended, the rule shall read:

- (1) Quota Big Game Hunt Drawings

- (a) Each individual desiring to participate in a managed quota deer, bear, or turkey hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency, except as indicated in items (i), (j), and (k) below.
 - (b) Applicants may submit only one application, except youths six (6) through sixteen (16) years of age may apply for one additional young sportsman hunt on management areas. If an individual's name (except youths applying for one additional young sportsman hunt as noted above) appears on more than one application, that individual will be rejected, his permit fee forfeited, and he/she will be subject to prosecution.
 - (c) For quota big game hunts on wildlife management areas, applicants must be at least six (6) years of age prior to the date of the hunt.
 - (d) All information requested on the application must be completed by the applicant. Failure to clearly specify all information will result in an invalid application.
 - (e) Applications must be received by the Tennessee Wildlife Resources Agency as specified on the application. Applications cannot be accepted after the deadline.
 - (f) Persons may apply as an individual or with up to 14 other individuals as a "party". Specific instructions to apply as a party will be available on the Agency's website and available on the Quota Hunt Instruction Sheet, available at license vendors.
 - (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).
 - (h) Priority drawings and procedures for qualifying with priority status will be established as indicated on applications.
 - (i) A drawing will be held to determine successful applicants. If unfilled hunt quotas exist after the regular drawing a vacancy drawing or drawings will be held to fill those vacancies. Successful and unsuccessful applicants will be notified by mail.
 - (j) When vacancies exist following the drawing(s), quotas will be filled by issuing permits to any applicant, on a first-come, first-served basis at locations designated by the Agency. Permits are not transferable. An individual may obtain only one (1) leftover permit per person and may obtain leftover permits for other individuals (limit of one leftover permit per person) if they provide the required information for individuals they are representing.
 - (k) Land Between the Lakes quota hunt drawings – Individuals desiring to participate in a quota hunt on Land Between the Lakes must submit an application as instructed by the USDA Forest Service.
- (8) Sandhill Crane Quota Permit Computer Drawing and Handheld Allocation Procedures.
- (a) Permits will be issued by handheld drawing(s) on-site or near hunt zone(s) or by a computer drawing to determine successful applicants.
 - (b) Each individual desiring to participate in a quota permit drawing must submit an application during the application period specified and per the instructions supplied by the Tennessee Wildlife Resources Agency (hereafter "Agency").
 - (c) Applicants may submit one application per year. If more than one application is received per hunter, that individual's applications will be rejected.
 - (d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.

- (e) If a handheld drawing is conducted, a current Hunting & Fishing License and Waterfowl license are required to apply for the permit. If a computerized drawing is conducted, each application must be accompanied by a non-refundable handling fee, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).
- (f) If a computerized drawing is conducted, priority drawings and procedures for qualifying with priority status will be established as indicated on the application.
- (g) When permits remain following the drawing(s), leftover permits will be available on a first-come, first-served basis either at Regional Offices and other locations designated by the Agency or on the Agency web site. An individual may obtain permits for up to 5 other individuals if they provide proof that the individuals they are representing meet the minimum licensing requirements (as outlined in (e)). Individuals wishing to obtain permits for others may obtain one permit at a time and only by returning to the end of the line (at handheld drawings) for each additional permit they wish to obtain.
- (h) Successful applicants must possess appropriate licenses and permits in order to participate in the hunt(s).
- (i) Successful applicants may be required to pass a bird identification test; specific requirements will be outlined by the Agency in the Sandhill Crane Quota Permit Application.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107, and 70-5-101. Administrative History: Original rule filed July 19, 1976; effective August 18, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 28, 1979; effective October 12, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed February 6, 1981; effective March 23, 1981. Amendment filed August 12, 1982; effective August 31, 1982. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed April 22, 1988; effective June 6, 1988. Amendment filed September 1, 1988; effective October 16, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed June 11, 1992; effective July 26, 1992. Amendment filed February 12, 1996; effective April 27, 1996. Amendment filed July 26, 1996; effective October 7, 1996. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed March 4, 1998; effective May 18, 1998. Amendment filed May 20, 1998; effective August 3, 1998. Amendments filed September 17, 1998; effective December 1, 1998. Amendment filed July 13, 1999; effective September 26, 1999. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendments filed July 12, 2005; effective September 25, 2005. Amendments filed October 25, 2005; effective January 8, 2006. Amendment filed June 20, 2006; effective September 3, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 5, 2008; withdrawn June 5, 2008. Amendment filed June 11, 2008; effective August 25, 2008. Amendments filed January 5, 2009; effective March 21, 2009. Amendment filed April 1, 2009; effective June 15, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendments filed November 17, 2010; effective February 15, 2011. Amendments filed April 4, 2012; effective July 3, 2012.

* 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
Jeffrey H. Griggs	✓			
Chad Baker	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Bill Cox	✓			
Connie King	✓			
Jeff McMillin	✓			
Tom Rice	✓			
Jim Ripley	✓			
James Stroud	✓			
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 8/29/2014 (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: 06/18/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 08/29/2014

Date: 8/29/14

Signature: [Signature]

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 8.29.14

Notary Public Signature: [Signature]

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.

[Signature]

Herbert H. Slatery III
Attorney General and Reporter

11/25/2014
Date

Department of State Use Only

Filed with the Department of State on: 12/9/14

Effective on: 3/9/15

[Signature]
Tre Hargett

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

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 does not anticipate significant impact to small businesses in Tennessee. Rule 1660-01-08-.03 is amended to add Headwaters and Parker Branch Wildlife Management Areas and Bean Switch Refuge, Cypress Pond Refuge, and Eagle Lake Refuge to the list of agency controlled lands. Rule 1660-01-08-.05 is amended to clarify portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and to outline the procedures for the Sandhill Crane quota permit drawing.

(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 unaware of 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 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 is not aware of any projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

n/a

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;

Rule 1660-01-08-.03 is amended to add Headwaters and Parker Branch Wildlife Management Areas and Bean Switch Refuge, Cypress Pond Refuge, and Eagle Lake Refuge to the list of agency controlled lands. Rule 1660-01-08-.05 is amended to clarify portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and to outline the procedures for the Sandhill Crane quota permit drawing.

- (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 grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate rules and regulations.

- (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;

This rule affects recreational hunters and adoption is supported by these entities.

- (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;

The impact to state government revenues and expenditures is minimal as a result of this rule amendment.

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

Gray Anderson, Assistant Chief of Wildlife and Forestry, 615-781-6613, Gray.Anderson@tn.gov

- (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.

n/a

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AEDC	Headwaters	Obion River
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Enterprise South Park	New Hope	Yanahli
Ernest Rice Sr.	Nolichucky	Yuchi Refuge

Authority: T.C.A. §§70-1-206, 70-2-201, 70-4-107 and 70-5-101. Administrative History: Original rule certified May 8, 1974. Amendment filed July 18, 1974; effective August 18, 1974. Amendment filed December 23, 1974; effective January 23, 1975. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed October 8, 1975; effective November 7, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed October 22, 1976; effective November 22, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed March 2, 1978; effective April 1, 1978. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed January 24, 1984; effective February 23, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed July 25, 1986; effective September 8, 1986. Amendment filed July 8, 1987; effective August 22, 1987. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 19, 1993. Amendment filed September 26, 1996; effective December 10, 1996. Amendments filed August 16, 1999; effective October 30, 1999. Amendment filed July 1, 2000; effective September 23, 2000. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendment filed July 29, 2004; effective October 12, 2004. Amendment filed July 12, 2005; effective September 25, 2005. Amendment filed October 25, 2005; effective January 8, 2006. Amendment filed June 22, 2006; effective September 5, 2006. Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 25, 2008; effective September 8, 2008. Amendment filed April 4, 2012; effective July 3, 2012.

Rule 1660-01-08-.05 Permit Applications and Drawings is amended by changes to section (1) (e), (f) and (j), clarifying portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and by adding a new paragraph (8) which outlines the procedures for the Sandhill Crane quota permit drawing, so that, as amended, the rule shall read:

- (1) Quota Big Game Hunt Drawings

- (a) Each individual desiring to participate in a managed quota deer, bear, or turkey hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency, except as indicated in items (i), (j), and (k) below.
- (b) Applicants may submit only one application, except youths six (6) through sixteen (16) years of age may apply for one additional young sportsman hunt on management areas. If an individual's name (except youths applying for one additional young sportsman hunt as noted above) appears on more than one application, that individual will be rejected, his permit fee forfeited, and he/she will be subject to prosecution.
- (c) For quota big game hunts on wildlife management areas, applicants must be at least six (6) years of age prior to the date of the hunt.
- (d) All information requested on the application must be completed by the applicant. Failure to clearly specify all information will result in an invalid the application being returned.
- (e) Applications must be received by the Tennessee Wildlife Resources Agency as specified on the application. Applications cannot be accepted received after the this deadline will be returned.
- (f) All persons wishing to hunt together as a party must submit their applications as one unit, indicating identical hunt choices on all individual applications. The number of applicants comprising a party may not exceed fifteen (15) members. If the number of applicants exceeds the maximum party size, all applications of that party will be returned. Persons may apply as an individual or with up to 14 other individuals as a "party". Specific instructions to apply as a party will be available on the Agency's website and available on the Quota Hunt Instruction Sheet, available at license vendors.
- (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).
- (h) Priority drawings and procedures for qualifying with priority status will be established as indicated on applications.
- (i) A drawing will be held to determine successful applicants. If unfilled hunt quotas exist after the regular drawing a vacancy drawing or drawings will be held to fill those vacancies. Successful and unsuccessful applicants will be notified by mail.
- (j) When vacancies exist following the drawing(s), quotas will be filled by issuing permits to any applicant, on a first-come, first-served basis at Regional Offices, Nashville Office, and at other locations as designated by the Agency. Permits are not transferable. An individual may obtain up to fifteen (15) permits for him/herself or for other individuals at one time, but will be allowed only one (1) leftover permit per person and may obtain leftover permits for other individuals (limit of one leftover permit per person) if they provide the required information for individuals they are representing for each available hunt, until all persons waiting in line at that location have had an opportunity to select permits.
- (k) Land Between the Lakes quota hunt drawings – Individuals desiring to participate in a quota hunt on Land Between the Lakes must submit an application as instructed by the USDA Forest Service.

(8) Sandhill Crane Quota Permit Computer Drawing And Handheld Allocation Procedures.

- (a) Permits will be issued by handheld drawing(s) on-site or near hunt zone(s) or by a computer drawing to determine successful applicants.

- (b) Each individual desiring to participate in a quota permit drawing must submit an application during the application period specified and per the instructions supplied by the Tennessee Wildlife Resources Agency (hereafter "Agency").
- (c) Applicants may submit one application per year. If more than one application is received per hunter, that individual's applications will be rejected.
- (d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.
- (e) If a handheld drawing is conducted, a current Hunting & Fishing License and Waterfowl license are required to apply for the permit. If a computerized drawing is conducted, each application must be accompanied by a non-refundable handling fee, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Permit (type 167).
- (f) If a computerized drawing is conducted, priority drawings and procedures for qualifying with priority status will be established as indicated on the application.
- (g) When permits remain following the drawing(s), leftover permits will be available on a first-come, first-served basis either at Regional Offices and other locations designated by the Agency or on the Agency web site. An individual may obtain permits for up to 5 other individuals if they provide proof that the individuals they are representing meet the minimum licensing requirements (as outlined in (e)). Individuals wishing to obtain permits for others may obtain one permit at a time and only by returning to the end of the line (at handheld drawings) for each additional permit they wish to obtain.
- (h) Successful applicants must possess appropriate licenses and permits in order to participate in the hunt(s).
- (i) Successful applicants may be required to pass a bird identification test; specific requirements will be outlined by the Agency in the Sandhill Crane Quota Permit Application.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107, and 70-5-101. Administrative History: Original rule filed July 19, 1976; effective August 18, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 28, 1979; effective October 12, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed February 6, 1981; effective March 23, 1981. Amendment filed August 12, 1982; effective August 31, 1982. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed April 22, 1988; effective June 6, 1988. Amendment filed September 1, 1988; effective October 16, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed May 11, 1990; effective June 25, 1990. Amendment filed June 11, 1992; effective July 26, 1992. Amendment filed February 12, 1996; effective April 27, 1996. Amendment filed July 26, 1996; effective October 7, 1996. Amendment filed September 26, 1996; effective December 10, 1996. Amendment filed March 4, 1998; effective May 18, 1998. Amendment filed May 20, 1998; effective August 3, 1998. Amendments filed September 17, 1998; effective December 1, 1998. Amendment filed July 13, 1999; effective September 26, 1999. Amendment filed May 19, 2000; effective August 2, 2000. Amendment filed October 2, 2000; effective December 16, 2000. Amendment filed December 1, 2000; effective February 14, 2001. Amendment filed July 19, 2001; effective October 2, 2001. Amendment filed April 23, 2003; effective July 7, 2003. Amendments filed July 12, 2005; effective September 25, 2005. Amendments filed October 25, 2005; effective January 8, 2006. Amendment filed June 20, 2006; effective September 3, 2006.

Amendment filed September 29, 2006; effective December 13, 2006. Amendment filed June 26, 2007; effective September 9, 2007. Amendment filed May 5, 2008; withdrawn June 5, 2008. Amendment filed June 11, 2008; effective August 25, 2008. Amendments filed January 5, 2009; effective March 21, 2009. Amendment filed April 1, 2009; effective June 15, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendments filed November 17, 2010; effective February 15, 2011. Amendments filed April 4, 2012; effective July 3, 2012.

* 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
Jeffrey H. Griggs				
Chad Baker				
Jim Bledsoe				
Harold Cannon				
Bill Cox				
Connie King				
Jeff McMillin				
Tom Rice				
Jim Ripley				
James Stroud				
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 08/29/2014 (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: 06/18/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 08/29/2014

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: 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.

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: 1660-01-08-.05

New	_____
Amendment	<u> X </u>
Repeal	_____

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- 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 does not anticipate significant impact to small businesses in Tennessee. Rule 1660-01-08-.03 is amended to add Headwaters and Parker Branch Wildlife Management Areas and Bean Switch Refuge, Cypress Pond Refuge, and Eagle Lake Refuge to the list of agency controlled lands. Rule 1660-01-08-.05 is amended to clarify portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and to outline the procedures for the Sandhill Crane quota permit drawing.

(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 unaware of 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 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 is not aware of any projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

n/a

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;

Rule 1660-01-08-.03 is amended to add Headwaters and Parker Branch Wildlife Management Areas and Bean Switch Refuge, Cypress Pond Refuge, and Eagle Lake Refuge to the list of agency controlled lands. Rule 1660-01-08-.05 is amended to clarify portions of the Quota Big Game Hunt Drawings which no longer utilize paper applications, and to outline the procedures for the Sandhill Crane quota permit drawing.

- (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 grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate rules and regulations.

- (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;

This rule affects recreational hunters and adoption is supported by these entities.

- (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;

The impact to state government revenues and expenditures is minimal as a result of this rule amendment.

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

Gray Anderson, Assistant Chief of Wildlife and Forestry, 615-781-6613, Gray.Anderson@tn.gov

- (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.

n/a