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Sequence Number: 04-08-17
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File Date: 4/13/17

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Tennessee Historical Commission
Contact Person:	Patrick McIntyre
Address:	Tennessee Historical Commission 2941 Lebanon Pike Nashville, Tennessee 37214
Phone:	(615) 770-1096
Email:	Patrick.McIntyre@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	The Tennessee Room, 3 rd Floor
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	06/13/17
Hearing Time:	1:30 P.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Teleconferencing Location: The public may teleconference the Nashville hearing at the following location:

Address 1:	Conference Room
Address 2:	Memphis Environmental Field Office 8383 Wolf Lake Drive
City:	Memphis, Tennessee
Zip:	38133
Hearing Date :	06/13/17
Hearing Time:	1:30 P.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

Unless a waiver is granted by the Tennessee Historical Commission (THC), the Tennessee Heritage Protection Act of 2016 codified at Tenn. Code Ann. § 4-1-412, prohibits any memorial regarding a historic conflict, historic entity, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered. The law prescribes how petitions to the THC must be processed. To evaluate petitions for a waiver under The Tennessee Heritage Protection Act of 2013, the Tennessee Historical Commission developed its considerations by policy. After a petition for declaratory order was filed by the City of Memphis regarding this policy, a determination was made by the THC to adopt the waiver consideration criteria as a rule to apply to petitions under both acts after public notice and comment.

Draft copies are available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Office of General Counsel
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5420

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Historical Commission, State Historic Preservation Office, 2941 Lebanon Pike, Nashville, TN 37214; Attention: Patrick McIntyre, Executive Director; telephone (615) 532-1550 or fax (615) 532-1549. However, such written comments must be received by 4:30 PM CST, June 13, 2017, in order to assure consideration. For further information, please contact Patrick McIntyre at the above address or telephone number or by e-mail at Patrick.McIntyre@tn.gov.

Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-70-01	Tennessee Historical Commission
Rule Number	Rule Title
0400-70-01-.01	Waivers

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0400-70-01
Tennessee Historical Commission

New Rule

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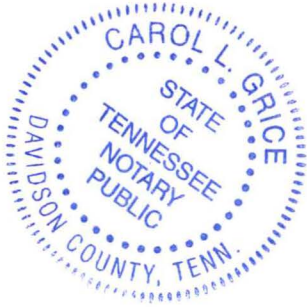
Rule 0400-70-01-.01 Waivers

0400-70-01-.01 Waivers.

- (1) When an entity petitions the Tennessee Historical Commission for a waiver relative to Tennessee heritage protection the Tennessee Historical Commission shall evaluate the following considerations when rendering a decision:
 - (a) Whether the proposed change serves the public interest;
 - (b) Whether the proposed change has any commercial overtones;
 - (c) Whether the proposed change has a reasonable relationship to the site;
 - (d) Whether the proposed change has demonstrated support or opposition from local residents;
 - (e) If a change in name or rededication is proposed, whether the change is in conformance with the character of the existing names or dedications in the area;
 - (f) If a change in name or rededication is proposed, whether the change is duplicative of other nearby site names or dedications;
 - (g) Whether the proposed change is offensive or has derogatory or defamatory implications;
 - (h) Whether the proposed change detracts from or enhances the commemoration of the conflict, event, entity, figure or organization previously commemorated;
 - (i) Whether the proposed change is expected to have a significant positive or negative economic impact;
 - (j) Whether the proposed change could cause confusion for visitors interested in the site;
 - (k) Whether the proposed change diminishes or enhances the historic integrity of the site;
 - (l) Whether the proposed change is relative to a historic site on the National Register of Historic Places or a national historic landmark; and
 - (m) If a relocation is proposed, whether the new location is appropriate.
- (2) The enumeration of the considerations in paragraph (1) of this rule does not prevent the Tennessee Historical Commission from taking into account other considerations.

Authority: T.C.A. §§ 4-11-101 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: April 12, 2017

Signature: Patrick McIntyre

Name of Officer: Patrick McIntyre

Title of Officer: Executive Director

Subscribed and sworn to before me on: April 12, 2017

Notary Public Signature: Carol L. Grice

My commission expires on: March 3, 2020

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Filed with the Department of State on: _____

4/13/17

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State

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