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312 Rosa L. Parks Avenue, 8th Floor Tennessee Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Fax: 615-741-5133  
Email: sos.information@state.tn.us

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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. 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@state.tn.us

Revision Type (check all that apply):

- Amendment  
 New  
 Repeal

Rule(s) Revised (for additional chapters, copy and paste table)

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 of Hunts

Amendment

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

- (1) Quota Big Game Hunt Drawings
- (a) Each individual desiring to participate in a managed quota deer, bear, turkey, or wild boar 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 the application being returned.
- (e) Applications must be received by the Tennessee Wildlife Resources Agency as specified on the application. Applications received after 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.
- (g) Each application must be accompanied by appropriate fees for each applicant thereon. Unsuccessful applicants will be reimbursed their fee.
- (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) permit per person 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.

Rule 1660-01-08-.05 Permit Applications and Drawings, is also amended by inserting new paragraph (7) Elk Hunt Quota Permits, so it now reads as follows:

(7) Elk Hunt Quota Permits

- (a) Each individual desiring to participate in a quota elk hunt must submit an application at times specified and as per instructions supplied by the Tennessee Wildlife Resources Agency.
- (b) Applicants may apply only once per year. If more than one application is received per hunter, that individual will be rejected, his fee forfeited, and he will be subject to prosecution.
- (c) Youths under the age of sixteen (16) years of age, on or before the day of the hunt, may apply; however, they must be accompanied by one non-hunting adult at least twenty-one (21) years of age or older who must remain in position to take immediate control of the firearm.
- (d) Only one (1) person may apply per application.
- (e) All information requested at the time of application must be completed; provided, failure to specify all information will result in the application being rejected.
- (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.
- (g) Successful applicants must also possess appropriate licenses and permits in order to participate in the hunts.
- (a) Successful applicants will not be allowed to re-apply for an elk hunt quota permit for a period of ten (10) years following a successful draw.

- (b) Priority drawings and procedures for qualifying with priority status will be established as indicated by TWRA.
- (c) A computer drawing will be held to determine successful applicants.
- (d) Successful applicants may be subject to hunting in specialized elk compartments as designated by the TWRA.
- (e) Non-resident applicants will be restricted to no greater than twenty-five (25) percent of the drawn permits.

Authority: T.C.A. §70-1-206.

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

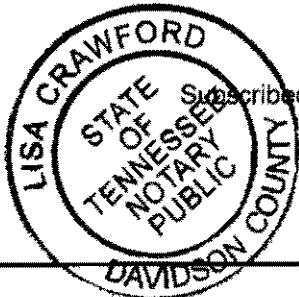
Board Member	Aye	No	Abstain	Absent
R. B. "Buddy" Baird	✓			
Mike Chase	✓			
Johnny Coleman	✓			
Thomas H. Edwards	✓			
Jim Fyke	✓			
Ken Givens	✓			
Mike Hayes	✓			
Gary K. Kimsey	✓			
Boyce C. Magli	✓			
Mitchell S. Parks	✓			
Todd A. Shelton				✓
Hugh Simonton, Jr.	✓			
Danya Welch	✓			

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 11/20/2008, 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: 09/29/2008  
 Notice published in the Tennessee Administrative Register on: 10/01/2008  
 Rulemaking Hearing(s) Conducted on: (add more dates). 11/20/2008

Date: 11/21/08  
 Signature: Gary T. Myers  
 Name of Officer: Gary T. Myers  
 Title of Officer: Executive Director



Subscribed and sworn to before me on: 11/21/08

Notary Public Signature: Lisa 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

Robert E. Cooper, Jr.  
Attorney General

12-19-08  
Date

**Department of State Use Only**

Filed with the Department of State on: 1/5/09

Effective on: 3/21/09

Riley C. Darnell  
Riley C. Darnell  
Secretary of State

**RECEIVED**  
**2008 JAN -5 AM 11:59**  
**SECRETARY OF STATE**  
**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 shall 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 of Hunts  
Permit Requirements, Permit Applications and Drawings

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

  ✓  

There were no public comments to the above-described rule.

Attached hereto are the public comments and response thereto.

### **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 season 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;

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.

**Additional information Required**

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 in paragraph (1) removes the language exempting landowners from obtaining a drawn permit. Since drawn permits will only be applicable for Wildlife Management Area hunts, no person can claim a landowner exemption. The new verbiage in paragraph (7) creates the drawing process for quota elk 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 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;

The Tennessee Wildlife Resources Agency and hunting sportsmen 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 to 1660-01-08-.05.

- (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 Director, will explain the rule at the scheduled meeting of the Government Operations Committees.

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555

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

A need to develop an alternative method for distributing special season permits prompted the promulgation of this rule amendment.