

Department of State**Division of Publications**

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Sequence Number: 01-09-24

Rule ID(s): 10005

File Date: 1/16/2024

Effective Date: 4/15/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Tennessee Fish and Wildlife Commission**Division:****Contact Person:** Torrey S. Grimes, General Counsel
Tennessee Wildlife Resources Agency**Address:** 5107 Edmondson Pike
Nashville, TN**Zip:** 37211**Phone:** 615.781.6657**Email:** Torrey.Grimes@tn.gov**Revision Type (check all that apply):**☒ Amendment☐ New☐ Repeal☐ Content based on previous emergency rule filed on _____☐ Content is identical to the emergency rule

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1660-01-14	Rules and Regulations for Refuges, Wildlife Management Areas, and Public Hunting Areas.
Rule Number	Rule Title
1660-01-14-.03	Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit I and Prentice Cooper Wildlife Management Areas.
1660-01-14-.10	State Operated Wildlife and/or Waterfowl Refuges.
1660-01-14-.13	Hunting and Miscellaneous Uses of Wildlife Management Areas and Other Tennessee Wildlife Agency Controlled Lands.
1660-01-14-.14	Hunting and Miscellaneous Uses of Wildlife Public Areas.
1660-01-14-.17	Managed Recreation Areas on Foothills Wildlife Management Area.

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule Amendment

Rule 1660-01-14-.03 (3) is deleted in its entirety.

Authority: T.C.A. §§ 70-1-206, 70-4-107, and 70-9-105.

Rule Amendment

Rule 1660-01-14-.10 (2)(a) is deleted with all remaining subparagraphs renumbered accordingly.

Authority: T.C.A. §§ 70-1-206, 70-4-107, and 70-9-105.

Rule Amendments

Rule 1660-01-14-.13 (2)(a) is deleted in its entirety and replaced with the following:

No person shall be in possession or under the influence of any narcotic drug, barbiturate, or marijuana while on any Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands.

Authority: T.C.A. §§ 70-1-206 and 70-9-105.

Rule 1660-01-14-.13(2)(b) is redesignated as 1660-01-14-.13(2)(c) and 1660-01-14-.13(2)(b) is replaced as follows:

- (b) No person shall be in possession or under the influence of any alcoholic beverage while on Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands except:
 - 1. In campgrounds that are designated and maintained by the Wildlife Resources Agency; or
 - 2. On public waters bordering or contained in Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands so long as that person is not engaged in hunting.

Authority: T.C.A. §§ 70-1-206 and 70-9-105.

Rule Amendments

Rule 1660-01-14-.14(2)(a) is deleted in its entirety and replaced with the following:

No person shall be in possession or under the influence of any narcotic drug, barbiturate, or marijuana while on any Public Hunting Areas.

Authority: T.C.A. §§ 70-1-206, 70-2-225, and 70-9-105.

Rule 1660-01-14-.14(2)(b) is redesignated as 1660-01-14-.14(2)(c) and 1660-01-14-.14(2)(b) is replaced as follows:

- (b) No person shall be in possession or under the influence of any alcoholic beverage while on any Public Hunting Areas, except:

1. In campgrounds that are designated and maintained by the Wildlife Resources Agency; or
2. On public waters bordering or contained in Public Hunting Areas so long as that person is not engaged in hunting.

Authority: T.C.A. §§ 70-1-206, 70-2-225, and 70-9-105.

Rule Amendment

Rule 1660-01-14-.17(1)(h) is deleted in its entirety and replaced with the following:

Disorderly conduct is prohibited.

Authority: T.C.A. §§ 70-1-206, 70-5-101, and 70-9-105.

* 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	Signature (if required)
Chris Devaney	X				
Jimmy Granbery	X				
Stan Butt	X				
Wally Childress	X				
Bill Cox	X				
Chip Saltsman	X				
Rhonda Moody	X				
Kent Woods	X				
Greg Davenport	X				
Tommy Woods	X				
Monte Belew	X				
Brad Box	X				
Hank Wright	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on 06/23/2023 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: 05/01/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 06/23/2023

Date: 01/04/2024

Signature: 


Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: TENNESSEE FISH AND WILDLIFE COMMISSION

Rule Chapter Number(s): 1660-01-14

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.


Jonathan Skrmetti
Attorney General and Reporter
Jan. 11, 2024
Date

Department of State Use Only

Filed with the Department of State on: 1/16/2024

Effective on: 4/15/2024


Tre Hargett
Secretary of State

RECEIVED

Jan 16 2024, 3:08 pm

Secretary of State
Division of Publications

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were two public comments relative to the rule amendment.

The Honorable Jared Effler, District Attorney General for TN 8th Judicial District, submitted a written public comment in regard to the Rule Amendment. General Effler's comment offered support for the amendment and noted issues relating to alcohol use that emanate from and extend from no regulation of alcohol use on the trail system.

At the public hearing, Mr. Trey Walker commented that he supports this amendment as drinking on North Cumberland WMA is a huge problem. He further recounted that he himself witnessed highly intoxicated individuals on OHVs on North Cumberland WMA trails which prevented his passage and use of the State's resource. Mr. Walker shared that he and his family have cleaned up the trails from the littering by presumably intoxicated individuals. Mr. Walker further shared that such people are also disturbing local residents.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

Small businesses that sell beer and alcohol could potentially be affected by reduced sales if a tourist based their tourism location decision on the ability to drink alcohol and operate an OHV while utilizing the State's OHV trail system.

- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

There is no recordkeeping requirement or administrative costs of compliance that a small business would be required to realize.

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

On the one hand, for the segment of the population that bases their tourism decisions on the ability to drink and drive OHVs on the state's trail system, it could represent a lower amount of beer and alcohol sales; on the other hand, it could represent a greater and more family friendly sales opportunity for the same small businesses.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business;

Given the pervasive issues caused by beer and alcohol use on the trail system, there does not appear any less burdensome method.

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

Generally, alcohol use is prohibited in similar situations. State parks allow alcohol only in designated areas. US Fish and Wildlife regulations 50 CFR 27.81 and 27.82 prohibits possession of any controlled substance while on its land and prohibits being present on any of its land while under the influence of any controlled substance or alcohol "to a degree that may endanger oneself, another person, or property, or may cause unreasonable interference with another person's enjoyment of the area..."

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

This is not a case in which an exemption appears viable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The potential impact is whether or not a tourist based their tourism location decision on the ability to drink beer or alcohol and operate an OHV while utilizing the State's OHV trail system; thereby potentially representing a loss of tax revenue from the sales of beer or alcohol.

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 rule's intent is to prohibit alcohol use while driving an OHV on the State's Trail systems; specifically, addressing a litany of issues caused by and relating to alcohol use at the North Cumberland Wildlife Management Area. Alcohol is not banned entirely and can still be consumed in approved campgrounds.

- (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;

The Tennessee Fish and Wildlife Commission's Rulemaking Authority for this matter is set forth in Tenn. Code Ann. § 70-1-206 and § 70-9-105. Addressing this issue via rulemaking appears to be the most appropriate method to give notice to the public.

- (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;

Beer and alcohol sellers, campground owners, OHV riders, local residents, hunters, and local government officials appear to be the persons affected by the rule. Beer and alcohol sellers are likely to be affected by the rule to the extent that it could affect beer and alcohol sales. Campground owners, local government officials, and local residents have all indicated their support of this rule change given the issues caused by and relating to alcohol use that have been so prevalent.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

We are unaware of any Attorney General opinions or judicial rulings on point to the specific matter addressed in 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;

An estimate of increase or decrease in sales tax revenue is unknown. Such a determination is contingent on whether or not a tourist based their tourism location decision on the ability to drink alcohol and operate an OHV while utilizing the State's OHV trail system. However, any decline in sales tax revenue could very well be offset by a corresponding increase in tourism dollars spent by tourists that currently do not visit the locale at issue because of the alcohol use.

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

Mike Bell, Legislative Director
Dale Grandstaff, Lt. Colonel
Torrey Grimes, General Counsel

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

Mike Bell, Legislative Director
Dale Grandstaff, Lt. Colonel
Torrey Grimes, General Counsel

- (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

Mike Bell, Legislative Director
Ph. 615.837.6016
Email: Mike.Bell@tn.gov
5107 Edmondson Pike
Nashville, TN 37211

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Ph. 615.781.6657
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None

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Agency/Board/Commission:	Tennessee Fish and Wildlife Commission
Division:	
Contact Person:	Torrey S. Grimes, General Counsel Tennessee Wildlife Resources Agency
Address:	5107 Edmondson Pike Nashville, TN
Zip:	37211
Phone:	615.781.6657
Email:	Torrrey.Grimes@tn.gov

Revision Type (check all that apply):

☒ Amendment
☐ Content based on previous emergency rule filed on _____
☐ New
☐ Content is identical to the emergency rule
☐ Repeal

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Rule Amendment

1660-01-14-.03 CATOOSA, CHEATHAM, CHUCK SWAN, FORKS OF THE RIVER, LAUREL HILL, PEA RIDGE, PERCY PRIEST UNIT I AND PRENTICE COOPER WILDLIFE MANAGEMENT AREAS.

- (1) Unauthorized entry or presence on Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit I, and Prentice Cooper Wildlife Management Areas is prohibited during the following times and conditions:
 - (a) Between sunset and sunrise.
 - (b) When in the judgment of the area manager, weather conditions are such that travel over roads would result in undue damage to said roads.
 - (c) During such periods as the Wildlife Resources Agency, or other authorized agencies, may be conducting special projects, the nature of which is such that the presence of the general public would have a detrimental effect on such operations or when the nature of the operation may constitute a danger to the public.
 - (d) When Fire hazards exist.
- (2) Said area shall be temporarily posted when any of the conditions under (b), (c) and (d) exist.
- ~~(3) The use of any alcoholic beverage is prohibited on Catoosa, Cheatham, Chuck Swan, Forks of the River, Laurel Hill, Pea Ridge, Percy Priest Unit I, Prentice Cooper, and Yanahli Wildlife Management Areas, except in designated camping areas.~~

Authority: T.C.A. §§ 70-1-206, 70-4-107, and 70-9-105.

Rule Amendments

1660-01-14-.10 STATE OPERATED WILDLIFE AND/OR WATERFOWL REFUGES.

- (1) The following regulations apply to wildlife and/or waterfowl refuges:
 - (a) The hunting, fishing, killing, taking and/or attempted taking of any species of wildlife is prohibited, except where specifically provided by proclamation.
 - (b) The discharging or firing of any type of weapon within, or into a refuge is prohibited, except during designated hunts.
 - (c) The concentrating, driving, rallying, or disturbance of waterfowl, cranes, and/or coots by means of the aid of water, land, or air conveyance or by any other means whatsoever is prohibited.
 - (d) Public use of refuge lands is permitted, except as otherwise prohibited by proclamation or rule. Public use is limited to activities of a temporary nature only.
 - (e) The construction of piers, boathouses, grills, or any other structure which is permanently affixed to the land or water is specifically prohibited on Hiwassee and Paint Rock Refuges.

(2) The following regulations apply to Amnicola Refuge and Nickajack Cave Refuge:

~~(a) Use of alcohol and drugs is prohibited.~~

(b) (a) Camping or loitering is prohibited.

(c) (b) Fireworks are prohibited.

(d) (c) Picnicking prohibited unless provided for at designated areas.

(e) (d) Pets must be confined to leash or carrier.

(f) (e) Entrance on and/or use of Amnicola Refuge shall be by written permission only, and only at such time specified in the written permit.

(g) (f) The Executive Director of the Tennessee Wildlife Resources Agency or persons designated by him shall have sole authority to grant the permission described above.

(h) (g) Persons desiring use of Amnicola Refuge must contact the TWRA Region 3 Office, 464 Industrial Blvd., Crossville, Tennessee 38555 at least 10 days prior to the date for which permission is desired in order to allow adequate time for processing the permit.

(i) (h) Trespass by land or water for any use is prohibited on or in the Nickajack Cave Refuge except that use of the observation deck and access trail to the deck is permitted between April 1 and October 15, inclusive, and that fishing by sport fishing methods as set out by statute or proclamation is permitted as long as no vessel or person enters the refuge boundary.

Authority: T.C.A. §§ 70-1-206, 70-4-107, and 70-9-105.

Rule Amendments

1660-01-14-.13 HUNTING AND MISCELLANEOUS USES OF WILDLIFE MANAGEMENT AREAS AND OTHER TENNESSEE WILDLIFE RESOURCES AGENCY CONTROLLED LANDS.

(1) General.

(a) On management areas, the hunter (except raccoon, opossum, and turkey hunters) may not enter prior to two (2) hours before sunrise, and he must be out of the area by one hour after sunset or legal closing time. Raccoon and opossum hunters must be out of the area one (1) hour after sunrise, except on the Cherokee Wildlife Management Area.

(b) Only guides approved by the hunt manager will be allowed on managed hunts and these may not carry guns while guiding unless they possess a valid hunting license, big game stamp and area hunt permit. When compartments are assigned by the hunt manager, hunters must remain in the compartment assigned.

(c) Unauthorized persons are prohibited from being in the wildlife management area during deer, bear, and turkey hunts, except on the Cherokee and Land Between the Lakes Wildlife Management Areas, or as otherwise specified by rule or proclamation.

(2) Safety Rules.

~~(a) No hunt participant shall be in possession of any alcoholic beverage, narcotic drug, barbiturate, or marijuana while hunting within a management area or other Wildlife~~

~~Resources Agency controlled lands. No individual may be under the influence of these substances at any time while within a management area or other Wildlife Resources Agency controlled lands.~~

(a) No person shall be in possession or under the influence of any narcotic drug, barbiturate, or marijuana while on any Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands.

(b) No person shall be in possession or under the influence of any alcoholic beverage while on any Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands except:

1. In campgrounds that are designated and maintained by the Wildlife Resources Agency; or

2. On public waters bordering or contained in Wildlife Management Areas, Refuges, or other Wildlife Resources Agency controlled lands so long as that person is not engaged in hunting.

~~(b)~~ (c) Target practice is prohibited except at ranges provided by the Wildlife Resources Agency or the USDA Forest Service. Safety Zones may be designated and posted by the area manager. Safety Zones are defined as an area of protection which may have restricted hunting activities around dwellings, recreation areas, firing and archery ranges and roads.

(3) Dogs.

(a) Use or possession of dogs is prohibited on wildlife management areas or on other Wildlife Resources Agency controlled lands except when authorized by Commission proclamation or regulation.

(b) These rules and regulations shall not be construed to conflict with rules and regulations promulgated by any State or Federal Agency with whom the Wildlife Resources Agency manages any area under terms of a cooperative agreement.

(c) Any dog found on Wildlife Resources Agency controlled lands shall be impounded and disposed of according to the procedures outlined in T.C.A. § 70-4-118.

(4) Camping And Picnicking.

(a) Camping is specifically prohibited at State fish hatcheries. Visiting prohibited between 5 p.m. and 8 a.m.

(b) Overnight camping may be permitted on designated areas by permission from the Area Manager, except on non-Agency lands where legally promulgated rules specify otherwise. Camping shall not exceed 3 weeks in length from the beginning to the end of the camping stay. Owner's contact information (name, phone number, address) or TWRA ID number and date of arrival must be displayed on camper, tent, vehicle, etc., at all times.

(c) Houseboats, floats and other watercraft are permitted to anchor and/or moor along the shoreline of Chuck Swan and Cove Creek WMAs from the third Thursday of May through the second Tuesday of September. Houseboats, floats and other watercraft are prohibited from blocking access to coves. In addition, mooring lines cannot be placed to prevent cove access or create a boating hazard. Anchoring and/or mooring shall not exceed 21 consecutive days in length from the beginning to the end of the anchoring and/or mooring stay.

- (d) Picnicking is permitted on designated areas.
- (5) Miscellaneous.
- (a) Other use of wildlife management areas and other Wildlife Resources Agency controlled lands is subject to approval of the Executive Director, Regional Manager, Park Superintendent, State Forest Supervisor, National Forest Supervisor, or Forest Service National Recreation Area Supervisor.
 - (b) All motorized vehicles must be muffler equipped to suppress noise and be spark arrestor equipped to prevent fires. Operation of motorized vehicles is confined to roads and trails not designated as closed or as authorized by the Area Manager. On LBL, motorized vehicles are prohibited on all roads and trails not designated as open by signs and/or other appropriate methods. Driving off road into woods, fields, or on foot trails or utility right-of-way is prohibited on all agency owned wildlife management areas. Motorized vehicles may be prohibited on any agency owned wildlife management area if deemed necessary to protect wildlife, vegetation, and/or properties.
 - (c) Vehicles shall not be parked in any manner that will block or deny access to any road or trail.
 - (d) In addition to the above, the following apply to the use of trail bikes, mini-bikes, and other off-highway-vehicles:
 - 1. Off Highway Vehicles (OHVs) are restricted to use on roads open to other motorized traffic, except where prohibited by state or federal statute, and designated trails only. Roads shall be posted if closed.
 - 2. OHVs may be prohibited from certain high use areas and at certain times when there is a threat to public safety or wildlife as indicated by signs.
 - 3. Driving off roads and designated trails into woods, fields, and utility rights of way is prohibited unless otherwise provided.
 - 4. OHVs may be operated during daylight hours and at other times when participating in authorized activities.
 - 5. OHVs must be equipped with properly functioning mufflers and spark arresters.
 - 6. OHVS may not be operated in a reckless or otherwise unsafe manner. No harassment or disturbance of people or wildlife is permitted.
 - 7. All incidents resulting in the injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the district forester, area manager, or park superintendent. This report does not relieve persons from the responsibility of making any other accident reports which may be required under state law.
 - 8. Off Highway Vehicle is any vehicle capable of traveling off highways within the state. The term includes all-terrain vehicles, motorcycles, dune buggies and other four-wheeled vehicles used for off-road activities.
 - (e) The use of wire, nails or other metal materials is expressly prohibited in the building or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand attached to a tree with these materials. Portable climbing devices or stands that do not injure trees are excepted from this rule.

- (f) Acts of disorderly, obnoxious, or boisterous conduct, including acts that interfere with the orderly process of hunting, are prohibited. Violators shall be removed from the area and/or prosecuted. When an individual is convicted for a flagrant violation(s) or repeated violations of regulations governing management areas, the Executive Director shall at his discretion bar said individual from all management areas for a period of up to two years of date of written notification.
- (g) No person shall deface, damage, destroy or remove any equipment, structure, trees, fruits, nuts, crops, or other plants, dirt, gravel or sod from any wildlife management area or other Wildlife Resources Agency controlled lands without specific authorization.
- (h) No garbage, rubbish, litter or any refuse, sewage or other material which would pollute said area or waters, or render them unsightly or unsanitary shall be thrown, left or deposited on the area.
- (i) No warming, camping or any type fire shall be allowed except at designated camping areas. Anyone causing a forest fire shall be held liable for the cost of suppression.
- (j) The following apply to the use of saddle and pack animals on Wildlife Management Areas:
 - 1. Horses and other saddle and pack animals are permitted on roads and trails open to motorized traffic and other trails or routes established for their use.
 - 2. Riding off roads into woods, fields, or on foot trails is prohibited unless otherwise provided.
 - 3. Horses and other saddle and pack animals may be prohibited from certain high use areas such as campgrounds, picnic areas, main-traveled roads, etc. as indicated by signs.
 - 4. Horses and other saddle and pack animals are prohibited at all times on Bridgestone/Firestone Centennial Wilderness, Foothills and Oak Ridge Wildlife Management Areas.
 - 5. Horses and other saddle and pack animals are prohibited during big game seasons on Cheatham, Laurel Hill, and Yanahli Wildlife Management Areas.
- (k) The following shall apply to abandoned and unattended property:
 - 1. Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Area Manager or an authorized person.
 - 2. Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Area manager or other authorized person, is prohibited and any property so left may be impounded by the Area Manager or an authorized person, and may be disposed of according to state procedures. In the event unattended property interferes with a safe and orderly management of the area, it may be impounded at any time.

Authority: T.C.A. §§ 70-1-206 and 70-9-105.

Rule Amendments

1660-01-14-.14 HUNTING AND MISCELLANEOUS USES OF PUBLIC HUNTING AREAS.

- (1) Permits (on public hunting areas where required, as per agreement)
 - (a) Before any person may hunt on a public Hunting Area he must possess a valid and appropriate hunt permit purchased from a Public Hunting Area permit agent. This permit must be available for inspection while on the area.
 - (b) A public hunting area permit is subject to cancellation if the permittee violates any of the rules and regulations of the area.
- (2) Safety Rules
 - ~~(a) No hunt participant shall be in possession of any alcoholic beverage, narcotic drug, barbiturate, or marijuana while hunting within the Public Hunting Area. No person may be under the influence of these substances while hunting on a Public Hunting Area.~~
 - (a) No person shall be in possession or under the influence of any narcotic drug, barbiturate, or marijuana while on any Public Hunting Areas.
 - (b) No person shall be in possession or under the influence of any alcoholic beverage while on any Public Hunting Areas, except:
 - 1. In campgrounds that are designated and maintained by the Wildlife Resources Agency; or
 - 2. On public waters bordering or contained in Public Hunting Areas so long as that person is not engaged in hunting.
 - ~~(b)~~ (c) Hunting is specifically prohibited inside safety zones on all public hunting areas.
- (3) Miscellaneous
 - (a) All motorized vehicles must be muffler equipped to suppress noise and be spark arrestor equipped to prevent fires. Operation of motorized vehicles is confined to roads not designated as closed and driving off road into woods fields, strip mines, foot trails and utility rights-of-way is prohibited. Enduros, rallies, and/or motocross competition is prohibited on all agency-owned wildlife management areas.
 - (b) Vehicles shall not be parked in any manner which will block or deny access to any road or trail.
 - (c) The use of wire, nails or other metal materials is prohibited in the building or attaching of climbing devices or hunting stands on or in trees. Hunting is prohibited from any stand attached to a tree with these materials. Portable climbing devices and stands that do not injure trees are excepted from this rule.
 - (d) No person shall deface, damage, destroy or remove any equipment, structure, sign, trees, plants, dirt or gravel from any Public Hunting Area without proper authorization.
 - (e) No garbage, refuse, litter or sewage shall be left or deposited on a Public Hunting Area.
 - (f) The use of buckshot for hunting and/or taking of deer and turkey is specifically prohibited.

- (g) The use of ATVs (4 wheelers, 3 wheelers, dirt bikes, etc.) or any unlicensed motorized vehicle is prohibited on the Weyerhaeuser Public Hunting Area.
- (h) Open fires are prohibited on all public hunting areas.
- (i) Other miscellaneous uses of public hunting areas shall be in accordance with posted notices and/or as indicated on the hunt permit.

Authority: T.C.A. §§ 70-1-206, 70-2-225, and 70-9-105.

Rule Amendment

1660-01-14-.17 MANAGED RECREATION AREAS ON FOOTHILLS WILDLIFE MANAGEMENT AREA

- (1) All recreation areas are open to the general public, at all times, free of charge for use subject to the following rules:
 - (a) Picnicking is permitted.
 - (b) Camping is prohibited at all times.
 - (c) Unattended vehicles shall not be left in a manner as to deprive or interfere with other persons' access to parking areas and/or facilities. Area is not to be used as a "park and ride" lot.
 - (d) No person, or persons, shall deface or remove trees or other plants, dirt, gravel, or sod or any structure placed on the area by the Tennessee Wildlife Resources Agency or with the approval of the Tennessee Wildlife Resources Agency.
 - (e) No garbage, rubbish, litter or any refuse, or other material which would pollute said areas or waters, or render them unsatisfactory or unsanitary shall be left on the area.
 - (f) Commercial use of recreation area is prohibited. Organized events will be held by permit only.
 - (g) The use of firearms is prohibited.
 - (h) Disorderly conduct ~~and/or use of intoxicants and/or other behavior modifying substances~~ are is prohibited.
 - (i) Handicapped parking zones, as posted, are reserved for handicapped users.
 - (j) Parking regulations will be enforced as posted. Officers of the Tennessee Wildlife Resources Agency may, at their discretion, have offending vehicles towed (at owners' expense) or issue citations.
 - (k) Picnic tables are available on a "first come" basis and cannot be reserved.
 - (l) The use of fireworks is prohibited.
 - (m) All dogs must be leashed.
 - (n) No open fires. Cooking on grills is permitted.

Authority: T.C.A. §§ 70-1-206, 70-5-101, and 70-9-105.

* 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	Signature (if required)
Chris Devaney	X				
Jimmy Granbery	X				
Stan Butt	X				
Wally Childress	X				
Bill Cox	X				
Chip Saltsman	X				
Rhonda Moody	X				
Kent Woods	X				
Greg Davenport	X				
Tommy Woods	X				
Monte Belew	X				
Brad Box	X				
Hank Wright	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on 06/23/2023 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: 04/28/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 06/23/2023

Date: _____

Signature: _____

Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: TENNESSEE FISH AND WILDLIFE COMMISSION

Rule Chapter Number(s): 1660-01-14

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.

Jonathan Skrmetti
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State