

Department of State**Division of Publications**

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Email: publications.information@tn.gov

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Sequence Number:	02-08-24
Rule ID(s):	10018
File Date:	2/20/2024
Last Effective Day:	8/18/2024

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

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

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Statement of Necessity:

Pursuant to Tenn. Code Ann. §4-5-208(a)(1), the Agency submits that an immediate danger to public safety has arisen because of storm damage to Fort Loudoun Marina on Fort Loudoun Lake in Lenoir City, Tennessee. The damage from wind and snow events in January 2024 has caused the marina's boat dock roof to collapse and has compromised infrastructure as well as private property which includes the business property of the marina owners and members of the public utilizing the marina's boat slips.

The section of the impoundment, due to location and frequent vessel traffic, has proven dangerous for the team of workers, divers, and salvage operators to safely remove debris with the rocking motion of these very dangerous collapsed structures because of large wakes. There have been several near incidents with workers present and several incidents of tools and gear failing into the water because of the wakes created by vessels. Additionally, the wakes have also caused additional oil and fuel to be spilled in the water as many of the boats are depressed heavily in the water due to the roof collapse. The marina recognized the dangers at play and requests assistance from the agency. Given the safety concerns for the workers, divers, and salvage operators and the environmental impacts with fuel and oil discharge, the Agency submits that measures to reduce the wakes around these partially sunken docks and vessels is necessary.

Because of the time needed for cleanup from the storm damage, a temporary "Slow-No Wake" speed zone is being sought to allow the marina a 180-day window to safely conduct clean up activity. It is not anticipated a permanent rule will be sought to continue this emergency rule created zone.

The agency believes this issue is an immediate danger to public safety and is such that any other method of rulemaking would not adequately and timely address the urgent issue.

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 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
1660-02-07	Rules and Regulations Governing Operations of Vessels
Rule Number	Rule Title
1660-02-07-.14	Fort Loudoun Lake

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 1660-02-07-.14 is amended by adding the following section:

- (9) All vessels being operated within 1,500 feet of Fort Loudoun Marina, near Tennessee River Mile 602, as delineated by a line of informational buoys, shall be operated at a "Slow-No Wake" speed.

Authority: T.C.A. §§ 69-9-209 and 70-1-206.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Thomas L. "Tommy" Woods	X				
James W. "Jimmy" Granbery	X				
Chris Devaney	X				
Kent Woods	X				
Rhonda Wright Moody				X	
Stan Butt, Sr.	X				
Monte Belew	X				
Brad Box	X				
David "Hank" Wright	X				
Bill Cox	X				
J. Gregory Davenport	X				
John "Chip" Saltsman	X				
Wally Childress	X				

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: February 20, 2024

Signature: _____

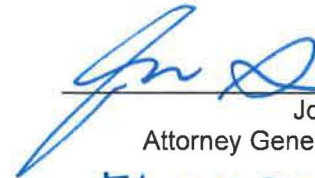
Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: Tennessee Fish and Wildlife Commission

Rule Chapter Number(s): 1660-02-07

All emergency 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
Feb. 20, 2024
Date

Department of State Use Only

Filed with the Department of State on: 2/20/2024

Effective for: 180 *days

Effective through: 8/18/2024

** Emergency rule(s) may be effective for up to 180 days from the date of filing.*


Tre Hargett
Secretary of State

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Feb 20 2024, 3:57 pm

Secretary of State
Division of Publications

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."

It is not anticipated that this emergency rule will have a financial impact on local government.

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 emergency rule contemplated with this filing would establish a 1,500 foot "Slow-No Wake" speed around Fort Loudoun Marina on Fort Loudoun Lake in Lenoir City near Tennessee River Mile Marker 602. There are currently no restrictions relative to wake speed on that section of the lake.

- (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 only federal regulations that would apply are Coast Guard regulations which are contemplated in the Agency's process and considerations. There are no mandates in those requirements relative to this specific matter.

- (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;

Owners of storm-damaged assets, Fort Loudoun Marina and its patrons, workers and divers involved in the cleanup, Lenoir City, Loudoun County, and users of the relevant section of waterway.

It is presumed that the majority of stakeholders would be in favor of safe, quick, and efficient damage repair and cleanup that thus urge adoption. Users of the relevant section of waterway could urge rejection to slowing down at the detriment to the other stakeholders and those persons charged with cleanup.

- (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;

There are no Attorney General Opinions on point to this specific matter.

- (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;

There is no projected increase nor decrease in state and local government revenue and expenditures as a result of this emergency rule.

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

Matt Majors, Lt. Colonel
Mike Bell, Senior Advisor for Legislative Affairs
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;

Matt Majors, Lt. Colonel
Mike Bell, Senior Advisor for Legislative Affairs

- (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

Matt Majors, Lt. Colonel
5107 Edmondson Pike
Nashville, Tennessee 37211
(615) 781-5271
Matt.Majors@tn.gov

Mike Bell, Senior Advisor for Legislative Affairs
5107 Edmondson Pike
Nashville, Tennessee 37211
(615) 837-6016
Mike.Bell@tn.gov

Torrey Grimes, General Counsel
5107 Edmondson Pike
Nashville, Tennessee 37211
(615) 781-6657
Torrey.Grimes@tn.gov

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

The emergency rule is contemplated as a temporary measure to aid in cleanup activities. A permanent rule on the same topic will not be sought.

REDLINE

1660-02-07-.14 FORT LOUDOUN LAKE.

- (1) All vessels being operated within the mouth of Little Turkey Creek from the Northshore Drive Bridge to a point approximately 600' within the cove delineated by a line of informational buoys or signs shall operate at a "Slow-No Wake" speed.
- (2) All vessels are prohibited from two Fort Loudoun Dam Reservation swimming beaches (T.R.M. 602.5R) and Yarberry Peninsula swimming beach (T.R.M. 604.6L) as delineated by a line of "No Boating" buoys.
- (3) Vessels being operated on Fort Loudoun Lake at Fort Loudoun Dam Reservation Boat Ramp (T.R.M. 602.5R) as delineated by a line of informational buoys or signs shall operate at a "Slow-No Wake" speed.
- (4) Vessels being operated on Fort Loudoun Lake at T.V.A.'s Poland Creek Recreation Area public ramp (T.R.M. 620.3) as delineated by a line of informational buoys or signs shall operate at a "Slow-No Wake" speed.
- (5) All vessels are prohibited in the Knox County Concord park Swimming Beach Area at Fort Loudoun Reservoir (Tennessee River Mile 616.3R) as delineated by a line of "No Boating" buoys.
- (6) All vessels being operated on Fort Loudoun Reservoir in the area adjacent to the Cowan Park Boat Ramp (Tennessee River Mile 621.5R) as delineated by a line of information buoys shall operate at a "Slow-No Wake" speed.
- (7) All vessels are prohibited from operating within the designated zone near the City of Knoxville water intake. The area is in the vicinity of Tennessee River Mile 649.4.
- (8) Vessels operating on the Little River arm of Fort Loudoun Reservoir near the Hwy 129 bridge and the Norfolk Southern railroad bridge as delineated by lines of informational buoys, shall be operated as follows:
 - (a) Motorboats shall operate at a "Slow-No Wake" speed.
 - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (9) All vessels being operated within 1,500 feet of Fort Loudoun Marina, near Tennessee River Mile 602, as delineated by a line of informational buoys, shall be operated at a "Slow-No Wake" speed.

Authority: T.C.A. §§ 69-9-209 and 70-1-206. **Administrative History:** Original rule filed March 6, 1979; effective April 20, 1979. Amendment filed July 2, 1979; effective August 16, 1979. Amendment filed October 4, 1989; effective November 18, 1989. Amendment filed October 21, 1991; effective December 5, 1991. Amendment filed August 10, 1995; effective October 24, 1995. Amendment filed July 31, 1998; effective October 14, 1998. Amendment filed February 25, 2004; effective May 10, 2004. Emergency rule filed May 28, 2010; effective through November 24, 2010. Emergency rule expired effective November 25, 2010, and the rule reverted to its previous status. Amendments filed November 1, 2022; effective January 30, 2023.