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Sequence Number: 04-20-23  
 Notice ID(s): 3616  
 File Date: 4/28/2023

# 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.*

<b>Agency/Board/Commission:</b>	Tennessee Fish and Wildlife Commission
<b>Division:</b>	
<b>Contact Person:</b>	Torrey S. Grimes, General Counsel Tennessee Wildlife Resources Agency
<b>Address:</b>	5107 Edmondson Pike Nashville, Tennessee 37211
<b>Phone:</b>	615.781.6657
<b>Email:</b>	<a href="mailto:Torrey.Grimes@tn.gov">Torrey.Grimes@tn.gov</a>

*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:*

<b>ADA Contact:</b>	Randi Tarpy, Chief of Human Resources Tennessee Wildlife Resources Agency
<b>Address:</b>	5107 Edmondson Pike Nashville, Tennessee 37211
<b>Phone:</b>	615-781-6605
<b>Email:</b>	<a href="mailto:Randi.S.Tarpy@tn.gov">Randi.S.Tarpy@tn.gov</a>

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

Address 1:	Region II Office, Tennessee Wildlife Resources Agency		
Address 2:	5105 Edmondson Pike		
City:	Nashville, Tennessee		
Zip:	37211		
Hearing Date:	06/23/2023		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

## Additional Hearing Information:

In addition to the in-person public comment noted above, the Agency will accept public comment via electronic means from the date of filing of this Notice of Rulemaking Hearing until 6/22/2023 at 4:30 PM.

Any electronic public comment must be emailed to [twra.rulescomments@tn.gov](mailto:twra.rulescomments@tn.gov) with the heading "Proposed Rule Comment – Migratory Bird Hunting".

## 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.)

<b>Chapter Number</b>	<b>Chapter Title</b>
1660-01-02	Rules and Regulations Governing Migratory Bird Hunting
<b>Rule Number</b>	<b>Rule Title</b>
1660-01-02-.02	Migratory Bird Hunting
1660-01-02-.03	Falconry

Place substance of rules and other info here. 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>.

The title of the rule is amended to be called “Rules and Regulations Governing Migratory Bird Hunting”.

Rule 1660-01-02-.02(2)(c)(4) is deleted in its entirety and replaced as follows:

In order to annually register a permanent registered blind site, an individual must purchase a combination waterfowl and small game annual permit or a sportsman’s license and a West Sandy Waterfowl Blind permit on or before July 31. Registration must be completed between February 18 and July 31, inclusive. If registration is in person at a license agent or TWRA Office, the registrant must present a photo ID. If registration is completed online a signed notarized printout of the registration must be mailed to the West Sandy WMA Office.

Rule 1660-01-02-.02(2)(c)(5) is deleted in its entirety and replaced as follows:

A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind sites. These persons, hereinafter referred to as sign-ons must be identified by July 31. The permanent registered blind site holder must obtain a West Sandy Waterfowl Sign-on Permit for each individual sign-on under the permanent registrant’s name. This permit may be obtained through the TWRA’s online license system, in person at a license agent or at any TWRA Office. Each sign-on permit must be signed by the individual identified as a sign-on and notarized and a photocopy submitted by the blind site registrant. Photocopies of each West Sandy Waterfowl Sign-on Permit must be post marked by July 31 to the West Sandy WMA Office.

Rule 1660-01-02-.02(2)(c)(8) is amended by deleting the phrase “or a Tier 3 Location”.

**Authority:** T.C.A. §§ 70-1-206, 70-4-107, and 70-5-101.

Rule 1660-01-02-.03 is deleted in its entirety.

**Authority:** T.C.A. §§ 70-1-206 and 70-4-414.

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: 4/28/2023

Signature: \_\_\_\_\_

Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

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Filed with the Department of State on: 4/28/2023



Tre Hargett  
Secretary of State

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Apr 28 2023, 3:58 pm

Secretary of State  
Division of Publications

**RULES  
OF  
THE TENNESSEE WILDLIFE RESOURCES AGENCY  
BOATING AND LAW ENFORCEMENT**

**CHAPTER 1660-01-02  
RULES AND REGULATIONS GOVERNING  
MIGRATORY BIRDS HUNTING**

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1660-01-02-.01	Repealed	1660-01-02-.03	<del>Falconry</del>
1660-01-02-.02	Migratory Bird Hunting	1660-01-02-.04	Repealed

**1660-01-02-.01 REPEALED.**

**Authority:** T.C.A. § 70-1-206. **Administrative History:** Original rule certified May 8, 1974. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed November 6, 1991; effective December 21, 1991. Amendment filed December 14, 1992; effective January 29, 1993. Repeal filed July 19, 2001; effective October 2, 2001.

**1660-01-02-.02 MIGRATORY BIRD HUNTING.**

- (1) Unless otherwise noted, the following regulations apply to any wildlife management area (WMA) upon which waterfowl hunting is permitted.
  - (a) For the purpose of this rule the following definitions apply:
    1. A designated waterfowl hunt location is a marked location (via physical stake or Global Positioning System [GPS] coordinates) established by the Tennessee Wildlife Resources Agency (TWRA) upon which a permanent blind may be constructed and which is assigned by a random drawing as provided in Rule 1660-01-08-.05. Designated waterfowl hunt locations may be categorized as follows:
      - (i) A Tier 1 designated waterfowl hunt location (Tier 1 Location) is a marked location with a permanent blind assigned by a random drawing to a permittee for the entire regular waterfowl season;
      - (ii) A Tier 2 designated waterfowl hunt location (Tier 2 Location) is a marked location with a permanent blind assigned by a random drawing to a permittee for a period of time during the regular waterfowl season;
      - (iii) A Tier 3 designated waterfowl hunt location (Tier 3 Location) is a marked location that does not have a permanent blind at the location assigned by a random drawing to a permittee for a period of time during the regular waterfowl season; and
      - (iv) A Tier 4 designated waterfowl hunt location (Tier 4 Location) is a marked location that may be hunted on a first come, first serve basis.
    2. A temporary blind is:
      - (i) A nonpermanent structure assembled or placed for a portion of the regular waterfowl season;
      - (ii) A boat that is used for a portion of the regular waterfowl season; or

(Rule 1660-01-02-.02, continued)

- (iii) A site consisting of the use of natural vegetation or conditions for concealment for a portion of the regular waterfowl season.
- 3. A permanent registered blind site is a permanent blind site registered to a specific individual on Reelfoot WMA or West Sandy WMA identified with geographic coordinates. These sites may not be relocated or transferred to another individual. It is the intent that over time all permanent registered blind sites will be converted to permanent blind sites or temporary blind sites.
- 4. A permanent blind is a fixed (floating or post type) waterfowl hunting blind constructed at a permanent registered blind site or a designated waterfowl hunt location.
- 5. A subimpoundment is the water managed by the TWRA or its management partner in association with waterfowl hunting and habitat management.
- 6. Regular waterfowl season includes those days established by proclamation in November, December, and January during which waterfowl hunting is permitted.
- (b) The following regulations apply to Tier 1 Locations.
  - 1. Tier 1 Locations shall have a permanent blind at the location built and maintained, if a permanent blind already exists at the location, by the permittee(s).
  - 2. The maximum hunt party size for Tier 1 Locations is eight (8) adults, but there is no maximum size for youth hunters. However, youth hunters must be accompanied by an adult at least eighteen (18) years of age while hunting a Tier 1 Location.
  - 3. All Tier 1 Location permanent blind construction and/or placement must be complete by the fourth Monday in October. To be considered complete, a permanent blind structure must be at least four (4) feet wide, four (4) feet high, and eight (8) feet long, but may not exceed thirty (30) feet in length and may not exceed three hundred (300) total square feet. The walls of the permanent blind structure must be solid material to which camouflage may be attached. A permanent blind structure at a Tier 1 Location must be in place and remain in place throughout the regular waterfowl season. All camouflage must be completed by opening day of regular waterfowl season. Any Tier 1 Location with a permanent blind structure not in compliance with the above requirements will result in the Tier 1 Location Permit being cancelled and the Tier 1 Location being designated as a Tier 4 Location for the remainder of the regular waterfowl season. Tier 1 Locations redesignated as Tier 4 Locations may be drawn as Tier 1 Locations the following year. If adverse environmental conditions prevent the construction and/or placement of a permanent blind at the site by the deadline, as determined by the TWRA, the area manager may grant an extension. The area manager must receive a written request for an extension, from a permittee, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, a permittee shall not be denied the opportunity to participate in the drawing the following year as set forth in 1660-01-02-.02(1)(o). Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.

(Rule 1660-01-02-.02, continued)

4. Permanent blinds built on Tier 1 Locations must be within five (5) feet of designated stakes or GPS coordinates.
  5. Permittee(s) must remove all associated blind materials, including all litter and trash, stakes, weights, and lines within fifteen (15) days after the last day of the regular waterfowl season or the last day of a special youth or military hunt, whichever occurs later.
  6. A permittee must occupy the Tier 1 Location by the legal daily opening shooting time on days the permittee wishes to hunt, and if the Tier 1 Location is unoccupied at that time by the permittee, the first person or party occupying said Tier 1 Location shall be entitled to the privilege of its exclusive and uninterrupted use until the end of the shooting hours of that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the Tier 1 Location, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted use) only if the permittee is at the Tier 1 Location on or before the legal daily opening shooting time, even if the Tier 1 Location is occupied by another person or party, provided the permittee produces identification and the permit.
- (c) The following regulations apply to Tier 2 Locations.
1. Tier 2 Locations shall have a permanent blind at the location built and maintained by the TWRA.
  2. The maximum hunt party size for Tier 2 Locations is eight (8) adults, but there is no maximum party size for youth hunters. However, youth hunters must be accompanied by an adult at least eighteen (18) years of age while hunting a Tier 2 Location.
  3. A Tier 2 Location permittee must be present any time a Tier 2 Location is hunted. No other individual may hunt a Tier 2 Location even if a permittee is not in the blind by the legal daily opening shooting time.
  4. Permittee(s) are responsible for removal of all decoys, litter, and trash on the last day of the hunt period.
- (d) The following regulations apply to Tier 3 Locations.
1. Tier 3 Locations do not have a permanent blind at the location. No new permanent blind structures may be constructed at Tier 3 Locations.
  2. Temporary blinds may be used at Tier 3 Locations, but the blinds must be removed at the end of the hunt period. All decoys must be removed from the area at the end of the hunting period. All temporary blinds must be within twenty- five (25) feet of designated stakes or GPS coordinates.
  3. The maximum hunt party size for Tier 3 Locations is eight (8) adults, but there is no maximum party size for youth hunters. However, youth hunters must be accompanied by an adult at least eighteen (18) years of age while hunting a Tier 3 Location.
  4. A permittee must occupy the Tier 3 Location by the legal daily opening shooting time on days the permittee wishes to hunt, and if the Tier 3 Location is unoccupied at that time by the permittee, the first person or party occupying said

(Rule 1660-01-02-.02, continued)

Tier 3 Location shall be entitled to the privilege of its exclusive and uninterrupted use until the end of the shooting hours of that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the Tier 3 Location, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted use) only if the permittee is at the Tier 3 Location on or before the legal daily opening shooting time, even if the Tier 3 Location is occupied by another person or party, provided the permittee produces identification and the permit.

5. Permittee(s) are responsible for removal of all decoys, litter, and trash on the last day of the hunt period.

(e) The following regulations apply to Tier 4 Locations.

1. Tier 4 Locations may or may not have permanent blinds,. Any permanent blinds at Tier 4 Locations are structures leftover from Tier 1 Locations that have become Tier 4 Locations because the successful applicant either failed to return a Notice of Intention or failed to brush the blind by the opening day of the regular waterfowl season. No person may construct new permanent blind structures at Tier 4 Locations.
2. Temporary blinds may be used at Tier 4 Locations, but the blinds must be removed at the end of each day. Any temporary blinds and decoys must be removed from the area at the end of shooting each day. All temporary blinds must be within twenty-five (25) feet of designated stakes or GPS coordinates.
3. No permit is required to hunt Tier 4 Locations, but the first person or party to the location before the legal daily opening shooting time has priority use (exclusive and uninterrupted use) of the location until the end of the shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties.
4. The maximum hunt party size for Tier 4 Locations is eight (8) adults, but there is no maximum party size for youth hunters. However, youth hunters must be accompanied by an adult at least eighteen (18) years of age while hunting a Tier 4 Location.
5. Any person or party hunting a Tier 4 Location is responsible for removal of all decoys, litter, and trash at the end of each day.

(f) The Tennessee Fish and Wildlife Commission must establish the available designated waterfowl hunt locations, as determined by the TWRA, as either Tier 1 Locations, Tier 2 Locations, Tier 3 Locations, or Tier 4 Locations prior to or in conjunction with passing the wildlife season setting proclamations every two years. The Tennessee Fish and Wildlife Commission must make this determination at a publicly noticed meeting of the Tennessee Fish and Wildlife Commission.

(g) By May 31 of each year, the area manager for a WMA will evaluate all permanent blinds on the area manager's WMA. The area manager will determine if each blind is usable, unusable, or destroyed. Unusable or destroyed blinds may be repaired or replaced at the discretion of the area manager. Blinds considered unsafe or unusable may be destroyed at the discretion of the TWRA.



(Rule 1660-01-02-.02, continued)

- (h) The permittee for a permanent registered blind site, a Tier 1 Location, or a Tier 3 Location, who is the person to whom the TWRA issued the permit, must occupy the permittee's blind or designated waterfowl hunt location by the legal daily opening shooting time on days the permittee wishes to hunt, and if the blind or designated waterfowl hunt location is unoccupied at that time by the permittee, the first person or party occupying said blind or designated waterfowl hunt location shall be entitled to the privilege of its exclusive and uninterrupted use until the end of the shooting hours of that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind or designated waterfowl hunt location, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted use) only if he/she is at the blind or designated waterfowl hunt location on or before the legal daily opening shooting time, even if the blind or designated waterfowl hunt location is occupied by another person or party, provided the permittee produces identification and the permittee's permit.
- (i) All permanent blinds must be removed from Tier 1 locations by April 30, but an area manager may allow more time for removal upon written request. Any blind not removed will become the property of the TWRA for future use and/or destruction.
- (j) If any permittee violates any of the rules and regulations contained herein, the permittee is subject to having the permit canceled in addition to the penalty prescribed by law.
- (k) Hunting will be permitted from permanent draw blinds and temporary blinds on Camden-Unit II, Big Sandy (including Gin Creek Unit), Barkley Unit II, Cordell Hull, Harmon's Creek, Tigrett, and West Sandy in accordance with statewide rules and regulations. Any temporary blinds and decoys must be at least two hundred (200) yards from any permanent blind and must be removed from the area at the end of shooting each day. All permanent blinds must be within five (5) feet of designated stakes.
- (l) Hunting will be permitted from permanent draw blinds and staked positions for temporary blinds on Old Hickory-Unit I and Unit II. Hunting from temporary blinds is on a first come, first serve basis. Any temporary blinds constructed on staked positions and decoys and all trash must be removed from the area at the end of shooting hours each day.
- (m) Trespassing or disturbance is prohibited in posted areas during any waterfowl season.
- (n) Beginning on the opening day of the regular waterfowl season and continuing until the last day of the regular waterfowl season, public access in the subimpoundments of Barkley-Unit I, Cheatham Lake, Haynes Bottom, Old Hickory-Units I and II, Camden-Units I and II, Big Sandy, Gooch-Unit A, Tigrett, and West Sandy will only be allowed from 4:00 a.m. until two hours after legal shooting hours have ended.
- (o) Designated waterfowl hunt locations not allocated by draw procedures established by the TWRA or cancelled by the TWRA will become temporary blind sites for the quota hunt period. If a Tier 1 Location permittee does not meet the deadline for having the blind on site, or violates any other provision of this rule, the permittee forfeits the permittee's opportunity to participate in any waterfowl quota hunt drawing the following year.
- (p) The permit holder of a Tier 1 Location or a permanent registered blind shall adhere to blind construction and removal deadlines. The permit holder of a Tier 1 Location or a permanent registered blind shall be responsible for removal of all associated blind

(Rule 1660-01-02-.02, continued)

materials, including all litter and trash, stakes, weights, and lines within fifteen (15) days after the last day of the regular waterfowl season or the last day of a special youth or military hunt, whichever occurs later.

- (q) No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August.
- (2) The following regulations apply to the WMA, as indicated:
  - (a) A.E.D.C. (except Woods Reservoir), Anderson Tully, Barkley Unit II, Bogota, Thorny Cypress, Cottonport, Yellow Creek, Long Island, Lick Creek Bottoms, New Hope, Percy Priest-Unit II, Candies Creek, Roger's Creek, Johnson Bottoms, Mark's Creek Unit of Cheatham Lake, and areas as specified under proclamation of Cheatham Lake, White Oak, that area of Barkley Reservoir as specified under annual proclamation, that portion of Old Hickory-Unit III, from Mile No. 268 upstream to the abandoned Lock and Dam Site No. 6 at approximately Mile No. 281, Ernest Rice, Sr., Obion River, Moss Island, Gooch-Units B, C and E, Shelby Forest State Park and Wolf River.
    - 1. No permanent blinds allowed.
    - 2. Decoys must be picked up each day.
    - 3. Temporary blinds must be built the day of the hunt and hunters using temporary blinds must remove or destroy such blinds at the end of the day's hunt.
    - 4. On Lick Creek Bottoms WMA, hunt party size is limited to four (4) adults, but there is no maximum party size for youth hunters. However, youth hunters must be accompanied by an adult at least eighteen (18) years of age while hunting on Lick Creek Bottoms WMA.
  - (b) Reelfoot WMA
    - 1. Waterfowl hunting on Reelfoot WMA is restricted to hunting from either permanent or temporary blinds as defined herein. For the purpose of this rule, the following definitions apply:
      - (i) A permanent blind is a framed structure at least four (4) feet wide, four (4) feet high, and eight (8) feet long with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, that is constructed on or moved to either a permanent registered blind site, or a designated waterfowl hunt location. A permanent blind is further restricted in size so as not to exceed thirty (30) feet in length and not to exceed three hundred (300) total square feet.
      - (ii) A temporary blind is either a structure assembled or placed for one day of waterfowl hunting or boat that is used for one day of waterfowl hunting or, a site consisting of the use of natural vegetation or conditions for concealment for one day of waterfowl hunting.
      - (iii) A permanent registered blind site is a waterfowl hunting blind site registered in 1986 with the TWRA and identified by geographic coordinates in 1995. These sites may not be relocated.

(Rule 1660-01-02-.02, continued)

2. Permanent registered blind sites may be registered only by the 1991 registrants.
3. In order to annually register a permanent registered blind site, an individual must purchase a Reelfoot waterfowl blind permit Type 025. Registration may be completed in person at any TWRA License agent location, through certified mail, or through the TWRA's online license system. Registration must be completed between February 18 and July 31, inclusive. If registration is in person, the registrant must present a photo ID. To complete the registration process, blind holders must send a signed copy of the Type 025 to the TWRA Sales Office postmarked by July 31. If registered through the mail or the TWRA's online license system, a signed and notarized affidavit proving identification must be included and the registration must be postmarked between February 18 and July 31, inclusive.
4. A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind site. These persons, hereinafter, will be referred to as sign-ons. The permanent registered blind site holder must obtain a Type 026 Reelfoot Sign-on Permit for each individual sign-on. Type 026 permits may be obtained through the TWRA's online license system. Each Type 026 must be signed and notarized and a photocopy submitted by the blind site registrant. Photocopies of each Type 026 must be post marked by July 31 to the TWRA Sales Office.
5. Failure to annually register a permanent registered blind site between February 18 and July 31 shall result in the termination of its status as a permanent registered blind site after which it may be designated as a designated waterfowl hunt location, in the discretion of the area manager or an authorized employee of TWRA.
6. Each permanent registered blind site holder must display, and maintain year-round in a conspicuous location, the appropriate permanent number inside the blind or on a stake with painted numbers which are at least two inches in height. When a floating blind is moved to a permanent registered blind site, the number must be immediately transferred from the stake to the floating blind. No permanent blind may be locked or barricaded to deny access to any portion of the blind used for discharging firearms at game when the blind is not in use. No permanent blind site may be utilized or manipulated in such a manner so as to interfere with the lawful use of the blind or so as to interfere with the lawful taking of wildlife.
7. The permittee, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.
8. Neither permanent registered blind site holders nor their sign-ons may participate in any waterfowl quota hunt drawing.

(Rule 1660-01-02-.02, continued)

9. Unregistered and/or unnumbered permanent blinds and illegal temporary blinds are subject to removal and/or destruction at the discretion of the area manager or a designee of the TWRA.
10. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and each applicable designated waterfowl hunt location. Completion of blind construction and/or placement on these sites must occur by the fourth Monday in October. Failure to complete construction and/or placement of a permanent blind by the deadline shall result in the termination of its status as a permanent registered blind site, permitting its use as a site for a temporary blind for the remainder of that hunting season. Thereafter, it may be designated as a designated waterfowl hunt location at the discretion of the area manager. Camouflage on permanent registered blind sites and applicable designated waterfowl hunt locations must be completed by opening day of the regular waterfowl season. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the TWRA, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the construction and/or placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.
11. Decoys located at permanent blinds shall be removed by permit holders within fifteen (15) days after the last day of the regular waterfowl season or the last day of a special youth or military hunt, whichever occurs later. The use or possession of containers made of plastic or metal that are utilized for waterfowl decoys is prohibited while participating in waterfowl hunting on the waters of Reelfoot Lake.
12. No temporary blind shall be placed closer than two hundred (200) yards from a permanent blind.
13. Persons hunting from temporary blinds must remove all decoys and other blind materials at the end of each day's hunt. No decoys and/or other blind materials may be placed at a temporary blind site and left unattended.
14. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior approval of the area manager.
15. Blind owners may not abandon blinds on Reelfoot WMA and are responsible for removing all related materials, including all litter and trash, stakes, weights and lines. Abandoned blinds and related materials may be removed, destroyed or otherwise disposed of by the area manager or his designee.
16. Any person violating any rule and regulation contained herein, is subject to have his/her blind site permit canceled and/or hunting privileges on Reelfoot WMA revoked in addition to other penalties as prescribed by law.
17. The Tennessee Fish and Wildlife Commission shall review this Rule every four (4) years.

(c) West Sandy WMA

(Rule 1660-01-02-.03, continued)

1. Waterfowl hunting on West Sandy WMA is restricted to hunting from either permanent or temporary blinds as defined herein. For the purpose of this rule the following definitions apply:
  - (i) A permanent blind is a framed structure of a minimum of four (4) feet wide, four (4) feet high, and eight (8) feet long not to exceed thirty (30) feet in length and not to exceed three hundred (300) total square feet, with walls consisting of netting wire or solid material to which camouflage is or may be attached, which can be hunted from as determined by the area manager, and that is constructed on or moved to either a permanent registered blind site or a designated waterfowl hunt location.
  - (ii) A permanent registered blind site is a waterfowl hunting blind location registered to a specific individual in 2000 by the TWRA and identified with geographic coordinates. These sites may not be relocated or transferred to another individual. It is the intent that over time all permanent registered blind sites will be converted to designated waterfowl hunt locations or temporary blind sites. Prior to the 2001 waterfowl hunting season, the agency will make available to the public, a plat containing the geographic coordinates of each permanent registered blind site.
  - (iii) A temporary blind is either a structure assembled or placed for one day of waterfowl hunting; a boat that is used for one day of waterfowl hunting; or a site consisting of the use of natural vegetation or conditions for concealment for one day of waterfowl hunting.
2. Any person who was the primary registrant of a blind at West Sandy during the 1997-98 season may register a permanent registered blind site during the 2000 registration process. The primary registrants of blind sites 0222 and 1902 during the 1996-97 registration will be considered as 1997-98 registrants for the purpose of this Rule. Only one site may be registered per individual. Co-registrants are not permitted. After the initial registration no names may be added nor may the registrant transfer to another site. Permit holders may be deleted from specific sites, either voluntarily or due to cancellation. Individuals registered for a permanent blind site may not be registered on any other blind site within TWRA's blind regulatory process. Registrants must be at least sixteen (16) years of age and possess applicable permit or license. Registrants must appear in person during the 2000 registration and all subsequent annual registrations.
3. During the last fourteen days of May in the year 2000, all individuals who were registered blind holders during the 1997-98 waterfowl season as specified in Paragraph 2 must have identified for TWRA the specific blind site they have selected for their permanent registered blind site. Failure to select this site will result in the loss of future registration privileges. The permanent registered blind site chosen by that same individual will then be located with geographic coordinates by TWRA. The site will then be initially registered on the first Saturday in August of 2000 by the applicant.
4. In order to annually register a permanent registered blind site, an individual must purchase a combination waterfowl and small game annual permit or a sportsman's license AND a West Sandy Waterfowl Blind permit on or before July 31. ~~By the first Saturday in August, the TWRA will verify whether or not a permanent registered blind site was renewed.~~ Registration must be completed between February 18 and July 31, inclusive. If registration is in person at a license agent or TWRA Office, the registrant must present a photo ID. If registration is completed online a signed notarized printout of the registration must be mailed to the West Sandy WMA Office.

(Rule 1660-01-02-.03, continued)

5. A permanent registered blind site holder may annually designate other individuals who may for that season be permitted priority use of their permanent blind sites. These persons, hereinafter referred to as sign-ons must be identified by July 31. The permanent registered blind site holder must obtain a West Sandy Waterfowl Sign-on Permit for each individual sign-on under the permanent registrant's name. This permit may be obtained through the TWRA's online license system, in person at a license agent or at any TWRA Office. Each sign-on permit must be signed by the individual identified as a sign-on and notarized and a photocopy submitted by the blind site registrant. Photocopies of each West Sandy Waterfowl Sign-on Permit must be post marked by July 31 to the West Sandy WMA Office.
6. Failure to annually register a permanent registered blind site by July 31 shall result in the termination of its status as a permanent registered blind site. The TWRA may designate any terminated permanent registered blind site as a designated waterfowl hunt location.
7. Each permanent registered blind site holder must display, and maintain year-round in a conspicuous location, the appropriate permit number inside the blind or on a stake with painted numbers which are at least two inches in height. When a floating blind is moved to a permanent registered blind site, the number must be immediately transferred from the stake to the floating blind. No permanent blind may be locked or barricaded to deny entrance to other hunters when the blind is not in use.
8. The permittee for a permanent registered blind site, a Tier 1 Location, ~~or a Tier 3 Location~~, who is the person to whom the Agency issued the permit, must occupy his/her blind by the legal daily opening shooting time on days he/she wishes to hunt, and if the blind is unoccupied at that time by the permittee, the first person or party occupying said blind shall be entitled to the privilege of its exclusive and uninterrupted use until the end of shooting hours that day. Exclusive and uninterrupted use entitles the person or party to the right to exclude all others from the blind, at the person's or party's option, except for law enforcement personnel engaged in the performance of their duties. The permittee has priority use (exclusive and uninterrupted) only if he/she is at the blind on or before the legal daily opening shooting time, regardless of whether or not the blind is occupied by another person or party, provided the permittee produces identification and his/her blind permit.
9. Neither permanent registered blind site holders nor their sign-ons may participate in any waterfowl quota hunt drawing.
10. Each year, a permanent blind must be present or be constructed and/or placed on each permanent registered blind site and each applicable designated waterfowl hunt location by the fourth Monday in October and remain in place for the entire regular waterfowl season. All camouflage must be completed by opening day of the regular waterfowl season. Failure to construct and/or place a permanent blind on a permanent registered blind site or applicable designated waterfowl hunt location by the fourth Monday in October shall result in its termination as a permanent registered blind site, permitting its use as a temporary blind site for the remainder of that hunting season. Thereafter, it may be designated as a designated waterfowl hunt location at the discretion of the area manager. If adverse environmental conditions prevent the construction and/or placement of a blind at the site by the deadline, as determined by the TWRA, the area manager may grant an extension. The area manager must receive a written request for an extension, from the permanent registered blind site holder, prior to the fourth Monday in October. Should these adverse environmental conditions persist and completely prevent the placement of a blind on the site, as verified by the area manager, the permanent registered blind site will not be terminated. Blinds

(Rule 1660-01-02-.03, continued)

rendered unusable or destroyed may be repaired or replaced at the discretion of the area manager.

11. Unregistered and/or unnumbered permanent blinds and illegal temporary blinds are subject to removal and/or destruction at the discretion of the area manager or a designee of the TWRA.
12. No temporary blind shall be placed closer than two hundred (200) yards from a permanent blind. Persons hunting from temporary blinds must remove all decoys and other blind materials at the end of each day's hunt. No decoys and/or other blind materials may be placed at a temporary blind site and left unattended.
13. No trees, shrubs, or vegetation shall be cut, chemically sprayed, altered, or otherwise destroyed without prior written approval of the area manager. Application to the area manager for any cutting, altering, or spraying must be made prior to the last Saturday in August.
14. Blind owners may not abandon blinds and are responsible for removing all related materials. Abandoned blinds and related materials may be removed, destroyed, or otherwise disposed of at the discretion of the TWRA.
15. Any person violating any rule and regulation contained herein, is subject to have his/her blind site permit canceled and/or hunting privileges on West Sandy WMA revoked in addition to other penalties as prescribed by law.
16. Safety concerns require that the Tennessee Valley Authority (TVA) conduct repairs and maintenance to levee and pump house infrastructures that may create water levels incompatible for waterfowl hunting. During such time, the Executive Director shall have the discretion to deem those permanent registered blind sites duly registered during the period of maintenance and repair by TVA while suspending the registration and all other annual requirements of this rule. Further, the Executive Director shall have the discretion to allow those permanent registered blind site holders to compete for or sign on any other TWRA blind sites in the state. Waterfowl blind drawings at this location will be suspended when TVA repair work creates conditions incompatible for waterfowl hunting.

(3) The following regulations apply to TWRA-controlled lands not designated as WMAs or Wildlife Refuges, except as otherwise designated:

- (a) No permanent blinds allowed.
- (b) Decoys must be removed at the end of the day's hunt.
- (c) Temporary blinds must be built the day of the hunt and hunters using temporary blinds must remove or destroy such blinds at the end of the day's hunt.

(4) Special Rules and Regulations - Waterfowl Hunting on Land Between the Lakes

- (a) Areas closed to waterfowl hunting:
  1. Areas above 359' elevation, as posted;
  2. Bards Lake;
  3. Rushing Bay; and
  4. Campgrounds, lake access, and other public use areas and safety zones as

(Rule 1660-01-02-.03, continued)  
posted.

**Authority:** T.C.A. §§ 70-1-206, 70-4-107, and 70-5-101. **Administrative History:** Original rule certified May 8, 1974. Amendment filed October 29, 1974; effective November 29, 1974. Amendment filed November 4, 1974; effective December 4, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed July 19, 1976; effective August 18, 1976. Amendment filed June 29, 1977; effective July 29, 1977. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed July 2, 1979; effective August 16, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed August 2, 1982; effective August 31, 1982. Amendment filed May 27, 1983; effective June 27, 1983. Amendment filed November 13, 1984; effective December 13, 1984. Amendment filed June 27, 1985; effective July 27, 1985. Amendment filed June 9, 1986; effective July 9, 1986. Amendment filed September 24, 1986; effective November 8, 1986. Amendment filed June 27, 1988; effective August 11, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed December 18, 1989; effective February 1, 1990. Amendment filed June 7, 1990; effective July 22, 1990. Amendment filed December 12, 1990; effective January 26, 1991. Amendment filed April 28, 1993; effective June 12, 1993. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed August 26, 1993; effective November 9, 1993. Amendment filed January 30, 1995; effective April 15, 1995. Amendment filed February 8, 1996; effective April 23, 1996. Amendment filed April 22, 1996; effective July 6, 1996. Amendment filed August 13, 1998; effective October 13, 1998. Amendment filed August 26, 1998; effective November 9, 1998. Amendment filed September 17, 1998; effective December 1, 1998. Amendment filed November 24, 1999; effective February 7, 2000. 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 March 5, 2002; stay filed May 16, 2002; withdrawal of stay filed May 22, 2002; effective May 25, 2002. Amendment filed May 20, 2003; effective August 3, 2003. Amendment filed June 3, 2004; effective August 17, 2004. Amendments filed May 25, 2005; effective August 8, 2005. Amendment filed March 2, 2009; effective May 16, 2009. Amendment filed June 16, 2010; effective September 14, 2010. Amendment filed October 5, 2012; effective January 3, 2013. The Government Operations Committee filed a 29-day stay of the effective date of these rules; new effective date February 1, 2013. Amendments filed May 4, 2021; effective August 2, 2021. Amendments filed April 6, 2022; effective July 5, 2022.

#### **1660-01-02-.03 FALCONRY.**

(1) ~~Definitions:~~

- (a) ~~“Raptor” means a live migratory bird of the family Accipitriformes (excluding the American Bald Eagle), the family Falconiformes, or the family Strigidae.~~
- (b) ~~“Take” means to trap or capture, or attempt to trap or capture a raptor for the purpose of falconry.~~
- (c) ~~“Falconry” means the sport of taking quarry by means of a trained raptor.~~
- (d) ~~“Service” means the U.S. Fish and Wildlife Service, U.S. Department of Interior.~~
- (e) ~~“State” means the Tennessee Wildlife Resources Agency (TWRA).~~
- (f) ~~“Bred in captivity” or “captive-bred” refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.~~
- (g) ~~“Captivity” means a live raptor held in a controlled environment that is intensively manipulated by man for the purpose of producing raptors of selected species, and that has boundaries designated to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include, but are not limited to, artificial housing, waste removal, health care, and protection from predators, and artificially supplied foods.~~

(2) ~~Examination~~ Before any Apprentice Falconry Permit is issued, the applicant shall be required  
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~~to answer correctly at least 80 percent of the questions on a supervised examination approved by the Service relating to the basic biology, care, and handling of raptors, literature, laws, regulations, and other appropriate subject matter.~~

- ~~(3) Permit requirement—A valid state falconry permit from Tennessee or another state meeting federal falconry standards is required before any person may take, possess, or transport a raptor for falconry purposes. Falconers from other states must obtain a Tennessee permit within sixty (60) days of Tennessee residency in order to continue the practice of falconry in Tennessee.~~
- ~~(4) An applicant who wishes to practice falconry must submit an application, with appropriate permit fee, for a State Falconry Permit to the Executive Director of the Agency.~~
- ~~(5) Permit conditions—Every permit issued shall be subject to the following:
  - ~~(a) A permittee may not take, transport, or possess a bald eagle for falconry purposes.~~
  - ~~(b) A permittee may trade or transfer a raptor to another permittee if no money or other consideration is involved, except as authorized under state and federal propagation permits. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if prior written approval of the state which issued the permit is obtained, stating that federal and their state legal requirements are being met.~~
  - ~~(c) A permittee may not take, possess, or transport a raptor in violation of restrictions, conditions, and requirements of the Federal or State Falconry Permit Regulations.~~
  - ~~(d) Any change in ownership including, but not limited to, take from the wild, transfer, death, and or escape, shall be reported to the Service electronically at <https://epermits.fws.gov/falcp/> within five (5) working days. A copy of such will be provided to the State within the same amount of time.~~~~
- ~~(6) Permits will expire on June 30 of the third year from date of issuance.~~
- ~~(7) Classes of permits—Three classes of falconry permits shall be issued, including:
  - ~~(a) Apprentice Class—Conditions of this class include:
    - ~~1. An apprentice permittee shall be at least fourteen (14) years old;~~
    - ~~2. A sponsor who is a holder of a General or Master Falconry Permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three (3) apprentices at one time;~~
    - ~~3. An apprentice permittee shall not possess more than one raptor and may not obtain more than one raptor as a replacement bird during any twelve-month period; and~~
    - ~~4. An apprentice permittee may only possess a wild American Kestrel (*Falco sparverius*) or a Red-tailed Hawk (*Buteo jamaicensis*) captured by the apprentice, or a captive-bred raptor from a legal source.~~~~
  - ~~(b) General Class—Conditions of this class include:
    - ~~1. A general permittee shall be at least eighteen (18) years old;~~
    - ~~2. A general permittee shall have at least two years' experience in the practice of falconry at the apprentice level or its equivalent;~~~~~~

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~~3. A general permittee may not possess more than three raptors and may not obtain more than two raptors from the wild as replacement birds during any twelve-month period; and;~~

~~4. A general permittee may not take, transport, or possess any species listed as Threatened or Endangered by the Service, except as provided by the State and Federal Falconry Regulations.~~

~~(c) Master Class Conditions of this class include:~~

~~1. An applicant must have at least five years' experience in the practice of falconry at the General class level or its equivalent;~~

~~2. A master permittee may not possess more than five raptors, and may not obtain more than two raptors taken from the wild for replacement birds during any twelve-month period;~~

~~3. A master permittee may not take, transport or possess any species listed as Endangered by the Service except as provided by the State and Federal Falconry Regulations.~~

~~4. Except as provided by the State and Federal Falconry Regulations, a master permittee may not take, transport, or possess as part of his five-bird limitation, more than one raptor listed as Threatened by the Service and/or State, or listed as In Need of Management by the State, and then only in accordance with Federal Regulations, 50 CFR 17, 21, and 22, and/or current State Proclamation "Proclaiming the Taking of Raptors for the Purpose of Falconry."~~

~~(8) Facilities and equipment Before any falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the Tennessee Wildlife Resources Agency as meeting the following standards:~~

~~(a) Facilities The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. Applicants shall have the following facilities, except that depending upon climate conditions and sensitivity of the species, only one of the following facilities may be required.~~

~~1. Indoor facilities (mews) shall be large enough to allow easy access for caring for raptors housed in the facility. If more than one raptor is to be housed in the facility, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow each bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.~~

~~2. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire or roofed to protect the birds from disturbances and attack by predators, except that perches more than 62 inches high need not be covered or roofed. The enclosures shall be wide enough to ensure that the birds' wings shall not strike the fence when flying from the perch. Protection from excessive sun, wind,~~

(Rule 1660-01-02-.03, continued)

~~and inclement weather shall be provided for each bird. Adequate perches shall be provided.~~

- ~~(b) — Equipment — An applicant must possess the following before obtaining a permit:
 
  - ~~1. — Jesses — At least one pair of Aylmeri jesses of pliable leather or suitable synthetic material to be used when any raptor is flown free. Traditional type one piece jesses may be used on raptors when not being flown;~~
  - ~~2. — Leashes and swivels — At least one flexible, weather resistant leash and one strong swivel of acceptable falconry design;~~
  - ~~3. — Bath container — At least one container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;~~
  - ~~4. — Outdoor perches — At least one weathering area perch of an acceptable design shall be provided for each raptor; and,~~
  - ~~5. — Weighing device — A reliable scale or balance suitable for weighing the raptor(s) and graduated in increments of not more than 2 ounces (15 grams) shall be provided.~~~~
- ~~(c) — Maintenance — All facilities and equipment shall be kept at or above the preceding standards at all times.~~
- ~~(d) — Transportation — A raptor may be transported or held in temporary facilities, which shall be provided with an adequate perch and protection from extreme temperatures and excessive disturbance, for a period not to exceed thirty (30) days.~~
- ~~(9) — Marking — All raptors held within this state, except those held for scientific, rehabilitation, or zoological purposes, shall have a numbered, seamless, non-reusable marker supplied by the Service and available via the State. In the instance of raptors acquired after the effective date of these regulations, markers shall be attached immediately upon acquisition. Alteration, counterfeiting, or defacing of a marker is prohibited, except that permittees may remove the rear tab on markers and may smooth any imperfect surface, provided that the marker and the number are not affected. Loss or removal of any band must be reported to both the Service and the State within five (5) business days of the loss. The band must be replaced within thirty (30) days by a like band issued by the Service and available through the State.~~
- ~~(10) — Taking restriction — Raptors may be taken only in accordance with the appropriate proclamations promulgated by the Tennessee Fish and Wildlife Commission.~~
- ~~(11) — Other restrictions:
 
  - ~~(a) — Any person who possesses a lawfully acquired raptor before the effective date of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.~~
  - ~~(b) — Any person who possesses raptors before the effective date of these regulations in excess of the number allowed under his class permit shall be allowed to retain the extra raptors. All such raptors shall be identified with markers supplied by the Service, and no additional raptors can be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.~~~~

(Rule 1660-01-02-.03, continued)

- ~~(c) A falconry permit holder shall obtain written permission from the State before any species not indigenous to this state is intentionally released to the wild. The marker of any intentionally released bird shall be removed and surrendered to the Tennessee Wildlife Resources Agency upon release. A standard Federal bird band shall be attached to such birds by the state or authorized Federal bird bander whenever possible.~~
  - ~~(d) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed form provided by the State/Service designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.~~
  - ~~(e) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping.~~
- ~~(12) Interstate transport Non-transfer, interstate import and export conditions follow:~~
- ~~(a) Non residents of this state who are permit holders from states which are recognized as falconry states by the Service may transport into this state raptors for personal falconry use (e.g. meets) provided the laws and regulations concerning hunting and falconry are observed, including the purchase of an appropriate Tennessee non-resident hunting license prior to pursuit of wild prey by falconry in Tennessee.~~
  - ~~(b) Residents of this state who are falconry permittees may transport their raptors into other states that are recognized by the Service as falconry states for personal falconry use, provided all applicable hunting and falconry laws and regulations are observed.~~

**Authority:** ~~T.C.A. §§ 70-1-206 and 70-4-414. **Administrative History:** Original rule filed June 25, 1975; effective July 25, 1975. Amendment filed March 2, 1978; effective April 1, 1978. Repeal and new rule filed August 26, 1998; effective November 9, 1998. Repeal and new rule filed May 25, 2011; effective August 23, 2011. Amendments filed June 5, 2018; effective September 3, 2018. Amendments filed May 4, 2021; effective August 2, 2021.~~

#### **1660-01-02-.04 REPEALED.**

**Authority:** T.C.A. § 70-1-206. **Administrative History:** Original rule filed September 29, 1978; effective November 13, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed May 19, 1980; effective July 3, 1980. Amendment filed June 4, 1982; effective July 19, 1982. Repeal filed June 24, 1985; effective August 8, 1985.