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Sequence Number: 09-07-23  
Rule ID(s): 9930  
File Date: 9/7/2023  
Effective Date: 12/6/2023

## 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](mailto:Torrey.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

**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 Please make sure that ALL new rule and repealed rule numbers are listed in the chart below.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   |
|----------------|---|
| 1660-01-10     | RULES AND REGULATIONS GOVERNING BUSINESS OF TAXIDERMY |
| Rule Number    | Rule Title  |
| 1660-01-10-.01 | RECORDS   |
|                |   |
|                |   |
|                |   |

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 1660-01-10-.01(1)(f) is deleted in its entirety and replaced with the following:

- (f) The TWRA Identification Number and the confirmation number from a completed check-in for all big game animals taken in Tennessee and submitted for mounting.

**Authority:** T.C.A. §§ 70-1-206 and 70-2-215.

\* 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<br>(if required) |
|-----------------|-----|----|---------|--------|----------------------------|
| Chris Devaney   | ✓   |    |         |        |                            |
| Jimmy Granbery  | ✓   |    |         |        |                            |
| Stan Butt       | ✓   |    |         |        |                            |
| Wally Childress | ✓   |    |         |        |                            |
| Bill Cox        | ✓   |    |         |        |                            |
| Chip Saltsman   | ✓   |    |         |        |                            |
| Rhonda Moody    | ✓   |    |         |        |                            |
| Kent Woods      | ✓   |    |         |        |                            |
| Greg Davenport  | ✓   |    |         |        |                            |
| Tommy Woods     | ✓   |    |         |        |                            |
| Monte Belew     | ✓   |    |         |        |                            |
| Brad Box        | ✓   |    |         |        |                            |
| Hank Wright     | ✓   |    |         |        |                            |

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: 08/29/2023

Signature: 


Name of Officer: Torrey S. Grimes

Title of Officer: General Counsel, Tennessee Wildlife Resources Agency

Agency/Board/Commission: Tennessee Fish & Wildlife Commission

Rule Chapter Number(s): 1660-01-10

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 Skrametti  
Attorney General and Reporter  
Aug. 31, 2023  
Date

**Department of State Use Only**

Filed with the Department of State on: 9/7/2023

Effective on: 12/6/2023

  
\_\_\_\_\_  
Tre Hargett  
Secretary of State

**RECEIVED**

Sep 07 2023, 8:43 am

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 no written comments nor verbal comments.

## 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;

There are currently just over 300 permitted taxidermists in Tennessee. The proposed rule amendment will require taxidermists to maintain one additional piece of information for recordkeeping purposes. Most of the permitted taxidermists already use forms provided by the TWRA, and the information required by this proposed rule amendment is on the TWRA-provided form.

- (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;

The projected recordkeeping required for compliance will be minimal, as it is understood that most taxidermists already record both TWRA Identification Numbers and check-in confirmation numbers as a matter of course. No other additional costs are expected.

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

It is estimated that there will be no effect to small business and consumers.

- (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;

This is the least burdensome method the TFWC could establish to achieve the purpose and objectives of the rule amendment being proposed. Moreover, most taxidermists already collect the information at issue.

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

There are no federal or state counterparts to this proposed rule amendment with direct comparisons.

- (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.

Most taxidermists already collect the information at issue. Given this is a best practice and, the effect upon the taxidermist is minimal, any exemption would lead to inconsistent application.

### **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 proposed rule amendment is not anticipated to have any projected financial impact on local governments.

### 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 proposed rule amendment changes the word "or" to "and" in Rule 1660-01-10-.01(1)(f). The information requested in subparagraph (f) is readily available when carrying a game harvest to a taxidermist. Requiring both pieces of information will assist wildlife officers in verifying and matching game harvests to the hunter to the records of the harvest report made by the hunter. This would ensure proper harvest data is kept for reporting and managing the State's wildlife. Most of the permitted taxidermists already use forms provided by the TWRA, and the information required by this proposed rule amendment is on the TWRA-provided form.

- (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;

Tennessee Code Annotated § 70-2-215(a) requires a taxidermist to obtain a permit to engage in the practice of taxidermy. Tennessee Code Annotated § 70-2-215(c) requires such permit to be "... in accordance with the rules and regulations promulgated by the commission..."

Federal law and regulation defer to the state on this matter except in cases of migratory birds. 50 C.F.R. § 21.63(a) provides that "... A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself."

- (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;

Persons or entities most affected by this rule will be permitted taxidermists and the State's hunters when carrying a game harvest to a taxidermist. No persons or entities affected by this proposed rule amendment submitted public comment or engaged with the TFWC on the matter.

- (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 nor judicial rulings that the Agency is aware of on point with the rule amendment contemplated herein.

- (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;

Promulgation of this rule will not result in an increase or decrease in state and local revenues and expenditures.

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

Brandon Wear, Deputy Director

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



Mike Bell, Senior Advisor  
Brandon Wear, Deputy Director  
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

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

None

**RULES  
OF  
TENNESSEE WILDLIFE RESOURCES AGENCY  
WILDLIFE RESOURCES**

**CHAPTER 1660-01-10  
RULES AND REGULATIONS GOVERNING BUSINESS OF  
TAXIDERMY**

1660-01-10-.01 Records

1660-01-10-.02 General

**1660-01-10-.01 RECORDS.**

- (1) All taxidermists are required to maintain complete and accurate records on TWRA taxidermy forms on all birds, animals and/or fish, or parts thereof, they receive. All Taxidermy forms shall be completed, maintained and stored in accordance with the TWRA Taxidermy Form Instruction sheet located on the TWRA web site. The records shall include:
  - (a) The species of bird, animal and/or fish mounted.
  - (b) The complete name and address of the person from whom received.
  - (c) The complete name and address of the person who killed or took the species (if different from the first).
  - (d) The date killed or taken.
  - (e) The state, county, and/or country where taken.
  - (f) The TWRA Identification Number ~~or~~ and the confirmation number from a completed check-in for all big game animals taken in Tennessee and submitted for mounting.
  - (g) The service fee for the preparation of the animal.
  - (h) The record shall reflect if the animal came from a shooting preserve, road kill, salvage, or other.
- (2) All records as prescribed in paragraph (1) above shall be maintained on the Taxidermy Accountability Form and shall be held at the taxidermist's place of business. They shall be open to inspection by any duly constituted officer of the Wildlife Resources Agency at all reasonable times. Said records must be maintained for a period of three (3) years.
- (3) All Taxidermy Accountability Forms and the Log of Taxidermy Accountability Forms shall be kept, maintained and secured together, in one location, and in sequential order. The Log of Taxidermy Accountability Forms shall consist of the following:
  - (a) Complete Name
  - (b) Control Number
    1. Control numbers shall begin with the current year followed by consecutive numbering beginning with the number one (1).
    2. Control numbers shall be affixed to all trophies and their parts while in possession of the taxidermist.
- (4) All records shall be recorded in non-erasable ink.

**Authority:** T.C.A. §§ 70-1-206 and 70-2-215. **Administrative History:** Original rule certified May 8, 1974. Amendment filed June 23, 2014; effective September 21, 2014.