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Sequence Number: 12-24-21
 Notice ID(s): 3421
 File Date: 12/21/2021

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.

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Wildlife
Contact Person:	Chris Richardson
Address:	5107 Edmondson Pike, Nashville, TN 37211
Phone:	615-308-0477
Email:	chris.richardson@tn.gov

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:

ADA Contact:	Randi Tarpy
Address:	5107 Edmondson Pike, Nashville, TN 37211
Phone:	615-781-6605
Email:	randi.s.tarpy@tn.gov

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

Address 1:	Tennessee Wildlife Resources Agency		
Address 2:	5105 Edmondson Pike		
City:	Nashville, TN		
Zip:	37211		
Hearing Date:	02/18/2022		
Hearing Time:	09:00 A.M.	<input checked="" type="checkbox"/> <u>X</u> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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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.)

Chapter Number	Chapter Title
1660-01-34	Rules and Regulations for Chronic Wasting Disease
Rule Number	Rule Title
1660-01-34-.01	Carcass Management Zones

1660-01-34-.02	Establishment of Positive CWD Counties and High Risk CWD Counties
1660-01-34-.03	Exportation of Wildlife Carcasses, Parts, and Products from a Positive CWD County
1660-01-34-.04	Exportation of Wildlife Carcasses, Parts, and Products from a High Risk CWD
1660-01-34-.05	Feeding of Wildlife Within a Positive CWD County or High Risk CWD County

Amendment

Chapter 34 (Rules and Regulations for Chronic Wasting Disease Counties) is deleted in its entirety and replaced with the following:

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

CHAPTER 1660-01-34

RULES AND REGULATIONS FOR CHRONIC WASTING DISEASE

TABLE OF CONTENTS

1660-01-34-.01	Carcass Management Zones	1660-01-34-.04	Exportation of Wildlife Carcasses, Parts, and Products from a High Risk CWD County
1660-01-34-.02	Establishment of Positive CWD Counties and High Risk CWD Counties	1660-01-34-.05	Feeding of Wildlife Within a Positive CWD County or High Risk CWD County
1660-01-34-.03	Exportation of Wildlife Carcasses, Parts, and Products from a Positive CWD County		

1660-01-34-.01 CARCASS MANAGEMENT ZONES

- (1) There is created a Carcass Management Zone consisting of every county or portion of a county in Tennessee that lies west of the Tennessee River.
- (2) Within a Carcass Management Zone, cervid carcasses and carcass parts may be freely transported, but in no event may cervid carcasses and carcass parts harvested within the Carcass Management Zone be removed from the Carcass Management Zone unless:
 - a. The carcass parts are meat that has bones removed;
 - b. The carcass parts are antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull);
 - c. The carcass parts are cleaned teeth;
 - d. The carcass parts are finished taxidermy and antler products; or
 - e. The carcass parts are hides and tanned products.
- (3) Notwithstanding paragraph (2), a permitted waste management company, staff from the Tennessee Wildlife Resources Agency, or any party with whom the Tennessee Wildlife Resources Agency contracts to move or dispose of cervid carcasses and carcass parts may transport cervid carcasses and carcass parts outside of the Carcass Management Zone for the necessary disposal of the carcasses and carcass parts.
- (4) Hunters residing in the Carcass Management Zone that process their own carcasses and carcass parts may not dispose of the carcasses and carcass parts on their own land. Hunters processing their own cervids must dispose of the carcasses and carcass parts in accordance with state solid waste processing and disposal rules in Tenn. Comp. R. & Reg. 0400-11-01-.01 et seq.
- (5) The Agency shall maintain and publish a map of the lands of Tennessee within the Carcass Management Zone.

Authority: T.C.A. §70-1-206.

1660-01-34-.042 ESTABLISHMENT OF POSITIVE CWD COUNTIES AND HIGH RISK CWD COUNTIES

- (1) A Tennessee county is a positive CWD (Chronic Wasting Disease) county if:
 - (a) a cervid has tested positive for CWD within the territorial boundaries of said county and the positive test was confirmed; and
 - (b) the county is not included in a Carcass Management Zone.
- (2) A Tennessee county is a high risk CWD county when there is a confirmed case of CWD within ten (10) miles of the territorial boundaries of said county and the county is not included in a Carcass Management Zone.
- (3) The Agency shall maintain and publish a map and list of positive CWD counties and high risk CWD counties.

Authority: T.C.A. §70-1-206.

1660-01-34-.03 EXPORTATION OF WILDLIFE CARCASSES, PARTS, AND PRODUCTS FROM A POSITIVE CWD COUNTY

- (1) No person may export a cervid carcass or carcass part harvested from a positive CWD county.
- (2) Notwithstanding paragraph (1), cervid carcasses or carcass parts harvested in a positive CWD county may be exported from a positive CWD county if:
 - (a) The carcass parts are meat that has bones removed;
 - (b) The carcass parts are antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull);
 - (c) The carcass parts are cleaned teeth;
 - (d) The carcass parts are finished taxidermy and antler products;
 - (e) The carcass parts are hides and tanned products; or
 - (f) The carcass or carcass part is exported to another positive CWD county and only transported through other positive CWD counties.
- (3) Notwithstanding paragraph (2), a permitted waste management company, staff from the Tennessee Wildlife Resources Agency, or any party with whom the Tennessee Wildlife Resources Agency contracts to move or dispose of cervid carcasses and carcass parts may transport cervid carcasses and carcass parts outside of the Carcass Management Zone for the necessary disposal of the carcasses and carcass parts.

Authority: T.C.A. §70-1-206.

1660-01-34-.04 EXPORTATION OF WILDLIFE CARCASSES, PARTS, AND PRODUCTS FROM A HIGH RISK CWD COUNTY

- (1) No person may export a cervid carcass or carcass part harvested from a high risk CWD county.

- (2) Notwithstanding paragraph (1), cervid carcasses or carcass parts harvested in a high risk CWD county may be exported from a high risk CWD county if:
 - (a) The carcass parts are meat that has bones removed;
 - (b) The carcass parts are antlers, antlers attached to cleaned skull plates, or cleaned skulls (where no meat or tissues are attached to the skull);
 - (c) The carcass parts are cleaned teeth;
 - (d) The carcass parts are finished taxidermy and antler products;
 - (e) The carcass parts are hides and tanned products;
 - (f) The carcass or carcass part is exported to another high risk CWD county and only transported through other high risk CWD counties; or
 - (g) The carcass or carcass part is exported to a positive CWD county and only transported through high risk CWD counties or positive CWD counties, but in no event may a cervid carcass or carcass part be transported to another high risk CWD county through a positive CWD county.
- (3) Notwithstanding paragraph (2), a permitted waste management company, staff from the Tennessee Wildlife Resources Agency, or any party with whom the Tennessee Wildlife Resources Agency contracts to move or dispose of cervid carcasses and carcass parts may transport cervid carcasses and carcass parts outside of the Carcass Management Zone for the necessary disposal of the carcasses and carcass parts.


Authority: T.C.A. §70-1-206.

1660-01-34-.05 FEEDING OF WILDLIFE WITHIN A POSITIVE CWD COUNTY OR HIGH RISK CWD COUNTY

- (1) Within positive CWD counties and high risk CWD counties, the placement of grain, salt products, minerals, and other consumable natural and manufactured products is prohibited.
- (2) The prohibition in subsection (1) does not apply to the following:
 - (a) Feed placed within one hundred (100) feet of any residence or occupied building; or
 - (b) Feed placed in such a manner to reasonably exclude access by deer; or
 - (c) Feed placed as part of a wild hog management effort authorized by the agency; or
 - (d) Feed and minerals present from normal agricultural practices, normal forest management practices, or crop and wildlife food production practices.

Authority: T.C.A. §70-1-206.

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: December 20, 2021
Signature: 
Name of Officer: Thomas R. Moncrief Jr.
Title of Officer: Associate Counsel

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Filed with the Department of State on: 12/21/2021


Tre Hargett
Secretary of State

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Sequence Number: 02-18-22
File Date: 2/15/2022

Cancellation of Rulemaking Hearing Form

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Wildlife
Contact Person:	Chris Richardson
Address:	5107 Edmondson Pike, Nashville, TN
Zip:	37211
Phone:	615-308-0477
Email:	chris.richardson@tn.gov

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

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This cancellation refers to the following Notice of Rulemaking Hearing:

Cancelled Rulemaking Hearing Sequence Number: 12-24-21
Cancelled Rulemaking Hearing File Date: 12/21/2021

Additional Hearing Cancellation Information:

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FEB 15 2022

Secretary of State
Division of Publications

Date: February 15, 2022

Signature: 

Name of Officer: Thomas R. Moncrief Jr.

Title of Officer: Associate General Counsel