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 File Date: 12/22/2021

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
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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
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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"/> X 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
1660-01-02	Rules and Regulations Governing Birds
Rule Number	Rule Title
1660-01-02-.02	Migratory Bird Hunting

Chapter Number	Chapter Title
1660-01-08	Rules and Regulations Governing Hunts
Rule Number	Rule Title
1660-01-08-.05	Permit Applications and Drawings

Amendment

Rule 1660-01-02-.02 is deleted in its entirety and replaced with the following:

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 may or may 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 one a portion of the regular waterfowl season; or,
- (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 Wildlife Management Area (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.
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 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.
- (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 by the legal daily opening shooting time on days the permittee 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 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, 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 on or before the legal daily opening shooting time, even if the blind is occupied by another person or party, provided the permittee produces identification and the permittee's blind permit.
- (i) All permanent blinds must be removed from Tier 1 locations April 30, but an area manager may allow more time for removal. The area manager must receive a written request for an extension, from a permittee, prior to April 30. 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-Units 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 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 Wildlife Management Area, 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 Wildlife Management Area
 - 1. Waterfowl hunting on Reelfoot Wildlife Management Area 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 as 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.
 - 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.
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 Wildlife Management Area 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 Wildlife Management Area 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 Wildlife Management Area

1. Waterfowl hunting on West Sandy Wildlife Management Area 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 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.
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.
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 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 posted.

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

Amendment

Rule 1660-01-08-.05 (3) is deleted in its entirety and replaced with the following:

1660-01-08-.05 PERMIT APPLICATIONS AND DRAWINGS.

(1) Quota Big Game Hunt Drawings

- (a) Each individual desiring to participate in a managed quota deer, bear, or turkey hunt, must apply only at locations and during periods as designated by the Tennessee Wildlife Resources Agency (TWRA), except as indicated in subparagraphs (i), (j), and (k) below.
- (b) Applicants may submit only one application, except youths six (6) through sixteen (16) years of age may apply for one additional young sportsman hunt on management areas. If an individual's name (except youths applying for one additional young sportsman hunt as noted above) appears on more than one application, that individual will be rejected, the individual's permit fee forfeited, and the individual will be subject to prosecution.
- (c) For quota big game hunts on wildlife management areas (WMAs), applicants must be at least six (6) years of age prior to the date of the hunt.
- (d) All information requested on the application must be completed by the applicant. Failure to clearly specify all information will result in an invalid application.
- (e) Applications must be received by the TWRA as specified on the application. Applications cannot be accepted after the deadline.
- (f) Persons may apply as an individual or with up to 14 other individuals as a "party". Specific instructions to apply as a party will be available on the TWRA's website and available on the Quota Hunt Instruction Sheet, available at license vendors.
- (g) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Sportsman License.
- (h) Priority drawings and procedures for qualifying with priority status will be established as indicated on applications.
- (i) A drawing will be held to determine successful applicants. If unfilled hunt quotas exist after the regular drawing a vacancy drawing or drawings will be held to fill those vacancies. Successful and unsuccessful applicants will be notified by mail.
- (j) When vacancies exist following the drawing(s), quotas will be filled by issuing permits to any applicant, on a first-come, first-served basis at locations designated by the TWRA. Permits are not transferable. An individual may obtain only one (1) leftover permit per person and may obtain leftover permits for other individuals (limit of one leftover permit per person) if they provide the required information for individuals they are representing.
- (k) Land Between the Lakes quota hunt drawings – Individuals desiring to participate in a quota hunt on Land Between the Lakes must submit an application as instructed by the USDA Forest Service.

- (2) Allocation procedures for waterfowl hunting locations not allocated by quota, computerized procedures.
 - (a) Waterfowl hunting locations not allocated through a computerized quota procedure, as set forth in paragraph (3) below, will be allocated pursuant to procedures established by the TWRA.
 - (b) Site 22 on Woods Reservoir of A.E.D.C. WMA will not be allocated by any procedure. Site 22 is held by the TWRA and reserved for Arnold Air Force Base personnel pursuant to a wildlife management agreement between the TWRA and Arnold Air Force Base.
 - (c) No person shall buy, sell, barter, loan or transfer under any theory of law, or offer to buy, sell, barter, loan or transfer under any theory of law, a waterfowl draw blind site permit or the privilege of signing on a waterfowl draw blind site permit issued pursuant to this rule. Any person violating this rule and regulation is subject to have his/her permit and/or hunting privileges revoked in addition to other penalties as prescribed by law.

- (3) Waterfowl quota hunt computer drawing and allocation procedures
 - (a) Permits will be issued via a computerized quota drawing for designated waterfowl hunt locations on WMAs chosen by the TWRA. Any designated waterfowl hunt locations deemed huntable after the end of the quota application period or locations that become available after the drawing has occurred will be issued pursuant to subparagraph (h) below.
 - (b) Each individual or party desiring to participate in a quota waterfowl hunt must make application at times specified and as per instructions supplied by the TWRA.
 - (c) Applicants may apply only once per application period. If more than one application is received per hunter, that individual's applications will be rejected.
 - (d) Only applicants sixteen (16) years of age or older on or before the day of the hunt may apply; however, at least one adult, of at least eighteen (18) years of age, must accompany any youth under sixteen (16) years of age in the hunt party. Youths six to fifteen (6-15) years of age may apply for youth only waterfowl hunts. If successful, the youth party must be accompanied by at least one non-hunting adult at least eighteen (18) years of age. Party may not exceed eight (8) youths.
 - (e) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.
 - (f) Any successful applicant or successful party member may bring seven (7) additional hunters to the hunt. However, the number of hunters may not exceed eight (8) hunters at any time during the hunt, one of which must be a successful applicant. The eight (8) person maximum party size limit does not apply to those drawn for Lick Creek Bottoms WMA, pursuant to paragraph (2) above, for which the hunt party size may not exceed five (5) hunters.
 - (g) Successful applicants must return a "notice of intention" to the TWRA by the deadline established by the TWRA. The notice of intention must indicate whether the successful applicant does or does not intend to hunt during the applicable quota hunt period. A confirmation number will be issued to the applicant.
 - (h) Successful applicants that fail to return the notice of intention to the TWRA prior to the established deadline will forfeit their permit and the permit will be allocated as a leftover permit. Any notice of intention returned to the TWRA indicating the successful applicant does not intend to hunt during the applicable quota hunt period will result in the quota permit being allocated as a leftover permit. Any leftover permits will be allocated by a drawing at a time and location specified and as per instructions supplied by the TWRA. Any license holder may enter for a leftover drawing, but any applicant drawn must be present at the prescribed time and location to claim the permit.
 - (i) Successful applicants must complete and submit a Post-season Waterfowl Quota Hunt Report to the TWRA by the deadline established by the TWRA. The TWRA must receive the Post-

season Waterfowl Quota Hunt Report by the deadline, even if the permit holder did not participate in the hunt. Failure to submit a completed report by the deadline will disqualify the permit holder from entering into the following season's drawing.

- (j) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Sportsman License. Individuals applying for youth quota hunts and military hunts are exempt from paying the handling fee.
 - (k) Successful applicants and the additional hunters in the party must also possess appropriate licenses and permits in order to participate in the hunts.
 - (l) Individuals holding a permit for a permanent registered blind site on Reelfoot WMA or West Sandy WMA are prohibited from applying, as an individual or in a party, for any waterfowl quota permit. Any permanent registered blind site holder applying, as an individual or in a party, for a Tier 1 Location, Tier 2 Location, or Tier 3 Location quota permit will have the individual's application denied and the associated handling fee will be forfeited.
 - (m) Successful applicants drawn for a Tier 1 Location are prohibited from applying, as an individual or in a party, for a Tier 2 or Tier 3 Location quota permit. Any Tier 1 Location permit holder applying, as an individual or in a party, for a Tier 2 Location or Tier 3 Location quota permit will have the individual's application denied and the associated handling fee will be forfeited.
 - (n) No person shall buy, sell, barter, loan or transfer under any theory of law, or offer to buy, sell, barter, loan or transfer under any theory of law, a permit for a designated waterfowl hunt location or the privilege of signing on to a designated waterfowl hunt location permit issued pursuant to this rule. Any person violating this rule and regulation is subject to have his/her permit and/or hunting privileges revoked in addition to other penalties as prescribed by law.
 - (o) Priority drawings and procedures for qualifying with priority status will be established by the TWRA.
- (4) Cherokee Special Hunts (Cherokee Wildlife Management Area in designated Areas).
- (a) Cherokee special hunts consist of Party Dog Hunts.
 - (b) No person may apply on more than one application. If two or more applications are received representing one individual, all applications of that individual will be rejected, the permit fee forfeited, and will be subject to prosecution. Applications must be postmarked no later than the date specified. Persons applying for party hunts may also apply for quota big game hunts subject to rules found in paragraph (1). Quota big game hunt applicants may also apply for party hunts. Persons are limited to one Party Hunt vacancy permit per hunt year.
 - (c) The party application shall contain a minimum of fifty (50) members and a maximum of seventy-five (75). All information requested on the application must be completed for all party applicants. Each applicant must submit the applicable permit fee. All individuals without appropriate licenses/fees will be deleted from the party. Non-residents may purchase the appropriate license after arrival in Tennessee. If the number of valid applicants on a single application falls below the minimum of fifty (50), the entire party will be deleted from the drawing.
 - (d) A drawing will be held to determine the successful party applicants, hunt areas, and hunt dates. The first drawn and in subsequent order will be given their choice of the compartment and hunt date as specified on their application. Vacant hunts remaining after the drawing will not be issued and the area will be closed to big game hunting during that specific hunt.
 - (e) The party leader may request no substitutions for members of the party who cannot appear and may request vacancy permits providing the number does not increase the party beyond seventy-five (75) members. The party leader shall send all the hunter information requested on the vacancy application and the applicable fees for each permit requested. No blank permits

will be issued. The deadline for requesting vacancy permits shall be fourteen (14) days prior to the hunt date.

- (5) WMA Quota Hunts First-Come, First-Served Permits
 - (a) WMAs with specific compartments, as identified in proclamation, will have permits allocated through designated locations as authorized by the Tennessee Fish and Wildlife Commission.
 - (b) Permits will be issued on a first-come, first-served basis until all permits have been issued.
 - (c) No individual license holder may obtain more than one (1) permit per hunt.

- (6) Elk Hunt Quota Permits
 - (a) Each individual desiring to participate in a quota elk hunt must submit an application at times specified and as per instructions supplied by the TWRA.
 - (b) Applicants may apply only once per year. If more than one application is received per hunter, that individual will be rejected, the individual's fee forfeited, and the individual will be subject to prosecution.
 - (c) A youth hunter at least sixteen (16) years of age, on or before the day of the hunt, may apply; however, the youth hunter must be accompanied by one non-hunting adult at least twenty-one (21) years of age or older who must remain in position to take immediate control of the firearm.
 - (d) Only one (1) person may apply per application.
 - (e) All information requested at the time of application must be completed; provided, failure to specify all information will result in the application being rejected.
 - (f) Each application must be accompanied by a non-refundable handling fee for each applicant, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Sportsman License.
 - (g) Successful applicants must also possess appropriate licenses and permits in order to participate in the hunts.
 - (h) Successful applicants will not be allowed to re-apply for an elk hunt quota permit for a period of ten (10) years following a successful draw.
 - (i) Priority drawings and procedures for qualifying with priority status will be established as indicated by the TWRA.
 - (j) A computer drawing will be held to determine successful applicants.
 - (k) Successful applicants may be subject to hunting in specialized elk zones as designated by the TWRA.
 - (l) Non-resident applicants will be restricted to no greater than twenty-five (25) percent of the drawn permits.

- (7) Issuance of miscellaneous quota permits not governed by existing regulations.
 - (a) Special hunts which require hand-held drawings may be identified by means of annual Proclamation, times, dates, and locations of these drawings will also be identified.
 - (b) All information requested on the application must be completed by the applicant.
 - (c) If an individual's name appears on more than one application, that individual will be rejected.

- (d) A random drawing will be utilized to determine successful applicants.
 - (e) Applications will be drawn in order to establish priorities for choice of designated waterfowl hunt locations. All participants wishing to sign on with a successful applicant must do so when the successful applicant chooses the designated waterfowl hunt location. An individual's application for designated waterfowl hunt location selection is immediately voided when the individual signs on with another successful applicant. All individuals wishing to sign on must possess the necessary licenses and permits indicated in subparagraph (d). Individuals desiring to sign on must be present.
- (8) Sandhill Crane Quota Permit Allocation Procedures.
- (a) Permits will be issued by handheld drawing(s) and/or by a computer drawing to determine successful applicants.
 - (b) Each individual desiring to participate in a quota permit drawing must submit an application during the application period specified and per the instructions supplied by the TWRA.
 - (c) Applicants may submit one application per drawing. If more than one application is received per hunter, that individual's applications will be rejected. Successful applicants in one drawing are not eligible to participate in additional drawings. Each applicant must be at least thirteen (13) years of age to participate in the drawing.
 - (d) All information requested at the time of application must be completed; failure to provide all information will result in the application being rejected.
 - (e) If a handheld drawing is conducted, a current Hunting & Fishing license and Waterfowl license (or equivalents) are required to apply. If a computerized drawing is conducted, each application must be accompanied by a non-refundable handling fee, except Sportsman License holders, Lifetime Sportsman License holders and persons possessing an Annual Senior Citizen Sportsman License.
 - (f) If a computerized drawing is conducted, priority drawings and procedures for qualifying with priority status will be established as indicated on the application.
 - (g) When permits remain following a handheld drawing, the remaining permits will be added to a computerized drawing. When permits remain following a computerized drawing, leftover permits will be available on a first come, first serve basis on the TWRA's website.
 - (h) Successful applicants must possess appropriate licenses and permits in order to participate in the hunt(s).
 - (i) Successful applicants are required to pass a bird identification test before their permit is issued; specific requirements will be outlined by the TWRA.
 - (j) Each Sandhill Crane Quota Permit holder is required to complete and submit a Sandhill Crane Post-season Hunt Report by the deadline established by the TWRA. The TWRA must receive the Sandhill Crane Post-season Hunt Report by the deadline, even if the permit holder did not participate in the hunt. Failure to submit a completed report by the deadline will disqualify the permit holder from entering the following season's drawing.

Authority: T.C.A. §§ 70-1-206, 70-2-219, 70-4-107, and 70-5-101.

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 22, 2021

Signature: _____



Name of Officer: _____

Thomas Moncrief

Title of Officer: _____

Associate Counsel

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Tre Hargett
Secretary of State

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