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TENNESSEE ADMINISTRATIVE REGISTER



July 15, 2004
Volume 30, Number 7

TAAAR



RILEY C. DARNELL
Secretary of State

Division of Publications
8th Floor, Snodgrass Tower
312 8th Avenue North
Nashville TN 37243 - 0310

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A certified copy of each document filed with the Department of State, Division of Publications is available for public inspection from 8 A.M. to 4:30 P.M., Monday through Friday. Copies of documents may be made at a cost of 25 cents per page and \$2 for the certification page, payable in advance if requested. The Division of Publications is located on the Eighth Floor, Snodgrass Tower, 312 Eighth Avenue North, Nashville, TN 37243 - 0310. Telephone inquiries may be made by calling (615) 741-0522, Tennessee Relay Center TDD 1-800-848-0298, Voice 1-800-848-0299. Individuals with disabilities who wish to inspect these filings should contact the Division of Publications to discuss any auxiliary aids or services needed to facilitate such inspection. Such contact may be made in person, by writing, telephonically or otherwise and should be made at least ten (10) days in advance of the date such party intends to make such inspection to allow time for the Division of Publications to provide such aid or service.

Department of State, Authorization No. 305197, 155 copies, July 2004. This public document was promulgated at a cost of \$ 5.82 per copy.

PREFACE

The Tennessee Administrative Register (T.A.R) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the *official compilation-Rules and Regulations of the State of Tennessee*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

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ANNOUNCEMENTS

ANNOUNCEMENT OF FORMULA RATE OF INTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 8.00%.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

Kevin P. Lavender

THE DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of August 2004 is 9.34 percent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the calculated rate is 5.34 percent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P.L. 96-221 as amended by P.L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

Kevin P. Lavender

GOVERNMENT OPERATIONS COMMITTEES

ANNOUNCEMENT OF PUBLIC HEARINGS

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the previous month. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-01	June 1, 2004	1155 Board of Registration in Podiatry	Rulemaking Hearing Rules	Amendment	<i>Chapter 1155-3 General Rules Governing Podiatry X-Ray Operators</i> 1155-3-.03 Reciprocity	Nicole Armstrong OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 15, 2004
06-02	June 2, 2004	0480 Dispensing Opticians	Rulemaking Hearing Rules	Amendment	<i>Chapter 0480-1 General Rules Governing Dispensing Opticians</i> 0480-1-.14 Apprenticeship Training Program	Nicole Armstrong OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 16, 2004
06-03	June 2, 2004	1200 Health Tennessee Medical Laboratory Board	Rulemaking Hearing Rules	Amendment	<i>Chapter 1200-6-1 General Rules Governing Medical Laboratory Personnel</i> 1200-6-1-.20 Qualifications and Duties of the Medical Laboratory Director	Robert J. Kraemer, Jr., OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 16, 2004
06-09	June 3, 2004	1660 Wildlife Resources Commission	Rulemaking Hearing Rules	Amendment	<i>Chapter 1660-1-2 Rules and Regulations for Birds</i> 1660-1-2-.02 Migratory Bird Hunting	Gary Myers Ellington Agriculture Center POB 407204 Nashville TN 372204	Aug 17, 2004
06-16	June 3, 2004	0260 Chiropractic Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapter 0260-2 General Rules Governing Chiropractic Examiners</i> 0260-2-.02 Scope of Practice 0260-2-.04 Qualifications for Licensure 0260-2-.18 Mandatory Release of Patient Records	Robert J. Kraemer, Jr., OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 17, 2004
06-17	June 3, 2004	1150 Occupational and Physical Therapy Examiners Committee of Physical Therapy	Rulemaking Hearing Rules	Amendments	<i>Chapter 1150-1 General Rules Governing the Practice of Physical Therapy</i> 1150-1-.04, Qualifications for Licensure 1150-1-.05, Procedures for Licensure	Nicole Armstrong OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 17, 2004
06-20	June 8, 2004	0880 Medical Examiners	Rulemaking Hearing Rules	Amendment	<i>Chapter 0880-6 Rules and Regulations Governing the Utilization and Supervision of the Services of a Nurse Practitioner/Prescription Writer</i> 0880-6-.02 Clinical Supervision Requirements	Robert J. Kraemer, Jr., OGC 26th FI TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 22, 2004

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-21	June 8, 2004	0780 Commerce and Insurance Fire Prevention	Rulemaking Hearing Rules	New Rules	<i>Chapter 0780-2-20 Fire Department Recognition</i> 0780-2-20-.01 Definitions. 0780-2-20-.02 General Requirements. 0780-2-20-.03 Registration. 0780-2-20-.04 Standards and Qualifications. 0780-2-20-.05 Recognized Fire Departments. 0780-2-20-.06 Renewal of Registration.	Connaught O'Connor Commerce and Insurance Davy Crockett Twr 5th Fl 500 James Robertson Pkwy Nashville TN 37243-1162 615-741-3072	Aug 22, 2004
06-22	June 10, 2004	0780 Commerce and Insurance Fire Prevention	Rulemaking Hearing Rules	Amendments	<i>Chapter 0780-2-13 Modular Building Units</i> 0780-2-13-.01 Definitions 0780-2-13-.02 Standards 0780-2-13-.03 Licenses 0780-2-13-.04 Approval of Design Review Agencies 0780-2-13-.05 Responsibilities of Approved Design Review Agencies 0780-2-13-.06 Approval of Construction Inspection Agencies 0780-2-13-.07 Responsibilities of Approved Construction Inspection Agencies 0780-2-13-.08 Combined Agencies 0780-2-13-.09 Building Systems and Compliance Assurance Program 0780-2-13-.10 Data Plates 0780-2-13-.11 Labels 0780-2-13-.12 Alteration of Labeled Units 0780-2-13-.15 Local Government Procedures 0780-2-13-.16 Department Functions 0780-2-13-.17 Disciplinary Proceedings 0780-2-13-.20 Applicability	Scott M. Ledford Commerce and Insurance Davy Crockett Twr 5th Fl 500 James Robertson Pky Nashville TN 37243-1162 615-741-3072	Aug 24, 2004
06-24	June 10, 2004	1045 Optometry	Rulemaking Hearing Rules	Amendments	<i>Chapter 1045-2 General Rules Governing the Practice of Optometry</i> 1045-2-.01 Fees 1045-2-.05 Continuing Education 1045-2-.13 Optometric Professional Corporations and Optometric Professional Limited Liability	Nicole Armstrong, Assistant OGC 26th Fl TN Twr, 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 24, 2004

ANNOUNCEMENTS

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-24, cont.					Companies		
06-25	June 10, 2004	1200 Health Health Related Boards	Proposed Rules	Amendments	<i>Chapter 1200-10-2</i> <i>General Rules and Regulations Governing the Practice of Reflexology</i> 1200-10-2-.07 Registration Discipline and Advisory Rulings		Oct 28, 2004
06-27	June 10, 2004	1360 State Division of Business Services.	Public Necessity Rules	New rule	<i>Chapter 1360-7-2</i> <i>Notary Publics</i> 1360-7-2-.01 Notary Public seal of office	Bob Grunow Department of State TN Twr, 6th Fl 312 8th Ave N Nashville TN 37243 (615)-741-0584	June 10, 2004 through Nov 22, 2004
06-28	June 10, 2004	1360 State Division of Business Services.	Proposed Rules	New rule	<i>Chapter 1360-7-2</i> <i>Notary Publics</i> 1360-7-2-.01 Notary Public seal of office	Bob Grunow Department of State TN Twr, 6th Fl 312 8th Ave N Nashville TN 37243 (615)-741-0584	Oct 28, 2004
06-29	June 10, 2004	0880 Medical Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapter 0880-2</i> <i>General Rules and Regulations Governing the Practice of Medicine</i> 0880-2-.20 Medical Professional Corporations and Medical Professional Limited Liability Companies	Robert J. Kraemer OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 24, 2004
06-32	June 15, 2004	0030 Commission on Aging and Disability	Public Necessity Rules	New Rules	<i>Chapter 0030-1-6</i> <i>Requirement to Verify Background Information for New Employees and Volunteers</i> 0030-1-6-.01 Purpose 0030-1-6-.02 Minimum Requirements 0030-1-6-.03 Reporting Prior Convictions 0030-1-6-.04 Checking Employment and Personal References 0030-1-6-.05 Requirements for Employees or Volunteers 0030-1-6-.06 Requirements for Employers 0030-1-6-.07 Criminal History Background Checks	Charles W. Hewgley Suite 825 Andrew Jackson Bldg 500 Deaderick St Nashville TN 37243-0860	June 15, 2004 through Nov 28, 2004

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-33	June 15, 2004	0870 Massage Licensure Board	Rulemaking Hearing Rules	Amendments	<i>Chapter 0870-1 General Rules Governing Licensed Massage Therapists and Establishments</i> 0870-1-.04 Licensure and Provisional Licensure Process 0870-1-.05 Establishment Licensure Process 0870-1-.07 Application Review, Approval, and Denial	Richard F. Russell OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 29, 2004
06-34	June 15, 2004	1200 Health Board of Alcohol and Drug Abuse Counselors	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-30-1 Rules Governing Licensure of Alcohol and Drug Abuse Counselors</i> 1200-30-1-.04 Qualifications for Licensure 1200-30-1-.05 Licensure Process 1200-30-1-.08, Examinations	Nicole Armstrong OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Aug 29, 2004
06-38	June 18, 2004	0460 Dentistry	Rulemaking Hearing Rules	Amendments	<i>Chapter 0460-1 General Rules</i> 0460-1-.01 Definitions 0460-1-.02 Fees 0460-1-.06 Disciplinary Actions, Civil Penalties, Procedures, Declaratory Orders, Assessment of Costs, and Subpoena <i>Chapter 0460-2 Rules Governing the Practice of Dentistry</i> 0460-2-.06 Specialty Certification	Ernest Sykes, Jr. OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Sept 1, 2004
06-39	June 22, 2004	1370 Communications Disorders and Sciences	Rulemaking Hearing Rules	Amendments	<i>Chapter 1370-1 Rules for Speech Pathology and Audiology</i> 1370-1-.05 Procedures for Licensure 1370-1-.06 Fees 1370-1-.10 Clinical Fellowships and Supervision 1370-1-.14 Speech Language Pathology Assistants and Supervision	Ernest Sykes, Jr OGC 26th FI TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Sept, 5, 2004
06-41	June 23, 2004	0400 Environment and Conservation Solid Waste Management	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-10 Administrative Procedures</i> 1200-1-10-.01 through 1200-1-10-.22 1200-1-10-.01 General <i>Chapter 1200-1-11 Hazardous Waste Management</i> 1200-1-11-.01 Hazardous Waste	Gerald Ingram Solid Waste Management 5th FI L&C Twr 401 church St Nashville TN 37243-1535 615-532-0850	Sept 6, 2004

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-41, cont.					<p>Management System: General</p> <p>1200-1-11-.02 Identification and Listing of Hazardous Waste</p> <p>1200-1-11-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Waste</p> <p>1200-1-11-.04 Permit Requirements and Standards Applicable to Transporters of Hazardous Waste</p> <p>1200-1-11-.05 Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities</p> <p>1200-1-11-.06 Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities</p> <p>1200-1-11-.07 Permitting of Hazardous Waste Treatment, Storage, and Disposal Facilities</p> <p>1200-1-11-.08 Fee System for Transporters, Stors, Treaters, Disposers, and Certain Generators Of Hazardous Wastes and for Certain Used Oil Facilities or Transporters</p> <p>1200-1-11-.09 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities</p> <p>1200-1-11-.10 Land Disposal Restrictions</p> <p>1200-1-11-.11 Standards for the Management of Used Oil</p> <p>1200-1-11-.12 Standards for Universal Waste Management [40 Cfr Part 273]</p> <p><i>Chapter 1200-1-14 Commercial Hazardous Waste Management Facilities</i></p> <p>1200-1-14-.01 Commercial Hazardous</p>		

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-41, cont.					1200-1-14-.02 Waste Management Permitting of New Commercial Hazardous 1200-1-14-.03 Siting Criteria for New Commercial Hazardous Facilities: General Waste Facilities1200		
06-42	June 24, 2004	1730 Veterinary Medical Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapter 1730-1 General Rules Governing Veterinarians</i> 1730-1-.05 Procedures for Licensure 1730-1-.22 Recordkeeping <i>Chapter 1730-2 General Rules Governing Veterinary Facilities</i> 1730-2-.03, Veterinary Facility Inspections to Obtain a Premises Permit 1730-2-.04 Recordkeeping 1730-2-.08 Small Animal Surgery 1730-2-.14 Examination and Treatment Areas 1730-2-.16 Hospitalization 1730-2-.17 Provisions for Non-Provided Services <i>Chapter 1730-5 General Rules Governing Certified Animal Euthanasia Technicians</i> 1730-5-.08 Renewal Application/Reinstatement of Expired Certificate New Rule 1730-1-.24 Consumer Right-To-Know Requirements	Nicole Armstrong OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Sept 7, 2004
06-43	June 29, 2004	0940 Mental Health And Developmental Disabilities Mental Health Services	Rulemaking Hearing Rules	New Chapter	<i>Chapter 0940-3-10 Community Mental Health Center Cooperation</i>	Cindy Tyler MHDD 5 th fl Cordell Bldg 425 5 th Ave N Nashville TN 37243 615-532-6516	Sept 12, 2004
06-44	June 29, 2004	0940 Mental Health And Developmental Disabilities Office Of Licensure	Rulemaking Hearing Rules	Repeal and New Rules	<i>Chapter 0940-5-1 Definitions 0940-5-1-.01 through 0940-5-1-.05</i>	Cindy Tyler MHDD 5 th fl Cordell Bldg 425 5 th Ave N Nashville TN 37243 615-532-6516	Sept 12, 2004

ANNOUNCEMENTS

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-45	June 29, 2004	0940 Mental Health And Developmental Disabilities Office Of Licensure	Rulemaking Hearing Rules	New Chapter	<i>Chapter 0940-5-37 Mental Health Residential Treatment Facility For Children And Youth</i>	Cindy Tyler MHDD 5 th fl Cordell Bldg 425 5 th Ave N Nashville TN 37243 615-532-6516	Sept 12, 2004
06-47	June 30, 2004	0880 Medical Examiners	Rulemaking Hearing Rules	Amendments	<i>Chapter 0880-2 General Rules and Regulations Governing the Practice of Medicine 0880-2-.12 Licensure Discipline and Civil Penalties Chapter 0880-4 General Rules and Regulations Governing the Practice of Athletic Trainers 0880-4-.15 Disciplinary Grounds, Actions, and Civil Penalties</i>	Robert J. Kraemer, Jr., OGC 26 th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	Sept 13, 2004
06-48	June 30, 2004	1340 Safety Driver License Issuance	Public Necessity Rules	Amendments	<i>Chapter 1340-1-13 Rules of Classified and Commercial Driver Licenses and Certificates for Driving 1340-1-13-.01 Purpose 1340-1-13-.02 Definitions 1340-1-13-.03 Driver License Classifications 1340-1-13-.04 Endorsements 1340-1-13-.05 Instructional Permits 1340-1-13-.06 Photo Identification Licenses 1340-1-13-.08 General Eligibility Standards 1340-1-13-.09 Mental and Physical Standards 1340-1-13-.10 Vision Standards 1340-1-13-.11 Application Requirements 1340-1-13-.12 Proof of Date of Birth, Residency, Lawful Permanent Residency and Identification 1340-1-13-.13 Licensing Minors 1340-1-13-.14 Fees 1340-1-13-.15 Examinations 1340-1-13-.16 Fraudulent Applications 1340-1-13-.17 Expirations and Renewal 1340-1-13-.18 Contents and Design of Licenses and Certificates for Driving</i>	Larry Large, Director Driver License Issuance Department of Safety 1150 Foster Ave-McCord Hall Nashville, TN 37249-1000 615-251-5217	June 30, 2004 through Dec 12, 2004

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-48, cont.					1340-1-13-.19 Changes of Information, Duplicates 1340-1-13-.20 Restrictions 1340-1-13-.21 Reinstatement After Cancellation, Revocation, Or Suspension		

HEALTH SERVICES AND DEVELOPMENT AGENCY – 0720**NOTICE OF BEGINNING OF REVIEW CYCLE**

Applications will be heard at the August 25, 2004
Health Services and Development Agency Meeting
(except as otherwise noted)

**Denotes applications being placed on the Consent Calendar.
+Denotes applications under simultaneous review.*

This is to provide official notification that the Certificate of Need applications listed below have begun the review cycle effective June 1, 2004. The review cycle includes a 60-day period of review by the Tennessee Department of Health or the Department of Mental Health and Developmental Disabilities. Upon written request by interested parties the staff of The Health Services and Development Agency shall conduct a public hearing. *Certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a review less than 60 days including a 30-day period of review by the Department of Health or Department of Mental Health and Developmental Disabilities. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk.*

Pursuant to T.C.A., Section 68-11-1609(g)(1), any health care institution wishing to oppose a Certificate of Need must file a written objection with the Health Services and Development Agency and serve a copy on the contact person for the applicant no later than fifteen (15) days before the agency meeting at which the application is originally scheduled for consideration.

For more information concerning each application you may contact the Health Services and Development Agency at 615/741-2364.

NAME AND ADDRESS**DESCRIPTION**

Hillcrest HealthCare West
6801 Middlebrook Pike
Knoxville (Knox County), TN 37909
CN0404-033
Contact Person: Mike Troglen, Administrator
Phone No. 865-588-7661

The relocation of forty-nine (49) Level 1 nursing home beds from the Hillcrest HealthCare North B Building, located at 5321 Beverly Park Circle in Knoxville (Knox County), TN 37919, to the Hillcrest Healthcare West facility located at 6801 Middlebrook Pike, Knoxville (Knox County), TN 37909.
\$ 8,000.00

Appalachian Orthopaedic Associates, P.C.
1 Medical Park Blvd., Suite 300E
Bristol (Sullivan County), TN 37620
CN0404-040
Contact Person: Michael O. Clang, MHA,
Practice Administrator
Phone No. 423-239-1530

The initiation of extremity magnetic resonance imaging (MRI) services. Other than the MRI, the project does not contain any major medical equipment and does not initiate or discontinue any other health services.
\$ 616,311.50

NAME AND ADDRESS	DESCRIPTION
Hospice of Chattanooga 4355 Highway 58, Suite 101 Chattanooga (Hamilton County), TN 37416 CN0405-043 Contact Person: Sheila Harris, Business Development Director Phone No. 423-892-4289 ext 140	The addition of six (6) counties to the licensed service area of Hospice of Chattanooga. Bradley, Polk, Bledsoe, Grundy, McMinn and Meigs counties will be added to the licensed service area of Hamilton, Rhea, Sequatchie and Marion counties. No other changes are proposed. \$ 3,000.00
Henderson County Community Hospita 1200 West Church Street Lexington (Henderson County), TN 38351 CN0405-046 Contact Person: William H. West, Esq. Phone No. 615-726-5600	The acquisition, via lease, of a m obile magnetic reso- nance imaging ("MRI") scanner with related transporta- tion equipment and the initiation of MRI services on a one day per week basis. No inpatient beds are affected by this project. \$ 184,000.00

**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT - 0800
 DIVISION OF BOILER AND ELEVATOR INSPECTION
 ELEVATOR SAFETY BOARD**

CORRECTION

Typographical errors appeared on pages 4 and 20 of the June 15, 2004 T.A.R (Volume 30, Number 6) in regard to the proposed rule filed by the Department of Labor (05-05). On page 4, the filing date should have been May 7, 2004 and the effective date September 28, 2004. On page 20 the effective date should have been September 28, 2004.

THE DEPARTMENT OF REVENUE - 1320**NOTICE OF DETERMINATION OF INTEREST RATE**

Pursuant to T.C.A. Section 67-1-801(a)(1) through (3), notice is hereby given that the rate of interest on all taxes collected or administered by the Department of Revenue shall be eight percent (8.00%) effective on or after July 1, 2004, through June 30, 2005.

Loren L. Chumley
Commissioner of Revenue

NOTICE OF DETERMINATION OF INTEREST RATE FOR INSTALLMENT PAYMENTS

Pursuant to T.C.A. Section 67-1-801(a)(4)(D), notice is hereby given that the rate of interest on all tax liabilities paid in installments by agreement with the Commissioner of Revenue shall be eleven percent (11.00%) effective on or after July 1, 2004, through June 30, 2005.

Loren L. Chumley
Commissioner of Revenue

DEPARTMENT OF STATE - 1360**STATE ELECTIONS DIVISION**

JULY, 15, 2004

PUBLIC NOTICE OF 2004 STATE PLAN

This public notice is in accordance with the Help America Vote Act of 2002 (HAVA). According to Section 256 of HAVA, the 2004 State Plan must be available for public inspection and comment thirty (30) days prior to the submission of the plan to the federal commission.

The 2004 State Plan will be available for inspection and public comment from July 15, 2004 to August 13, 2004. The plan will be posted online at the official State website <http://www.state.tn.us/sos/election.htm>. The plan will also be available through the Secretary of State, Division of Elections, at (615) 741-7956 and at all local county election offices. Copies of the plan may be mailed, emailed, or faxed. Public comments may be sent to:

Department of State
Division of Elections
Attention: Cara Harr
312 Eighth Avenue North
9th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243
(615) 741-7956
(615) 741-1278 (facsimile)
Cara.Harr@state.tn.us (email)

SUMMARY:

On October 29, 2002, President Bush signed into law the Help America Vote Act of 2002, which requires mandatory changes and improvements in the electoral process. In order to make these improvements the federal government will provide funds to the individual States. These funds will be used to improve voting systems, to implement provisional voting, and to establish a statewide voter registration database. In order to qualify for funds under Title III, each State must design a long-range plan for implementing the Act.

An advisory committee was established for the purpose of assisting in the drafting of Tennessee's State Plan. The empanelled committee includes the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens. All public comments will be reviewed and taken into consideration in preparing the 2004 Plan. The 2004 Plan will be submitted to the Election Assistance Commission.

VETERINARY MEDICAL EXAMINERS - 1730

DEPARTMENT OF HEALTH BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS

PETITION FOR DECLARATORY ORDER NOTICE OF HEARING AND NOTICE TO POTENTIALLY INTERESTED PERSONS

David Bryant, d/b/a Smoky Mountain Cattle Consulting, has filed a Petition for a Declaratory Order pursuant to Tenn. Code Ann. § 4-5-224 and the Uniform Rules for Hearing Contested Cases Before State Administrative Agencies, Tenn. Comp. R. & Regs. 1360-4-1-.07.

- Petitioner's Name: David Bryant
d/b/a Smoky Mountain Cattle Consulting
6600 Eureka Road NW
Cleveland, Tennessee 37312

Telephone Number: (423) 255-1089

- Docket Number: 17.25-056352A
2. Petitioner's Attorney: N/A
- Address: N/A
- Telephone Number: N/A
3. Organization, if any, that the Petitioner represents:
- Smoky Mountain Cattle Consulting
4. Provide a statement of the facts that led to the filing of this petition.

Smoky Mountain Cattle Consulting (SMCC) is a consulting service that will work only with beef cattle and replacement diary heifer producers in southeast Tennessee. It will be a complete service that will cover all aspects of the industry, to help producers become more productive and successful concerning food animal agriculture.

To ensure herd health, SMCC will travel to each client's farm with a fully mobile working facility. SMCC staff will dehorn, castrate, vaccinate, and weigh all animals, and will use ultrasound technology to detect pregnancy. All of the verification and documentation of this process will be recorded in electronic ID (EID) that all of the cattle in the system will use. EID will fit completely into the national ID system that is scheduled to be implemented by the USDA, and can even be more beneficial, since more information will be available than just the standard birth date and location. SMCC intends to provide services to all of its clients' cattle instead of allowing each client to do so; this will provide uniformity and independent source verification, and ensure the health of cattle assembled for shipping. SMCC will not work with non-client animals because individual SMCC services will not be available and SMCC does not want to be in direct competition with local veterinarians.

SMCC will also offer a bunk-breaking phase in its program. SMCC will travel to each client's farm and pick up calves at weaning time for transport to a central location for bunk breaking. The cattle will learn how to eat from a bunk or trough and drink from a centralized watering location. The cattle may be given booster vaccinations (depending on the needs of the company receiving the animals) and will be weighed and given a vitamin/mineral complex. After 30-45 days, the cattle will be transported via semi-truck to their destination. All information regarding the health, performance, carcass, etc. will be available to the producer and is part of the complete management system that SMCC is creating for the cattle industry.

All of the management staff at SMCC will have specialty and graduate degrees in their respective fields, including reproductive physiology, nutrition and agriculture economics, with all involving successful cattle and land management. All staff that will be in contact with cattle will be BQA certified.

Veterinarians will be consulted for specific prescription products and all operations (C-sections, DA surgeries, etc.). The USDA and UT's Beef Integrated Resource Management has defined the services SMCC plans to offer as important management tools needed to establish solid herd health and a successful management program. SMCC has data to support the need for its services, including data that cattle from the southeast have many more health programs than comparable animals from other regions. SMCC provides and supports a fully integrated management system that is unavailable in the cattle industry at this time.

5. Provide a summary of the relief the Petitioner is requesting, including the specific nature of the requested order and the conclusions the Petitioner would like the agency to reach at the conclusion of the declaratory process.

Due to the decreasing number of food animal veterinarians in Tennessee that specialize in cattle and logistical concerns, SMCC believes that its business should be considered an acceptable livestock management practice that is exempt from the definition of the practice of veterinary medicine.

6. Citation to the statute, rule or order which is the subject of the petition.

Tenn. Code Ann. § 63-12-133(a)(10)

7. State how the statute, rule and/or order cited above specifically and directly produces and effect or result upon the Petitioner:

Smoky Mountain Cattle Consulting plans to begin operations during the summer of 2004. Some of the aspects of the consulting practice are outside the bounds of veterinary medicine. However, because some of the services arguably fall within the definition of veterinary medicine (Tenn. Code Ann. § 63-12-103(10) and Tenn. Comp. R. & Regs. 1730-1-.02), SMCC wants to ensure that it is not in violation of the applicable statutes and rules governing the practice of veterinary medicine and thus subject to penalties (Tenn. Code Ann. § 63-12-119 and Tenn. Comp. R. & Regs. 1730-1-.15). SMCC believes that the services it will offer to cattle producers in Tennessee should be construed as falling under the accepted livestock management practice exemption of Tenn. Code Ann. § 63-12-133(a)(10), based on previous research that has been conducted regarding cow/calf operations showing a need for the services provided by SMCC. SMCC is also asking that this exemption fit the type of program that it is proposing because of logistical concerns, lack of specific training, low numbers of food animal veterinarians in the regions, and the large economic and herd health benefits for cattle that producers in the state will receive and benefit from.

A hearing has been scheduled for Thursday, August 26, 2004, at 9 a.m. before the Tennessee Board of Veterinary Medical Examiners in the Tennessee Room of the Cordell Hull Building, Ground Floor, 425 5th Avenue North, Nashville, Tennessee 37247.

If you have questions, you may contact the Petitioner at the address and phone number listed at the beginning of this notice.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 17th day of June, 2004.

Submitted for publication by:

Nicole L. Armstrong (BPR #020615)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
312 8th Ave. N., 26th Fl. Wm. Snodgrass Tower
Nashville, Tennessee 37243
(615) 741-1611

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

- 0080 - Department of Agriculture - Regulatory Services - Emergency rules stopping the movement of certain varieties of nursery stock into the state of Tennessee which are derived from the state of California, chapter 0080-6-1 Rules and Regulations Governing Nurseries Dealers and Agents, 4 T.A.R. (April 2004) - Filed March 25, 2004; effective September 6, 2004 (03-08)

- 1200 - Department of Health - Bureau of Health Services Administration - Communicable and Environmental Disease Services - Emergency rules covering reporting of diseases to public health authorities, chapter 1200-14-1, Communicable Diseases, 6 T.A.R. (June 2004) - Filed May 26, 2004; effective through November 7, 2004. (05-23)

PROPOSED RULES

DEPARTMENT OF HEALTH - 1200 DIVISION OF HEALTH RELATED BOARDS

CHAPTER 1200-10-2 GENERAL RULES AND REGULATIONS GOVERNING THE PRACTICE OF REFLEXOLOGY

Presented herein are proposed amendments of the Department of Health, Division of Health Related Boards submitted pursuant to Tennessee Code Annotated, Section 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Health, Division of Health Related Boards, to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the office of the Division of Health Related Boards on the First Floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, Tennessee 37247-1010 and in the Administrative Procedures Division of the Department of State, Eighth Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

The text of the proposed amendments is as follows:

AMENDMENTS

Rule 1200-10-2-.07, Registration Discipline and Advisory Rulings, is amended by deleting subparagraph (1) (c) and part (3) (a) 1. in their entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (c) and the new part (3) (a) 1. shall read:

- (1) (c) Civil penalty - A monetary disciplinary action assessed by the Division pursuant to paragraph (5) of this rule.
- (3) (a) 1. The registrant shall submit the request to the Administrative Office on the form contained in subparagraph (b), providing all the necessary information; and

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-30-111, 63-30-112, and 63-30-113.*

Rule 1200-10-2-.07, Registration Discipline and Advisory Rulings, is amended by adding the following language as new paragraphs (2), (3) and (4), and renumbering the remaining paragraphs accordingly:

- (2) Once ordered, suspension, revocation, or assessment of a civil penalty may not be lifted unless and until the registered certified reflexologist petitions, pursuant to paragraph (3) of this rule, and appears before the Division after the period of initial suspension or revocation has run and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unregistered practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
 - (a) The Division will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension; or
 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a registration previously revoked.
 - (b) Procedures
 1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Division's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Division's administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Division authorizes its administrative staff to make an initial determination on the petition and take one of the following actions:

- (i) Certify compliance and have the matter scheduled for presentation to the Division as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Division the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the Division finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
 5. If the petition is denied either initially by staff or after presentation to the Division and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance
Division of Health Related Boards

Petitioner’s Name:
Petitioner’s Mailing Address:

Petitioner’s E-Mail Address:
Telephone Number:

Attorney for Petitioner:
Attorney’s Mailing Address:

Attorney’s E-Mail Address:
Telephone Number:

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension; or
3. An order issued reflecting that compliance and reinstating a registration previously revoked.

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Division's administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20____.

Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unregistered practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Division orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 45-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued.
- (a) The Division will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Division's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.

2. The Division authorizes its administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Division as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Division the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Division that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Division and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order Modification
Division of Health Related Boards

Petitioner's Name:
Petitioner's Mailing Address:

Petitioner's E-Mail Address:
Telephone Number:

Attorney for Petitioner:
Attorney's Mailing Address:

Attorney's E-Mail Address:
Telephone Number:

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No

documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20____.

Petitioner's Signature

Authority: T.C.A. §§ 4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-30-111, 63-30-112, and 63-30-113.

The proposed rules set out herein were properly filed in the Department of State on the 10th day of June, 2004, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2004. (06-25)

**THE TENNESSEE DEPARTMENT OF STATE - 1360
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-7-2
NOTARY PUBLICS**

Presented herein is a proposed rule of the Department of State submitted pursuant to T.C.A., §4-5-202 in lieu of a rulemaking hearing. It is the intent of the department to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed on the 6th Fl of the William Snodgrass/TN Tower located at 312 eighth Avenue North, Nashville, TN 37243, and in the Department of State, Eighth Floor, William R. Snodgrass/TN Tower, 312 Eighth Avenue North, Nashville, TN 37243, and must be signed by twenty five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty five (25) or more members, or any standing committee of the General Assembly

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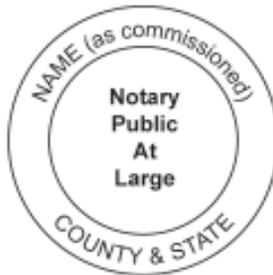
1360-7-2-.01 Notary Public seal of office

1360-7-2-.01 NOTARY PUBLIC SEAL OF OFFICE

- (1) A notary public commissioned on or after July 1, 2004, shall use a notary seal that substantially conforms to the following design: a circular seal with the notary public's name as it appears on the commission printed at the top, the county of election printed at the bottom, and the words "State of Tennessee Notary Public" or "Tennessee Notary Public" printed in the center. A sample seal format appears below.



- (2) Effective July 1, 2004, and until the expiration of his/her current term of office, a notary public commissioned prior to July 1, 2004, shall use either the notary seal design identified in section (1), or a notary seal that substantially conforms to the following design: a circular seal with the notary public’s name as it appears on the commission printed at the top, the county of election and state printed at the bottom, and “Notary Public at Large” printed in the center. A sample seal format appears below.



Authority: T.C.A. §§4-5-209(a)(4), 8-16-206(a), 2004 Tenn. Pub. Acts, ch. 854.

The proposed rules set out herein were properly filed in the Department of State on the 10th day of June, 2004, and pursuant to the instructions above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2004. (06-28)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT (SEE T.A.R. CITED)

- 0620 - Department of Finance and Administration - Bureau of TennCare - Public necessity rules implementing the provisions of any federal waiver or state plan amendment obtained pursuant to the Medical Assistance Act as amended by Acts 1993 - 5 T.A.R. (May 2004) - Filed April 28, 2004; effective through October 10, 2004. (04-20)
- 1360 - Department of Health - Administrative Procedures Division - Public necessity rule concerning hearings, rule 1360-4-1-.06 Service of Notice of Hearing, 3 T.A.R. (March 2004) - Filed February 27, 2004; effective through August 10, 2004. (02-14)

THE TENNESSEE COMMISSION ON AGING AND DISABILITY - 0030

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

The Commission on Aging and Disability is required by the General Assembly in TCA 71-2-111 (b) to immediately implement these rules precluding the use of the usual rulemaking procedures.

For a complete copy of this public necessity rule, please contact Charles W. Hewgley, Tennessee Commission on Aging and Disability, 500 Deaderick Street, Suite 825, Nashville, TN 37243-0860, telephone (615) 741-2056.

Charles W. Hewgley
Acting Executive Director

PUBLIC NECESSITY RULES OF TENNESSEE COMMISSION ON AGING AND DISABILITY

CHAPTER 0030-1-6 REQUIREMENT TO VERIFY BACKGROUND INFORMATION FOR NEW EMPLOYEES AND VOLUNTEERS

NEW RULES

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0030-1-6-.01 Purpose 0030-1-6-.02 Minimum Requirements 0030-1-6-.03 Reporting Prior Convictions 0030-1-6-.04 Checking Employment and Personal References	0030-1-6-.05 Requirements for Employees or Volunteers 0030-1-6-.06 Requirements for Employers 0030-1-6-.07 Criminal History Background Checks
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0030-1-6-.01 PURPOSE.

- (1) The Commission on Aging and Disability requires all contractors, grantees, subcontractors and service providers to verify individual background information for newly-hired employees and volunteers who provide direct care for, have direct contact with, or have direct responsibility for the safety and care of disabled or elderly persons in their homes.

0030-1-6-.02 MINIMUM REQUIREMENTS.

- (1) The following requirements shall be considered minimum requirements. Any provider agency subject to this part shall have the option to make more intensive background checks provided that the agency has established in writing the criteria and process for such checks.

0030-1-6-.03 REPORTING PRIOR CONVICTIONS.

- (1) A service provider agency shall require all applicants for pay or volunteer employment to list any prior conviction by any local, state, federal or military court of any felony or any other conviction involving sexual crimes, crimes against a person, fraud involving financial exploitation and/or substance abuse in a format prescribed by the Commission on Aging and Disability.
- (2) No in-home worker as described by 0030-1-6-.01 convicted of a felony or listed on the abuse registry or sex offender registry may serve participants of programs administered by the Commission on Aging and Disability.

0030-1-6-.04 CHECKING EMPLOYMENT AND PERSONAL REFERENCES.

- (1) The service provider agency shall check past work and personal references prior to employment of applicants.
 - (a) At a minimum the organization shall communicate directly with the most recent employer and each employer identified by the applicant as having employed the applicant for more than six (6) months in the past five (5) years.
 - (b) The organization shall communicate directly with at least two (2) of the personal references identified by the applicant.
 - (c) Within or prior to ten (10) days of employment, or volunteer affiliation, of such person, employing organizations shall begin the process of verifying background information as required by this subsection.

0030-1-6-.05 REQUIREMENTS FOR EMPLOYEES OR VOLUNTEERS.

- (1) As a condition of employment with a provider agency, any person who applies to work for the agency as an employee, or any volunteer, whose function would include direct contact with or direct responsibility for persons receiving home and community based services, if so requested by the employing agency, shall:
 - (a) Agree to the release of all investigative records from any source, including federal, state and local governments to the hiring organization for the purpose of verifying the accuracy of criminal violation information contained on an application to work for the organization;
 - (b) Supply fingerprint samples for the purpose of submitting for a criminal background investigation by the Tennessee Bureau of Investigation. If no disqualifying record is identified, the TBI shall, if so requested, send the fingerprints to the FBI for a national criminal history record check;
 - (c) Release information for a criminal background investigation by a state licensed private investigation company;
 - (d) Provide past work history containing a continuous description of activities over the past five (5) years; and/or
 - (e) Identify at least three (3) individuals as personal references, one (1) of whom shall have known the applicant for at least five (5) years.

0030-1-6-.06 REQUIREMENTS FOR EMPLOYERS.

- (1) Each provider agency must document in its personnel files for each employee or volunteer subject to this part:
 - (a) The applicant's statement of any prior convictions;
 - (b) The results of its check of personal and/or employment references;
 - (c) The results of a county criminal history check for each of the last two counties in which the applicant lived or worked, if such a check is performed;
 - (d) The results of the check of all Tennessee Department of Health databases of licensed health professionals including Certified Nursing Assistants (CNA);
 - (e) The results of any other checks which may have been requested by the provider agency, including background checks by the Tennessee Bureau of Investigation or the Federal Bureau of Investigation; and
 - (f) Justification/explanation of the decision to employ an individual if the background check identified negative information.

0030-1-6-.07 CRIMINAL HISTORY BACKGROUND CHECKS.

- (1) If the employing agency requests a criminal history background check to be conducted by the Tennessee Bureau of Investigation (TBI) or the Federal Bureau of Investigation (FBI), the process must be initiated

by the submission of fingerprint cards to the investigating agency. Any cost incurred by the TBI or the FBI shall be paid by the organization requesting the investigation and information. If a criminal history background check is conducted by the TBI or the FBI, the payment of all costs associated with the investigation shall be made in the amounts established by T.C.A. 38-6-103.

Authority: T.C.A. §§ 4-5-201, 71-2-105(b)(1), and 71-2-111(b).

The public necessity rules set out herein were properly filed in the Department of State on the 16th day of June, 2004, and will be effective from the date of filing for period of 165 days. These emergency rules will remain in effect through the day of 28th day of November, 2004. (06-32)

**THE TENNESSEE DEPARTMENT OF STATE - 1360
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-7-2
NOTARY PUBLICS**

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

2004 Tenn. Public Acts, ch. 854, makes certain changes to Tennessee laws relating to Notaries Public effective July 1, 2004, including a change in the name of this official, and authorizes the Secretary of State to promulgate a notary seal design for such officials. As a result of this enactment by the General Assembly, the department is required to implement rules relating to the notary seal design that are effective no later than July 1, 2004, a period of time which precludes utilization of other rulemaking procedures under the Uniform Administrative Procedures Act for the promulgation of permanent rules. Promulgation of a public necessity rule is therefore necessary under TCA §4-5-209(a)(4).

For a copy of these public necessity rules, contact Bob Grunow, Director of Business Services, Department of State, William R. Snodgrass Tower, 6th Floor, 312 Eighth Avenue North, Nashville, TN 37243, and (615)-741-0584.

The text of these public necessity rules is as follows:

Public Necessity Rules

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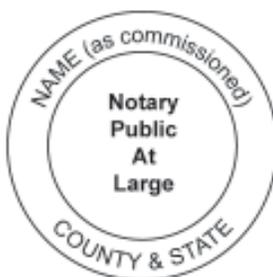
1360-7-2-.01 Notary Public seal of office

1360-7-2-.01 NOTARY PUBLIC SEAL OF OFFICE

- (1) A notary public commissioned on or after July 1, 2004, shall use a notary seal that substantially conforms to the following design: a circular seal with the notary public's name as it appears on the commission printed at the top, the county of election printed at the bottom, and the words "State of Tennessee Notary Public" or "Tennessee Notary Public" printed in the center. A sample seal format appears below.



- (2) Effective July 1, 2004, and until the expiration of his/her current term of office, a notary public commissioned prior to July 1, 2004, shall use either the notary seal design identified in section (1), or a notary seal that substantially conforms to the following design: a circular seal with the notary public's name as it appears on the commission printed at the top, the county of election and state printed at the bottom, and "Notary Public at Large" printed in the center. A sample seal format appears below.



Authority: T.C.A. §§ 4-5-209(a)(4), 8-16-206(a), 2004 Tenn. Pub. Acts, ch. 854.

The public necessity rules set out herein were properly filed in the Department of State on the 10th day of June, 2004, and will be effective from the date of filing for a period of 165 days. There public necessity rules will remain in effect through the 22nd day of November, 2004. (06-27)

TENNESSEE DEPARTMENT OF SAFETY - 1340 DRIVER LICENSE ISSUANCE

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

Pursuant to Public Chapter No. 778, 2004, certain rules are to be promulgated regarding the issuance of driver licenses pursuant to T.C.A. §55-50-101, *et seq.*, as amended by Public Chapter No. 778, 2004. The effective date of the aforementioned Act is July 1, 2004. Because of the effective date of the Act, per T.C.A. §4-5-209(4) and the national security issues implicit in issuing driver licenses to persons who are residents of Tennessee and/or legally present in the United States, utilization of rulemaking procedures for the promulgation of permanent rules described in that chapter are precluded.

For a copy of this public necessity rule, contact Deborah Martin, Department of Safety, 1150 Foster Avenue, Nashville, Tennessee 37249-1000, telephone (615) 251-5296.

Fred Phillips
Commissioner
Tennessee Department of Safety

**PUBLIC NECESSITY RULES
OF THE
TENNESSEE DEPARTMENT OF SAFETY
DIVISION OF DRIVER LICENSE ISSUANCE**

**CHAPTER 1340-1-13
RULES OF CLASSIFIED AND COMMERCIAL DRIVER LICENSES AND CERTIFICATES FOR
DRIVING**

SUMMARY

For a copy of the entire text of this proposed rule, contact Deborah Martin, Department of Safety, 1150 Foster Avenue, Nashville, Tennessee 37249-1000 (615) 251-5296.

This rule has been amended in accordance with the law as amended by Public Chapter No. 778 so that only persons who are United States Citizens or lawful permanent residents of the United States shall receive a driver license.

The law as amended by Public Chapter No. 778 also creates a "certificate for driving" for certain persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay and for persons who meet certain residency and identification requirements. Such persons may apply for a certificate for driving which shall serve to show that the persons passed the required driving examinations and understand the rules of the road. The certificate for driving shall be for driving purposes only and may not be used for identification.

The amendment also adds the certificate for driving to the procedures already in place for the issuance of driver licenses, restricted driver licenses, learner's permits and motorcycle licenses. Therefore, a person issued a certificate for driving must pass the driving test and vision tests, meet mental and physical standards and pay applicable fees for issuance and renewal thereof.

The certificate for driving will be issued for a minimum period of one year but not exceeding five years for persons with a document authorizing the person to be in the United States. If the person does not have such documentation, the certificate for driving will be issued for a period of one year. A certificate for driving may be renewed, but the person's documentation authorizing the person's stay must have been extended. If the person has no documentation authorizing the person to be in the United States, the certificate must be renewed on a yearly basis.

A person applying for a certificate for driving may be denied because of a fraudulent application. Also, a certificate for driving may be canceled, revoked or suspended for the same grounds that cause the cancellation, revocation or suspension of a driver license.

The public necessity rules set out herein were properly filed in the Department of State on the 30th day of June, 2004, and will be effective from the date of filing for a period of 165 days. These public necessity rules will remain in effect through the day of 12th day of December, 2004. (06-48)

RULEMAKING HEARINGS

DEPARTMENT OF COMMERCE AND INSURANCE- 0780 DIVISION OF INSURANCE

There will be a hearing before the Department of Commerce and Insurance to consider the promulgation of amendments to rules respecting Long-Term Care Insurance, pursuant to Tenn. Code Ann. §§ 56-42-101, *et seq.* The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Room 160 of the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, Tennessee at 9 a.m. CST on the 18th day of August, 2004.

Any individuals with disabilities who wish to participate in these proceedings should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Commerce and Insurance's ADA Coordinator, Davy Crockett Tower, 5th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243, and (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact: Susan G. Wittig, Staff Attorney, Department of Commerce and Insurance, Fifth Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, 37243, (615) 741-2199, or Susan.Geist.Wittig@state.tn.us.

SUMMARY OF PROPOSED RULES

CHAPTER 0780-1-61

AMENDMENTS

Chapter 0780-1-61, Long-Term Care Insurance, is amended. The amendments to the Department's long-term care rules are designed to guarantee rate stability and level premiums over the life of a policy. The goal is to increase the likelihood that premium rates offered by companies will be adequate over the life of the policies, that rate increases will be less likely, that only justified increases will occur, and that necessary increases will be smaller and less frequent.

All rate increases are subject to an eighty-five percent (85%) (seventy percent (70%) for exceptional increases) loss ratio on the increase and, once an increase is requested, fifty-eight percent (58%) on the initial premium. For each rate increase, the insurer must file its subsequent experience with the Commissioner of Commerce and Insurance. If the increase appears excessive, the Commissioner may require the company to reduce premiums or take other measures to ensure that premium increases which are unnecessary are returned to policyholders.

The consumer protection amendments primarily focus on disclosures to consumers regarding potential future rate increases for all long-term care insurance policies, other than for policies where the insurer does not have the right to raise the premium (sometimes called noncancellable policies). Also, companies must provide consumers with a rate increase history for the past 10 years. This is intended to inform consumers of past company practices and to deter companies from increasing premiums. Special conditions are established for companies that are acquiring closed blocks of business from other insurance companies. These exceptions are to prevent insurers from being discouraged from buying bad blocks of business.

In addition to the rate increase history of the insurer, the insurer must supply the following information to the applicant at the time of application or enrollment: (1) a statement that the policy may be subject to rate increases in the future; (2) an explanation of the policyholder's options in the event of a premium rate increase; (3) the premium rate applicable to the applicant that will be in effect until a request is made for an increase; and (4) a general explanation for applying premium rate adjustments. Additionally, the amendments require an applicant to sign an acknowledgement form that the insurer has made the required disclosures about possible rate increases and about the insurer's rate increase history.

Amendments have been added to impose a requirement on insurers that they develop procedures to assure that insurance producers selling the product are adequately trained in all aspects of the product. Insurance producers also must provide copies of the disclosure forms and provide an explanation of contingent benefit upon lapse during the marketing of long-term care insurance coverage.

For a copy of the entire text of the proposed amended rules, contact: Susan G. Wittig, Staff Attorney, Department of Commerce and Insurance, Fifth Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, 37243, (615) 741-2199, or Susan.Geist.Wittig@state.tn.us.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2004. (06-46)

BOARD OF DENTISTRY - 0460

There will be a hearing before the Tennessee Board of Dentistry to consider the promulgation of amendments to rules and new rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-5-105. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 24th day of August, 2004.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 0460-1-.01, Definitions, is amended by deleting paragraph (17) but not its subparagraphs and substituting instead the following language, so that as amended, the new paragraph (17) but not its subparagraphs shall read:

- (17) Prosthodontics - That specialty branch of dentistry pertaining to the diagnosis, treatment planning, rehabilitation and maintenance of the oral function, comfort, appearance and health of patients with clinical conditions associated with missing or deficient teeth and/or maxillofacial tissues using biocompatible substitutes. The following constitute branches of Prosthodontics:

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, and 63-5-112.

Rule 0460-1-.01, Definitions, is amended by adding the following language as new, appropriately numbered and alphabetized paragraphs and renumbering the remaining paragraphs accordingly:

- () Full-Time Employment – A minimum of one thousand and five hundred (1500) employed hours per year.
- () Prosthetic Function – Dental procedure involving any inlay, crown, bridge, partial denture, or complete denture that restores or replaces loss of tooth structure, teeth, or oral tissues.
- () Restorative Function – Dental procedure involving the repairing, restoring, or reforming the shape, form, and function of part or all of a tooth.

Authority: T.C.A. §§ 4-5-202, 4-5-204, and 63-5-105.

Rule 0460-1-.05, Continuing Education and CPR is amended by adding the following language as new part (1) (c) 7. and renumbering the remaining parts accordingly:

- (1) (c) 7. The hours required in part (1) (c) 1. may pertain to restorative or prosthetic functions if the registered dental assistant is certified to perform restorative or prosthetic functions, pursuant to Rule 0460-4-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, and 63-5-108.

Rule 0460-2-.11, Regulated Areas of Practice, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (5) Unauthorized Practice
- (a) Any dentist who authorizes any dental hygienist or dental assistant to perform any acts or services other than those specifically assignable or delegable pursuant to T.C.A. § 63-5-108, Rule 0460-3-.09, and/or Rule 0460-4-.08 may be subject to disciplinary action pursuant to T.C.A. § 63-5-116(a).

- (b) Any dentist who authorizes any dental hygienist or dental assistant with certification in restorative or prosthetic functions to perform restorations or prosthetic functions and has not obtained informed, written consent from the patient or the patient's parent(s)/legal guardian(s) may be subject to disciplinary action pursuant to T.C.A. § 63-5-116. Such informed, written consent shall include:
 - (a) a disclosure that some procedures may be done by auxiliary (expanded duty) personnel; and
 - (b) a statement that the dentist is responsible for the quality of the work performed regardless of who did the procedure.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

Rule 0460-3-.09, Scope of Practice, is amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new paragraph (6) shall read:

- (6) In no event shall a licensed dental hygienist perform dental services inconsistent with T.C.A. § 63-5-108. Licensed dental hygienists who perform procedures not delegable pursuant to this rule or procedures specifically prohibited by T.C.A. § 63-5-108 or who perform procedures without the direct supervision of a dentist, or who administer or monitor nitrous oxide without certification or who perform restorative or prosthetic functions without certification are in violation of the rules governing those procedures, and may be subject to disciplinary action pursuant to T.C.A. § 63-5-116.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

Rule 0460-3-.09, Scope of Practice, is amended by adding the following language as new paragraph (5) and renumbering the remaining paragraphs accordingly:

- (5) Performance of restorative or prosthetic functions must be under the direct supervision of a licensed dentist, and the licensed dental hygienist must possess certification pursuant to Rule 0460-3-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

Rule 0460-4-.08, Scope of Practice, is amended by adding the following language as new subparagraph (2) (d):

- (2) (d) Performance of restorative or prosthetic functions, pursuant to 0460-4-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

Rule 0460-5-.02, Schools, Programs and Courses for the Dental Hygienist, is amended by adding the following language as new paragraphs (3) and (4):

- (3) Certification Course in Restorative Functions
 - (a) Application for Board Approval – The director of a certification course in restorative functions shall make application for approval to operate that course of study on forms to be provided by the Board. The completed application must be received in the Board's Office at least thirty (30) days prior to the next regularly scheduled Board meeting in order for the Board to review the

application. The director of the certification course will be notified in writing of the Board's action(s).

(b) Retention of Approval.

1. The certification course must be taught at an educational institution as defined in part (3) (c) 2. of this rule and shall maintain strict compliance with all minimum standards for admissions, facilities, instructor(s), equipment, and curriculum as set forth in this rule, as amended/may be amended, in order to obtain and/or retain Board approval.
2. The certification course shall be subject to on-site inspections by representatives of the Board and/or required to complete such paper surveys, as requested.
3. The Board shall be notified immediately of any changes made in the operation of the certification course, such as change of location, directorship, and/or instructors. A new certificate of approval will be issued in the event of change in directorship of the course.
4. Certificates of approval shall be issued for two (2) years and shall expire on December 31st every two (2) years.

(c) Minimum Standards for Admissions, Facilities, Instructor(s), Equipment, and Curriculum.

1. The certification course shall admit only those dental hygienists who are currently licensed, pursuant to Rule 0460-3-.01, .02, or .03, and who submit proof of a minimum of two (2) years of continuous full-time employment in a general practice as a dental hygienist.
2. The course shall be taught at an educational institution, defined as a school of dentistry or a school which offers a specialty program in a recognized specialty branch of dentistry.
3. The certification course shall be taught by one (1) or more Tennessee licensed dentista who are faculty members at an accredited school of dentistry.
4. The clinical instructor-to-student ratio must be one (1) instructor to eight (8) students (1:8).
5. The certification course shall consist of a minimum of ninety-six (96) hours of study over a three (3) week period.
6. The course syllabus shall be approved by the Board and the course shall be designed and conducted to provide the student with detailed knowledge of restorative functions. The clinical experience must be provided under the supervision of qualified faculty, and the students must be evaluated for competency. The didactic and clinical portions of the course shall include instruction in all of the following subject matters:
 - (i) First Week – The first (1st) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Dental morphology and occlusion;
 - (II) Dental materials, hazardous materials and product safety;

- I. Amalgam;
 - II. Composite;
 - III. Glass Ionomer; and
 - IV. Mercury.
- (III) Principles of cavity preparation on anterior and posterior class I, II, III, IV, and V teeth;
- (IV) Instrumentation for all restorations;
- (V) Liners and bases, types and placement;
- (ii) Second Week – The second (2nd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination regarding items (I) through (V) is to be administered at the end of the week. No high-speed handpiece is to be used in the course, only a slow-speed handpiece:
- (I) Isolation and rubber dam placement;
 - (II) Caries;
 - (III) Selection and placement of matrix retainers;
 - (IV) Laboratory on insertion, packing and carving (finishing) of amalgam;
 - (V) Insertion, packing and carving (finishing) of amalgam;
- (iii) Third Week – The third (3rd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination regarding items (I) through (III) is to be administered at the end of the week. No high-speed handpiece is to be used in the course, only a slow-speed handpiece;
- (I) Insertion, packing and carving (finishing) of amalgam;
 - (II) Laboratory on insertion, packing and carving (finishing) of composite and glass ionomers;
 - (III) Insertion, packing and carving (finishing) of composite and glass ionomers;
- (iv) Each student must pass the competency examination on the material covered each week and after the amalgam section before continuing to the material for the next week. Students who do not pass the competency examination may be offered remediation before the start of the next week; and
- (v) Passage of a comprehensive competency examination on all material covered in the course is required at the end of the course.

- (d) The instructor shall provide a copy of the syllabus to the student before or at the beginning of each course, setting forth the materials to be presented in the course and the evaluation criteria to be utilized by the clinical instructor to determine successful completion of the certification course.
 - (e) The passing grade on each competency examination is set at seventy-five percent (75%). If the student initially fails any competency examination, the exam may be taken no more than one (1) additional time before the entire course must be retaken and the exam retaken. The examination shall be developed and administered by the course instructors in such a manner as to determine competency for the restorative functions.
 - (f) The director/instructor of the certification course shall, within thirty (30) days after course completion, complete a form, provided by the Board, for each student to attest to the student's successful completion of the course and the student's examination grade. The completed forms shall be submitted directly to the Board's Office by the director/instructor.
 - (g) The certification course shall not issue continuing education credit hours for the course.
 - (h) Failure to adhere to the rules governing the certification course or to provide access to inspection, pursuant to Rule 0460-5-.02 (3) (b), may subject the course provider and students to invalidation of the course results and withdrawal of course approval issued by the Board.
- (4) Certification Course in Prosthetic Functions
- (a) Application for Board Approval – The director of a certification course in prosthetic functions shall make application for approval to operate that course of study on forms to be provided by the Board. The completed application must be received in the Board's Office at least thirty (30) days prior to the next regularly scheduled Board meeting in order for the Board to review the application. The director of the certification course will be notified in writing of the Board's action(s).
 - (b) Retention of Approval.
 - 1. The certification course must be taught at an educational institution as defined in part (4) (c) 2. of this rule and shall maintain strict compliance with all minimum standards for admissions, facilities, instructor(s), equipment, and curriculum as set forth in this rule, as amended/may be amended, in order to obtain and/or retain Board approval.
 - 2. The certification course shall be subject to on-site inspections by representatives of the Board and/or required to complete such paper surveys, as requested.
 - 3. The Board shall be notified immediately of any changes made in the operation of the certification course, such as change of location, directorship, and/or instructors. A new certificate of approval will be issued in the event of change in directorship of the course.
 - 4. Certificates of approval shall be issued for two (2) years and shall expire on December 31st every two (2) years.
 - (c) Minimum Standards for Admissions, Facilities, Instructor(s), Equipment, and Curriculum.
 - 1. The certification course shall admit only those dental hygienists who are currently licensed, pursuant to Rule 0460-3-.01, .02, or .03, and who submit proof of a minimum of two (2) years of continuous full-time employment in a general practice as a dental hygienist.

2. The course shall be taught at an educational institution, defined as a school of dentistry or a school which offers a specialty program in a recognized specialty branch of dentistry.
3. The certification course shall be taught by one (1) or more Tennessee licensed dentists who are faculty members at an accredited school of dentistry.
4. The clinical instructor-to-student ratio must be one (1) instructor to eight (8) students (1:8).
5. The certification course shall consist of a minimum of sixty-four (64) hours of study over a two (2) week period.
6. The course syllabus shall be approved by the Board and the course shall be designed and conducted to provide the student with detailed knowledge of prosthetic functions. The clinical experience must be provided under the supervision of qualified faculty, and the students must be evaluated for competency. The didactic and clinical portion of the course shall include instruction in all of the following subject matters:
 - (i) First Week – The first (1st) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Anatomy and physiology;
 - (II) Dentulous soft tissue including the gingival sulcus and its management;
 - (III) Edentulous soft tissue;
 - (IV) Physiologic function of these tissues and the principles of soft tissue management;
 - (V) Occlusion for fixed and removable appliances;
 - (VI) Tray selection and impression materials of models;
 - (VII) Border molding and master impressions patient experience;
 - (VIII) Tray selection;
 - I. Custom;
 - II. Stock;
 - III. Triple tray; and
 - IV. Construction and fitting.
 - (IX) Fixed prosthodontic impressions;
 - I. Full mouth;
 - II. Quadrant; and

III. Individual.

- (ii) Second Week – The second (2nd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Gingival retraction;
 - (II) Mechanisms of gingival retraction;
 - (III) Types and size of cord;
 - (IV) Pharmacology of medicaments used techniques for placement;
 - (V) Practice placement;
 - (VI) Techniques of making impressions;
 - (VII) Laboratory practice for fixed impressions including infection control;
 - (VIII) Temporary restorations and laboratory technique for each;
 - I. Aluminum;
 - II. Polycarbonate; and
 - III. Custom.
 - (IX) Fabrication, polishing and placement of temporary restorations;
 - I. Anterior; and
 - II. Posterior.
 - (iii) Each student must pass the competency examination on the material covered before continuing to the material for the next week. Students who do not pass the competency examination may be offered remediation; and
 - (iv) Passage of a comprehensive competency examination on all material covered in the course is required at the end of the course.
- (d) The instructor shall provide a copy of the syllabus to the student before or at the beginning of each course, setting forth the materials to be presented in the course and the evaluation criteria to be utilized by the clinical instructor to determine successful completion of the certification course.
- (e) The passing grade on each competency examination is set at seventy-five percent (75%). If the student initially fails any competency examination, the exam may be taken no more than one (1) additional time before the entire course must be retaken and the exam retaken. The examination shall be developed and administered by the course instructors in such a manner as to determine competency for the prosthetic functions.

- (f) The director/instructor of the certification course shall, within thirty (30) days after course completion, complete a form, provided by the Board, for each student to attest to the student's successful completion of the course and the student's examination grade. The completed forms shall be submitted directly to the Board's Office by the director/instructor.
- (g) The certification course shall not issue continuing education credit hours for the course.
- (h) Failure to adhere to the rules governing the certification course or to provide access to inspection, pursuant to Rule 0460-5-.02 (4) (b), may subject the course provider and students to invalidation of the course results and withdrawal of course approval issued by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

Rule 0460-5-.03, Schools, Programs and Courses for the Registered Dental Assistant, is amended by adding the following language as new paragraphs (5) and (6):

(5) Certification Course in Restorative Functions

- (a) Application for Board Approval – The director of a certification course in restorative functions shall make application for approval to operate that course of study on forms to be provided by the Board. The completed application must be received in the Board's Office at least thirty (30) days prior to the next regularly scheduled Board meeting in order for the Board to review the application. The director of the certification course will be notified in writing of the Board's action(s).
- (b) Retention of Approval.
 1. The certification course must be taught at an educational institution as defined in part (5) (c) 2. of this rule and shall maintain strict compliance with all minimum standards for admissions, facilities, instructor(s), equipment, and curriculum as set forth in this rule, as amended/may be amended, in order to obtain and/or retain Board approval.
 2. The certification course shall be subject to on-site inspections by representatives of the Board and/or required to complete such paper surveys, as requested.
 3. The Board shall be notified immediately of any changes made in the operation of the certification course, such as change of location, directorship, and/or instructors. A new certificate of approval will be issued in the event of change in directorship of the course.
 4. Certificates of approval shall be issued for two (2) years and shall expire on December 31st every two (2) years.
- (c) Minimum Standards for Admissions, Facilities, Instructor(s), Equipment, and Curriculum.
 1. The certification course shall admit only those dental hygienists who are currently licensed, pursuant to Rule 0460-4-.02, and who submit proof of a minimum of two (2) years of continuous full-time employment in a general practice as a registered dental assistant.
 2. The course shall be taught at an educational institution, defined as a school of dentistry or a school which offers a specialty program in a recognized specialty branch of dentistry.
 3. The certification course shall be taught by one (1) or more Tennessee licensed dentists who are faculty members at an accredited school of dentistry.
 4. The clinical instructor-to-student ratio must be one (1) instructor to eight (8) students (1:8).

5. The certification course shall consist of a minimum of ninety-six (96) hours of study over a three (3) week period.
6. The course syllabus shall be approved by the Board and the course shall be designed and conducted to provide the student with detailed knowledge of restorative functions. The clinical experience must be provided under the supervision of qualified faculty, and the students must be evaluated for competency. The didactic and clinical portion of the course shall include instruction in all of the following subject matters:
 - (i) First Week – The first (1st) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Dental morphology and occlusion;
 - (II) Dental materials, hazardous materials and product safety;
 - I. Amalgam;
 - II. Composite;
 - III. Glass Ionomer; and
 - IV. Mercury.
 - (III) Principles of cavity preparation on anterior and posterior class I, II, III, IV, and V teeth;
 - (IV) Instrumentation for all restorations;
 - (V) Liners and bases, types and placement;
 - (ii) Second Week – The second (2nd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination regarding items (I) through (V) is to be administered at the end of the week. No high-speed handpiece is to be used in the course, only a slow-speed handpiece:
 - (I) Isolation and rubber dam placement;
 - (II) Caries;
 - (III) Selection and placement of matrix retainers;
 - (IV) Laboratory on insertion, packing and carving (finishing) of amalgam;
 - (V) Insertion, packing and carving (finishing) of amalgam;
 - (iii) Third Week – The third (3rd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination regarding items (I) through (III) is to be administered at the end of the week. No high-speed handpiece is to be used in the course, only a slow-speed handpiece;
 - (I) Insertion, packing and carving (finishing) of amalgam;

- (II) Laboratory on insertion, packing and carving (finishing) of composite and glass ionomers;
 - (III) Insertion, packing and carving (finishing) of composite and glass ionomers;
 - (iv) Each student must pass the competency examination on the material covered each week and after the amalgam section before continuing to the material for the next week. Students who do not pass the competency examination may be offered remediation before the start of the next week; and
 - (v) Passage of a comprehensive competency examination on all material covered in the course is required at the end of the course.
- (d) The instructor shall provide a copy of the syllabus to the student before or at the beginning of each course, setting forth the materials to be presented in the course and the evaluation criteria to be utilized by the clinical instructor to determine successful completion of the certification course.
 - (e) The passing grade on each competency examination is set at seventy-five percent (75%). If the student initially fails any competency examination, the exam may be taken no more than one (1) additional time before the entire course must be retaken and the exam retaken. The examination shall be developed and administered by the course instructors in such a manner as to determine competency for the restorative functions.
 - (f) The director/instructor of the certification course shall, within thirty (30) days after course completion, complete a form, provided by the Board, for each student to attest to the student's successful completion of the course and the student's examination grade. The completed forms shall be submitted directly to the Board's Office by the director/instructor.
 - (g) The certification course shall not issue continuing education credit hours for the course.
 - (h) Failure to adhere to the rules governing the certification course or to provide access to inspection, pursuant to Rule 0460-5-.02 (5) (b), may subject the course provider and students to invalidation of the course results and withdrawal of course approval issued by the Board.
- (6) Certification Course in Prosthetic Functions
- (a) Application for Board Approval – The director of a certification course in prosthetic functions shall make application for approval to operate that course of study on forms to be provided by the Board. The completed application must be received in the Board's Office at least thirty (30) days prior to the next regularly scheduled Board meeting in order for the Board to review the application. The director of the certification course will be notified in writing of the Board's action(s).
 - (b) Retention of Approval.
 - 1. The certification course must be taught at an educational institution as defined in part (6) (c) 2. of this rule and shall maintain strict compliance with all minimum standards for admissions, facilities, instructor(s), equipment, and curriculum as set forth in this rule, as amended/may be amended, in order to obtain and/or retain Board approval.

2. The certification course shall be subject to on-site inspections by representatives of the Board and/or required to complete such paper surveys, as requested.
 3. The Board shall be notified immediately of any changes made in the operation of the certification course, such as change of location, directorship, and/or instructors. A new certificate of approval will be issued in the event of change in directorship of the course.
 4. Certificates of approval shall be issued for two (2) years and shall expire on December 31st every two (2) years.
- (c) Minimum Standards for Admissions, Facilities, Instructor(s), Equipment, and Curriculum.
1. The certification course shall admit only those registered dental assistants who are currently licensed, pursuant to Rule 0460-4-.02, and who submit proof of a minimum of two (2) years of continuous full-time employment in a general practice as a registered dental assistant.
 2. The course shall be taught at an educational institution, defined as a school of dentistry or a school which offers a specialty program in a recognized specialty branch of dentistry.
 3. The certification course shall be taught by one (1) or more Tennessee licensed dentists who are faculty members at an accredited school of dentistry.
 4. The clinical instructor-to-student ratio must be one (1) instructor to eight (8) students (1:8).
 5. The certification course shall consist of a minimum of sixty-four (64) hours of study over a two (2) week period.
 6. The course syllabus shall be approved by the Board and the course shall be designed and conducted to provide the student with detailed knowledge of prosthetic functions. The clinical experience must be provided under the supervision of qualified faculty, and the students must be evaluated for competency. The didactic and clinical portion of the course shall include instruction in all of the following subject matters:
 - (i) First Week – The first (1st) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Anatomy and physiology;
 - (II) Dentulous soft tissue including the gingival sulcus and its management;
 - (III) Edentulous soft tissue;
 - (IV) Physiologic function of these tissues and the principles of soft tissue management;
 - (V) Occlusion for fixed and removable appliances;
 - (VI) Tray selection and impression materials of models;
 - (VII) Border molding and master impressions patient experience;

- (VIII) Tray selection;
 - I. Custom;
 - II. Stock;
 - III. Triple tray; and
 - IV. Construction and fitting.
- (IX) Fixed prosthodontic impressions;
 - I. Full mouth;
 - II. Quadrant; and
 - III. Individual.
- (ii) Second Week – The second (2nd) week of the course must be a minimum of thirty-two (32) hours in length and a competency examination is to be administered at the end of the week regarding:
 - (I) Gingival retraction;
 - (II) Mechanisms of gingival retraction;
 - (III) Types and size of cord;
 - (IV) Pharmacology of medicaments used techniques for placement;
 - (V) Practice placement;
 - (VI) Techniques of making impressions;
 - (VII) Laboratory practice for fixed impressions including infection control;
 - (VIII) Temporary restorations and laboratory technique for each;
 - I. Aluminum;
 - II. Polycarbonate; and
 - III. Custom.
 - (IX) Fabrication, polishing and placement of temporary restorations;
 - I. Anterior; and
 - II. Posterior.

- (iii) Each student must pass the competency examination on the material covered before continuing to the material for the next week. Students who do not pass the competency examination may be offered remediation; and
 - (iv) Passage of a comprehensive competency examination on all material covered in the course is required at the end of the course.
- (d) The instructor shall provide a copy of the syllabus to the student before or at the beginning of each course, setting forth the materials to be presented in the course and the evaluation criteria to be utilized by the clinical instructor to determine successful completion of the certification course.
 - (e) The passing grade on each competency examination is set at seventy-five percent (75%). If the student initially fails any competency examination, the exam may be taken no more than one (1) additional time before the entire course must be retaken and the exam retaken. The examination shall be developed and administered by the course instructors in such a manner as to determine competency for the prosthetic functions.
 - (f) The director/instructor of the certification course shall, within thirty (30) days after course completion, complete a form, provided by the Board, for each student to attest to the student's successful completion of the course and the student's examination grade. The completed forms shall be submitted directly to the Board's Office by the director/instructor.
 - (g) The certification course shall not issue continuing education credit hours for the course.
 - (h) Failure to adhere to the rules governing the certification course or to provide access to inspection, pursuant to Rule 0460-5-.03 (6) (b), may subject the course provider and students to invalidation of the course results and withdrawal of course approval issued by the Board.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, 63-5-115, and 63-5-116.

NEW RULES

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0460-3-.10 Restorative and Prosthetic Certifications
 0460-4-.10 Restorative and Prosthetic Certifications

0460-3-.10 RESTORATIVE AND PROSTHETIC CERTIFICATIONS.

- (1) Dental hygienists who have a minimum of two (2) years continuous full-time employment in a dental practice as a licensed dental hygienist are eligible for admission to Board-approved certification courses in restorative and/or prosthetic functions. A licensed dental hygienist must complete a Board-approved certification course in restorative or prosthetic functions and obtain the appropriate certification, issued by the Board, before he/she can perform restorative or prosthetic functions on any patient.

- (2) Certification in restorative or prosthetic functions is only valid as long as the licensed dental hygienist has a current license to practice dental hygiene. If the license expires or is retired, the certification is also considered expired or retired and the dental hygienist may not perform restorative or prosthetic functions until the license is reinstated or reactivated.
- (3) Licensed dental hygienists who possess a certification in restorative or prosthetic functions shall prominently display their current renewal certificate at their place of employment.
- (4) Licensed dental hygienists with certification in restorative or prosthetic functions may perform restorations or prosthetic functions only under the direct supervision and full responsibility of a licensed dentist.
- (5) Licensed dental hygienists with certification in restorative or prosthetic functions shall perform no restorations or prosthetic functions unless the dental hygienist's supervising dentist has obtained informed, written consent from the patient or the patient's parent(s)/legal guardian(s). Such informed, written consent shall include:
 - (a) a disclosure that some procedures may be done by auxiliary (expanded duty) personnel; and
 - (b) a statement that the dentist is responsible for the quality of the work performed regardless of who did the procedure.
- (6) Prohibited Procedures – The following procedures are prohibited for all dental hygienists, including those who have certification in restorative or prosthetic functions:
 - (a) Restorative Functions
 1. Diagnosing need for restorations;
 2. Preparation/Cutting of the tooth of soft tissue;
 3. Modifying existing structure;
 4. Removal of caries, bases or liners; and
 5. Use of high-speed handpieces intraorally.
 - (b) Prosthetic Functions
 1. Diagnosing need for any prosthetic appliance;
 2. Establishing vertical dimension of occlusion and interocclusal records;
 3. Delivering and/or adjusting appliance; and
 4. Use of high-speed handpieces intraorally.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, and 63-5-115.

0460-4-.10 RESTORATIVE AND PROSTHETIC CERTIFICATIONS.

- (1) Dental assistants who have a minimum of two (2) years continuous full-time employment in a dental practice as a registered dental assistant to be eligible for a board approved certification course in restorative and/or prosthetic functions. A registered dental assistant must apply for and complete a Board-approved certification course in restorative or prosthetic functions and obtain the appropriate certification, issued by the Board, before he/she can perform restorative or prosthetic functions on any patient.
- (2) Certification in restorative or prosthetic functions is only valid as long as the registered dental assistant has a current authorization to practice as a registered dental assistant. If the license expires or is retired, the certification is also considered expired or retired and the dental assistant may not perform restorative or prosthetic functions until the license is reinstated or reactivated.
- (3) Registered dental assistants who possess a certification in restorative or prosthetic functions shall prominently display their current renewal certificate at their place of employment.
- (4) Registered dental assistants with certification in restorative or prosthetic functions may perform restorations or prosthetic functions only under the direct supervision and full responsibility of a licensed dentist.
- (5) Registered dental assistants with certification in restorative or prosthetic functions shall perform no restorations or prosthetic functions unless the dental assistant's supervising dentist has obtained informed, written consent from the patient or the patient's parent(s)/legal guardian(s). Such informed, written consent shall include:
 - (a) a disclosure that some procedures may be done by auxiliary (expanded duty) personnel; and
 - (b) a statement that the dentist is responsible for the quality of the work performed regardless of who did the procedure.
- (6) Prohibited Procedures – The following procedures are prohibited for all registered dental assistants, including those who have certification in restorative or prosthetic functions:
 - (a) Restorative Functions
 1. Diagnosing of need for restorations;
 2. Preparation/Cutting of the tooth of soft tissue;
 3. Modifying existing structure;
 4. Removal of caries, bases and liners; and
 5. Use of high-speed handpieces intraorally.
 - (b) Prosthetic Functions
 1. Diagnosing need of any prosthetic appliance;
 2. Establishing vertical dimension of occlusion and interocclusal records;
 3. Delivering and/or adjusting appliance; and

4. Use of high-speed handpieces intraorally.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-5-105, 63-5-108, and 63-5-115.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10th day of June, 2004. (06-26)

BOARD OF EXAMINERS IN PSYCHOLOGY - 1180

There will be a hearing before the Tennessee Board of Examiners in Psychology to consider the promulgation of an amendment to a rule and a new rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-11-104. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 26th day of August, 2004.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247 1010, (615) 532 4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENT

Rule 1180-1-.08, Continuing Education, is amended by deleting part (3) (b) 5. and subparagraph (4) (b) in their entirety and substituting instead the following language, so that as amended, the new part (3) (b) 5. and the new subparagraph (4) (b) shall read:

- (3) (b) 5. A nationally recognized accredited college or university with a health-related professional training program.
- (4) (b) Type III CE may consist of
 1. clinical peer consultation groups; or
 2. research presentations and convention workshops that incorporate multiple, brief presentations with many different learning objectives that are less amenable to a single evaluation; or

3. clinical supervision provided to students, interns, and post-doctoral fellows in accredited programs on a basis that is voluntary, uncompensated, and external to that program. A maximum of ten (10) CE hours per two (2) calendar years (January 1 - December 31) is allowed.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-201, 63-11-206, and 63-11-218.

NEW RULE

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1180-1-.06 Patient Records

1180-1-.06 PATIENT RECORDS.

- (1) Purposes – The purposes of these rules are:
 - (a) To recognize that patient records are an integral part of the practice of psychologists, senior psychological examiners, and psychological examiners as defined in T.C.A. §§ 63-11-202 and 63-11-203.
 - (b) To give psychologists, senior psychological examiners and psychological examiners, their professional and non-professional staff, and the public direction about the content, transfer, retention, and destruction of those records.
- (2) Conflicts – As to patient records, these rules should be read in conjunction with the provisions of T.C.A. §§ 63-2-101 and 63-2-102, and are not intended to conflict with those statutes in any way. Those statutes, along with these rules, govern the subjects that they cover in the absence of other controlling state or federal statutes or rules to the contrary.
- (3) Applicability – These rules regarding patient records shall apply only to those records, the information for which was obtained by psychologists, senior psychological examiners and psychological examiners or their professionally certified employees, or those over whom they exercise supervision, for purposes of services provided in any clinical setting other than those provided in a hospital as defined by T.C.A. § 68-11-302 (4), a hospital emergency room or hospital outpatient facility.
- (4) Patient Records –
 - (a) Duty to Create and Maintain Patient Records – As a component of the standard of care and of minimal competency a psychologist, senior psychological examiner or psychological examiner must cause to be created and cause to be maintained a record for every patient for whom he or she, and/or any of his or her professionally certified supervisees, performs services or provides professional consultation.
 - (b) Notice – Anywhere in these rules where notice is required to be given to patients of any psychologist, senior psychological examiner or psychological examiner, that notice shall be required to be issued within thirty (30) days of the date of the event that triggers the notice requirement, and may be accomplished by public notice.

- (c) Content – All patient records, or summaries thereof, produced in the course of the practice of psychology for all patients shall include all information and documentation listed in T.C.A. § 63-2-101 (c) (2) and such additional information that is necessary to insure that a subsequent reviewing or treating psychologist, senior psychological examiner or psychological examiner can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient.

1. Patient records include, but are not limited to:

- (i) modalities and frequencies of treatment furnished
- (ii) results of clinical tests
- (iii) counseling session start and stop times
- (iv) summaries of:
 - (I) diagnosis
 - (II) functional status
 - (III) treatment plan
 - (IV) symptoms
 - (V) prognosis
 - (VI) progress to date

2. Not included in patient records are:

- (i) test data – raw and scaled scores, client/patient responses to test questions or stimuli, and notes and recordings concerning client/patient statements and behavior during an examination.
- (ii) test materials – manuals, instruments, protocols, and test questions or stimuli.
- (iii) psychotherapy notes – notes recorded (in any medium) by a psychologist, senior psychological examiner or psychological examiner, who is designated as a health service provider as defined in Rule 1180-1-.01, that document or analyze the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's patient record.

(d) Transfer -

1. Records of Psychologists, Senior Psychological Examiners and Psychological Examiners Upon Death or Retirement - When a psychologist, senior psychological examiner or psychological examiner retires or dies while in practice, patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding thirty-six (36) months shall be notified, as provided in subparagraph (b), by the psychologist,

senior psychological examiner, psychological examiner or his/her authorized representative and be informed that upon authorization, copies of the records will be sent to the new psychologist, senior psychological examiner or psychological examiner. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.

2. Records of Psychologists, Senior Psychological Examiners and Psychological Examiners upon Departure from a Group - The responsibility for notifying patients of a psychologist, senior psychological examiner or psychological examiner who leaves a group practice whether by death, retirement or departure shall be governed by the employment contract of the psychologist, senior psychological examiner or psychological examiner.
 - (i) Whomever is responsible for that notification must notify patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding thirty-six (36) months of his/her departure, except that this notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
 - (ii) Except where otherwise governed by provisions of the employment contract, those patients shall also be notified of the practitioner's new address and offered the opportunity to have copies of their records forwarded to the departing psychologist, senior psychological examiner or psychological examiner at his or her new practice. Provided however, a group shall not withhold the records of any patient who has authorized their transfer to the departing psychologist, senior psychological examiner or psychological examiner or any other practitioner.
 - (iii) The choice of practitioner in every case should be left to the patient, and the patient should be informed that upon authorization his/her records will be sent to the psychologist, senior psychological examiner or psychological examiner of the patient's choice.
3. Sale of a Psychology Practice - A psychologist, senior psychological examiner or psychological examiner or the estate of a deceased psychologist, senior psychological examiner or psychological examiner may sell the elements that comprise his/her practice, one of which is its goodwill, i.e., the opportunity to take over the patients of the seller by purchasing the patient records. Therefore, the transfer of records of patients is subject to the following:
 - (i) The psychologist, senior psychological examiner or psychological examiner (or the estate) must ensure that all patient records are transferred to another psychologist, senior psychological examiner or psychological examiner or entity that is held to the same standards of confidentiality as provided in these rules.
 - (ii) Patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding thirty-six (36) months shall be notified that the psychologist, senior psychological examiner or psychological examiner (or the estate) is transferring the practice to another practitioner or entity who will retain custody of their records and that at their written request the copies of their records will be sent to another practitioner or entity of their choice. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.

4. Abandonment of Records – For purposes of this section of the rules death of a psychologist, senior psychological examiner or psychological examiner shall not be considered as abandonment.
 - (i) It shall be a prima facie violation of T.C.A. § 63-11-215 (b) (1) for a psychologist, senior psychological examiner or psychological examiner to abandon his practice without making provision for the security, or transfer, or otherwise establish a secure method of patient access to their records.
 - (ii) Upon notification that a psychologist, senior psychological examiner or psychological examiner in a practice has abandoned his practice and not made provision for the security, or transfer, or otherwise established a secure method of patient access to their records patients should take all reasonable steps to obtain their records by whatever lawful means available and should immediately seek the services of another psychologist, senior psychological examiner or psychological examiner

- (e) Retention of Patient Records – Patient records shall be retained for a period of not less than seven (7) years from the last clinical contact between the patient and the psychologist, senior psychological examiner or psychological examiner, or their professionally certified supervisees except for the following:
 1. Records for incompetent patients shall be retained indefinitely.
 2. Records of minors shall be retained for a period of not less than one (1) year after the minor reaches the age of majority or seven (7) years from the date of the last clinical contact with the patient, whichever is longer.
 3. Notwithstanding the foregoing, no patient record involving services which are currently under dispute shall be destroyed until the dispute is resolved.

- (g) Destruction of Patient Records -
 1. No patient record shall be singled out for destruction other than in accordance with established office operating procedures.
 2. Records shall be destroyed only in the ordinary course of business according to established office operating procedures that are consistent with these rules.
 3. Records may be destroyed by burning, shredding, or other effective methods in keeping with the confidential nature of the records.
 4. When records are destroyed, the time, date and circumstances of the destruction shall be recorded and maintained for future reference.

- (5) Violations – Violation of any provision of these rules is grounds for disciplinary action pursuant to T.C.A. §§ 63-11-215 (b) (1), and/or (2).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-11-104, 63-11-201, 63-11-202, 63-11-203, 63-11-213, and 63-11-215.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10th day of June, 2004. (06-30)

**THE TENNESSEE DEPARTMENT OF TRANSPORTATION - 1680
CONSTRUCTION DIVISION**

There will be a hearing before the Tennessee Department of Transportation to consider the promulgation of new rules governing the debarment and suspension of contractors from contracts with the Department of Transportation pursuant to Tennessee Code Annotated § 54-5-117 and § 4-3-2303. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in the Auditorium of the Main Administrative Building (Building "A") at the Tennessee Department of Transportation, Region III Office Complex, located at 6601 Centennial Boulevard, Nashville, Tennessee 37243-0360 at 3:00 p.m. CDT on Wednesday, August 25, 2004. (Take Briley Parkway to Exit 26B, Centennial Boulevard West.)

Written comments will be considered if received by the close of business (4:30 p.m.) on August 25, 2004, in the Office of General Counsel, Tennessee Department of Transportation, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0326, or if received at the public rulemaking hearing on August 25, 2004.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Department of Transportation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone or other appropriate means, and should be made no less than ten (10) days prior to the public hearing (August 25, 2004) or the date the party intends to review such filings to allow time to provide such aid or service. Such contact may be made with the Department of Transportation's ADA Coordinator at Suite 400, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0327, or by telephone at (615) 741-4984.

For a copy of this notice of rulemaking hearing, contact: Sara Rosson, Tennessee Department of Transportation, Office of General Counsel, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243, telephone number (615) 741-2941.

SUBSTANCE OF PROPOSED RULES

REPEALS

All rules within Chapter 1680-5-1, Unacceptability for Employment on Contracts Let or Funded Wholly or in Part by the Department of Transportation, are repealed in their entirety and replaced with the following new rules:

NEW RULES

CHAPTER 1680-5-1 CONTRACTOR DEBARMENT AND SUSPENSION

TABLE OF CONTENTS

1680-2-4-.01 General Information	1680-2-4-.04	Suspension
1680-2-4-.02 Definitions	1680-2-4-.05	Debarment
1680-2-4-.03 General Principles Relating to Suspension and Debarment Actions		

1680-5-1-.01 GENERAL INFORMATION.

- (1) How is this chapter written?
 - (a) This chapter uses a “plain language” format to make it easier for the general public and business community to use. The paragraph headings and text, often in the form of questions and answers, must be read together. This chapter is substantially similar to and follows the same format as U.S. Department of Transportation rules governing debarment and suspension of contractors in 49 CFR Part 29.
 - (b) Pronouns used within this chapter, such as “I” and “you,” change from rule to rule depending on the audience being addressed. The pronoun “we” always is the Tennessee Department of Transportation.
- (2) Do terms in this chapter have special meanings?

This chapter uses terms throughout the text that have special meaning. Those terms are defined in Rule 1680-5-1-.02 of this chapter.
- (3) What does this chapter do?

This chapter adopts a system of debarment and suspension for the Department. It also provides for reciprocal exclusion of persons who have been excluded under Federal law.
- (4) What is the purpose of the debarment and suspension system?
 - (a) To protect the public interest, the Department ensures the integrity of state programs by conducting business only with responsible persons.
 - (b) The Department uses the nonprocurement debarment and suspension system to exclude from Department programs persons who are not presently responsible.
 - (c) An exclusion is a serious action that may be taken only to protect the public interest.

- (5) How does an exclusion restrict a person's involvement in covered transactions?

With the exceptions as may be allowed by law, a person who is excluded by the Department or any Federal agency may not:

- (a) Be a participant in a(n) Department transaction that is a covered transaction; or
 - (b) Act as a principal of a person participating in one of those covered transactions.
- (6) May we grant an exception to let an excluded person participate in a covered transaction?
- (a) The debarring or suspending official may grant an exception permitting an excluded person to participate in a particular covered transaction. If the debarring or suspending official grants an exception, the exception must be in writing and state the reason(s) for deviating from the policy.
 - (b) An exception granted by one agency for an excluded person does not extend to the covered transactions of another agency.
 - (c) A debarring or suspending official may grant exceptions and make written determinations under this section.

- (7) Does an exclusion affect a person's eligibility for Federal procurement contracts?

Yes, as may be determined by the appropriate Federal agency.

- (8) Am I obligated to disclose to the Department information regarding exclusion or circumstances that may constitute cause for debarment?

Yes, the Department's proposals shall require each bidder to state whether or not such bidder or its proposed subcontractors, or any principals of the bidder or its proposed subcontractors—

- (a) Have been or currently are suspended, debarred or otherwise excluded from participation in a covered transaction under either Federal or State law; or
 - (b) Have been convicted of or been found liable in a civil judgment for the commission of any of the causes of debarment identified in Rule 1680-5-1-.05, subparagraph (1)(a) below.
- (9) How do I know if a person is excluded?

Check the Department website and Excluded Parties List System ("EPLS") to determine whether a person is excluded. The U.S. General Services Administration maintains the EPLS and makes it available, as detailed in 49 CFR Part 29, Subpart E. When a Federal agency takes an action to exclude a person under the nonprocurement or procurement debarment and suspension system, the agency enters the information about the excluded person into the EPLS.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-1-.02 DEFINITIONS.

- (1) "Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

- (2) “Affiliate” means a person that is in affiliation with another person or persons. Persons are affiliates of each other and an affiliation exists if, directly or indirectly, either one controls or has the power to control the other or a third person controls or has the power to control both. The ways we use to determine control include, but are not limited to:
 - (a) Interlocking management or ownership;
 - (b) Identity of interests among family members;
 - (c) Shared facilities and equipment;
 - (d) Common use of employees; or
 - (e) A business entity which has been organized following the exclusion of a person which has the same or similar management, ownership, or principal employees as the excluded person.
- (3) “Agent or representative” means any person who acts on behalf of, or who is authorized to commit, a participant in a covered transaction.
- (4) “Civil judgment” means the disposition of a civil action by any court of competent jurisdiction, whether by verdict, decision, settlement, stipulation, other disposition which creates a civil liability for the complained of wrongful acts, or a final determination of liability under the Program Fraud Civil Remedies Act of 1988, 31 U.S.C. §§ 3801–3812.
- (5) “Conviction” means:
 - (a) A judgment or any other determination of guilt of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, including a plea of nolo contendere; or
 - (b) Any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution. A disposition without the participation of the court is the functional equivalent of a judgment only if it includes an admission of guilt.
- (6) “Covered transactions” means the submission of a bid or proposal to the Department, entering into a contract with the Department, subcontracting on a Department project at any level, or any of the above on a project let by a local government funded in whole or part with State funds.
- (7) “Debarment” means an action taken by a debarring official to exclude a person from participating in covered transactions with the Department. A person so excluded is debarred.
- (8) “Debarring official” means an agency official who is authorized to impose debarment. A debarring official is either:
 - (a) The Commissioner; or
 - (b) An individual designated by the Commissioner.
- (9) “Department” means the Tennessee Department of Transportation.
- (10) “Excluded or exclusion” means:

- (a) That a person is prohibited from being a participant in covered transactions whether the person has been suspended, debarred, or voluntarily excluded; or
 - (b) The act of excluding a person.
- (11) “Excluded Parties List System” or “EPLS” means the list maintained and disseminated by the U.S. General Services Administration containing the names and other information about persons who are debarred, suspended or otherwise excluded under Federal law.
 - (12) “Indictment” means an indictment for a criminal offense. A presentment, information, or other filing by a competent authority charging a criminal offense shall be given the same effect as an indictment.
 - (13) “Ineligible or ineligibility” means that a person is prohibited from being a participant in covered transactions with the Department because of an exclusion or disqualification.
 - (14) “Legal proceedings” means any criminal proceeding or any civil judicial proceeding, including a proceeding under the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801–3812, to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term also includes appeals from those proceedings.
 - (15) “Notice” means a written communication served in person, sent by certified mail or its equivalent, or sent electronically by e-mail or facsimile.
 - (16) “Participant” means any person who submits a proposal or bid for or who enters into a covered transaction, including an agent or representative of a participant.
 - (17) “Person” means any individual, corporation, partnership, association, unit of government, or legal entity, however organized.
 - (18) “Preponderance of the evidence” means proof by information that, compared with information opposing it, leads to the conclusion that the fact at issue is more probably true than not.
 - (19) “Principal” means:
 - (a) An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
 - (b) A consultant or other person, whether or not employed by the participant, who:
 - 1. Is in a position to handle State funds;
 - 2. Is in a position to influence or control the use of those funds; or
 - 3. Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.
 - (20) “Respondent” means a person against whom the Department has initiated a debarment or suspension action.
 - (21) “Suspending official” means an agency official who is authorized to impose suspension. The suspending official is either:

- (a) The agency head; or
 - (b) An official designated by the agency head.
- (22) “Suspension” means an action taken by a suspending official that immediately prohibits a person from participating in covered transactions for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended.
- (23) “Voluntarily excluded” means the status of a person who has agreed to a voluntary exclusion.
- (24) “Voluntary exclusion” means a person’s agreement to be excluded under the terms of a settlement between the person and one or more agencies.

Authority: *T.C.A. §§54-5-117 and 4-3-2303.*

1680-5-1-.03 GENERAL PRINCIPLES RELATING TO SUSPENSION AND DEBARMENT ACTIONS.

- (1) How do suspension and debarment actions start?

When the Department receives sufficient information from any source concerning a cause for suspension or debarment, we will investigate it and/or refer it to appropriate agencies. We will refer the question of whether to suspend or debar a contractor to our designated suspending or debarring official for consideration, if appropriate.

- (2) What procedures does the Department use in suspension and debarment actions?

In deciding whether to suspend or debar a contractor, we will handle the actions as informally as practicable, consistent with principles of fundamental fairness.

- (a) For suspension actions, the Department will use the procedures described in Rule 1680-5-1-.04.
- (b) For debarment actions, the Department will use the procedures described in Rule 1680-5-1-.05.

- (3) How does the Department notify a person of a suspension or debarment action?

- (a) The suspending or debarring official sends a written notice to the last known street address, facsimile number, or e-mail address of—

- 1. The person or his, her or its identified counsel; or
- 2. The person’s agent for service of process, or any of his, her or its partners, officers, directors, owners, or joint venturers.

- (b) The notice is effective if sent to any of these persons.

- (4) Do Federal and State agencies coordinate suspension and debarment actions?

Yes, when a Federal agency or the Department has an interest in a suspension or debarment, the agencies may consider designating one agency as the lead agency for making the decision. Suspension or debarment of a person by the appropriate Federal authority shall apply to all covered transactions with the

Department subject to exceptions as may be granted by the Commissioner. These exceptions by the Commissioner can only be granted on projects without federal aid.

(5) What is the scope of a suspension or debarment?

If you are suspended or debarred, the suspension or debarment is effective as follows:

- (a) Your suspension or debarment constitutes suspension or debarment of all of your divisions and other organizational elements from all covered transactions, unless the suspension or debarment decision is limited—
 - 1. By its terms to one or more specifically identified individuals, divisions, or other organizational elements; or
 - 2. To specific types of transactions.
- (b) Any affiliate of a participant may be included in a suspension or debarment action if the suspending or debarring official—
 - 1. Officially names the affiliate in the notice (the affiliate may be added later by an amended notice); and
 - 2. Gives the affiliate an opportunity to contest the action.

(6) May the Department impute conduct of one person to another?

For purposes of actions taken under these rules, we may impute conduct as follows:

- (a) Conduct imputed from an individual to an organization.

We may impute the fraudulent, criminal, or other improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with an organization, to that organization when the improper conduct occurred in connection with the individual's performance of duties for or on behalf of that organization, or with the organization's knowledge, approval or acquiescence. The organization's acceptance of the benefits derived from the conduct is evidence of knowledge, approval or acquiescence.

- (b) Conduct imputed from an organization to an individual, or between individuals.

We may impute the fraudulent, criminal, or other improper conduct of any organization to an individual, or from one individual to another individual, if the individual to whom the improper conduct is imputed either participated in, had knowledge of, or reason to know of the improper conduct.

- (c) Conduct imputed from one organization to another organization.

We may impute the fraudulent, criminal, or other improper conduct of one organization to another organization when the improper conduct occurred in connection with a partnership, joint venture, joint application, association or similar arrangement, or when the organization to whom the improper conduct is imputed has the power to direct, manage, control or influence the activities of the organization responsible for the improper conduct. Acceptance of the benefits derived from the conduct is evidence of knowledge, approval or acquiescence.

- (7) May the Department settle a debarment or suspension action?

Yes, we may settle a debarment or suspension action at any time if we determine it is in the best interest of the State.

- (8) May a settlement include a voluntary exclusion?

If we enter into a settlement with you in which you agree to be excluded, it is called a voluntary exclusion and has the described effect.

- (9) Do Federal agencies know if the Department agrees to a voluntary exclusion?

Yes, and any agency or person may contact us to find out the details of a voluntary exclusion.

- (10) May I challenge an action taken under these rules based on the process followed?

A person may not challenge any action taken under these rules based upon the Department's failure to follow any technical requirement of these rules unless and to the extent that the Department's failure amounts to a failure of fundamental fairness such that the person is deprived of constitutional due process of law.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-1-.04 SUSPENSION.

- (1) When may the suspending official issue a suspension?

Suspension is a serious action. Using the procedures of this rule, the suspending official may impose suspension only when that official determines that:

- (a) There exists an indictment for, or other adequate evidence to suspect, an offense listed under Rule 1680-5-1-.05, Subparagraph (1)(a); or
- (b) There exists adequate evidence to suspect any other cause for debarment listed under Rule 1680-5-1-.05, Subparagraphs (1)(b) through (1)(d); and
- (c) Immediate action is necessary to protect the public interest.

- (2) What does the suspending official consider in issuing a suspension?

- (a) In determining the adequacy of the evidence to support the suspension, the suspending official considers how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. During this assessment, the suspending official may examine the basic documents, including grants, cooperative agreements, loan authorizations, contracts, and other relevant documents.
- (b) An indictment, conviction, civil judgment, or other official findings by Federal, State, or local governmental bodies that determine factual and/or legal matters, constitutes adequate evidence for purposes of suspension actions.

- (c) In deciding whether immediate action is needed to protect the public interest, the suspending official has wide discretion. For example, the suspending official may infer the necessity for immediate action to protect the public interest either from the nature of the circumstances giving rise to a cause for suspension or from potential business relationships or involvement with a program of the Federal Government.

- (3) When does a suspension take effect?

A suspension is effective when the suspending official signs the decision to suspend.

- (4) What notice does the suspending official give me if I am suspended?

After deciding to suspend you, the suspending official promptly sends you a Notice of Suspension advising you—

- (a) That you have been suspended;
- (b) That your suspension is based on—
 - 1. An indictment;
 - 2. A conviction;
 - 3. Other adequate evidence that you have committed irregularities which seriously reflect on the propriety of further State dealings with you; or
 - 4. Conduct of another person that has been imputed to you, or your affiliation with a suspended or debarred person;
- (c) Of any other irregularities in terms sufficient to put you on notice without disclosing the evidence of the State or Federal government;
- (d) Of the cause(s) upon which we relied for imposing suspension;
- (e) That your suspension is for a temporary period pending the completion of an investigation or resulting legal or debarment proceedings;
- (f) Of the provisions of this rule governing suspension; and
- (g) Of the effect of your suspension from participation in covered transactions.

- (5) How may I contest a suspension?

If you as a respondent wish to contest a suspension, you or your representative must provide the suspending official with information in opposition to the suspension. You may do this orally or in writing, but any information provided orally that you consider important must also be submitted in writing for the official record.

- (6) How much time do I have to contest a suspension?

- (a) As a respondent you or your representative must either send, or make arrangements to appear and present, the information and argument to the suspending official within 30 days after you receive the Notice of Suspension.
 - (b) We consider the notice to be received by you—
 - 1. When delivered, if we mail the notice to the last known street address, or five days after we send it if the letter is undeliverable;
 - 2. When sent, if we send the notice by facsimile or five days after we send it if the facsimile is undeliverable; or
 - 3. When delivered, if we send the notice by e-mail or five days after we send it if the e-mail is undeliverable.
- (7) What information must I provide to the suspending official if I contest a suspension?
- (a) In addition to any information and argument in opposition, as a respondent your submission to the suspending official must identify—
 - 1. Specific facts that contradict the statements contained in the Notice of Suspension (a general denial being insufficient to raise a genuine dispute over facts material to the suspension);
 - 2. All existing, proposed, or prior exclusions and all similar actions taken by Federal, state, or local agencies, including administrative agreements that affect only those agencies;
 - 3. All criminal and civil proceedings not included in the Notice of Suspension that grew out of facts relevant to the cause(s) stated in the notice; and
 - 4. All of your affiliates.
 - (b) If you fail to disclose this information, or provide false information, the Department may seek further civil or administrative action against you, as appropriate. Law enforcement officials may take criminal action against you.
- (8) Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- (a) You as a respondent will not have an additional opportunity to challenge the facts if the suspending official determines that—
 - 1. Your suspension is based upon an indictment, conviction, civil judgment, or other finding by a Federal, State, or local governmental body for which an opportunity to contest the facts was provided;
 - 2. Your presentation in opposition contains only general denials to information contained in the Notice of Suspension;
 - 3. The issues raised in your presentation in opposition to the suspension are not factual in nature, or are not material to the suspending official's initial decision to suspend, or the official's decision whether to continue the suspension; or

4. On the basis of advice from the U.S. Department of Justice, an office of the United States Attorney, a State attorney general's office, or a State or local prosecutor's office, that substantial interests of the government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced by conducting fact-finding.
 - (b) You will have an opportunity to challenge the facts if the suspending official determines that—
 1. The conditions in subparagraph (8)(a) of this rule do not exist; and
 2. Your presentation in opposition raises a genuine dispute over facts material to the suspension.
 - (d) If you have an opportunity to challenge disputed material facts under this paragraph, the suspending official or designee must conduct additional proceedings to resolve those facts.
- (9) Are suspension proceedings formal?
 - (a) Suspension proceedings will be conducted in a fair and informal manner. The suspending official may use flexible procedures to allow you to present matters in opposition. In so doing, the suspending official is not required to follow formal rules of evidence or procedure in creating an official record upon which the official will base a final suspension decision.
 - (b) You as a respondent or your representative must submit any documentary evidence you want the suspending official to consider.
- (10) How is fact-finding conducted?
 - (a) If fact-finding is conducted—
 1. You may present witnesses and other evidence, and confront any witness presented; and
 2. The fact-finder must prepare written findings of fact for the record.
 - (b) A transcribed record of fact-finding proceedings must be made, unless you as a respondent and the Department agree to waive it in advance. If you want a copy of the transcribed record, you may purchase it.
- (11) What does the suspending official consider in deciding whether to continue or terminate my suspension?
 - (a) The suspending official bases the decision on all information contained in the official record. The record includes—
 1. All information in support of the suspending official's initial decision to suspend you;
 2. Any further information and argument presented in support of, or opposition to, the suspension; and
 3. Any transcribed record of fact-finding proceedings.
 - (b) The suspending official may refer disputed material facts to another official for findings of fact. The suspending official may reject any resulting findings, in whole or in part, only after specifically determining them to be arbitrary, capricious, or clearly erroneous.

- (12) When will I know whether the suspension is continued or terminated?

The suspending official must make a written decision whether to continue, modify, or terminate your suspension within 45 days of closing the official record. The official record closes upon the suspending official's receipt of final submissions, information and findings of fact, if any. The suspending official may extend that period for good cause.

- (13) How long may my suspension last?

- (a) If legal or debarment proceedings are initiated at the time of, or during your suspension, the suspension may continue until the conclusion of those proceedings. However, if proceedings are not initiated, a suspension may not exceed 12 months.
- (b) The suspending official may extend the 12 month limit under subparagraph (13)(a) of this rule for an additional 6 months if an office of a U.S. Assistant Attorney General, U.S. Attorney, the Tennessee Attorney General's Office, or other responsible prosecuting official requests an extension in writing. In no event may a suspension exceed 18 months without initiating proceedings under subparagraph (13)(a) of this rule.
- (c) The suspending official must notify the appropriate officials under subparagraph (13)(b) of this rule of an impending termination of a suspension at least 30 days before the 12 month period expires to allow the officials an opportunity to request an extension.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-1-.05 DEBARMENT.

- (1) What are the causes for debarment?

The Department may debar a person for—

- (a) Conviction of or civil judgment for—
1. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;
 2. Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;
 3. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 4. Commission of any criminal violation of the Federal Water Pollution Control Act, as provided in 33 U.S.C. § 1319(c), or as it may be amended, or commission of any criminal violation of the Tennessee Water Quality Control Act, as provided in T.C.A. §§ 69-3-115(b) and (c), or as either may be amended; or
 5. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

- (b) Violation of the terms of a contract or grant so serious as to affect the integrity of an agency program, such as—
 - 1. A willful failure to perform in accordance with the terms of one or more contracts or grants;
 - 2. A history of failure to perform or of unsatisfactory performance of one or more contracts or grants; or
 - 3. A willful violation of a statutory or regulatory provision or requirement applicable to a contract or grant, including without limitation violations of statutory or regulatory provisions or requirements under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., and the Tennessee Water Quality Control Act, T.C.A. § 69-3-101 et seq.;
 - (c) Any of the following causes:
 - 1. A debarment by any Federal agency;
 - 2. Knowingly doing business with an ineligible person, unless an exception has been granted as allowed by applicable law;
 - 3. Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed the Federal Government under the Internal Revenue Code) owed to any State agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;
 - 4. Violation of a material provision of a voluntary exclusion agreement or of any settlement of a debarment or suspension action;
 - 5. Violation of the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701); or
 - (d) Any other cause of so serious or compelling a nature that it affects your present responsibility, which includes but is not limited to a finding by the debarring official based on a preponderance of the evidence that a person committed any action described in subparagraph (1)(a) of this rule.
- (2) What notice does the debarring official give me if I am proposed for debarment?

After consideration of the causes in paragraph (1) above of this rule, if the debarring official proposes to debar you, the official sends you a Notice of Proposed Debarment, pursuant to Rule 1680-5-1-.03, paragraph (3), advising you—

- (a) That the debarring official is considering debarring you;
- (b) Of the reasons for proposing to debar you in terms sufficient to put you on notice of the conduct or transactions upon which the proposed debarment is based;
- (c) Of the cause(s) upon which the debarring official relied for proposing your debarment;
- (d) Of the provisions of this rule governing debarment; and
- (c) Of the effect of your debarment from participation in covered transactions.

(3) When does a debarment take effect?

A debarment is not effective until the debarring official issues a decision. The debarring official does not issue a decision until the respondent has had an opportunity to contest the proposed debarment.

(4) How may I contest a proposed debarment?

If you as a respondent wish to contest a proposed debarment, you or your representative must provide the debarring official with information in opposition to the proposed debarment. You may do this orally or in writing, but any information provided orally that you consider important must also be submitted in writing for the official record.

(5) How much time do I have to contest a proposed debarment?

(a) As a respondent you or your representative must either send, or make arrangements to appear and present, the information and argument to the debarring official within 30 days after you receive the Notice of Proposed Debarment.

(b) We consider the Notice of Proposed Debarment to be received by you—

1. When delivered, if we mail the notice to the last known street address, or five days after we send it if the letter is undeliverable;
2. When sent, if we send the notice by facsimile or five days after we send it if the facsimile is undeliverable; or
3. When delivered, if we send the notice by e-mail or five days after we send it if the e-mail is undeliverable.

(6) What information must I provide to the debarring official if I contest a proposed debarment?

(a) In addition to any information and argument in opposition, as a respondent your submission to the debarring official must identify—

1. Specific facts that contradict the statements contained in the Notice of Proposed Debarment (a general denial being insufficient to raise a genuine dispute over facts material to the debarment), including any information about any of the factors listed in paragraph (13) of this rule below;
2. All existing, proposed, or prior exclusions and all similar actions taken by Federal, State, or local agencies, including administrative agreements that affect only those agencies;
3. All criminal and civil proceedings not included in the Notice of Proposed Debarment that grew out of facts relevant to the cause(s) stated in the notice; and
4. All of your affiliates.

(b) If you fail to disclose this information, or provide false information, the Department may seek further criminal, civil or administrative action against you, as appropriate.

(7) Under what conditions do I get an additional opportunity to challenge the facts on which a proposed debarment is based?

- (a) You as a respondent will not have an additional opportunity to challenge the facts if the debarring official determines that—
 - 1. Your debarment is based upon a conviction or civil judgment;
 - 2. Your presentation in opposition contains only general denials to information contained in the Notice of Proposed Debarment; or
 - 3. The issues raised in your presentation in opposition to the proposed debarment are not factual in nature, or are not material to the debarring official's decision whether to debar.
 - (b) You will have an additional opportunity to challenge the facts if the debarring official determines that—
 - 1. The conditions in subparagraph (7)(a) of this rule do not exist; and
 - 2. Your presentation in opposition raises a genuine dispute over facts material to the proposed debarment.
 - (c) If you have an opportunity to challenge disputed material facts under this section, the debarring official or designee must conduct additional proceedings to resolve those facts.
- (8) Are debarment proceedings formal?
- (a) Debarment proceedings are conducted in a fair and informal manner. The debarring official may use flexible procedures to allow you as a respondent to present matters in opposition. In so doing, the debarring official is not required to follow formal rules of evidence or procedure in creating an official record upon which the official will base the decision whether to debar.
 - (b) You or your representative must submit any documentary evidence you want the debarring official to consider.
- (9) How is fact-finding conducted?
- (a) If fact-finding is conducted—
 - 1. You may present witnesses and other evidence, and confront any witness presented; and
 - 2. The fact-finder must prepare written findings of fact for the record.
 - (b) A transcribed record of fact-finding proceedings must be made, unless you as a respondent and the Department agree to waive it in advance. If you want a copy of the transcribed record, you may purchase it.
- (10) What does the debarring official consider in deciding whether to debar me?
- (a) The debarring official may debar you for any of the causes allowed by this rule. However, the official need not debar you even if a cause for debarment exists. The official may consider the seriousness of your acts or omissions and the mitigating or aggravating factors set forth below.
 - (b) The debarring official bases the decision on all information contained in the official record. The record includes—

1. All information in support of the debarring official's proposed debarment;
 2. Any further information and argument presented in support of, or in opposition to, the proposed debarment; and
 3. Any transcribed record of fact-finding proceedings.
- (c) The debarring official may refer disputed material facts to another official for findings of fact. The debarring official may reject any resultant findings, in whole or in part, only after specifically determining them to be arbitrary, capricious, or clearly erroneous.
- (11) What is the standard of proof in a debarment action?
- (a) In any debarment action, the Department must establish the cause for debarment by a preponderance of the evidence.
 - (b) If the proposed debarment is based upon a conviction or civil judgment, the standard of proof is met.
- (12) Who has the burden of proof in a debarment action?
- (a) The Department has the burden to prove that a cause for debarment exists.
 - (b) Once a cause for debarment is established, you as a respondent have the burden of demonstrating to the satisfaction of the debarring official that you are presently responsible and that debarment is not necessary.
- (13) What factors may influence the debarring official's decision?

This paragraph lists the mitigating and aggravating factors that the debarring official may consider in determining whether to debar you and the length of your debarment period. The debarring official may consider other factors if appropriate in light of the circumstances of a particular case. The existence or nonexistence of any factor, such as one of those set forth in this paragraph, is not necessarily determinative of your present responsibility. In making a debarment decision, the debarring official may consider the following factors:

- (a) The actual or potential harm or impact that results or may result from the wrongdoing.
- (b) The frequency of incidents and/or duration of the wrongdoing.
- (c) Whether there is a pattern or prior history of wrongdoing. For example, if you have been found by another Federal agency or a State agency to have engaged in wrongdoing similar to that found in the debarment action, the existence of this fact may be used by the debarring official in determining that you have a pattern or prior history of wrongdoing.
- (d) Whether you are or have been excluded or disqualified by an agency of the Federal Government or have not been allowed to participate in State or local contracts or assistance agreements on a basis of conduct similar to one or more of the causes for debarment specified in this rule.
- (e) Whether you have entered into an administrative agreement with a Federal agency or a State or local government that is not governmentwide but is based on conduct similar to one or more of the causes for debarment specified in this rule.

- (f) Whether and to what extent you planned, initiated, or carried out the wrongdoing.
 - (g) Whether you have accepted responsibility for the wrongdoing and recognize the seriousness of the misconduct that led to the cause for debarment.
 - (h) Whether you have paid or agreed to pay all criminal, civil and administrative liabilities for the improper activity, including any investigative or administrative costs incurred by the government, and have made or agreed to make full restitution.
 - (i) Whether you have cooperated fully with the government agencies during the investigation and any court or administrative action. In determining the extent of cooperation, the debarring official may consider when the cooperation began and whether you disclosed all pertinent information known to you.
 - (j) Whether the wrongdoing was pervasive within your organization.
 - (k) The kind of positions held by the individuals involved in the wrongdoing.
 - (l) Whether your organization took appropriate corrective action or remedial measures, such as establishing ethics training and implementing programs to prevent recurrence.
 - (m) Whether your principals tolerated the offense.
 - (n) Whether you brought the activity cited as a basis for the debarment to the attention of the appropriate government agency in a timely manner.
 - (o) Whether you have fully investigated the circumstances surrounding the cause for debarment and, if so, made the result of the investigation available to the debarring official.
 - (p) Whether you had effective standards of conduct and internal control systems in place at the time the questioned conduct occurred.
 - (q) Whether you have taken appropriate disciplinary action against the individuals responsible for the activity which constitutes the cause for debarment.
 - (r) Whether you have had adequate time to eliminate the circumstances within your organization that led to the cause for the debarment.
 - (s) Other factors that are appropriate to the circumstances of a particular case.
- (14) How long may my debarment last?
- (a) If the debarring official decides to debar you, your period of debarment will be based on the seriousness of the cause(s) upon which your debarment is based. Generally, debarment should not exceed three years. However, if circumstances warrant, the debarring official may impose a longer period of debarment.
 - (b) In determining the period of debarment, the debarring official may consider the factors in paragraph (13) of this rule above. If a suspension has preceded your debarment, the debarring official must consider the time you were suspended.
- (15) When do I know if the debarring official debars me?

- (a) The debarring official must make a written decision whether to debar within 45 days of closing the official record. The official record closes upon the debarring official's receipt of final submissions, information and findings of fact, if any. The debarring official may extend that period for good cause.
- (b) The debarring official sends you written notice, pursuant to Rule 1680-5-1-.03, paragraph (3), that the official decided, either—
 - 1. Not to debar you; or
 - 2. To debar you. In this event, the notice—
 - (i) Refers to the Notice of Proposed Debarment;
 - (ii) Specifies the reasons for your debarment;
 - (iii) States the period of your debarment, including the effective dates; and
 - (iv) Advises you that your debarment is effective for all covered transactions with the Department.

(16) May I ask the debarring official to reconsider a decision to debar me?

Yes, as a debarred person you may ask the debarring official to reconsider the debarment decision or to reduce the time period or scope of the debarment. However, you must put your request in writing and support it with documentation.

(17) What factors may influence the debarring official during reconsideration?

The debarring official may reduce or terminate your debarment based on—

- (a) Newly discovered material evidence;
- (b) A reversal of the conviction or civil judgment upon which your debarment was based;
- (c) A bona fide change in ownership or management;
- (d) Elimination of other causes for which the debarment was imposed; or
- (e) Other reasons the debarring official finds appropriate.

(18) May the debarring official extend a debarment?

- (a) Yes, the debarring official may extend a debarment for an additional period, if that official determines that an extension is necessary to protect the public interest.
- (b) However, the debarring official may not extend a debarment solely on the basis of the facts and circumstances upon which the initial debarment action was based.
- (c) If the debarring official decides that a debarment for an additional period is necessary, the debarring official must follow the applicable procedures of this rule, to extend the debarment.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10TH DAY OF JUNE, 2004. (06-23)

THE TENNESSEE DEPARTMENT OF TRANSPORTATION - 1680 CONSTRUCTION DIVISION

There will be a hearing before the Tennessee Department of Transportation to consider the promulgation of new rules governing contractor qualifications for construction in high quality or impaired waters pursuant to Tennessee Code Annotated § 54-5-117 and § 4-3-2303. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in the Auditorium of the Main Administrative Building (Building "A") at the Tennessee Department of Transportation, Region III Office Complex, located at 6601 Centennial Boulevard, Nashville, Tennessee 37243-0360 at 3:00 p.m. CDT on Wednesday, August 25, 2004. (Take Briley Parkway to Exit 26B, Centennial Boulevard West.)

Written comments will be considered if received by the close of business (4:30 p.m.) on August 25, 2004, in the Office of General Counsel, Tennessee Department of Transportation, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0326, or if received at the public rulemaking hearing on August 25, 2004.

Individuals with disabilities wishing to participate in these proceedings (or to review these filings) should contact the Department of Transportation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone or other appropriate means, and should be made no less than ten (10) days prior to the public hearing (August 25, 2004) or the date the party intends to review such filings to allow time to provide such aid or service. Such contact may be made with the Department of Transportation's ADA Coordinator at Suite 400, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0327, or by telephone at (615) 741-4984.

For a copy of this notice of rulemaking hearing, contact: Sara Rosson, Tennessee Department of Transportation, Office of General Counsel, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243, telephone number (615) 741-2941.

SUBSTANCE OF PROPOSED RULES

NEW RULES

CHAPTER 1680-5-2

CONTRACTOR QUALIFICATIONS FOR CONSTRUCTION IN HIGH QUALITY OR IMPAIRED WATERS

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1680-5-2-.01 PURPOSE.

The purpose of these Rules is to establish staffing, training and certification requirements that the Department of Transportation may require highway construction contractors to meet as a qualification for bidding on contracts for the construction of highway projects involving earthwork within or in close proximity to surface waters of the State of Tennessee that have been identified by the Tennessee Department of Environment and Conservation as either high quality waters or impaired waters.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-2-.02 APPLICATION.

These rules apply to any proposal contract let by the Department for the construction of a highway project where:

- (1) Such highway construction will require earthwork within or in close proximity to either high quality waters or impaired waters of the State of Tennessee; and
- (2) The Commissioner has determined that it is in the best interest of the Department and the State of Tennessee that the contractor on such project shall be required to meet the staffing, training and certification requirements established in these rules.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-2-.03 DEFINITIONS.

- (1) “Commissioner” means the Commissioner of the State of Tennessee Department of Transportation.
- (2) “Department” means the State of Tennessee Department of Transportation.
- (3) “Earthwork” means any type of construction work that requires the disturbance or exposure of soil or rock, including without limitation clearing, grubbing, excavation, grading, cutting or filling.
- (4) “General Permit” means the Tennessee General Permit for Storm Water Discharges from Construction Activities as authorized by TDEC.
- (5) “High quality waters” means surface waters of the State of Tennessee identified as high quality waters (Tier II) by TDEC, in accordance with TDEC Rule 1200-4-3-.06(2), and surface waters of the State of Tennessee designated as Outstanding National Resource Waters (Tier III) by the State of Tennessee Water Quality Control Board, in accordance with TDEC Rule 1220-4-3-.06(4).
- (6) “Impaired waters” means surface waters of the State of Tennessee identified by TDEC on the most recent Tennessee 303(d) list as impaired waters not meeting one or more of the use classifications for surface waters as designated in TDEC Chapter 1200-4-4.
- (7) “TDEC” means the State of Tennessee Department of Environment and Conservation.
- (8) “Water Quality Permits” means any and all permits administered by any federal or state government agency that governs construction activities within or affecting waters of the United States and/or waters of the State of Tennessee, including without limitation Aquatic Resource Alteration Permits (ARAPs) and

National Pollution Discharge Elimination System (NPDES) permits, including the General Permit, administered by TDEC; Section 404 permits administered by the United States Army Corps of Engineers; and Section 26a permits administered by the Tennessee Valley Authority.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

1680-5-2-.04 STAFFING, TRAINING AND CERTIFICATION REQUIREMENTS.

At the discretion of the Commissioner, highway construction contractors may be required to meet the following staffing, training and certification requirements in order to qualify as a responsible bidder on proposal contracts for the construction of highway projects involving earthwork within or in close proximity to high quality waters or impaired waters of the State of Tennessee:

- (1) Staffing Requirements.
 - (a) The contractor shall be required to employ one or more persons as necessary who shall be specifically assigned to the project to perform the duties of an erosion prevention and sediment control inspector. At a minimum, each erosion prevention and sediment control inspector shall have successfully completed the training identified in paragraph (2) of this rule below.
 - (b) The duties of the erosion prevention and sediment control inspector shall include the following:
 1. The inspector shall perform all inspections required under section IV.D.4 of the General Permit and such additional inspections as may be required under the construction contract. At a minimum, such inspections shall be performed before anticipated storm events and within 24 hours after the end of a storm event of 0.5 inches or greater rainfall, and in any event at least once per week, or at such more frequent intervals as may be required under the General Permit or the construction contract.
 2. Based on the results of the inspections, and subject to the overall supervision of the contractor's environmental supervisor, the inspector shall identify any erosion prevention and sediment control measures that are in disrepair or otherwise functioning inadequately, and the inspector shall report to the environmental supervisor any modifications that may need to be made in the project's storm water pollution prevention plan, as provided in section IV.D.4, subsections f and g, of the General Permit and as may be further required in the construction contract.
 3. The inspector shall document the inspections by preparing the Construction Storm Water Inspection Reports, as provided in section IV.D.4, subsection h, of the General Permit, and as may be further required in the construction contract.
 - (c) In addition, the contractor shall be required to employ one or more persons as necessary who shall be specifically assigned to the project to perform the duties of environmental supervisor for the contractor. At a minimum, the contractor's environmental supervisor(s) shall have successfully completed the training identified in paragraph (2) of this rule below.
 - (d) The duties of the contractor's environmental supervisor shall include:
 1. The environmental supervisor shall have responsibility for the overall operation of the project's construction activities that are regulated under the General Permit or any other Water Quality Permit.

2. The environmental supervisor shall be responsible for implementing the project's storm water pollution prevention plan and otherwise ensuring compliance with the General Permit and any other Water Quality Permits.
 3. The environmental supervisor shall be authorized to sign and shall be responsible for signing the certifications on all Construction Storm Water Inspection Reports, as provided in section III.F.3 of the General Permit and as may be further provided in any Water Quality Permit or the construction contract.
 4. The environmental supervisor shall supervise the erosion prevention and sediment control inspector(s) and ensure that the inspector's duties are fully and timely performed.
 5. Based on the results of the inspections performed by the erosion prevention and sediment control inspector(s), the environmental supervisor shall recommend to the Department any modifications that may need to be made in the project's storm water pollution prevention plan.
 4. The environmental supervisor shall be responsible for ensuring that the erosion prevention and sediment control measures on the project are properly maintained, repaired or replaced as required under any Water Quality Permit, including the General Permit, and as may be further required in the construction contract.
 5. The environmental supervisor shall have the authority and responsibility to stop earthwork at any disturbed site on the project where the erosion prevention and sediment control measures are not performing adequately and until such time as they are brought into compliance with the General Permit or any other Water Quality Permit.
- (2) Training Requirements.
- (a) As a minimum, the contractor's erosion prevention and sediment control inspector(s) shall have successfully completed the following training within the past five years:
 1. TDEC's "Fundamentals of Erosion Prevention and Sediment Control," or its successor; or
 2. A beginner level class in storm water management and construction site inspection offered by the International Erosion Control Association; or
 3. A comparable course from another source, subject to Department approval.
 - (b) As a minimum, the contractor's environmental supervisor(s) shall have successfully completed the same basic training required for the contractor's erosion prevention and sediment control inspector as provided in subparagraph (a) above, and within the past five years the contractor's representative shall have successfully completed the following additional training:
 1. TDEC's "Design Principles for Erosion Prevention and Sediment Control," or its successor; or
 2. An intermediate or advanced level course in storm water management and construction site inspection offered by the International Erosion Control Association; or
 3. A comparable intermediate or advanced level course from another source, subject to Department approval.

(3) Certification Requirements.

- (a) The contractor's bid shall include a certification stating that the contractor is able to provide and will provide personnel to perform the duties of the erosion prevention and sediment control inspector and the environmental supervisor, as set forth in paragraph (1) above, who have fulfilled the training requirements set forth in paragraph (2) above. After a contractor has been awarded a contract, the contractor shall certify to the Department the identity of the persons who will perform the duties of the erosion prevention and sediment control inspector and environmental supervisor, and the contractor's certification shall include documentation to verify the content and date of the training. This certification shall be made in writing at or before the preconstruction meeting and thereafter as necessary whenever the contractor makes a change in the persons fulfilling these duties.
- (b) The contractor's bid shall also include a certification identifying all enforcement orders issued against the contractor within the past twelve (12) months for violations of the Federal Water Pollution Control Act, the Tennessee Water Quality Control Act, or any other State's water quality control act. At the discretion of the Commissioner, serious violations of any such act may be deemed a sufficient ground for finding that a contractor is not a responsible bidder.
- (c) Falsification of any certification required under these rules may be deemed a sufficient ground for finding that a contractor is not a responsible bidder, and if a falsified certification is submitted after a contract has been awarded it shall be deemed a breach of contract to be dealt with as provided in the contract.

Authority: T.C.A. §§54-5-117 and 4-3-2303.

The notice of rulemaking set out herein was properly filed in the Department of State on the 10th day of June, 2004. (06-31)

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WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION NO. 04-04 PROCLAIMING HOLLY FORK WILDLIFE MANAGEMENT AREA

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Section 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following area a wildlife management area to be known as the Holly Fork Wildlife Management Area.

Those lands in Henry County, Tennessee, under the jurisdiction of the Tennessee Valley Authority, located north of Highway 79 and lying on both sides of the Holly Fork Creek, and licensed to Tennessee Wildlife Resources Agency in contract TV-18554A Supplement No. 11, and those lands owned by the Tennessee Wildlife Resources Agency formerly known as the Calloway tract as registered in deed books of the aforementioned county. A more complete description may be found on file in the office of the Tennessee Valley Authority in Paris, Tennessee and Tennessee Wildlife Resources Agency in Nashville, Tennessee.

Proclamation No. 04-04 received and recorded this 3rd day of June, 2004. (06-04)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION NO. 04-05 REPEALING CUMBERLAND SPRINGS AND HERMITAGE WILDLIFE MANAGEMENT AREAS

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Sections 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the areas known as Cumberland Springs Wildlife Management Area and Hermitage Wildlife Management Area are no longer under the management of the Tennessee Wildlife Resources Agency, therefore, this proclamation repeals Proclamation 75-22 dated August 28, 1975 and Proclamation 289 dated December 15, 1972.

Proclamation No. 04-05 received and recorded this 3rd day of June, 2004. (06-05)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

**PROCLAMATION 04-06
MANNER AND MEANS OF HUNTING, TAKING, AND TRAPPING**

STATEWIDE AND ON WILDLIFE MANAGEMENT AREAS AND STATE REFUGES

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the manner and means of hunting, taking, and trapping, effective August 1, 2004.

NOTE: All sections contained herein apply to statewide and management area hunting. Special restrictions may apply on some wildlife management areas. Legislative Private Acts also apply in some counties.

SECTION I. ILLEGAL WEAPONS

- (1) Shotguns using ammunition loaded with shot larger than Number four (4) are prohibited for hunting all wildlife except beavers, coyotes and waterfowl.
- (2) Shotguns loaded with single ball or rifled slug ammunition are prohibited for hunting all wildlife except deer, bear, boar and feral hogs¹ except as follows: Coyotes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition.
- (3) Rifles or handguns loaded with military or other full metal jacketed type of ammunition are prohibited.
- (4) Rifles or handguns loaded with center-fire ammunition are prohibited for all hunting between 30 minutes after sunset and 30 minutes before sunrise.
- (5) Rifles or handguns loaded with center-fire ammunition are prohibited during all deer, bear or boar seasons for hunting any wildlife except deer, bear, or boar. Coyotes, crows, groundhogs, beaver, feral hogs, foxes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition as provided in the Big Game Season Proclamation.

Any arrow with poisoned or chemically treated tip or explosive head is illegal for hunting. The crossbow or any bow drawn or held by a mechanical device is prohibited during archery-only seasons (except as specified in Section III. (2) part (d) below).

- (7) Weapons capable of fully automatic fire are prohibited for hunting of all wildlife.
- (8) Firearms or archery equipment with any device utilizing an artificial light capable of locating wildlife.

SECTION II. PROHIBITED ACTS

- (1) The use or possession of predator calls while night hunting of any species is prohibited.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain, and Foothills WMAs.

- (2) The use or possession and/or the accompanying of anyone using or possessing raccoon calls, squallers, weapons, ammunition, or climbers while training dogs is prohibited during training season, except raccoon calls may be used during authorized field trials.
- (3) The use of dogs in taking or attempting to take deer is prohibited. Taking or attempting to take deer being pursued by dog, or dogs, is prohibited.
- (4) The use or possession of a pod arrow, any pod-type device for holding drugs or chemicals on an arrow, or any drugs or chemicals used in pod arrows while archery hunting is prohibited.
- (5) Quota hunt permits are not transferable. Anyone found hunting on a borrowed quota permit shall be deemed guilty of hunting in closed season.
- (6) Juveniles under the age of eighteen (18) are prohibited from using handguns for the purpose of hunting.
- (7) Hunting prohibited over a site where bait has been placed to feed or attract wildlife unless the bait has been removed at least ten days prior to hunting.
- (8) Evidence of species or sex of big game animals shall not be destroyed or removed prior to a permanent kill tag being issued at a checking station. (normal field dressing is permitted)
- (9) Possession of firearms prohibited while chasing coyote, fox, and bobcat with dogs from the first Saturday in November through the end of the deer season.
- (10) Use or possession of any electronic light amplifying night vision scope or device is prohibited when in possession of a firearm or archery tackle between sunset and sunrise.
- (11) Use or possession of electronic calls prohibited while hunting wild turkey.

SECTION III. LEGAL WEAPONS

- (1) Turkey Hunting
 - (a) Shotguns 20 gauge or larger using ammunition loaded with number 4 shot or smaller.
 - (b) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during firearms seasons). Requirements for the use of crossbows to hunt wild turkey by hunters with disabilities during archery-only seasons are the same as for hunting deer as listed in Section III (2) part (d) below.
 - (c) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (2) Deer, Bear, Boar and Feral Hog Hunting
 - (a) Shotguns using ammunition loaded with single solid ball or rifled slugs.
 - (b) Rifles, except those described in Section I. (3) above, using center- fire ammunition of .24 caliber or larger, in all counties except where regulated by legislative acts.

- (c) Muzzle-loading percussion cap or flintlock rifles, handguns or shotguns of .40 caliber (.40") minimum. These muzzle-loading firearms are legal during any gun season or hunt unless otherwise specified. Muzzleloading firearms are defined as those firearms which are incapable of being loaded from the breech.
 - (d) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during firearms seasons) Crossbows with hunting bolts and other bows drawn or held by a mechanical device may be used by hunters with disabilities during any season when archery tackle is legal. As used herein a hunter with a disability is defined to include any person who is incapable of pulling a conventional or compound bow as determined by a licensed physician. A current statement from a licensed physician, on a special form obtained from TWRA, must be in the possession of the hunter with a disability while he or she is hunting with a crossbow.
 - (e) Hunting arrows and bolts shall be of a barbless design and shall have sharpened blades.
 - (f) Center-fire handguns .24 caliber or larger having a barrel length of four (4) inches or more, in all counties except where regulated by legislative acts.
 - (g) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (3) Small Game Hunting
- (a) Shotguns and handguns using ammunition loaded with Number Four (4) or smaller shot are legal for all small game hunting.
 - (b) Shotguns using ammunition loaded with BBB (0.19 inch diameter) or smaller shot are legal for hunting coyotes and beaver except during big game seasons.
 - (c) Shotguns loaded with nontoxic shot approved by the U. S. Fish and Wildlife Service are legal for hunting waterfowl.
 - (d) Rifles and handguns using rim-fire ammunition and air rifles are legal for hunting small game except migratory birds.
 - (e) Rifles and handguns using center-fire ammunition are legal for hunting beaver, bobcat, foxes, coyotes, feral hogs, groundhogs, and crows, except during deer, bear or boar seasons. Rifles and handguns using center-fire ammunition prohibited for hunting all small game species on wildlife management areas (except as specified in Section I.(2) and (5) above)
 - (f) Muzzle-loading firearms (rifles, handguns and shotguns).
 - (g) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during regular firearms small game seasons)
 - (h) Falcons and Falconry – Subject to Tennessee Code Annotated Section 70-414.
 - (i) Gigs and angling equipment are also legal for taking bullfrogs.
 - (j) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.

SECTION IV. LEGAL TRAPPING DEVICES AND DEFINITIONS

- (1) Leg-hold traps with a jaw spread of 7 1/2 inches or less are legal for all furbearer species during the legal trapping season.
- (2) Instant-kill traps with jaw measurements no greater than 10 x 10 inches and smaller are legal for all furbearer species during the legal trapping season. Instant kill traps are considered steel jawed traps and their use is restricted to that allowed for steel jawed traps.
- (3) Live traps are legal for taking any species of wildlife listed as having a trapping season. Live traps are defined as those traps that act as a cage after capture.
- (4) Steel cable snares having a minimum cable diameter of 5/64 inch and a maximum cable diameter of 3/32 inch are legal for all legal furbearer species during the legal trapping season. All snares shall have affixed a tag bearing the name of the owner. Spring activated snares other than Collarum snares prohibited.
- (5) Cushion-hold traps are legal for all furbearer species during the legal trapping season. The Woodstream Soft-Catch, Duke Rubber Jaw Trap, Butera Cushion Catch traps, Cushion Catch #33 Trap, J. C. Conner Coyote "Jake" Trap and any legal sized offset jawed traps equipped with Humane Hold universal pads by KG Enterprises meet the definition of a "cushion-hold trap" as provided in TCA 70-1-101 which may be used in accordance with TCA 70-4-120.
- (6) The following species specific traps - Egg Traps, Coon Cuffs, Lil' Grizz Getz and Duffer's Raccoon Trap, are legal for furbearers during the legal trapping season.
- (7) For trapping purposes "water set" is defined to mean traps set in water adjacent to and part of streams, ponds, lakes, wetlands or other water courses and includes floating sets.

SECTION V. AMMUNITION

- (1) Possession of ammunition except that as specifically authorized is prohibited on all wildlife management areas, state refuges and public hunting areas.
- (2) Possession or use of buckshot is specifically prohibited while hunting all species, except in those counties where authorized by Private Acts.
- (3) Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear, boar or feral hogs except in those counties where legal by Private Act.
- (4) Possession of shot larger than No. 4 is prohibited when hunting all wildlife except waterfowl, coyotes and beaver.
- (5) Possession of rifled slugs is prohibited except while hunting deer, bear, boar and feral hogs.
- (6) Possession or use of any loose shot other than non-toxic (as approved by U.S Fish and Wildlife Service) or any shotgun shell loaded with shot other than non-toxic is prohibited while hunting waterfowl, coots, gallinules, Virginia rails, and sora rails.

SECTION VI. POSSESSION OF LIVE ANIMALS

Every game animal, wounded or unwounded by hunting and/or trapping and taken into possession by the hunter or trapper, shall be immediately slain and become part of the daily bag limit. No person shall, at any time, or by any means, possess or transport live animals taken under the authority of hunting season proclamations.

SECTION VII. LEGAL HUNTING HOURS

- (1) All big game and small game species (except bullfrogs, raccoons, opossums, migratory birds, and the chasing of foxes) daylight hours only (30 minutes before official sunrise and until 30 minutes after official sunset) except turkey open only until official sunset.
- (2) Hunting of bullfrogs, raccoons, opossums, the chasing of foxes and the trapping of furbearers is permitted day or night unless restricted by Proclamation.
- (3) Migratory birds - To comply with federal regulations for migratory birds, unless restricted by proclamation.

SECTION VIII. MISCELLANEOUS MIGRATORY BIRD REGULATIONS

- (1) Federal regulations relative to baiting, firearms, bag and possession limits, wanton waste, tagging, and methods of hunting are hereby adopted and will be applicable to hunting and/or taking of species listed.
- (2) No person shall hunt migratory game birds with a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- (3) All persons who hunt migratory game birds are required to have in their possession a valid Tennessee Migratory Bird Permit (TMBP) in addition to other required Tennessee licenses and permits, with the following exceptions:
 - * disabled veterans
 - * landowners hunting on their own land
 - * lifetime license holders
 - * residents of Tennessee under 13 years of age
 - * residents of Tennessee who are 65 or older

Military personnel on leave or furlough will be required to possess the TMBP when hunting migratory game birds even though they are not required to possess a hunting and fishing license.

- (6) Refer to federal regulations 50 CFR Ch. 1 (21.41 and 21.43) for conditions and restrictions applicable to the taking of crows in certain depredation or health hazard situations outside of the crow sport hunting season.

SECTION IX. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 03-9 dated May 29, 2003.

Proclamation No. 04-06 received and recorded the 3rd day of June, 2004. (06-06)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 04-07

OPENING HATCHIE, LOWER HATCHIE, REELFOOT, LAKE ISOM, CROSS CREEKS, CHICKASAW, AND TENNESSEE NATIONAL WILDLIFE REFUGES TO HUNTING

Pursuant to the authority granted by Tennessee code annotated sections, 70-4-107, 70-5-108 and 70-5-111 thereof, the Tennessee Wildlife Resources Commission, after making a survey of Hatchie, Lower Hatchie, Reelfoot, Lake Isom, Cross Creeks, Chickasaw, and Tennessee National Wildlife Refuges and finding that the supply of game is sufficient to allow hunting thereof as hereinafter described without the danger of extinction or depletion hereby proclaims the following regulations for the 2004-2005 season, effective August 1, 2004.

A federal permit required for all hunts. Quota permits are required for quota hunts and special federal regulations apply as specified. A signed refuge brochure serves as the permit for non-quota hunts.

All deer taken count in Unit A Bag Limit, unless otherwise noted as Bonus deer.

SECTION I. HATCHIE NATIONAL WILDLIFE REFUGE

	Seasons	Bag & Possession Limit
Dove, opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel and Woodcock *	Same as statewide seasons (except closed during deer hunts and no spring squirrel season)	Same as statewide regulations. (Non-toxic Shot Only)
Deer (Archery)(No Quota)	Sept. 25 – Oct. 10, 2004.	Four Deer-Either Sex (No more than two antlered) Unit A Bag
Deer (Gun-Archery) (Quota) **	Oct. 16 – 17, 2004(Hunter Quota 225 plus 4 wheel- chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)
Deer (Gun-Archery) (Quota) **	Oct. 23-24, 2004(Hunter Quota 225 plus 4 wheel- chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)

* Opossum and raccoon - hunting hours from sunset to one hour before sunrise. Closed night before and during any refuge deer seasons. Armadillo, beaver and coyote may be taken on any hunt. Non-toxic shot only.

** Deer taken on quota gun hunts must be checked out at the refuge check station.

	Seasons	Bag & Possession Limit
Ducks, Geese and Coots *** (Porter Tract Only) ****	Tues., Thurs. and Sat. of both the early and regular statewide seasons (Hunting until 12:00 noon only).	In accordance with statewide regulations

*** Only portable blinds or blinds of native vegetation may be used. Blinds and decoys must be removed each day.

**** Porter Tract is that portion of the refuge that lies at the extreme east end of the refuge lying east of Richland Creek and the Big Eddy Road.

SECTION II. CHICKASAW AND LOWER HATCHIE NATIONAL WILDLIFE REFUGES

All small game and waterfowl hunting seasons and bag limits in accordance with statewide regulations (except closed during spring squirrel season). Squirrel, rabbit, quail, dove, woodcock, and snipe hunting is closed during all youth deer, muzzleloader, and gun deer hunts. All hunting blinds will be portable and nothing of a permanent nature will be constructed. No axes or saws allowed on raccoon hunts. Waterfowl hunting until 12:00 Noon only. Temporary blinds and decoys must be removed at the end of each day's hunt. Non-toxic shot only.

Beaver and coyote may be taken during any scheduled hunt with any weapon legal for the Hunt.

	Season	Bag & Possession Limit
Deer (Archery)	Sept. 25-Oct 29, Nov. 8-19, Dec.13-17, 2004	Four deer - No more than two antlered *
Deer (Gun-Archery) (Young Sportsman)	Oct. 30-31, 2004; Jan 15-16, 2005	One deer - either-sex *
Deer (Gun-Archery)	Nov. 20-Dec.5, 2004	Two deer - buck only *
Deer (Gun-Archery)	Dec 18- Jan 9, 2005	Two deer - buck only *UN
Deer (Muzzleloader-Archery)	Nov. 6-12, 2004	Two deer - no more than one antlered*
Deer (Muzzleloader-Archery)	Dec. 6-12, 2004	Two deer – no more than one antlered*

* All deer harvested count against Unit A bag limit.

SECTION III. SUNK LAKE PUBLIC USE MANAGEMENT AREA (NORTHERN UNIT ONLY)

	Season	Bag & Possession limit
Squirrel, Rabbit, Quail, Raccoon and Opossum	Same as statewide	Same as statewide
Non-toxic shot only. Spring squirrel season closed.		
Deer (Archery only)	Sept 25-Oct 29, Nov 8-19, and Dec 13-17	Four deer – no more than two antlered *

* All deer harvested count against Unit A bag limit.

**SECTION IV. TENNESSEE NATIONAL WILDLIFE REFUGE - SPECIAL FEDERAL PERMIT REQUIRED
(Except designated closed areas)**

Quota Deer Hunts	Hunter Quota for Each Hunt	Bag & Possession Limit
	Big Sandy Peninsula - 75 Duck River Bottoms Unit - 100 Duck River Uplands Unit - 50 Britton Ford Peninsula - 35 Busseltown Unit - 50	All deer taken on quota hunts count as Bonus deer
	Season	Bag & Possession Limit
Deer (Primitive Weapons: Long bow, recurve bow and side hammered muzzleloaders with iron sights only)*	One 2-day hunt Sept 18-19, 2004	Two deer – either sex
Deer-Youth (Gun/Archery/Muzzleloader)*	One 2 day hunt Oct 2-3,2004	Two deer – either sex
Deer (Gun/Archery/Muzzleloader)*	Two 2 day hunts Oct 16-17, 30-31, 2004	Two deer – antlerless only
Deer (Gun/Archery/Muzzleloader)*	Nov 13-14, 2004	Two deer – one must be antlerless

* All deer harvested are bonus deer

Non-quota Deer Hunts	Season	Bag & Possession Limit
Deer/Turkey (Archery)	Same as statewide season through Nov 5. Closed during quota hunts	Four deer – No more than Two antlered. One turkey either sex. Deer and turkey counts in Unit A bag limit.
Squirrel	Aug 28 – Nov 14, 2004 Closed during quota hunts	In accordance with statewide regulations
Raccoon Hunts	Oct 18-20, Nov 1-3, 2004	In accordance with statewide regulations
Canada Goose	Same as statewide until opening of wood duck/teal season	In accordance with statewide regulations

**Note - Beaver and coyote may be taken on a scheduled hunt for other species with any weapon legal for the hunt.

SECTION V. REELFOOT AND LAKE ISOM NATIONAL WILDLIFE REFUGES

	Seasons	Bag & Possession Limit
Squirrel	Aug. 28-Oct 15, 2004	In accordance with statewide regulations(non-toxic shot only)
Raccoon *	Oct 1-16, 2004	No limit
*	Hunting hours-7:00pm until midnight only. Hunters must check out all raccoons for tagging.	
Deer (Archery)	Sept. 25-Oct. 29,2004	Four deer-no more than two antlered (counts toward statewidebag limit)
Deer (Gun/Archery) (Reelfoot Refuge only)	Nov. 12-14, 2004 Hunter Quota – 200 (100 per hunt unit)	Two deer- no more than one antlered. Deer must be checked out at refuge check station. (counts as bonus deer)

SECTION VI. CROSS CREEKS NATIONAL WILDLIFE REFUGE

	Seasons	Bag & Possession Limit
Squirrel	Aug. 28 – Nov 14, 2004	In accordance with statewide regulations

Quota deer hunts

	Hunter Quota for Each Hunt	Bag and Possession Limit
	Southside:Northeast of Pool 5 Bridge 25 Southside:Southwest of Pool 5 Bridge 25 Northside of Cumberland River 50	All deer taken on quota hunts count as Bonus deer
	Seasons	Bag & Possession Limit
Deer (Archery)	Sept. 18-19, 2004	Two deer, either sex
Deer – Youth (Gun/ Archery/Muzzleloader)	Oct. 9-10, 2004	Two deer, either sex
Deer(Gun/Archery/Muzzleloader)	Oct. 23-24, 2004	Two deer, antlerless only
Deer(Gun/Archery/Muzzleloader)	Nov. 6-7, 2004	Two deer, one must be antlerless

Non-quota Deer Hunts

Deer/Turkey (Archery)	Same as statewide archery seasons through Nov 5, 2004	In accordance with statewide. Counts in Unit A Bag Limit
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No hunting in safety zones as listed in NWR pamphlet.

All other hunting (squirrel, turkey, archery deer) will be closed on weekends when quota deer hunts are scheduled.

Canada Goose	Same as statewide until opening of early woodduck/teal season	Same as statewide
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SECTION VII. GENERAL REGULATIONS FOR HUNTING REFUGES

- (1) Vehicles must remain on established roads. Roads may be closed due to adverse weather conditions. Park vehicles in a manner that will not interfere with normal flow of traffic.
- (2) Camping and fires are prohibited except in designated areas.
- (3) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.
- (4) Dogs are prohibited except when used during the small game and migratory bird hunts.

- (5) Designated areas of refuges will be closed to all public entry to provide sanctuaries for waterfowl.
- (6) Small game hunters may only possess and use shotgun shells containing non-toxic shot in areas designated as high waterfowl use areas.
- (7) Hunters must possess a signed refuge brochure/permit.
- (8) All fall turkey hunts open in open counties on National Wildlife Refuges close ½ hour after sunset Nov. 14.

SECTION VIII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals proclamation No. 03-10 dated May 29, 2003.

Proclamation 04-07 received and recorded this 3rd day of June, 2004. (06-07)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 04-08

STATEWIDE SMALL GAME HUNTING SEASONS AND BAG LIMITS (EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide small game hunting and bag limits effective August 1, 2004.

SECTION I. SMALL GAME HUNTING

Species	Opens	Closes	Daily Bag
Squirrel	4th Saturday in August 2nd Saturday in May	Last day in February 2nd Sunday in June	10 10
Squirrel Dog Training	Year-round		
Grouse ¹	2nd Saturday in October	Last day in February	3
Rabbit	2nd Saturday in November	Last day in February	5
Quail	2nd Saturday in November	Last day in February	6
Armadillo	Year round		No limit

¹ Grouse hunting season closed west of Interstate 65.

SECTION II. CONTROLLED AND COMMERCIAL SHOOTING PRESERVES
(by special Commission Permit only)

	Opens	Closes	Daily Bag
Upland Game Birds	Year-round		No Limit
Waterfowl	March 15	October 15	No Limit
Big Game - (Feral Hogs and Exotic Species only, excluding Exotic Cats and all species of Bear)	Year-round		No Limit

SECTION III. UNPROTECTED ANIMALS

	Opens	Closes	Daily Bag
English Sparrow, Starling	Year-round		No Limit

SECTION IV. BULLFROG HUNTING

Bullfrog	Year-round		20 per person per night ²
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Only domestically raised or legally imported bullfrogs or parts thereof may be sold.

Water Open: All waters of the state are open except:

- (1) Waters within state and federal wildlife refuges.
- (2) Special Season applies on TWRA lakes (June 1-June 30)

Note: The use of firearms for the taking of bullfrogs in wildlife management areas and TWRA lakes is prohibited. Also, the taking of bullfrogs is defined as hunting. Permit not required on wildlife management areas.

SECTION V. POSSESSION LIMITS

The possession limits for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

Proclamation No. 04-08, received and recorded this 3rd day of June, 2004. (06-08)

² Night defined as one 24-hour period commencing at sunset.

TENNESSEE WILDLIFE RESOURCES COMMISSION-1660

**PROCLAMATION 04-09
STATEWIDE FURBEARER HUNTING AND TRAPPING SEASONS AND BAG LIMITS
(EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)**

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide furbearer hunting and trapping seasons and bag limits effective August 1, 2004.

SECTION I. HUNTING

Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria, Striped Skunk	Year-round		No Limit
Fox, Mink, Muskrat, Spotted Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
River Otter ¹			
Region I and II. That portion of Tennessee as defined by TWRA regional boundaries as published	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit
Experimental Season in Region III	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit
Experimental Season in Region IV			
Restrictive Experimental Season in all TWRA Region IV counties.	Opens	Closes	Seasonal Bag ²
	Friday before Thanksgiving	Dec. 31	4

¹ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

² Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

	Opens	Closes	Daily Bag
Bobcat	Friday before Thanksgiving	Feb. 15	1

Beaver

That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.

	Opens	Closes	Daily Bag
	Year-round		No Limit

Remainder of the State	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

Raccoon, Opossum³

Western Unit

That portion of Tennessee west of and including Scott, Morgan, Roane, McMinn, and Bradley counties.

	Opens	Closes	Daily Bag
Taking Season	Sunset 3 rd Friday in September	Sunrise Feb. 15	2 per person per night ⁴
Training Season	Year-round except where regulated by Private Act		No Taking Permitted

Eastern Unit

That portion of Tennessee east of Scott, Morgan, Roane, McMinn, and Bradley counties.

	Opens	Closes	Daily Bag
Taking Season	Sunset 1 st Friday in November	Sunrise Feb. 15	1 per person per night ⁴
Training Season	Year-round except where regulated by Private Act		No Taking Permitted

³ No limit on opossum

⁴ Night defined as one 24-hour period commencing at sunset.

SECTION II. TRAPPING

Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria	Year-round		No Limit
Bobcat, Fox, Mink, Muskrat, Opossum, Raccoon, Spotted Skunk, Striped Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit

Beaver

That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.

	Opens	Closes	Daily Bag
Remainder of the state	Year-round		No Limit
	Friday before Thanksgiving	Feb. 15	No Limit

River Otter⁵

Region I and II. That portion of Tennessee as defined by TWRA regional boundaries as published.

	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

Experimental Season in Region III

	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

Restrictive Experimental Season in all TWRA Region IV counties.	Opens	Closes	Seasonal Bag ⁶
	Friday before Thanksgiving	Dec. 31	4

⁵ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

⁶ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

The following counties are included in the statewide fox hunting and trapping seasons, after determining a need for the opening thereof:

Blount	Johnson	Overton
Carter	Knox	Pickett
Clay	Loudon	Putnam
Cocke	Macon	Rhea
Fentress	McMinn	Robertson
Hamblen	Meigs	Sevier
Haywood	Monroe	White
Jefferson		

SECTION VI. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION VII. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamations No. 03-12, dated May 29, 2003. (06-10)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 04-10 STATEWIDE BIG GAME HUNTING SEASONS AND BAG LIMIT (Exclusive of Wildlife Management Areas and Refuges)

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide big game seasons and bag limits, effective August 1, 2004.

SECTION I. WHITE-TAILED DEER

A. White-tailed Deer Hunting Seasons

For the purpose of these hunting regulations and better wildlife management, the State of Tennessee is hereby divided into three (3) deer units, as follows:

Unit

- A. Benton, Bledsoe, Bradley, Cannon, Chester, Clay, Crockett, Decatur, DeKalb, Dyer, Franklin, Gibson, Grundy, Hamilton, Hardin, Haywood, Henderson, Houston, Jackson, Lake, Lauderdale, Lewis, Madison, Marion, McMinn, McNairy, Meigs, Obion, Overton, Perry, Polk, Putnam, Rhea, Roane, Sequatchie, Shelby, Smith, Stewart, Tipton, Trousdale, Van Buren, Warren, Wayne, White.

- B. Anderson, Blount (that area west of Hwy. 411 and east of Hwy. 129 is archery/muzzleloader equipment only), Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Pickett, Scott, Sevier, Sullivan, Unicoi, Union, Washington.
- L. Bedford, Carroll, Cheatham, Coffee, Davidson, Dickson, Fayette, Giles, Hardeman, Henry, Hickman, Humphreys, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Sumner, Weakley, Williamson, Wilson.

Deer Unit A and L ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 25, 2004 Nov. 1, 2004 Nov. 13, 2004 Dec. 13, 2004	Oct. 29, 2004 Nov. 5, 2004 Nov. 19, 2004 Dec. 17, 2004
Deer (Muzzleloader-Archery)	Nov. 6, 2004	Nov. 12, 2004
Deer (Gun-Muzzleloader-Archery)	Nov. 20, 2004 Dec. 18, 2004	Dec. 5, 2004 Jan. 9, 2005
Deer (Muzzleloader-Archery)	Dec. 6, 2004	Dec. 12, 2004
Deer Unit B ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 25, 2004 Nov. 1, 2004 Nov. 13, 2004	Oct. 29, 2004 Nov. 5, 2004 Nov. 19, 2004
Deer (Muzzleloader-Archery)	Nov. 6, 2004	Nov. 12, 2004
Deer (Gun-Muzzleloader-Archery)	Nov. 20, 2004 Dec. 18, 2004	Nov. 28, 2004 Jan. 5, 2005
Deer (Muzzleloader-Archery)	Dec. 10, 2004	Dec. 12, 2004

B. White-tailed Deer Unit Bag Limits

The total number of antlered deer taken statewide may not exceed 3 per year except no more than 2 antlered deer may be taken from Unit B. No more than 1 antlered deer may be taken per day.

Unit	Archery Season Bag
A	4 Deer – no more than 2 antlered

B	2 Deer - Either Sex
L	6 Deer – no more than 2 antlered per season
Unit	Gun-Muzzleloader-Archery Season Bag
A	2 Deer - Antlered Only (see Section D for antlerless hunts)
B	2 Deer - Antlered Only (see Section D for antlerless hunts)
L	3 Deer per day – no more than 2 antlered per season (Type 94 permit required to harvest antlerless deer)
Unit	Muzzleloader-Archery Season Bag
A	1 st segment - 2 Deer – no more than 1 antlered except 1 Deer either sex in Polk Co. 2 nd segment - 2 Deer – no more than 1 antlered except 1 antlered deer in Polk Co.
B	1 st segment—1 Deer - Antlered Only, except either sex during the first 3 days 2 nd segment —1 Deer - Antlered Only
L	6 Deer - no more than 2 antlered per season

Note: Deer taken at Fort Campbell and on the special antlerless hunts are not considered in the regular season bag and possession limit unless otherwise specified.

Antlered deer must have antlers a minimum of three inches (3") in length on buck only or antlered only hunts. Antlerless deer are defined as deer with no antlers or deer with antlers less than three inches (3") in length.

C. Special Hunts

The following deer units are open for two 2-day (Young Sportsman) deer hunts on October 30-31, 2004 and January 15-16, 2005. Young sportsmen 10-16 years of age may participate. Each young sportsman must be accompanied by a non-hunting, adult, 18 years of age or older, who must also comply with fluorescent orange regulations, as specified for legal hunters. No more than one deer may be taken on each hunt. (See bag limit restrictions in Section B)

Unit	Hunt Dates
A and L	Oct. 30-31, 2004 Two deer—no more than 1 antlered
B	Oct. 30-31, 2004 One deer—either sex

- A and L Jan. 15-16, 2005
Two deer—no more than 1 antlered
- B Jan. 15-16, 2005
One deer—either sex

D. Antlerless White-tailed Deer Special Hunts

The following counties and portions of counties are open to antlerless deer hunting during the regular gun season as specified.

Quota Hunts — *Special quota permit required.* Bag limit-one deer per permit except where noted.

Note: Cannon, Lewis, Madison and Wayne county allow a bag limit of 2 deer per permit.

Trousdale and Franklin county allow a bag limit of 3 deer per permit.

Non-quota Hunts — *No hunter quota but a Type 94 permit or Sportsman License is required.*

Note: Unit A & B: the bag limit for each county for each non-quota hunt is defined in the Table.

Unit L: a hunter may harvest 3 antlerless deer per day during the regular gun season.

COUNTY	Quota Hunts					Non-Quota Hunts		
	Nov 20- Nov 21	Nov 22- Nov 25	Nov 26- Nov 30	Dec 1- Dec 5	Dec 18- Dec 20	Dec 18 – Dec 24	Dec 25 – Dec 31	Jan 1 – Jan 9
	NUMBER OF PERMITS PER HUNT					NUMBER OF DEER PER HUNT		
Anderson ²		50			50			
Benton							2	2
Blount ³		50			50			
Bradley		500	500					
Cannon*	300	300	300	300		2	2	2
Carter ⁴					100			
Chester						2	2	2
Claiborne					250			
Clay			200			2		
Decatur						2	2	2
DeKalb								2
Franklin**	700	700	700	700		3	3	3
Gibson						2	2	2

* - Indicates bag limit of 2 deer per permit for quota hunts.

** - Indicates bag limit of 3 deer per permit for quota hunts.

² Anderson County East of Interstate 75 only.

³ Blount County West of Highway 411 and east of Highway 129

⁴ Carter County. Excludes Cherokee WMA.

COUNTY	Quota Hunts					Non-Quota Hunts		
	Nov 20- Nov 21	Nov 22- Nov 25	Nov 26- Nov 30	Dec 1- Dec 5	Dec 18- Dec 20	Dec 18 – Dec 24	Dec 25 – Dec 31	Jan 1 – Jan 9
	NUMBER OF PERMITS PER HUNT					NUMBER OF DEER PER HUNT		
Grainger					100			
Hamilton		500	500					
Hancock					250			
Hardin			400	400		2	2	2
Hawkins ⁵								
Hawkins ⁶								
Haywood		400	400	400		2	2	2
Henderson						2	2	2
Houston						2	2	2
Jackson			200					
Jefferson					250			
Johnson ⁷					100			
Knox					100			
Lewis*	500	500	500	500		2	2	2
Loudon					100			
McMinn		500	500					
McNairy				200		2	2	2
Madison*	650	650	650	650		2	2	2
Marion			500					
Meigs		500	500					
Obion						2	2	2
Overton				200		2		
Perry							2	2
Rhea		500	500					
Roane		500	500					
Shelby								2
Smith	500	500	500	500		2	2	2
Stewart			200	200		2	2	2
Sullivan ⁸					100			
Trousdale**	500	500	500	500		3	3	3
Warren				300				2
Wayne*	500	500	500	500		2	2	2

* - Indicates bag limit of 2 deer per permit for quota hunts.

** - Indicates bag limit of 3 deer per permit for quota hunts.

5 Hawkins County - Quota hunt on Dec 18-26. 1000 Hunter Quota

6 Holston Army Plant - Two quota hunts on Nov 20 and Nov 21. 80 Hunter quota. Two quota hunts on Nov 27 and Nov 28. 80 Hunter quota. Bag Limit 2 antlerless deer per permit on all hunts. NOTE: Holston Army Ammunition Plant - additional installation permit fee required if drawn

7 Johnston County. Excludes Cherokee WMA

8 Sullivan County. Excludes Cherokee WMA

E. Special Regulations

1. **Big Game Tagging** - Upon harvesting the first big game animal of the day, except for feral hogs, the hunter must punch the date of harvest on the temporary kill tag and attach it to the animal immediately. The hunter may continue to big game hunt until he reaches the big game bag limit for that season, to the conclusion of the hunt or until the end of legal hunting time for that day, whichever comes first. All animals harvested must be accompanied by one tagged animal and must be taken together to the nearest big game checking station by the most reasonably direct route where one new temporary kill tag will be issued. The permanent harvest tag is a legal document and must be signed by the hunter. By signing the permanent harvest tag, the hunter is affirming that the information, as it appears on the permanent tag, is correct and valid. The permanent game tag must remain with each carcass until final processing. Persons legally hunting without a license are also required to take any big game animal harvested to a check station. After receiving a temporary harvest tag from checking in their first kill, these persons must comply with all tagging regulations. All big game taken to a taxidermist to be mounted must be accompanied by documentation showing the permanent game tag number, checking station number, and date of kill.

SECTION II. FERAL HOG SEASONS

(No hunting with dogs allowed except where indicated.)

Feral hogs are defined as any wild hog found in Tennessee except on Catoosa, South Cherokee, Cove Mtn, and Foothills WMA's. Feral hogs are considered big game but are not required to be tagged or checked in at big game checking stations.

Private lands (Public Hunting Areas are considered private land)

Year round season, except inholdings on Catoosa WMA and South Cherokee where season is open with statewide deer seasons with no dogs.

No limit -either sex

Publicly owned lands

Open during scheduled white-tailed deer hunts unless otherwise specified.

No limit -either sex

Big South Fork National River and Recreation Area is also open from Jan. 19-Feb. 28, 2005.

No limit -either sex

In the following counties dogs may be used for feral hog hunting on the dates indicated⁹:

Monroe

Gun-Muzzleloader-Archery
(Dogs Permitted)

Oct. 11-18, 2004
No limit-Either Sex

Blount, Cocke (South of I-40), and Sevier

⁹ Dates inclusive

Gun-Muzzleloader-Archery Sept. 27-Oct 3, 2004
 (Dogs Permitted) No limit-Either Sex

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery Nov. 15-16, 2004
 (Dogs Permitted) No limit-Either Sex

Blount, Cocke, Monroe, Sevier

Gun-Muzzleloader-Archery Dec. 2-15, 2004
 (Dogs Permitted) No limit-Either Sex

SECTION III. BEAR.

The Following Counties Are Open For Bear Hunting¹⁰:

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery Nov. 15-16, 2004
 (Dogs Permitted) 1 per year-Either Sex

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery Nov. 27-Nov. 28, 2004
 (No Dogs) 1 per year-Either Sex

Blount, Carter, Cocke, Greene, Johnson, Monroe, Polk (that portion north of Hwy 64), Sevier, Sullivan
 (that portion east of I-81), Unicoi, and Washington.

Gun-Muzzleloader-Archery Dec. 2-15, 2004
 (Dogs Permitted) 1 per year-Either Sex.

Johnson (still hunt only) Oct. 2-3, 2004

Gun-Muzzleloader-Archery
 Includes private land within the
 Kettlefoot Bear Reserve that lies
 within Johnson County

Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery Sept. 27-Oct 3, 2004
 (Dogs Permitted) 1 per year-Either Sex.

Blount and Sevier

¹⁰ Dates inclusive

Archery Only
(No Dogs)

Oct. 9-17, 2004
1 per year-Either Sex.

The Following Counties Are Open For A Bear Dog Training Season:

Cocke, Greene, and Sevier Counties.

Sept. 7-20, 2004. No bears may be taken. No weapons may be possessed. Daylight hours only.

Special Bear Hunting Regulations:

1. The limit of bears for any person participating in the statewide or managed hunts or both shall not exceed one (1) bear per calendar year.
2. Cubs or female bears with cubs at side may not be taken at any time. A cub is defined as any bear weighing seventy-five (75) pounds or less.
3. All bears must be checked out at an official bear checking station designated by TWRA.
4. The reproductive sex organs shall remain attached to each bear harvested at least until the bear has been officially checked out at an official bear checking station.

SECTION IV. FALL TURKEY (Shotgun/Archery)

The following counties are open for archery only fall turkey hunting during fall archery only deer seasons. Bag limit for this season is one turkey either-sex. These same counties are open for one quota gun fall turkey hunt on Nov 13-19 with a bag limit of one turkey either-sex per permit with the exception that those counties indicated by an asterisk (*) are open Nov. 13-19 and Dec. 13-17 and have a bag limit of 2 either sex turkeys per permit.

Bedford*	800 Hunter Quota	Hardin	50 Hunter Quota
Benton	50 Hunter Quota	Hawkins	100 Hunter Quota
Cannon*	400 Hunter Quota	Henderson	50 Hunter Quota
Carroll	50 Hunter Quota	Hickman*	500 Hunter Quota
Carter	50 Hunter Quota	Henry	100 Hunter Quota
Cheatham*	350 Hunter Quota	Houston	50 Hunter Quota
Claiborne	100 Hunter Quota	Humphreys	100 Hunter Quota
Clay	50 Hunter Quota	Jackson	50 Hunter Quota
Cocke	100 Hunter Quota	Jefferson	100 Hunter Quota
Coffee*	400 Hunter Quota	Johnson	50 Hunter Quota
DeKalb*	400 Hunter Quota	Lawrence*	400 Hunter Quota
Dickson*	1000 Hunter Quota	Lewis	100 Hunter Quota
Franklin*	600 Hunter Quota	Lincoln*	1200 Hunter Quota
Giles*	1000 Hunter Quota	McNairy	50 Hunter Quota
Grainger	100 Hunter Quota	Macon*	400 Hunter Quota
Greene	100 Hunter Quota	Madison	50 Hunter Quota
Hamblen	50 Hunter Quota	Marion	200 Hunter Quota
Hancock	100 Hunter Quota	Marshall*	500 Hunter Quota
Hardeman	50 Hunter Quota	Mauy*	300 Hunter Quota

Montgomery*	1000 Hunter Quota	Sullivan	50 Hunter Quota
Moore*	300 Hunter Quota	Sumner*	600 Hunter Quota
Perry	50 Hunter Quota	Trousdale*	400 Hunter Quota
Robertson*	400 Hunter Quota	Warren	100 Hunter Quota
Rutherford*	800 Hunter Quota	Wayne*	300 Hunter Quota
Sevier	100 Hunter Quota	Weakley	50 Hunter Quota
Smith*	500 Hunter Quota	Williamson*	300 Hunter Quota
Stewart	100 Hunter Quota	Wilson*	500 Hunter Quota

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 03-13, dated May 29, 2003.

Proclamation No. 04-10 received and recorded this 3rd day of June, 2004. (06-11)

TENNESSEE WILDLIFE RESOURCES COMMISSION PROCLAMATION - 1660

PROCLAMATION 04-11 WILDLIFE MANAGEMENT AREAS HUNTING SEASONS, LIMITS AND MISCELLANEOUS REGULATIONS

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the wildlife management areas hunting seasons, limits and miscellaneous regulations, effective August 1, 2004.

Note: Migratory Bird Season Dates and Limits are Pending in Lieu of Federal Frameworks.

SECTION 1. GENERAL

A. Hunting Season

1. Management areas open on dates shown and as otherwise indicated.
2. Small game hunting and dog training closed at sunset on the day before and during scheduled big game hunts on the following Wildlife Management Areas, unless special exception indicated: AEDC, Bridgestone/Firestone Centennial Wilderness, Buffalo Springs, Catoosa, Chuck Swan State Forest, Cove Creek, Cumberland Springs, Eagle Creek, Foothills, Laurel Hill, Prentice Cooper State Forest, Reelfoot, the Thief Neck Island Unit of Watts Bar, and Williamsport.
3. Coyote may be taken on any hunt with the weapon legal for that hunt.

4. Season open on groundhog, fox and skunk on all wildlife management areas during any scheduled small game hunt unless special exception is indicated. Crow may be taken on small game hunt days that coincide with statewide crow season.
5. Raccoon and opossum hunting is from sunset of the date shown to sunrise of the next day.
6. Bobcat may be taken on any big game or small game hunt that coincides with the statewide bobcat season, except Oak Ridge WMA.
7. Falconry open with statewide falconry seasons.
8. Small game (except raccoon) and retriever field trials permitted year-round with approval of the Area Manager unless otherwise specified.
9. Raccoon hound field trials permitted Sept. 1-Apr. 30 unless prohibited.
10. Dog training for small game Sept. 1-Mar. 15 unless otherwise indicated. Dog training prohibited on Cove Mountain, Doe Mountain, Eagle Lake Refuge, Fall Creek Falls State Park, Foothills, Ft. Loudoun, Gallatin Steam Plant, Joachim Bible Refuge Unit of Lick Creek Bottoms, Nathan Bedford Forrest State Park, Oak Ridge, Niles Ferry Unit of Tellico Lake, and South Fork Refuge.
11. Spring squirrel season, May 14-June 12, 2005, except closed on the following areas: Cherokee,- Cove Mountain, Eagle Lake Refuge, Edgar Evins State Park, Fall Creek Falls State Park, Foothills, Forks of the River, Gallatin Steam Plant, Haley-Jaqueth, Henderson Island, Kingston Refuge, Lick Creek Bottoms, Meeman-Shelby State Park and Natural Area, Nathan Bedford Forrest State Park, Oak Ridge, Paint Rock Refuge, Rankin, Tellico Lake (McGhee-Carson and Niles Ferry Units only), and Yuchi Refuge at Smith Bend. Daily bag limit is 10 squirrels and the possession limit is 20. Hunting with dogs is not allowed, unless exception is noted.
12. Waterfowl hunting from temporary blinds-no blinds or decoys left overnight unless otherwise specified by rule or proclamation.
13. Feral hogs¹ may be taken during any big game hunt on wildlife management areas or refuges, unless otherwise specified. Wild boar seasons are open as indicated.
14. All game killed or crippled shall be retrieved if possible and retained in the custody of the hunter in the field. No game may be discarded on the premises of the management area.
15. Persons participating in a sanctioned field trial on a WMA, as authorized by the TWRA, may shoot to retrieve mallards. Mallards used in these trials must be held and released in accordance with all State laws, rules and regulations governing captive wildlife.
16. The use of ATVs is prohibited on State Parks and state Natural Areas by TDEC rules and regulations.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain and Foothills WMAs.

B. Bag and Possession Limits

1. One deer may be taken on each managed hunt where a permit is required except as otherwise indicated. Deer taken on buck-only hunts must have antlers a minimum of three inches (3") in length.2. Statewide bag and possession limits shall apply unless special exception is indicated.
2. Statewide bag and possession limits shall apply unless special exception is indicated.

C. Miscellaneous Regulations

1. Muzzleloading weapons legal on all Gun-Archery hunts except where indicated.
2. Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear or boar.
3. Dogs allowed for small game hunting. Special regulations apply where indicated.
4. On all "Young Sportsman Big Game Hunts", youths must be 10-16 years of age and be accompanied by an adult. Adults must comply with fluorescent orange regulations, as specified for legal hunters when accompanying young sportsmen on "Young Sportsman Big Game Hunts", except as indicated.
5. If WMAs are designated as being open with the statewide season, then deer harvested count towards the statewide bag limit. If a specific hunt date and bag limit are listed, the deer are considered bonus deer and are not counted against the statewide bag limit unless otherwise noted. WMA bag limits listed are per hunt.
6. The placement or depositing of any type of food to feed or attract wildlife on WMAs is prohibited.
7. Where persons are required to wear fluorescent orange, they must wear on their upper body and head a minimum of 500 square inches of daylight fluorescent orange visible front and back.
8. Wheelchair bound hunts, zones, or blinds are open to hunters who are totally and permanently confined to a wheelchair as certified by a physician.
9. On wheelchair bound deer hunts, each wheelchair bound hunter must be accompanied by a non-hunting assistant (age 16 years or older). On wheelchair bound waterfowl hunts, each wheelchair bound hunter must be accompanied by at least one, but not more than three assistants (at least one of whom must be age 16 years of age or older), who may also participate in hunting.
10. Persons already holding a blind permit may not participate in wheelchair blind permit drawings. If a wheelchair bound blind is not occupied by legal shooting hours, it may be occupied by another wheelchair bound hunter for that day. Applications for wheelchair bound waterfowl blind permits must be received by the appropriate regional office by noon on the 4th Friday in October.

SECTION II. WILDLIFE MANAGEMENT AREAS AND REFUGES – SEASON AND BAG LIMITS

The following areas or units are open to hunting as set out in the statewide seasons except as noted:

Alpine Mountain	Horns Bluff Refuge (8)(10)(17)
Arnold Hollow	Jarrell Switch Refuge (10)(11)(17)
Barkley Unit I (5)(6)(12)(17)(21)(27)	Keyes-Harrison
Barkley Unit II (17)(21)	Lick Creek (17)(21)
Bean Switch Refuge (10)(11)(17)(18)	Long Pond (11)
Beaver Dam Creek	MTSU (17)
Big Sandy (5)(6)(12)(17)(21)	Mt. Roosevelt
Browntown	New Hope (17)(21)
Camden Unit I (1)(6)(9)(12)(17)(21)(27)	Normandy (17)
Camden Unit II (9)(12)(17)(21)	Pickett State Forest
Cedar Hill Swamp (8)(17)	Standing Stone State Forest (2)(15)
Chickasaw State Forest (17)(21)(25)(29)	Tie Camp
Cold Creek (17)(30)	Tigrett (1)(17)(21)
Cove Creek (3)(17)	Tumbleweed (17)
Cove Mountain (3)(22)(23)	Watts Bar (7)(16)
Cypress Pond Refuge (10)(11)(17)	West Sandy (1)(6)(9)(12)(17)(20)(21)(28)
Doe Mountain (3)(14)(17)(24)	White Lake Refuge (10)(11)(17)(18)
Harmon Creek (9)(17)(21)	White Oak (4)(13)(17)(19)(21)(26)(29)
Hick Hill	
Hop-In Refuge (10)(11)(17)(18)	

1. Waterfowl hunting shall close at 3:00 P.M. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting shall close at sunset.
2. No fox taking.
3. Season closed March 1-August 27, except during turkey and spring squirrel season(s) where applicable. Dog training Sept. 1-Mar.1.
4. Retriever field trials permitted year-round.
5. Hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, Monday, and the first and last day of each segment of the late duck and goose seasons. During the late duck season, all activities are prohibited in the subimpoundments when waterfowl hunting is closed.
6. All activities are prohibited in the subimpoundments six days prior to the opening day(s) of the statewide duck season.
7. Thief Neck Island Unit –Archery equipment, muzzleloader, and shotguns only for deer hunting). Young Sportsman deer (Shotgun-Muzzleloader-Archery) hunt on Oct. 9-10. No hunter quota. One deer, either sex. Statewide archery season closed on-this-area during this hunt. Shotguns only for small game.
8. Firearms prohibited for deer hunting.
9. Dove hunting open with statewide seasons, except for restrictions on opening day as follows: Dove hunting allowed on designated fields only from staked positions only. No more than two adults or one adult and two youths (under 16) allowed at any staked position. Staked positions available first-come, first-served.

10. Closed to all hunting and dog training Nov. 1-Mar. 1.
11. Closed to waterfowl hunting.
12. Dog training open Sept. 1-Mar. 15, except closed during the late duck season.
13. Waterfowl hunting closes at 1:00 p.m. (CST) during the late duck season(s) and all types of water traffic prohibited after 2:00 p.m.
14. Coyote hunting with dogs prohibited.
15. Buck only bag limit during the muzzleloader seasons. Closed to county special season antlerless ~~quota~~ hunts:
16. Long Island Unit – Archery equipment, muzzleloader and shotguns only.
17. Squirrel hunting with dogs is permitted during the spring squirrel season.
18. No dove hunting.
19. Archery only deer hunting the second segment of Unit A Gun-Archery season.
20. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone.
21. Young Sportsman deer (Gun-Archery) hunt on Oct. 9-10. No hunter quota. One deer, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.
22. Wild boar – same as statewide deer seasons. No dogs permitted, except dogs allowed Sept. 27-Oct. 3, Nov. 15-16, Dec. 2-15.
23. Young Sportsman deer-boar (Gun-Archery) hunt Oct. 23-24. No hunter quota. One deer, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.
24. Young Sportsman deer (Gun-Archery) hunt Oct. 23-24. No hunter quota. One deer, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.
25. Closed to county special season antlerless hunts.
26. All water traffic prohibited six days prior to the opening day(s) of the statewide duck season.
27. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).
28. Waterfowl – wheelchair bound blind provided - first come, first serve.
29. Not open to fall turkey hunting.
30. Regulations same as John Tully WMA

AEDC and Woods Reservoir Refuge

Beaver, Dove, Grouse, Quail, Opossum, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Same as statewide season, except that beaver may be taken only during other small game hunts. Woods Reservoir Refuge – small game hunting closed Dec. 1 – Jan. 31. Squirrel hunting with dogs allowed during spring squirrel season. Shotguns only.
Deer/Turkey (Archery)	One 3-day hunt. Sept. 24-26. Hunter quota 1500. One deer, either sex. One turkey, either sex
Deer/Turkey (Archery)	One 3-day hunt. Oct. 1-3. No hunter quota. One deer, either sex. One turkey, either sex.
Deer (Shotgun-Muzzleloader-Archery) (Young Sportsman)	One 2-day hunt. Oct. 9-10. No Hunter quota. One deer, either sex.
Deer (Shotgun-Muzzleloader-Archery)	One 2-day hunt. Oct. 13-14. Hunter quota 300. One deer, either sex. Hunting allowed in the National Guard Training Area and Rifle Range Safety Zone only. Scouting days: Oct. 11-12.
Deer (Shotgun-Muzzleloader-Archery)	Four 2-day hunts. Oct. 23-24, 30-31, Nov. 6-7, Nov. 27-28. Hunter quota 750. One deer, either sex.
Deer/Turkey (Archery)	One 3-day hunt. Dec. 3-5. No hunter quota. One deer, either sex. One turkey, either sex. Waterfowl hunting permitted during deer hunt.
Wheelchair Bound Hunter Zone	Wheelchair bound hunters only in the old “Camp Forrest” area of AEDC (north of Wattendorf Hwy., west of Rifle Range Rd., and south of the railroad track) during the following hunts: Nov. 6-7, Nov. 27-28.
Dog Training (Daylight hours only)	Sept. 1- Mar.15
Waterfowl	Hunting from registered blind sites only on Woods Reservoir except during the early duck season; also, Canada goose hunting is allowed outside of blinds upstream from Morris Ferry bridge except during the duck season. Same as statewide seasons except open on Wednesday, Thursday, Saturday and Sunday of the late duck season and the first and last day of each segment of the late duck season. Waterfowl hunting allowed on Woods Reservoir during deer hunts when waterfowl season is open. During the

	September and October waterfowl seasons, hunting is permitted outside of registered blinds on Woods Reservoir except 150 yards out from the bank beginning at the Pumping Station and going west to Arnold Village slough and beginning at the Famcamp slough and going west to the Rowlands Creek causeway. During the youth waterfowl hunting season, hunting on Woods Reservoir allowed outside blinds upstream from Morris Ferry Bridge. Downstream from Morris Ferry registered blind sites only.
Closure	Public use of Woods Reservoir Refuge, including all forms of trespass, is prohibited Dec. 1-Jan.31, except as otherwise indicated.
ATVs and Motorcycles	ATVs and motorcycles are prohibited on AEDC except ATVs can be used only in the Rifle Range Safety Zone during the Oct. 13-14 hunt.
Bark Camp Barrens	
Dove, Quail, Rabbit, Snipe, Squirrel Woodcock, Opossum, Raccoon, Deer, Waterfowl	Same as statewide seasons. Squirrel Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 17.
Crow	July – August. Fridays, Saturdays, and Sunday only.
Black Bayou Refuge	
Rabbit (Quota Hunt)	Four 1-day hunts. Oct. 9, 10, 16, 17. Six parties per hunt. Six hunters per party. Six dogs per party. Five rabbits per hunter. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Sign-up for hunt will be at the Reelfoot Lake WMA office parking lot at Reelfoot Lake, Sept. 11, between the hours of 9:00 am and 12:00 noon. A drawing for permits will be held immediately following the sign-up period.
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Same as statewide seasons, except closed to all hunting after Nov. 14. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	Two hunts. Sept. 25-Oct. 29, Nov. 1-14. No hunter quota. Three deer, either sex. Small game hunting allowed during deer hunts.

Deer (Young Sportsman) One 2-day hunt. Oct. 30-31. No hunter quota. One deer, either sex. Deer counts toward statewide bag.

Dog Training Sept. 1- Nov. 14.

Bridgestone/Firestone Centennial Wilderness

No ATVs, motorcycles, or horseback riding permitted.

Dove (Young Sportsman) Sept. 4. Each Young Sportsman must be accompanied by a non-hunting adult. Hunting starts at noon.

Dove Sept. 6, and the remainder of the statewide season.

Crow, Grouse, Rabbit, Snipe, Squirrel
Waterfowl, Woodcock Same as statewide seasons.

Opossum, Raccoon Same as statewide season, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 2.

Deer (Archery) Five 3-day hunts. No hunter quota. Sept 25-27, Sept. 28-30, Oct. 1-3; 4-6, 7-9. One deer, either sex.

Deer (Archery) One 5-day hunt. Dec 13-17. No hunter quota. One deer, either sex.

Deer (Gun-Archery)(Young Sportsman) One two-day hunt. Oct. 30-31. No hunter quota. One deer, either sex.

Deer (Gun-Archery) One 9-day hunt. Nov. 20-28. No hunter quota. Two deer, buck only. Deer counts toward statewide bag.

Dog Training Sept. 1-Mar. 15

Buffalo Springs

Waterfall parking area closed one hour after sunset until one hour before sunrise.

Small game hunters (except waterfowl) must wear fluorescent orange during the big game gun hunts.

Dove Sept. 1, 4, noon until sunset only. Open every day thereafter during the statewide dove season. Hunter quota 55. Staked positions only. A random drawing will be held at 11 a.m. on Sept. 1 and 4. Otherwise, first come, first served.

Deer, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Turkey,
Waterfowl, Woodcock Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Catoosa

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons, except walk-in hunting only from Feb. 1-28.
Opossum, Raccoon	Sunset Nov. 5 to Sunrise Dec. 31
Deer/Boar (Archery)	Three 3-day hunts. Oct. 16-18, 19-21, 22-24. No hunter quota. Area checking stations operated. Entire area open. Two deer, no more than one antlered. Boar – no limit, either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Nov. 18-20. Station quota: Genesis 1,000; Bicolor 1,000. One deer, buck only. Boar – no limit, either sex.
Deer/Boar (Gun-Archery)	Two 3-day hunts. Nov. 11-13, Dec. 9-11. Station quota: Genesis 1,250; Bicolor 1,250. Two deer, no more than one antlered. Boar - no limit, either sex.
Deer/Boar (Young Sportsman)(Gun-Archery)	One 2-day hunt. Oct. 30-31. Station quota: -Genesis 400; Bicolor 400. Two deer, no more than one antlered. -Boar -- no limit, either sex.
Deer/Boar (Gun-Archery)	One 3-day hunt. Dec. 16-18. No hunter quota. Entire area open. One deer, buck only. Boar – no limit, either sex.
Boar (Gun-Archery)(Dogs Permitted)	One 3-day hunt. Jan. 6-8. Station quota: Genesis 200; Bicolor 200. Entire area open. Boar - no limit, either sex.
Bullfrog Apr. 1- Sept. 1.	No hunting during turkey hunts.
Special Regulations:	Buck deer must have a minimum of 4 points on one antler on all hunts. Points must be at least 1 inch or longer. Catoosa WMA will be closed to all users Feb. 1 – last Friday in March, except walk-in hunters will be allowed Feb. 1 – last day of Feb. Guides prohibited on all hunts. ATVs and motorized bikes are only permitted individuals possessing the appropriate licenses and permits from the 4 th Saturday in August thru the Spring Squirrel season.
Dog Training (Daylight hours only)	Sept. 1 – Jan. 31.

Cheatham

Dove, Quail, Rabbit, Snipe, Squirrel, Deer Raccoon, Opossum, Woodcock	Same as statewide seasons except deer hunting closes after Dec. 26.: Squirrel hunting with dogs allowed during spring squirrel season.
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Firing Range	Open as posted. Automatic weapons prohibited.
Archery Range	Open daily. Field points only.
Dog Training (Daylight Hours Only)	Sept. 1–Mar. 15.

Cheatham Lake

Deer, Opossum, Quail, Rabbit, Raccoon, Snipe Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons on Sycamore Creek upstream from railroad trestle, Harpeth River upstream from Highway 49, and on Johnson Creek upstream from Johnson Creek Bridge. Hunting on remainder of Cheatham Lake WMA same as statewide season except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and the last day of each segment of the late statewide duck season. Waterfowl hunting is permitted only from registered blind sites and from staked temporary blind sites during the late duck season. Hunting on Harpeth Island, Marks Creek, and Bluff Creek wade-in areas is not restricted to registered or staked temporary sites. Night hunting, trapping, and fishing prohibited in waterfowl impoundments during the waterfowl season. The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.
Waterfowl (Wheelchair-bound only blind site)	Applications must be received by TWRA Region II by noon on the 4 th Friday in October. Persons holding a permit for another blind are not eligible.
Beaver	May be taken during any hunt.
Dove	Same as statewide. Hunting allowed from designated fields only.
Dog Training	Sept. 1-Mar. 15, except closed during duck seasons.

Cheatham Lake – Pardue Pond Refuge and Dyson Ditch Refuge

Deer (Archery)	Sept. 25- Oct. 10. No hunter quota. Bag limit same as statewide.
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Dog Training Sept. 1- Mar.15, except closed Oct. 15-Feb.14.

Closure Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 14, except as otherwise indicated.

Cherokee²

Horseback riding on properties owned by the U.S. Forest Service shall be the same as U.S. Forest Service regulations. On those properties owned or leased by the TWRA, horseback riding is only allowed upon roads opened for vehicle travel: no riding off roads into openings, fields, trails, or through streams.

North Cherokee That portion of the Cherokee WMA lying north of the Great Smoky Mountains National Park.

South Cherokee That portion of the Cherokee WMA lying south of the Great Smoky Mountains National Park.

Ocoee Unit That portion of the South Cherokee lying south of the Hiwassee River.

Tellico Unit That portion of the South Cherokee lying north of the Hiwassee River, and south of the Little Tennessee River.

North Cherokee

On property that is owned or leased by TWRA, ATV and OHV operation is prohibited at all times at any location inside the boundaries of these properties.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Same as statewide seasons.³ Small game hunting (shotguns only) allowed during all big game hunts, but small game hunters (except raccoon and opossum hunters between sunset and sunrise) must wear 500 sq. in. of fluorescent orange during big game hunts.

Deer, Turkey Same as statewide seasons, except closed to special county antlerless hunts

Opossum, Raccoon Same as statewide season, except the season is closed Nov. 15-16, Nov. 27-28, and Dec. 2-15 in all Bear Reserves.

Bear Dog Training Season (Cocke and Greene Counties only) Sept.7-20. No bears may be harvested. No weapons may be possessed. Daylight hours only. No training in bear reserves.

² Bobcat hunting with dogs prohibited. Dog training prohibited, except for Bear Dog Training Season in Cocke and Greene counties. The use of and/or possession of any tracking device for dogs from March 1 to August 31 is illegal. Hunting of coyotes with dogs prohibited.

³ Only pointing breed dogs are allowed in the bear reserve one day before and during bear hunts.

Bear	Same as statewide season. Feral hog hunting closed in bear reserves during bear season.
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South Cherokee⁴

Special Weapons Regulations:

1. .22 caliber short, long and long rifle are the only legal weapons on a raccoon hunt.
2. It is illegal to possess firearms with any breed of dog other than pointing breeds during daylight hours, excluding Bear and Boar season, except as provided.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons, except, no season shall open prior to Oct. 9. Small game hunting closed at sunset the day before and during big game hunts. When specified portions of the Cherokee are hunted, this closure applies only to those specific areas and to the Tellico Bear Reserve during bear hunts. Dogs permitted for squirrel hunting west of Hwy. 68 and north of Ocoee River Jan.1-Feb. 28.
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Ocoee Unit

Opossum, Raccoon	Same as statewide season, except closed at sunset the day before and during big game hunts. Ocoee Bear Reserve sunset Dec. 20-Jan.-15.
Deer/Boar (Archery)	One 9-day hunt. Sept. 18-26. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 9-10, south of Ocoee River only. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 23-24. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Oct. 29-31. No hunter quota. One deer, buck only. One boar, either sex.
Deer/Boar (Gun-Archery)	One 3-day hunt. Nov. 5-7. No hunter quota. One deer, buck only. One boar, either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 20-28. No hunter quota. Two deer, buck only. One boar, either sex.

⁴ No feral hog hunting on South Cherokee WMA; boar hunting is allowed as indicated.

Boar (Gun-Archery)(Dogs Permitted)	Two 4-day hunts. Oct. 11-14, 15-18. No hunter quota. One boar, either sex. Between Ocoee River and Hiwassee River.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov 15-16. No hunter quota. One bear, either sex; one boar, either sex. Between Ocoee River and Hiwassee River.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 2-15. No hunter quota. One bear per person per year. One boar either sex. Between Ocoee River and Hiwassee River.
Deer/Boar (Gun-Archery)	One 10-day hunt. Nov. 29 – Dec 8. No hunter quota. Two deer, buck only. One boar, either sex. South of Ocoee River only.

Tellico Unit

Bear reserves are closed to all big game hunting when the bear season is open on the Tellico Unit.

Opossum, Raccoon (Raccoon hunters must wear fluorescent orange during bear season)	Nov. 1-14, Dec. 2-15, Dec. 20-Jan. 15. Tellico bear reserve sunset Dec. 20-Jan. 15 only.
Deer/Boar (Archery)	One 9-day hunt. Sept. 18-26. No hunter quota. Two deer, either sex. One boar either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 20-28. No hunter quota. Two deer, buck only. One boar either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Oct. 1-3. No hunter quota. One deer, buck only. One boar either sex.
Deer/Boar/Bear (Muzzleloader-Archery)	One 3-day hunt. Dec. 17-19. No hunter quota. One deer, buck only. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Deer/Boar/Bear (Young Sportsman)(Gun-Archery)	One 2-day hunt. Oct. 30-31. No hunter quota. One deer, either sex. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Boar (Gun-Archery)(Dogs Permitted)	Two 4day hunts. Oct. 11-14, 15-18. No hunter quota. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov. 15-16. No hunter quota. One bear, either sex; one boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.

Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 2-15. No hunter quota. One bear per person per season. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Deer/Boar (Gun-Archery) (No Dogs Allowed)	One 3-day hunt. Oct. 22-24. No hunter quota. One deer, either sex. One boar, either sex. Hunting confined to the Tellico Bear Refuge.
Boar (Gun-Archery) (Party Dog Hunts)	One 3-day hunt. Oct. 22-24. One boar either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.
Bear/Boar (Gun-Archery) (Party Dog Hunts)	Two 2-day hunts. Oct. 7-8, Nov. 30-Dec. 1. One bear per person per season. One boar, either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.

Chickamauga

(Soddy Creek, Sale Creek, Mud Creek, New Bethal, Moon Island, Cottonport, Washington Ferry, Goodfield Creek, Gillespie Bend, Agency Creek, Sugar Creek, South Mouse Creek Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping seasons. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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(Candies Creek, Rogers Creek, Yellow Creek, Johnson Bottoms Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping except closed to non-waterfowl species during the late duck season. Waterfowl hunting permitted only on Tuesday, Thursday, Saturday and Sunday and the opening and closing day of the duck season. No trapping during the duck season. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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Dog Training	Sept. 1- Mar. 15, except closed during late duck season.
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Chuck Swan State Forest

Guides, deer driving, loud noises, and harassment on all deer hunts, and entering the wildlife management area from Norris Lake during the deer and turkey hunts prohibited.

Dove, Rabbit, Squirrel, Waterfowl;	Same as statewide seasons.
Raccoon	Six 1-day hunts. Nov. 9, 11, 13, 15, 17, 19 Hunters must check out by 2:00 A.M. All raccoons must be checked out. One raccoon per party. Party defined as all the occupants of a single vehicle.
Deer (Archery)	Two 2-day hunts. Oct. 15-16, 22-23. Hunter quota 800. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 30-31. Hunter quota 200. One deer, either sex. Deer counts towards statewide bag limit.
Deer (Gun-Archery)	Two 2-day hunts. Dec. 3-4, 10-11. -Hunter quota 750. One deer, buck only.
Deer (Muzzleloader-Archery)	One 2-day hunt. Nov. 26-27. Hunter quota 750. One deer, buck only.
Turkey (Shotgun-Archery)	Three 2-day hunts. Oct. 1-2, 8-9, Dec 17-18. Hunter quota 125. One turkey, either sex.
Dog Training (Daylight hours only) Pointing breed dogs prohibited	Sept. 1-Mar. 15.

Cordell Hull

Includes all property posted and painted with Corps of Engineers and/or TWRA WMA signs.

Deer, Small Game, Turkey, Waterfowl	Same as statewide seasons except deer hunting ends Dec. 17. Wheelchair bound hunter zone open to wheelchair bound hunters only. Deer bag limit is either-sex in the wheelchair bound zone on Nov. 20-21.
Wheelchair-Bound Hunter Zone	That area in the old "Corps of Engineers Roaring River Campground" area of Cordell Hull WMA (north of Hwy. 135, north of Roaring River, south and east of Hwy. 85, and west of old Roaring River Iron Bridge Road.

Cordell Hull Refuge

Squirrel	Aug. 28-Nov. 12 and the spring squirrel season.
Dove	Sept. 1-12, noon until sunset

Canada Goose	Sept. 1-15.
Wood duck/teal	Same as the September Wood duck/Teal season.
Deer (Archery)	Sept. 27-Oct. 31. Bag limit same as Unit A archery season.
Deer (Archery)(Wheelchair Bound Only)	Sept. 25-26. No hunter quota. One deer, either sex.
Deer (Gun-Archery)(Wheelchair Bound Only)	Nov. 6-7. No hunter quota. One deer, either sex.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 15-Mar. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.
Dog Training	Sept. 1-Nov. 14, daylight hours only.

Eagle Creek

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 14-day hunt. Sept. 25-Oct. 8. No hunter quota. Two deer, either sex. No area checking station operated.
Turkey (Archery)	Open during all archery only seasons. No hunter quota. One turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 9-10. No hunter quota. One deer, either sex.
Deer (Gun-Archery) (Wheelchair Bound only)	One 1-day hunt. Oct. 23. No hunter quota. One deer, either sex. "Wheelchair Bound Hunt Zone" only.
Wheelchair Bound Hunter Zone	Wheelchair bound hunters only on roads #2 through #10 on Oct. 23.
Deer (Gun-Archery)	Three 4-day hunts. Oct. 14-17, Oct. 28-31, Nov. 25-28. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Dec. 4-5. Hunter quota 600. One deer, either sex.
Fall Turkey	One 3-day hunt. Dec. 10-12. Hunter quota 200. One turkey, either sex.

Eagle Lake Refuge

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Mondays, Wednesdays and Saturdays within statewide seasons
Deer (Archery)	Open Mondays, Wednesdays and Saturdays within first segment of Unit A archery season Sept. 25-Oct. 29. Same as statewide bag limit. Small game hunting allowed during deer season.
Closure	Eagle Lake Refuge is closed to all hunting Nov. 1- Mar. 1. Waterfowl hunting prohibited. Non-toxic shot approved by the U.S. Fish & Wildlife Service required for small game hunting. Access to the south end of Shelby Forest WMA through Eagle Lake Refuge will be allowed during hunting seasons.

Edgar Evins State Park

Deer, Opossum, Quail, Rabbit, Raccoon, Turkey	Same as statewide seasons.
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Ernest Rice, Sr.

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock,	Same as statewide seasons. Squirrel hunting : with dogs allowed during spring squirrel season.
Deer (Archery)	Sept. 25-Oct. 29. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better.
Deer (Archery)	Dec. 18-Jan. 7. No hunter quota. Bag limit two deer-either sex. Bucks must be spike or nine antler points or better.
Deer (Gun, Muzzleloader, Archery)	Two 3-day hunts. Dec. 3-5, Dec. 10-12. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better.
Deer (Gun, Archery)(Young Sportsman)	One 2-day hunt Oct. 30-31. No hunter quota. Same as statewide bag limit.

Fall Creek Falls State Park

Vehicle parking restricted to designated parking areas only during the hunting season. No parking allowed at all on roadside grass. All deer hunters must sign register at horse stables before hunting.

Grouse, Squirrel	Dec. 1-last day in February.-Shotguns only.
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Deer (Archery) One 3-day hunt. Nov. 13-15. Hunter quota 300.
Two deer, no more than one antlered:

Deer(Archery) One 6-day hunt. Nov. 16-21. No hunter quota.
Two deer, no more than one antlered.

Flintville Hatchery

Dove, Quail, Rabbit, Snipe, Squirrel,
Woodcock Same as statewide seasons. Squirrel hunting
with dogs allowed during spring squirrel season.

Deer Same as statewide deer season. Archery equipment
only.

Deer (Young Sportsman)(Shotgun-
Muzzleloader-Archery) One 2-day hunt. Oct. 30-31. No hunter
quota. One deer, either sex. Deer counts toward
statewide bag.

Dog Training (Daylight hours only) Sept. 1- Mar. 15.

Foothills

Motorized vehicles and horseback riding prohibited. All small game hunters must wear 500 square inches of blaze orange during big game seasons. Small game hunters must use shotguns only during big game seasons. The use of and/or possession of any tracking device for dogs from March 1 to August 31 is illegal.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel
Waterfowl, Woodcock Same as statewide seasons.

Opossum, Raccoon Dec. 1-Feb 15.

Deer/Boar (No dogs permitted) Same as statewide deer seasons, except closed
during Oct. 23-24 Young Sportsman hunt.

Bear/Boar (Gun-Archery)(No dogs permitted) One 2-day hunt. Nov. 27-28. No hunter quota. Bag
limit same as statewide.

Bear/Boar (Gun-Archery)(Dogs permitted) Sept. 27-Oct. 3, Nov. 15-16, Dec. 2-15. No hunter
quota. Bag limit same as statewide.

Deer/Boar (Gun-Archery)(Young Sportsman) One 2-day hunt. Oct. 23-24. No hunter quota. One
deer, either sex. One boar, either sex.

Forks of the River

Area closed one hour after sunset to one hour before sunrise except for raccoon and opossum hunters and scheduled events. Bicycles are restricted to greenway trail from Sept. 1- Feb. 29. Paintball guns and accessories prohibited. All animals accompanied by a non-hunting person are required to be leashed.

Dove	Sept. 1, 4, and every day thereafter during the statewide dove season. Hunting from noon to sunset only on Sept. 1, 4.
Deer, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Nov. 5-17.
Crow	Sept. 4- Feb. 28 (Fridays, Saturdays and Sundays only).
Arms and Ammunition	Shotguns and Archery equipment only.

Fort Loudoun

Waterfowl	Same as statewide seasons, except open only on Monday, Wednesday, and Friday, one half hour before sunrise until noon. Nontoxic shot, size BBB or smaller required.
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Fourth Fractional Township

ATVs and motorcycles prohibited.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Small game hunting with shotguns only with No. 6 shot or smaller. Beagles and pointing breeds only.
Deer	Same as statewide seasons, archery tackle only.
Bear (Archery)	Nov. 25-Dec. 8. No hunter quota. One bear, either sex.
Dog training	Year-round, beagles and pointing breeds only.

Gallatin Steam Plant

Deer/Turkey (Archery Only)	Four 2-day hunts. Sept. 25-26, Oct. 2-3, 16-17, Dec. 4-5. Hunter quota 50. Two deer, either sex. One turkey, either sex.
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C.M. Gooch

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock	Same as statewide seasons, except Units "A" and "E" are closed during the waterfowl seasons and are closed to all activities six days prior to the first opening of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.
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Waterfowl	Same as statewide season except Gooch waterfowl hunting closes at 3:00 p.m. on Units "A" and "E". Waterfowl hunting on the last day of each segment of the duck and remaining goose seasons shall close at sunset. Fishing and trapping is prohibited in Units "A" and "E" during the waterfowl season.
Deer	Same as statewide season, except closed six (6) days prior to and during statewide waterfowl seasons on Gooch Unit A and Gooch Unit E. and closed to statewide archery hunt during the Young Sportsman deer hunt on Oct. 9-10.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 9-10. No hunter quota. One deer, either sex.

Haley-Jaqueth

Dog Training (daylight hours only)	Sept. 1- Mar. 15.
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Haynes Bottom

Opossum, Quail, Rabbit, Raccoon, Snipe Squirrel, Turkey, Waterfowl, Woodcock	Same as statewide seasons except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and last day of each segment of the late statewide duck season. Waterfowl hunting permitted only from registered blind sites beginning with the first day of the late duck season. Night hunting, trapping, dog training, and fishing prohibited in the waterfowl impoundments during waterfowl season. Participating waterfowl hunters only in the bottoms during waterfowl seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Dove	Same as statewide season, on designated fields only.:
Deer	Same as statewide seasons, except all deer hunting closed after Dec. 17.
Crow	July – August. Fridays, Saturdays, and Sundays only.

Henderson Island Refuge

Horses prohibited.	
Dove	Sept. 1, 4, 8. Hunting from noon to sunset only.

Squirrel	Sept. 1-10, Oct. 11-31, Feb. 1-28. Shotguns only.
Quail, Rabbit	Feb. 1-28. Shotguns only.
Deer (Muzzleloader-Shotgun)(Young Sportsman)	Three 1-day hunts. Sept. 11, 18, Nov. 6. Hunter quota 20. One deer, either sex. Sign up for drawing will be held at the Jefferson County courthouse in Dandridge between 9:00 a.m. and 11:00 a.m. on Aug. 7. Youth must be present at sign up and drawing.
Deer/Turkey (Archery)	Sept. 25-Oct. 10. Bag limit same as statewide. Deer counts toward statewide bag.
Canada Goose	Sept. 2-3, 5-10. Bag limit 5 geese per day.
Raccoon	Nov 5-13.
Dog Training	Feb. 1-Mar. 15.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 16 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.

Hickory Flats

Dove, Quail, Rabbit, Snipe, Squirrel Woodcock, Opossum, Raccoon, Deer	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 17.
Crow	July – August. Fridays, Saturdays, and Sunday only.

Hiwassee Refuge (Nontoxic shot required for small game hunting)

Dove	Sept. 1, 4. Noon to sunset only. No access permitted by boat.
Squirrel	To include all of the Hiwassee Refuge except Hiwassee Island. Aug. 28-Sept. 11. Spring squirrel season same as statewide, dogs prohibited.
Canada Goose	Sept. 1-15. No goose hunters allowed on refuge from two hours after shooting hours have ended until 4:00 a.m. the following day.

Wood duck/teal	Same as Sept. Wood duck/Teal season. No duck hunters allowed on the refuge from two hours after shooting hours have ended until 4:00 a.m. the following day
Deer (Archery)	One 3-day hunt. Sept. 25-27. Hunter quota 250. Two deer, either sex.
Deer (Archery)	One 3-day hunt. Oct. 15-17. No hunter quota. Two deer, either sex.
Deer (Muzzleloader)	One 3-day hunt. Oct. 29-31. Hunter quota 200. Two deer, either sex.
Deer (Shotgun-Muzzleloader)(Young Sportsman)	One 2-day hunt. Sept. 18-19. Hunter quota 100. Two deer, either sex.
Retriever (Field Trials)	Pre-approved by area manager at least 30 days in advance of trial dates.
Closure	Refuge is closed to all forms of public use, including all forms of trespass, from Nov. 1 through last day of February. Public entry and fishing is permitted while on the main river channel passing through the refuge.
Dog Training (Daylight hours only)	Sept. 1-Oct. 14, Mar. 1-15.

Holly Fork

Dove	Two 1-day hunts Sept, 11 and Sept. 12. Hunting from noon to sunset only. Wheelchair-bound hunting only, with one hunting assistant, from staked positions, first come first serve.
Deer (Muzzleloader)	Two 2-day hunts Oct. 2-3 and Nov. 13-14. Four hunter quota. Wheelchair-bound hunting only, with one non-hunting assistant. Hunting from established blinds only. Bag limit one deer, either sex.
Deer (Muzzleloader)	One 2-day hunt Oct. 16-17. Four hunter quota. Youth special populations only ages 10-16* must be accompanied by a non-hunting adult. Hunting from established blinds only. Bag limit one deer, either sex.

* Special populations are determined by the TWRA and Tennessee Valley Authority, ie. terminally ill youth, juvenile court trustee youth program.

Jackson Swamp

Crow, Deer, Dove, Opossum, Rabbit, Raccoon, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
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John Tully

Dove, Opossum, Raccoon, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons.
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Waterfowl	Same as statewide seasons, except shooting ends at 3:00 P.M. Temporary blinds only and decoys must be removed at the completion of each days hunt.
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Deer	Same as statewide season except antlered deer must be spikes or must have 9 points or more. Antlered points must be one inch or longer.
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Note: All deer taken on John Tully WMA must be checked out at Cold Creek Grocery, Woodard's Grocery, or Lauderdale County Sheriff's Dept. and count toward the Unit A bag limit.

Kingston Refuge

Nontoxic shot required for small game hunting. Access by boat only.

Dove	Sept. 1, 4. Noon to sunset only. No dove hunters allowed on refuge prior to 60 minutes before legal shooting time.
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Deer (Archery)	One 2-day hunt. Sept. 25-26. Hunter quota 100. One deer, either sex.
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Canada Goose	Sept. 1-15.
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Wood duck/Teal	Same as Sept. Wood Duck/Teal seasons.
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Closure	Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 1.
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Dog Training (Daylight hours only)	Sept. 1-Oct. 14, Feb. 2-Mar. 15.
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Deer (Shotgun-Muzzleloader) (Young Sportsman)	Two 2-day hunts. Oct. 2-3, 9-10. Hunter quota 50. One deer, either sex.
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Kyker Bottoms Refuge

Shotguns, Muzzleloaders, and Archery only. Non-toxic shot required for small game	Closed to all use Nov. 1-Feb. 14, except in designated observation areas. All small hunting. game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who also may hunt.
Deer	Same as statewide seasons, except closes Oct. 31.
Quail, Rabbit	Feb. 19-20, 26-27. Bag limit 3 each, per day.
Grouse, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons, except closed Nov. 1- Feb. 14. Squirrel hunting with dogs is permitted during the spring squirrel season.
Dove	Sept 1, 4, 5 and Oct. 9-24. Shooting from staked positions on first come first serve. Opens at noon each day.
Raccoon	Feb. 18-19 and 25-26. Sunset to sunrise. Bag limit 3 per person.
Dog Training	Sept. 1-Oct. 31, Feb. 15-Mar. 15. Daylight hours only.

Land Between the Lakes

Squirrel	The third Saturday in August through the fourth Friday in September and December 1 through the last day of February. Spring squirrel season same as statewide, dogs allowed.
Dove, Snipe, Woodcock	According to state and federal regulations, open on small game hunt dates that coincide with state seasons.
Fox, Quail, Rabbit	Dec. 1 through the last day of February.
Coyote	May be taken during daylight hours only by legally licensed hunters during any open season with weapons specified for that season.
Opossum, Raccoon	Dec. 1-Jan. 31. Sunset to sunrise. One raccoon per person per night. Some hunt areas may be closed to hunting as posted at designated hunter check stations.
Crow	Open during any LBL small game season that coincides with the statewide crow season.

Fox Chasing	From sunset to sunrise, third Saturday in Aug. through the third Saturday in Sept. LBL Hunter Use Permit required.
Geese	Same as the statewide goose season, except closed on deer gun hunt dates.
Ducks	Early duck season same as statewide season.

Waterfowl hunting will be allowed during the statewide season throughout the Tennessee portion of LBL except on designated, signed, refuge areas and public use areas, and on deer gun hunt dates. Permanent blinds will not be permitted.

Dog Training (Quail, Rabbit and Raccoon chasing only)	Oct. 1 – Oct. 31. LBL Hunter Use Permit required. Training allowed only in designated areas.
Bullfrog	May 15-Aug 31. Gigs only. Bag limit 15.
Small Game (Archery Only)	Squirrel, groundhog, and fox may be taken during deer archery season only by legally licensed and equipped deer archery hunters. Statewide limits apply. Arrows must be equipped with broad-heads according to deer regulations.
Deer/Turkey (Archery)	Sept. 25 through Jan. 17, except closed during Quota hunts and one day immediately before each Quota hunt. One turkey, either sex. Two white-tailed deer, no more than one antlered.
Deer (Gun)(Young Sportsman)	One 2-day hunt. Oct. 23-24. Hunter quota 800. One white-tailed deer, either sex. Young sportsman 10-15 years of age. Each youth must be accompanied by an adult.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 12-13. Hunter quota 1,000. One white-tailed deer, including 700 buck-only and 300 either-sex permits.
Deer (Gun/Muzzleloader)	One 2-day. hunt. Nov. 27-28. Hunter quota 1,000. One white-tailed deer, including 600 buck-only and 400 either-sex permits.

Baiting: The placement of any bait to attract wildlife, including food or mineral substances is prohibited on LBL.

Areas open to hunting:

All areas lying in Tennessee portion are open to hunting except:

1. Designated, signed, refuge areas and public use areas.

2. The back half of Rushing Bay is closed to all activity Nov. 1-Mar. 15

Field Trials:

Raccoon Field Trials, Bird Dogs, Beagles
And Retriever Field Trials

July 1-Mar. 31. Forest Service Special
Use permit required.

Trapping Season

Fourteen consecutive days beginning the second
Monday in January.
LBL Hunt Areas 12 and 14 designated problem areas
as assigned. All species to conform with statewide
regulations. Trappers must report their harvest in
accordance to LBL instructions.

Beaver Trapping

Feb. 1 – 28. All areas open except areas shaded in
gray on LBL legal Road Map or posted as no
hunting.

Legal Traps: According to statewide regulations.

Laurel Hill

Dove

Same as statewide dove season. All fields open.

Quail

Nov. 13

Rabbit, Squirrel, Woodcock

Same as statewide seasons. Squirrel hunting with
dogs allowed during the spring squirrel season.

Beaver

May be taken on any hunt day.

Opossum, Raccoon

Nov. 19-Feb. 5. One raccoon per party, per night.

No Fox Chasing Allowed

Dog Training (Daylight hours only)

Sept. 1-Mar. 15.

Deer*/Turkey (Archery)

Two 2-day hunts. Sept. 25-26,27-28. No hunter quota.
One deer, either sex. One turkey, either sex.

Deer* (Muzzleloader-Archery)

Two 2-day hunts. Sept. 30-Oct. 1, 2-3. Hunter quota
500. One deer, either sex.

Deer* (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 9-10. No hunter quota. One
deer, either sex.

Deer* (Gun-Archery)

Three 3-day hunts. Oct. 15-17, Oct. 22-24, Oct 29-31.,
Hunter quota 500. One deer, either sex.

Fall Turkey	One 3-day hunt. Dec. 10-12. Hunter quota 200. One turkey, either sex.
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* Special buck regulations apply on all hunts. Bucks must be spikes or have at least nine antler points. Antler points must be one inch or longer.

Shields Farm Unit	Same as statewide seasons. Centerfire rifles and handguns prohibited.
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Lick Creek Bottoms

Nontoxic shot is required for small game hunting as posted. No blinds or decoys left overnight. Dove fields open as posted. Small game hunters must wear fluorescent orange during the deer gun hunts.

Deer, Opossum, Quail, Rabbit, Raccoon, Squirrel, Turkey Waterfowl, Woodcock	Same as statewide seasons.
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Dove	Sept. 1, 4, and the remainder of the dove season. Hunting from noon to sunset only on Sept. 1, 4.
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Joachim Bible Refuge Unit (that portion Of Lick Creek WMA between Murray Bridge Road and Bibles Chapel Road.

Dove	Sept. 1, 4-2. Oct 9-24. Hunting from noon to sunset only on Sept. 1, 4.
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Squirrel	Sept. 13-Oct. 31, Feb. 15-288.
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Quail, Rabbit	Feb. 15-28. Saturdays and Sundays only. All small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.
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Maness Swamp Refuge

Coyote, Opossum, Quail, Rabbit, Raccoon Squirrel, Woodcock, Waterfowl	Same as statewide seasons, except all seasons closed Nov. 1-Feb. 14. Squirrel hunting with dogs allowed during spring squirrel season.
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Closure	Public use, including all forms of trespass, is prohibited from Nov. 1-Feb. 14, except as otherwise indicated.
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Dog Training	Sept. 1-Oct. 31, Feb. 15-28.
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Deer	Same as statewide seasons, except closed to statewide archery during Young Sportsman deer hunt on Oct. 9-10 and during Nov. 1-Feb. 14.
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Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 9-10. No hunter quota. One deer, either sex.

Meeman-Shelby Forest State Park and Natural Area

Special Squirrel Hunt (Young Sportsman)

Aug. 21.

Dove, Opossum, Quail, Rabbit, Raccoon,
Snipe, Squirrel, Woodcock

Open Mondays, Wednesdays, and Saturdays within statewide seasons. Small game hunting allowed during deer seasons. Small game hunters must wear legal hunter orange during deer gun hunts. Raccoon and opossum open Mondays, Wednesdays and Saturdays sunset to sunrise. Squirrel hunting with dogs allowed during spring squirrel season.

Dog Training

Open Monday, Wednesday, and Saturday, Sept. 1-Mar. 15.

Field Trials

Sept. 1- Apr. 30.

Deer

Open Monday, Wednesday and Saturday during statewide seasons. Successful hunters must check out at nearest county checking station. Statewide bag limits apply. Counts towards Unit A bag limit. Closed to special season antlerless hunts.

Waterfowl

Open Monday, Wednesday and Saturday within the statewide duck season and the last seven days of the statewide duck season, except Sunday. Waterfowl hunting allowed during all deer hunts. No permanent blinds. No decoys left overnight.

Beaver

Open during any hunt date.

Arms and Ammunition

Shotgun, muzzleloader, and archery equipment only.

Moss Island

Dove, Opossum, Quail, Rabbit, Raccoon,
Snipe, Squirrel, Waterfowl, Woodcock

Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.

Deer (Archery)

Sept. 25-Oct. 29. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better.

Deer (Archery)

Dec. 18-Jan. 7. No hunter quota. Bag limit two deer-either sex. Bucks must be spike or nine antler points or better.

Deer (Gun, muzzleloader, archery)

Two 3-day hunts. Dec. 3-5, Dec. 10-12. No hunter quota. Bag limit two deer, either sex. Bucks must be spike or nine antler points or better.

Deer (Gun, archery)(Young Sportsman)

One 2-day hunt Oct. 30-31. No hunter quota. Same as statewide bag limit.

Natchez Trace State Forest

Bobcat, Crow, Dove, Opossum, Quail, Rabbit
Raccoon, Snipe, Squirrel, Waterfowl,
Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

North of I-40

Deer (Archery)

Sept. 25-Oct. 8, Oct. 11-29, Nov. 13-19, Dec. 13-17. No hunter quota. Same bag limit as statewide.

Deer (Muzzleloader-Archery)

Nov. 6-9, Dec. 6-12. No hunter quota. Same bag limit as statewide.

Deer (Gun-Archery)(Young Sportsman)

Two 2-day hunts. Oct. 9-10, 30-31. No hunter quota. Same bag limit as statewide.

Deer (Gun-Archery)

Nov. 24-27, Dec. 20-Jan.2. No hunter quota. Same bag limit as statewide.

South of I-40

Deer (Archery)

Sept. 25-Oct. 8, Oct. 11-29, Nov. 13-19, Dec. 13-17. No hunter quota. Same bag limit as statewide.

Deer (Muzzleloader-Archery)

Nov. 10-12. No hunter quota. Same bag limit as statewide.

Deer (Gun-Archery)(Young Sportsman)

Two 2-day hunts. Oct. 9-10, 30-31. No hunter quota. Same bag limit as statewide.

Deer (Gun-Archery)

Nov. 28-Dec. 1, Dec. 18-Jan. 2. No hunter quota. Same bag limit as statewide.

Nathan Bedford Forrest State Park

Deer (Muzzleloader)

One 3-day hunt. Oct. 15-17. Hunter quota 100. One deer, either sex.

Nolichucky

Area closed to all hunting and access from Byrds Bridge Access Area ramp to the Nolichucky Dam one week before and during the late statewide duck season.

Dove	Sept. 1, 4, 11. Hunting from noon to sunset only.
Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons, except closed one week before and during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.
Waterfowl	Same as statewide season except closed one week before and during late duck season.
Dog Training	Sept. 1-Mar. 15.

North Chickamauga Creek (Hixson, Sutton, Thrasher Bottoms, Vandergriff, Varner Units)

No motorized vehicles outside parking areas. Area closed after sunset except opossum and raccoon hunters. Hunting allowed on Tuesdays, Thursdays, and Saturdays only. All hunting ends on January 31. Shotguns loaded with #4 shot or smaller only (except waterfowl).

Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Rabbit	Same as statewide seasons. Bag limit is 3 per person per day.
Dove	Each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only
Deer	Same as statewide seasons. Archery tackle only. Archers must comply with the big game hunter orange requirements-during the statewide deer gun or muzzleloader hunts.
Opossum, Raccoon	Same as statewide season. Bag limit – 1 raccoon per party per night. Hunting from sunset to sunrise only.
Waterfowl	Open each Tuesday, Thursday, Saturday, and the first and last day of the statewide season. Hunting ends at noon each day. Hunting from temporary blinds only. Decoys to be removed each day.
Trapping	Nov. 13-Jan. 31. Traps must be checked each day.
Dog Training (all breeds)	Sept. 15-Jan. 31.

North Chickamauga Creek Gorge State Natural Area Unit

No motorized vehicles outside parking areas. Area closed after sunset. No dogs are allowed and all state natural area regulations including ATV's and mountain bikes will be enforced. Hunting allowed on Tuesdays, Thursdays, and Saturdays only. All hunting ends on January 31. Shotguns loaded with #4 shot or smaller only (except waterfowl).

Snipe, Squirrel, Woodcock	Same as statewide seasons. Crow hunting closed.
Rabbit	Same as statewide seasons. Bag limit is 3 per person per day.
Dove	Each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only.
Deer	Same as statewide seasons.-Archery tackle only. Archers must comply with the big game hunter orange requirements during the statewide deer gun or muzzleloader hunts.
Waterfowl	Open each Tuesday, Thursday, Saturday, and the first and last day of the statewide season. Hunting ends at noon each day. Hunting from temporary blinds only. Decoys to be removed each day.

Oak Ridge

Deer (Shotgun-Muzzleloader)(Gun zones only)	Three 2-day hunts. Nov. 13-14, Dec. 4-5, Dec. 18-19. Hunter quota 500. Two deer, no more than one antlered.
Deer (Archery)(Park City Road, Chestnut Ridge Zone)	Three 2-day hunts. Nov. 13-14, Dec 4-5, Dec. 18-19. Hunter quota 200. Two deer, no more than one antlered.
Deer (Archery)(Poplar Creek Road Zone)	Three 2-day hunts. Nov. 13-14, Dec. 4-5, Dec. 18-19. Hunter quota 125. Two deer, no more than one antlered.
Deer (Archery)(Tower Sheilding)	Three 2-day hunts. Nov. 13-14, Dec. 4-5, Dec. 18-19. Hunter quota 200. Two deer, no more than one antlered.

Special Regulations: Antlered deer must have a minimum of 4 points on one antler or a 15 inch minimum outside spread on all hunts. Scouting dates-6:00 a.m. to 4:00 p.m. Nov. 6 for the Nov. 13-14 permit holders only. Nov. 27 for the Dec. 4-5 permit holders only. Dec. 11 for the Dec. 18-19 permit holders only. No access by boat, except for the Haw Ridge Park Unit. Dog training prohibited. All hunters must wear fluorescent orange during all hunts, including archery hunters in the Archery Only zones. Hunters must carry, at all times, hunting license and permit, valid picture identification, and signed current hunt map.

Obion River

All Units (special regulations apply to Maness Swamp Hunting Unit)

Dove, Opossum, Quail, Rabbit, Raccoon, Squirrel, Woodcock, Waterfowl, Same as Statewide seasons. Squirrel hunting Snipe, with dogs is permitted during the spring Deer season.

Deer (Young Sportsman) Oct. 9-10. No hunter quota. One Deer, either sex. Statewide archery and small game hunting closed during this hunt.

Maness Swamp Hunting Unit (North of State Hwy 445 bordered by the South Fork and Middle Fork of the Obion Rivers as marked)

Same as statewide seasons, except closed to all activities six days prior to the first opening of the late duck season. All hunting other than waterfowl is prohibited during the late duck season.

Waterfowl Same as statewide except hunting of waterfowl during the late duck season permitted only on Fridays, Saturdays, Sundays, and the first and last day of each segment of the late duck season. All hunting shall cease at 3:00 p.m. (CST) each day, except the last day of the season when hunting shall close at sunset.

Old Hickory

Beaver may be taken on any hunt.

Unit I (Hwy 109 upstream to River Mile 267)

The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season.

Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock Same as statewide seasons except closed after 3:00 p.m. (CST) during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Dove Hunting during the first statewide segment only. Use of nontoxic shot required.

Dog Training Sept. 1-Mar. 15, except closed during duck seasons.

Waterfowl Hunting is permitted only from registered blind sites and staked temporary blind sites during the late duck season. Same as statewide season except waterfowl hunting shall cease at 3:00 p.m. (CST) during the late duck season except hours same as statewide on the last day of each segment of the late duck season. Raccoon and opossum hunting, trapping, and fishing are prohibited in sub-impoundments during the waterfowl season. From Hwy. 231 bridge downstream to River Mile 258.5 (Headquarters Slough), the area

Waterfowl
(Wheelchair-bound only blind site)

south of the river channel is closed to waterfowl hunting during the first segment of the dove season.

Applications must be received by TWRA Region II by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible.

Deer

Same as statewide.

Unit II – (Hwy 109 downstream to Old Hickory Dam)

Dove, Deer, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock squirrel season.

Same as statewide seasons. Squirrel hunting with dogs allowed during spring

Waterfowl

Same as statewide seasons. Hunting from registered blind sites only except during the early duck season. All goose hunting is from registered blinds only.

Unit III – (River Mile 267 upstream to River Mile 281)

Deer, Dove, Opossum, Quail, Rabbit Raccoon, Snipe, Squirrel, Turkey, Woodcock spring squirrel season.

Same as statewide seasons. Squirrel hunting with dogs allowed during the

Waterfowl

Same as statewide seasons. Hunting from temporary blinds only. Decoys must be picked up each day.

Old Hickory Lock 5 Refuge

Deer (Archery)

Sept. 25- Oct. 29~~29~~. Bag limit same as statewide.

Closure

Public use, including all forms of trespass, is prohibited from Nov. 1 through Jan 31, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.

Spring squirrel

Same as statewide, dogs allowed.

Dog Training

Sept. 1- Oct. 14, Feb.1-Mar. 15.

Paint Rock Refuge

Closed to all forms of public use, including all forms of trespass, from Oct. 15 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel through the refuge.

Canada goose

Sept. 1-10.

Wood Duck/Teal Same as Sept. Wood duck/Teal season.

Dog Training (Daylight hours only) Sept. 1-Oct. 14, Feb. 2-Mar. 15.

Pea Ridge

Crow, Deer, Dove, Opossum, Quail, Rabbit,
Raccoon, Squirrel, Turkey, Waterfowl,
Woodcock Same as statewide seasons.

Percy Priest

Beaver May be taken only during small game hunts.

Unit I

All activities except dove hunts on designated fields and scheduled field trials prohibited on Fridays, Saturdays, and Sundays from Sept. 17-Apr. 23.

Dove Sept. 1, and each Saturday and Sunday thereafter during the statewide season. Shooting from staked positions only. On September 1, staked positions will be assigned by a drawing held on site at 10:00 A.M. and hunters must check out at the conclusion of their hunt. Successful applicants must be at their staked position at the start of shooting hours.

Squirrel Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.

Deer, Turkey (Archery Only) Same as statewide seasons.

Quail, Rabbit (Young Sportsman) Oct. 2-Dec. 27. Shotguns only. Each young sportsman must be accompanied by an adult who may not hunt or carry weapons. Each adult must possess a valid hunting license and an area permit.

Dog Training Sept. 1-April 15. Small game permit required. Training from horseback prohibited prior to Oct. 1. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game permit. Blank ammunition only.

Retriever Dog Training and Trials. Year-round in designated areas only. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game hunt permit.

Bird and Rabbit Dog Trials	Oct. 1-April 15. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Field trial gallery must be kept out of standing or planted crops by marshals provided by sponsoring club.
Horseback Riding	Horses permitted on all areas except freshly planted and standing crops, and special areas as posted.
Unit II No Permit Required. Muzzleloader, archery, and shotguns with rifled slugs only for deer.	
Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Waterfowl	Same as statewide seasons. Temporary blinds only. Blinds and decoys must be removed each day. No waterfowl hunting in the Poole Knobs Rest Area.
Dog Training	Sept. 1-Mar 15. No hunting or training from horseback.
Archery Practice	Open year-round designated range site (Poole Knobs) only. Target arrows only.

Prentice Cooper State Forest

ORVs, horseback riding, bicycles, and all other vehicles are restricted to roads marked "open to vehicular traffic". Organized competition events for motorized/non-motorized vehicles prohibited. ~~Maximum~~Maximum noise limit of 86 dBa for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property or developments. Speed limit is 25 mph.

Dove, Grouse, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons
Opossum, Raccoon	Third Friday in Oct.-Jan. 30, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 30. Bag limit is 1 per person per night.
Deer (Archery)	One 3-day hunt. Sept. 18-20. Hunter quota 500. One deer, either sex.
Deer (Archery)	Two 3-day hunts. Sept. 21-23, 24-26. No hunter quota. One deer, either sex. No area checking station opened.

Deer (Muzzleloader)	One 3-day hunt. Oct. 21-23. Hunter quota 250. Two deer, no more than one antlered.
Deer (Gun-Archery)	One 2-day hunt. Nov. 7-812-13. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 6-day hunt. Nov. 27-Dec. 2. No hunter quota. Two deer, buck only.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 30-31 Dec. 13-14 . No hunter quota. One deer, either sex.

Presidents Island

Deer (Archery Only) (Excluding Ensley Unit)	Two 3-day hunts. Oct. 15-17, 22-24. Hunter quota 100 each hunt. Bag limit two deer, which may be antlerless or spike bucks. Scouting dates - Oct. 14 for the Oct. 15-17 permit holders only; Oct. 21 for the Oct. 22-24 permit holders only. One 3-day hunt. Dec. 3-5. Hunter quota 50. One deer, either sex. Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Dec. 2 for the Dec. 3-5 permit holders only. Hunters must check in at hunter check station before hunting and check out at completion of each day's hunt. Permit will be held while hunters hunt. Access permitted from Farm Road only. No access permitted from Mississippi River, McKellar Lake, or from the Causeway. Access allowed only to TWRA authorized personnel and permit holders.
Deer (Archery only)(Ensley Unit)	One 3-day hunt. Dec 3-5. Hunter quota 30. One deer, buck only. Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Dec. 2 for the Dec. 3-5 permit holders only. Access permitted from Shelby Drive only. Access allowed only to TWRA authorized personnel and permit holders.

Rankin

No blinds or decoys left overnight. Shotguns only for small game hunting.

Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel Turkey, Waterfowl, Woodcock	Same as statewide seasons. Waterfowl hunting allowed during deer season. Small game hunters (except waterfowl) must wear fluorescent hunter orange during big game hunts.
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Reelfoot

Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Opossum, Raccoon	Sept. 13-Dec. 31. No bag limit.
Deer (Archery)	Three hunts. Sept. 25-Oct. 29, Nov. 1-16, Nov. 24-Jan. 2. No hunter quota. Three deer, either sex. Small game hunting open during archery hunts.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 30-31. No hunter quota. Deer counts toward statewide bag.
Deer (Gun-Archery)	One 4-day hunt. Nov. 20-23. No hunter quota. One deer, buck only.
Waterfowl	Same as waterfowl zone seasons. Waterfowl hunting closed at 3:00 p.m. (CST) except for last day of each segment of the late duck and the remaining Reelfoot goose seasons when hunting shall cease at sunset.
Waterfowl (Wheelchair-bound only blind sites)	Application must be received by the TWRA Region I Office by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible to compete in the wheelchair-bound blind drawing. If blind is not occupied by shooting time, another wheelchair-bound hunter and 1 to 3 assistants (at least one assistant must be age 16 or older) may occupy the blind for that day. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone at designated blinds.

Royal Blue

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

No person shall remove minerals, including coal, trees, plants (including vines), or building stone from the area without specific authorization.

Camping is allowed on the entire area. ORV, horseback riding, bicycles, and all other vehicles are restricted to roads marked "open to vehicular traffic".

Ginseng season – Same as statewide.

Night-time use by the general public and raccoon hunters is permitted area-wide.

Organized competition events for motorized/non-motorized vehicles prohibited.

Maximum noise limit of 86 dBA for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited-reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property or developments. Speed limit is 25 mph.

Hunting Seasons:

Grouse, Opossum, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide except hunting season closed March 1 to Aug. 27, except for turkey hunts and spring squirrel season.
Deer	Same as statewide seasons.
Dog Training	Sept. 1- Mar. 1.

South Fork Refuge

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock, Deer	Same as statewide seasons, except closed to all activities six days prior to the first opening of the late duck season. All hunting other than waterfowl is prohibited during the late duck season.
Waterfowl	Same as statewide except hunting of waterfowl during the late duck season permitted on Saturdays and Sundays, and the first and last day of each segment of the late duck season. All hunting shall cease at 3:00 p.m. (CST) each day, except the last day of the season when hunting shall close at sunset.

Sundquist

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

Organized events for motorized/non-motorized events prohibited.

Ginseng season- same as statewide

Hunting Seasons:

Grouse, Opossum, Rabbit, Raccoon, Quail Snipe, Squirrel, Waterfowl, Woodcock, Deer	Same as statewide except hunting season closed March 1 to Aug. 27, except for turkey hunts and spring squirrel season
Dog Training	Sept. 1- Mar. 1.

Tellico Lake(Field Trial Permit Required.)

Deer, Dove, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Waterfowl,
Woodcock

All areas except Chota,
Niles Ferry, and McGhee-Carson Units
are the same as statewide seasons. No blinds or
decoys left overnight. Squirrel hunting with dogs is
permitted during the spring squirrel season.

McGhee-Carson Unit - (that peninsula of Ft. Loudoun State Historic Park at LTRM 21.0)

All small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.

Dove

Sept 11. Shooting from staked positions on first come
first serve. Opens at noon

Rabbit, Squirrel
(Shotguns and Archery only)

Each Saturday and Sunday during the
statewide season, except closed during scheduled
field trials, and big game hunts.

Field Trials- Retriever

Year-round in designated areas only. Trials must be
scheduled with Area Manager and special field trial
permit must be obtained from the Region IV Office at
least 30 days prior to trial dates.

Dog Training

Year-round, except closed during field trials and big
game hunts.

Horses

Horses permitted, except in freshly planted and
standing crops and special areas as posted.

Deer (Shotgun only)(Young Sportsman)

One 1-day hunt. Nov. 6. Hunter quota
35. One deer, either sex.

Deer (Shotgun-Archery)
bound Only)

One 2-day hunt. Nov. 20-21. No hunter (Wheelchair-
quota. One deer, either sex.

Chota Refuge Unit –(that portion from LTRM 26.0 upstream to the Hiwassee – Alcoa
Powerline at LTRM 29.7)

Deer, Dove, Grouse, Opossum, Quail, Rabbit,
Raccoon, Snipe, Squirrel, Waterfowl,
Woodcock

Same as statewide except all seasons
closed Nov. 1- Feb. 14. Dove hunting
allowed in fields as posted; non-toxic shot required.
Squirrel hunting with dogs is permitted during the
spring squirrel season.

Dog Training

Sept. 1- Mar. 15, except closed Nov. 1-Feb. 14.

Field Trials

Feb. 15-Oct. 31. Trials must be scheduled with Area
Manager and special field trial permit must be
obtained from the Region IV Office at least 30 days
prior to trial dates.

Niles Ferry Unit (that portion of the Niles Ferry Industrial Park at LTRM 18.0 as posted).

Dove	Sept. 4-5 and Sept 11-12.
Deer (Shotgun-Muzzleloader) (Young Sportsman)	Four 1-day hunts. Nov. 6, 7, 13, 14. Hunter quota 35. One deer, either sex. Access by Industrial Rd. only. Sign up for drawing will be held at the Tellico Lake WMA Office between 9:00 a.m. and 11:00 a.m. on Oct. 2. Youth must be present at sign up and drawing.
Small game (Falconry Only)	Jan. 1-Feb. 28
Wears Bend Unit (That portion of Tellico Reservoir Development Agency Industrial Park at LTRM 18.)	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs is permitted during the spring squirrel season.
Horses	Horses permitted, except in freshly planted and standing crops and special areas as posted.

Whites Mill Refuge

Closed to all forms of public use, including all forms of trespass, from Nov. 1-Feb. 15, except as otherwise indicated. Horseback riding prohibited.

Dog Training	Feb. 15-28.
Bullfrog	July 1-Aug. 31, gigs only.

Williamsport

Open 1 hour before sunrise until 1 hour after sunset on hunt days.

Quail, Rabbit, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Dove	Same as statewide season, except open only on Sept. 1 and every Saturday during the first segment. Designated fields only. Shooting from staked positions only on Sept 1. On Sept 1, staked positions will be assigned by a drawing held on site at 10 AM. Hunters must be present at drawing and must check out at the conclusion of the hunt. Successful applicants must be on stake at legal shooting hours.
Deer (Archery)	Two 3-day hunts. Sept. 25-27, Oct. 1-3. No hunter quota. One deer, either sex. Deer counts toward statewide bag.

Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 9-10. No hunter quota. One deer, either sex.
Deer (Muzzleloader-Archery)	One 3-day hunt. Oct 29-31. Hunter quota 100. One deer, either sex.
Deer (Gun-Archery)	Three 3-day hunts. Nov 12-14, Dec. 3-5, Dec 17-19. Hunter quota 100. One deer, either sex.
Dog Training (Daylight hours only)	Sept. 1-Mar. 15.

Wolf River

Crow, Dove, Furbearers, Squirrel, Waterfowl	Same as statewide seasons; with the Rabbit, Quail, Woodcock following exceptions; quail season Dec. 1-Jan. 31; rabbit season closes Jan. 31; all small game hunting closed during youth-only hunts; waterfowl hunting will close at 3:00 p.m. each day of the late duck season. Waterfowl hunting from temporary blinds only which must be removed at the end of each day. Decoys must be removed each day. Squirrel hunting with dogs allowed during spring squirrel season. Hunting or use for access to hunt is prohibited from boardwalk structure.
Deer	Same as statewide seasons with the exception that archery tackle and crossbows only are allowed from Nov 20 through the end of statewide deer seasons. Fluorescent orange must be worn by archers and crossbow hunters from Nov. 20 through the remainder of the season. Tree stands must be marked with hunter's TWRA ID number.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 9-10. No hunter quota. One deer, either sex. Archery season and small game hunting closed during this hunt.
Dog Training	Sept. 1- Mar. 15, except closed during deer gun hunts.
Field Trials	By permit from Area Manager. Not open to fall turkey hunting

Yanahli

Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
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Dove	Sept 1 and each day of the statewide season thereafter. Hunting on designated fields only and shooting from staked positions only on Sept 1. On Sept 1, staked positions will be assigned by a drawing held on site at 10 AM. Hunters must be present at drawing and must check out at the conclusion of the hunt. Successful applicants must be on stake at legal shooting hours.
Deer	Same as statewide seasons, except all deer hunting closes after Dec. 17.
Dog Training	Aug. 1- Mar. 15.

Yuchi Refuge at Smith Bend

Nontoxic shot only in wetland zones. No boat access. No ATV, ORV, or horse-back riding permitted. Small game hunting closes at sunset the day before and during scheduled big game hunts.

Dove	Sept. 4. Young Sportsman only. Bag limit 10 per day. Noon till sunset only. Sept. 6-22. Noon till sunset only. Bag limit 10 per day.
Opossum, Raccoon	Same as statewide except hunting permitted on Wednesdays and Thursdays only sunset to sunrise. Closed after Nov. 11. All dogs need to be removed from the area prior to sunrise on Friday. Bag limit on raccoons, one per party per night. No limit on opossums.
Rabbit	Nov. 6-Jan. 31. Upland Zone only after Nov. 12. Bag limit 3 per day.
Dog Training	Sept. 1-Mar. 15 in Upland Zone. Sept. 1-Nov. 14 and Mar. 1-15 in Wetland Zone. Daylight hours only. No fox or coyote chasing.
Retriever Field Trials	Pre-approved by area manager at least 30 days in advance of trial dates.
Wood Duck/Teal	Same as Sept. Wood duck/Teal season except hunting ends at noon. No waterfowl hunters on the area after 2:00 P.M. until 4:00 A.M. the following day.
Deer (Gun-archery)(Young Sportsman)	Two 2-day hunts. Sept. 25-26, Oct. 30-31. Hunter quota 75 each hunt. Two deer, only one antlered.
Deer (Archery)	Two 2-day hunts. Sept. 18-19, Oct. 16-17. Hunter quota 100 each hunt. Two deer, no more than one antlered.

Deer (Muzzleloader) One 2-day hunt. Oct. 23-24. Hunter quota 50. One deer, either sex.

Deer (Gun/Muzzleloader) One 2-day hunt. Nov.6-7. Hunter quota 50. One deer, buck only.

Deer (Wheelchair Bound Only) One 2-day hunt. Nov. 13-14. No hunter quota. One deer, either sex. Upland Zone only.

Arms and Ammunition Nontoxic shot only in Wetland Zone.

Closure Wetland Zone closed to all forms of public use, including all forms of trespass from Nov. 15 through the last day of Feb.

Special Regulations: Antlered deer must have a minimum of 4 points on one antler or a 15 inch minimum outside antler spread on all hunts.

The following wildlife management areas are open to trapping as set out in the statewide Season, unless otherwise indicated:

(Small Game WMA permit is required to trap on all areas that require a small game hunt permit.)

Note: Red Fox may be taken during Statewide Trapping Season

AEDC	C.M. Gooch (3)	Normandy
Alpine Mountain	Cold Creek	Obion River
Arnold Hollow	Cordell Hull	Old Hickory
Bark Camp Barrens	Cove Creek	Pea Ridge
Barkley Unit I (1)	Doe Mountain	Percy Priest (Unit II)
Barkley Unit II	Ernest Rice, Sr.	Pickett State Forest
Beaver dam Creek	Foothills	Prentice Cooper State Forest (7)
Big Sandy (1)	Harmon Creek	Rankin
Bridgestone/Firestone (7)	Haynes Bottom (1)	Reelfoot (15)
Browntown	Hick Hill	Royal Blue (11)
Buffalo Springs	Hickory Flats	Standing Stone State Forest (4)
Camden Unit I (1)	Laurel Hill (5)	Sundquist
Camden Unit II	LBL	Tie Camp
Catoosa (6)	Lick Creek	Tigrett
Cedar Hill Swamp	Lick Creek Bottoms	John Tully
Cheatham (5)	Long Pond	Tumbleweed
Cheatham Lake	Moss Island	Watts Bar (9)
Cherokee-North Unit	Mt. Roosevelt	West Sandy (1)
Cherokee-South Unit (12)	MTSU	White Oak
Chickamauga (8)	Natchez Trace State	Wolf River
Chickasaw State Forest	Forest (2)	Yanahli
Chuck Swan State Forest (13)	Meeman-Shelby Forest	
	State Park and Natural	
	Area (10)	
	New Hope	

1. No trapping during duck season.
2. All areas open except Pin Oak Lake.
3. No trapping during the duck season in Units "A" and "E".
4. No Fox Trapping.
5. Jan. 4- Feb. 4.
6. Jan. 1-31.
7. Dec. 16-28.
8. No trapping during the duck season on Candies Creek, Johnson Bottoms, Rogers Creek, and Yellow Creek Units.
9. No trapping during the duck season on the Long Island Unit.
10. Beaver trapping by special permit only. Trapping of all other species prohibited.
11. Beaver trapping prohibited.
12. Jan. 1- Feb. 15.
13. No raccoons. Jan. 8- Jan. 31. Quota 1 party per compartment. Trappers must apply at WMA office. No snares or conibear traps. Trappers must report catch annually.
14. Trapping season is fourteen consecutive days beginning the second Monday in January. LBL Hunt Areas 12 and 14 and designated problem areas as assigned. All species to conform with statewide regulations. Trappers must report their harvest in accordance to LBL instructions. Beaver trapping Feb. 1-28. All areas open except areas shaded in gray on LBL legal Road Map or posted as no hunting. Legal Traps: According to statewide regulation.
15. A Reelfoot Preservation Permit is required instead of a Small Game WMA permit.

SECTION III. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 03-14 dated May 29, 2003.

Proclamation No. 04-13 received and recorded this 3rd day of June, 2004. (06-12)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION NO. 04-13

PROCLAIMING TIE CAMP, ARNOLD HOLLOW, BROWNTOWN, HICK HILL, AND BEAVER DAM CREEK WILDLIFE MANAGEMENT AREAS

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following areas as wildlife management areas to be known as the Tie Camp, Arnold Hollow, Browntown, Hick Hill, and Beaver Dam Creek Wildlife Management Areas.

1. Tie Camp Wildlife Management Area - Those lands and waters located in Wayne County, Tennessee, known as the Tie Camp Tract consisting of 3,873 acres and owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book 25, Page 883, Wayne County, Tennessee, Registry.

2. Arnold Hollow Wildlife Management Area - Those lands and waters located in Wayne County, Tennessee, known as the Arnold Hollow Tract consisting of 3,990 acres and owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book 25, Page 883, Wayne County, Tennessee, Registry.
3. Browntown Wildlife Management Area - Those lands and waters located in Wayne County, Tennessee, known as the Browntown Tract consisting of 6,413 acres and owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book 25, Page 883, Wayne County, Tennessee, Registry.
4. Hick Hill Wildlife Management Area - Those lands and waters located in Lewis County, Tennessee, known as the Boone Tract consisting of 3,608 acres and owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book A8, Page 274, and Deed Book A10, Page 669, Lewis County, Tennessee, Registry.
5. Beaver Dam Creek Wildlife Management Area - Those lands and waters located in Hickman County, Tennessee, known as the Samford and Doochin Tracts. The Samford Tract consists of 2,667 acres and is owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book 3, Page 330, Hickman County, Tennessee, Registry. The Doochin Tract consists of 3,113 acres and is owned by Sustainable Forests LLC. Said tract is more particularly described in Deed Book 109, Page 452, Deed Book 107, Page 695, and Deed Book 110, Page 833, Hickman County, Tennessee, Registry.

These tracts were approved for establishment of wildlife management areas in accordance with a written agreement between the Agency and Sustainable Forests, LLC, a copy of which is on file in the Real Estate Division office of Tennessee Wildlife Resources Agency in Nashville, Tennessee. Each tract is posted with "Wildlife Management Area" signs along the boundary lines. More complete descriptions for each tract may be found on file in the Real Estate Division office of Tennessee Wildlife Resources Agency, Nashville, Tennessee.

Proclamation No. 04-13 received and recorded this 3rd day of June, 2004. (06-12)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION NO. 04-14 PROCLAIMING PUBLIC HUNTING AREAS

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, Sections 70-1-206 and 70-5-101, the Tennessee Wildlife Resources Commission hereby proclaims the following areas Public Hunting Areas.

Section I. Heartwood Forest Fund III Public Hunting Area - Those lands and waters located in Perry and Wayne Counties, Tennessee, owned by ForestLand Group as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the ForestLand Group office in Lebanon, Virginia.

Section II. Tackett Creek Public Hunting Area - Those lands and waters located in Campbell and Claiborne Counties, Tennessee, owned by Ataya Hardwoods LLC as registered in deed books of the aforementioned counties and under agreement to the Tennessee Wildlife Resources Agency as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee and at the Ataya Hardwoods LLC office in Knoxville, Tennessee.

Section III. Repeal of Prior Proclamation – This proclamation repeals Proclamation No. 02-02, dated March 28, 2002 (establishing Heartwood Forest Fund III Public Hunting Area, MeadWestvaco Public Hunting Area, Tackett Creek Public Hunting Area, and Weyerhaeuser Public Hunting Area). NOTE: Proclamation No. 02-02 repealed Proclamation No. 84-3, dated July 24, 1984 (establishing Willamette Public Hunting Area), Proclamation No. 84-11, dated July 24, 1984 (establishing Westvaco Public Hunting Area), Proclamation No. 85-2, dated August 13, 1985 (establishing Packaging Corporation of America Public Hunting Area), Proclamation No. 90-23, dated October 25, 1990 (establishing Tommy L. Graham Public Hunting Area), Proclamation No. 91-26, dated September 26, 1991 (establishing Julius Doochin Public Hunting Area), Proclamation No. 97-11, dated May 29, 1997 (establishing J.M. Huber Public Hunting Area), and Proclamation 97-12, dated May 29, 1997 (establishing Tackett Creek Public Hunting Area).

Proclamation No. 04-14 received and recorded this 3rd day of June, 2004. (06-14)



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning June 1, 2004 and ending June 30, 2004.

A handwritten signature in black ink, reading 'Riley C. Darnell'. The signature is written in a cursive style with a large, prominent 'R' and 'D'.

RILEY C. DARNELL
Secretary of State

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