

**RULES
OF
TENNESSEE WILDLIFE RESOURCES AGENCY**

**CHAPTER 1660-1-16
RULES AND REGULATIONS GOVERNING
WILDLIFE CAPTURE, TRANSPORT, AND RELEASE PERMIT**

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1660-1-16-.01 PURPOSE.

Before any person in the State of Tennessee may capture, transport, and release any live wildlife species within the State, he or she must first obtain a Wildlife Capture, Transport and Release (WCTR) Permit, except as otherwise provided, from the Executive Director of the Wildlife Resources Agency, in accordance with the provisions of this rule.

Authority: T.C.A. §§70-1-206 and 70-4-120. **Administrative History:** Original rule filed December 6, 1978; effective April 2, 1979. Repeal filed November 24, 1999; effective February 7, 2000. New rule filed January 9, 2004; effective March 24, 2004.

1660-1-16-.02 DEFINITIONS.

- (1) The term “wildlife,” for the purpose of these regulations only, is defined as red fox, gray fox, raccoon, and bobwhite quail. These are the only species that may be captured, transported and released pursuant to the WCTR Permit. Further, the capture, transport and release of bobwhite quail will be approved on a case-by-case basis and only after evaluation by the Tennessee Wildlife Resources Agency.
- (2) The term “permit,” as referred to in these regulations, is the Wildlife Capture, Transport and Release (WCTR) Permit.

Authority: T.C.A. §§70-1-206 and 70-4-120. **Administrative History:** Original rule filed December 6, 1978; effective April 2, 1979. Repeal filed November 24, 1999; effective February 7, 2000. New rule filed January 9, 2004; effective March 24, 2004.

1660-1-16-.03 PERMIT.

- (1) Any person desiring to capture, transport and release wildlife must first obtain a Wildlife Capture, Transport and Release Permit from the Tennessee Wildlife Resources Agency. Further, applicants for the permit are required to have a license that allows trapping.
- (2) Property owners are exempt from the permit requirement if they capture wildlife from their own land and release back onto their own land. If a landowner, however, wishes to trap from his/her own land and move the captured wildlife to someone else’s land, he/she must have a trapping license, a Wildlife Capture, Transport and Release Permit and permission of the landowner to release the wildlife onto his property.
- (3) Persons conducting work under the provisions of the Nuisance Animal Damage Control Rule (1660-1-21) are exempt from the permit requirements of this rule.

(Rule 1660-1-16-.03, continued)

- (4) A permit is valid for the current license year only and will expire the last day of February of that license year.
- (5) All applicants are required to have or provide the following:
 - (a) All permit holders are required to maintain accurate and complete records on activities provided for in this rule on forms provided by the Tennessee Wildlife Resources Agency.
 - (b) Along with other information that may be required on the above forms, applicants must specify the species to be trapped, and the specific counties, location of properties and names of the owner(s) of properties where the applicant intends to capture the wildlife and the specific counties, location of properties and names of the owner(s) of properties where the wildlife will be released.
 - (c) When the permittee is transporting wildlife, he/she shall possess the WCTR Permit. The wildlife and all pertinent records will be open to inspection by a representative of the Tennessee Wildlife Resources Agency prior to their release.
 - (d) The permit shall be valid only for the person listed on the permit to capture, transport, and release wildlife and may not be transferred to another individual.
 - (e) The permit holder must have both the written permission from the property owner where the wildlife is captured and the written permission of the property owner where the wildlife will be released.

Authority: T.C.A. §§70-1-206 and 70-4-120. **Administrative History:** Original rule filed December 6, 1978; effective April 2, 1979. Repeal filed November 24, 1999; effective February 7, 2000. New rule filed January 9, 2004; effective March 24, 2004.

1660-1-16-.04 RESTRICTIONS.

- (1) Pursuant to T.C.A. 70-4-201, wildlife captured may not be sold. Thus, all wildlife taken under authority of the Wildlife Capture and Release Permit must be released back into the wild.
- (2) Wildlife captured, transported, and released must be handled in a manner that minimizes risk of injury to the animal.
- (3) Wildlife may only be released into the wild onto areas approved by the Tennessee Wildlife Resources Agency and only in the same county or adjacent county where captured. The release of wildlife, captured under the provisions of this rule, onto private wildlife preserves is specifically prohibited.
- (4) Wildlife must be released within 12 hours after capture.
- (5) All traps left unattended by the permit holder must be clearly marked with the permit holder's name and permit number.
- (6) Only the types of traps listed in the Manner and Means for Taking Wildlife Proclamation as approved by Tennessee Wildlife Resources Commission will be allowed for the capture of furbearers.
- (7) Bobwhite quail may only be captured in traps approved by the Tennessee Wildlife Resources Agency. Only banded pen-reared birds may be used for call birds. All migratory and/or non-target birds captured in these traps must be released.

(Rule 1660-1-16-.04, continued)

- (8) Wildlife captured, transported, and released shall be taken only during periods specified in a proclamation promulgated by the Tennessee Wildlife Resources Commission.
- (9) The Executive Director may require that the captured wildlife be marked with an identifying band or tag prior to release.

Authority: T.C.A. §§70-1-206 and 70-4-120. **Administrative History:** Original rule filed December 6, 1978; effective April 2, 1979. Repeal filed November 24, 1999; effective February 7, 2000. New rule filed January 9, 2004; effective March 24, 2004.

1660-1-16-.05 SUSPENSION OR REVOCATION.

- (1) The Executive Director may, pursuant to and in accordance with the Uniform Administrative Procedures Act (UAPA), suspend any activity provided for under the permit if the activity poses a threat to the health and safety of humans, domestic animals, or wildlife as defined by T.C.A. 70-1-101(a)(41).
- (2) In accordance with and pursuant to the UAPA, the Executive Director may refuse to issue a permit or may revoke an existing permit if the applicant or permittee violates any of these rules and regulations or violates any law governing the wildlife of this state or country. If an applicant for or holder of a WCTR Permit has been charged with a violation of these rules and regulations or state or federal wildlife laws, such permit may be suspended pending adjudication.

Authority: T.C.A. §§70-1-206 and 70-4-120. **Administrative History:** Original rule filed December 6, 1978; effective April 2, 1979. Repeal filed November 24, 1999; effective February 7, 2000. New rule filed January 9, 2004; effective March 24, 2004.