

**RULES  
OF  
TENNESSEE WILDLIFE RESOURCES AGENCY  
FISHERIES**

**CHAPTER 1660-01-31  
COMMERCIAL MUSSELING**

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**1660-01-31-.01 POSSESSION AND SALES OF UNDERSIZED SHELLS.**

- (1) No person, firm, or corporation shall take, buy, sell, barter, or possess mussels (alive or dead) that are not of the species and sizes listed in the current Statewide Proclamation on the Commercial Taking, Possessing, and Selling of Mussels, or are not legalized by other proclamations, rules, or regulations. No person, firm, or corporation shall be in possession of non-processed freshwater mussels unless they have in their possession the required commercial musseling license, wholesale mussel dealer license, or pearl culturing license.

**Authority:** T.C.A. § 70-1-206. **Administrative History:** Original rules filed July 14, 2017; effective October 12, 2017.

**1660-01-31-.02 MUSSEL FEE.**

- (1) A fee in the amount prescribed by law must be paid to the Tennessee Wildlife Resources Agency on mussels taken from Tennessee waters.
  - (a) The procedure for governing the collection of these fees on mussels that are sold to a resident wholesale mussel dealer is as follows:
    1. The payment to TWRA shall be calculated from receipts filled out by the wholesale mussel dealer for each transaction. A Mussel Shell Summary Sheet reporting the receipt number, pounds of shells purchased for each transaction, calculated fee payable to TWRA, and the signature of the company official completing the report shall be completed and sent to TWRA by the 15th of the month following the monthly transaction period.
    2. Wholesale mussel dealers are required to furnish the musseler with receipts for all mussels acquired on forms provided by TWRA. A receipt will be issued for each transaction when the transaction occurs, and will show the musseler's name, commercial mussel license number, pounds of shells bought by type, size category and harvest location as stated by seller, date of the transaction, signature of buyer or recipient, and signature of the seller.
    3. A copy of each receipt shall be kept by the wholesaler for a period of 2 years, and be made available for inspection by TWRA during regular business hours. A copy of each receipt shall be given to the musseler. Musselers must keep their copy of the receipt for a period of 2 years, and make it available for inspection by TWRA.
    4. A copy of each receipt issued during a month shall be furnished to TWRA at the Nashville Office by the 15th of the following month.

(Rule 1660-01-31-.02, continued)

- (b) The procedure governing the collection of these fees on mussels that are not sold to an in-state wholesale mussel dealer is set out as follows:
  - 1. A mussel export form provided by TWRA must be completed by the mussel harvester giving pertinent information including the mussel harvester's name, commercial musseling license number, date of export, pounds of shells by size category, fee due, and money order number, cashier check number, or personal check number used as payment to TWRA.
  - 2. A copy of the mussel export form shall be retained by the mussel harvester and must be on the shipper's person when crossing the state line. A money order, cashier's check, or personal check is the only acceptable means for making a fee payment to TWRA. The receipt or copy of the same from the cashier's check, money order, or personal check used to pay TWRA the fee must be retained by the harvester. The receipt or a copy thereof of the money order, cashier's check, or personal check must also be maintained by the person taking the mussels across the state line.
  - 3. The original of the mussel export form and a cashier's check, money order, or personal check made out to TWRA for the fee amount must be mailed via U.S. Postal Service to the TWRA, P.O. Box 40747, Nashville, TN 37204, before the mussels are transported or shipped across the state line.
  - 4. Failure to fill out any part of the mussel export form or falsification of information shall be a violation.
  - 5. The mussel harvester must retain copies of the mussel export form and copies of payment document (either money order receipt, copy of cashier's check or personal check, or the canceled personal check) for a period of two years and be made available for inspection by TWRA personnel.
- (c) The procedure governing the collection of these fees on mussels that are purchased or otherwise obtained by a resident pearl culture business is as follows:
  - 1. The payment to TWRA shall be calculated from receipts filled out by the pearl culture business for each transaction. A Mussel Shell Summary Sheet reporting the receipt number, pounds of shells purchased for each transaction, calculated fee payable to TWRA, and the signature of the company official completing the report shall be completed and sent to TWRA by the 15th of the month following the monthly transaction period.
  - 2. A pearl culture business is required to furnish the musseler with receipts for all mussels acquired on forms provided by TWRA.
    - (i) A receipt will be issued for each transaction when the transaction occurs, and will show the musseler's name, commercial musseling license number, pounds of shells bought by type, size category and harvest location as stated by the seller, date of the transaction, signature of the buyer or recipient, and signature of the seller when the mussels obtained are not 3.0 inch to 4.0 inch "washboard" mussels.
    - (ii) A receipt will be issued for each transaction when the transaction occurs, and will show the musseler's name, commercial musseling license number, number of 3.0 inch to 4.0 inch "washboard" mussels, pounds of mussels purchased, pearl culture company name, date of the transaction, and signature of the company official purchasing the mussels.

(Rule 1660-01-31-.02, continued)

3. A copy of each receipt shall be kept by the pearl culture business for a period of 2 years, and be made available for inspection by TWRA during regular business hours. A copy of each receipt shall be given to the musseler. Musselers must keep their copy of the receipt for a period of 2 years, and make it available for inspection by TWRA.
4. A copy of each receipt issued during a month shall be furnished to TWRA at the Nashville Office by the 15th of the following month.

**Authority:** T.C.A. § 70-1-206. **Administrative History:** Original rules filed July 14, 2017; effective October 12, 2017.

**1660-01-31-.03 IMPORTATION AND EXPORTATION.**

- (1) All shipments of mussels imported into Tennessee by a person, firm, or corporation shall be accompanied by a bill of lading. The bill of lading shall provide the following:
  - (a) The signature of the person or purchasing agent of the firm or corporation importing the mussels;
  - (b) The signature of the person or purchasing agent of the firm or corporation that sold or otherwise provided the mussels to be imported;
  - (c) The date of shipment;
  - (d) The weight of mussels by size category;
  - (e) The origin of shipment including the name of the body of water where they were harvested; and
  - (f) The destination of shipment.
- (2) A copy of the bill of lading shall remain with the importing person, firm, corporation, or wholesale mussel dealer for a period of two years, and shall be made available to TWRA upon request.
- (3) To export mussels from Tennessee, a completed bill of lading on forms provided by TWRA is required.

**Authority:** T.C.A. § 70-1-206. **Administrative History:** Original rules filed July 14, 2017; effective October 12, 2017.