

**RULES
OF
TENNESSEE WILDLIFE RESOURCES AGENCY**

**CHAPTER 1660-01-25
RULES AND REGULATIONS GOVERNING SPECIAL ELK TAKE PERMITS**

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1660-01-25-.01 SPECIAL ELK TAKE PERMIT.

- (1) The Executive Director of the agency is authorized to issue one Special Elk Take Permit to a 501(c)(3) nonprofit wildlife conservation organization, for the purposes of generating funds for the enhancement of the agency's elk management program. An organization that receives a Special Elk Take Permit may sell or otherwise transfer the permit through any legal means available. All the proceeds of the sale must be used in Tennessee for the elk program on projects approved by the agency except that, notwithstanding any other provision of the law to the contrary, the organization may utilize no more than the percentage of the proceeds prescribed by law to administer the sale or transfer.
- (2) Requirements for issuance of Special Elk Take Permits:
 - (a) The Tennessee Wildlife Resources Commission shall authorize the Executive Director of the agency to issue not more than one Special Elk Take Permit in any one license year to take one elk per permit. The Executive Director shall allow the sale of one permit through auction to the highest bidder or to a person selected through a random drawing for the holder of a lottery ticket by an incorporated, nonprofit organization dedicated to the conservation of wildlife.
 - (b) The agency shall use a competitive process in compliance with the standards and guidelines established by the State of Tennessee for professional service procurements.
 - (c) Nonprofit 501(c)(3) organizations dedicated to the conservation of wildlife are eligible to submit proposals for a Special Elk Take Permit. Proposals shall be submitted to the agency in compliance with applicable state laws and regulations.
 - (d) The Executive Director of the agency shall appoint a committee of the agency to examine the proposals or bids and make recommendations to the Executive Director in accordance with state guidelines following the close of the application period. The Executive Director may reject any application that does not conform to the requirements of this section. In selecting an organization, the Executive Director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the organization for promotional and administrative costs relative to the funds obtained from auctioning the permit; and the organizations' previous involvement with elk conservation.
 - (e) Upon approval of a proposal, the nonprofit organization awarded the Special Elk Take Permit shall enter into a contract agreement with the agency. The contract agreement shall comply with all contracting standards and guidelines established by the State of Tennessee.

(Rule 1660-01-25-.01, continued)

- (f) The nonprofit organization must agree, in writing, to the following: (a) to transfer all proceeds within sixty (60) days following the auction or drawing for the lottery and at least thirty (30) days prior to the opening of the season, and (b) to provide the agency with the name, address, and the physical description of the individual to whom the Special Elk Take Permit is issued.
 - (g) Any organization selected to conduct a permit auction or raffle for the Tennessee Wildlife Resources Commission shall abide by all applicable Tennessee and Federal laws as well as the laws of the state where such event is held.
 - (h) Unless a person's hunting license privilege is revoked or under suspension pursuant to the law of any state or country, any person, without regard to resident status or citizenship, is eligible to participate.
 - (i) Except as provided herein, Special Elk Take Permits are non-transferable and shall be issued only to the winner of a raffle or the highest bidder at an auction. The highest bidder in any auction may give the permit as a gift to another person provided written designation of such person is received by the Executive Director at least thirty (30) days prior to the opening of the season. Further, the Executive Director may authorize a transfer of a Special Elk Take Permit prior to the opening of the season due to death or medical incapacity of the holder of the permit.
- (3) Special Elk Take Permits
- (a) Special Elk Take Permits issued under this section shall permit the taking of one elk, as defined or specified by unit or season.
 - (b) All Special Elk Take Permits issued as a product of a competitive auction or raffle shall be written at the agency headquarters.
 - (c) There shall be no refund of any monies collected through auction or raffle.
 - (d) Special Elk Take Permits shall be valid on a unit-by-unit basis from the first open season in a unit for September 1 through January 31. Licenses are not valid in units that do not have an open season for elk between September 1 and January 31. An open season is any season in which licenses are issued by the agency by drawing or over the counter for the species.
 - (e) Permits will be valid for one year only and only in accordance with applicable provisions of this section and other appropriate regulations of the Tennessee Wildlife Resources Commission, unless otherwise provided herein.
 - (f) All wildlife harvested through the use of a Special Elk Take Permit shall be checked at an authorized big game checking station in accordance with regulations established by the Tennessee Wildlife Resources Commission. Failure to present harvested wildlife for inspection as required by this regulation shall make the licensee ineligible for future licenses for that species in Tennessee.

Authority: T.C.A. §§ 70-1-206, 70-2-219. **Administrative History:** New rule filed May 22, 2008; effective August 5, 2008. Amendment filed July 10, 2009; effective October 8, 2009. Amendments filed February 9, 2015; effective May 10, 2015.