

TENNESSEE FISH AND WILDLIFE COMMISSION

PROCLAMATION 18-11

STATEWIDE PROCLAMATION ON THE
COMMERCIAL TAKING, POSSESSING, AND SELLING OF MUSSELS

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Sections 70-1-206, and 70-4-107, thereof, the Tennessee Fish and Wildlife Commission hereby proclaims the following regulations pertaining to the commercial taking, possessing, and selling of aquatic mussels. For purposes of this proclamation, the words "mussels", "musseling", "mussel shells", and "shells" are synonymous. Only holders of a commercial musseling license may take mussels. Only holders of a wholesale mussel dealer license or a pearl culture license may buy mussels from a commercial musseling license holder. Only holders of a commercial musseling license, wholesale mussel dealer license or a pearl culture license may sell non-processed mussels.

Commercial musseling is hereby authorized in accordance with the following provisions, except where expressly forbidden by law. All commercial musseling must meet the specifications and be taken, possessed and sold in the manner provided for in this proclamation.

SECTION I. WATERS OPEN TO THE COMMERCIAL TAKING OF MUSSELS

- A. Tennessee River (including TVA reservoirs thereon) except those areas designated in Section II.
- B. Cumberland River (including U.S. Corps of Engineers reservoirs thereon) except those areas designated in Section II.
- C. Duck River from its confluence with Kentucky Lake in Humphreys County upstream to Cold Branch (Bakerville Road) Bridge (DRM 11.7), Humphreys County.
- D. Mississippi River

SECTION II. AREAS CLOSED TO THE TAKING OF MUSSELS

All areas not opened in Section I and those areas specifically listed below are closed to the taking of mussels. Diving with the aid of a mechanical device such as SCUBA equipment or surface supplied-air equipment in waters designated in Section II is prohibited without the written authorization of the TWRA Executive Director.

- A. The following described areas are designated as mussel sanctuaries in which the taking of aquatic mollusks by any means is prohibited at all times. The degradation and/or destruction of aquatic habitat in these areas is also prohibited.
 - 1. That section of the Tennessee River (Kentucky Reservoir) between TRM 140 (mouth of Elkins Branch, Decatur County) and TRM 141.5 (mouth of Cedar Creek, Perry County).
 - 2. That section of the Tennessee River (Kentucky Reservoir) between Pickwick Dam (TRM 206.7) and the downstream Tennessee Gas Pipeline located at TRM 201.9.
 - 3. That section of the Tennessee River (Nickajack Reservoir) between TRM 465.9 (Marine Way Upper Light) and TRM 471.0 (Chickamauga Dam).

4. That section of the Tennessee River (Chickamauga Reservoir) between the Hunter navigation light (TRM 520.0) and Watts Bar Dam (TRM 529.9).
 5. That section of the Tennessee River from Nickajack Dam (TRM 424.7) downstream to the Tennessee-Alabama state line (TRM 416.5).
 6. That section of the Powell River from the Norris Lake Headwaters at Gap Creek (PRM 54.7) upstream to the Tennessee-Virginia state line (PRM 115.6).
 7. That section of the Clinch River from the Tennessee/Virginia state line (CRM 202.1) downstream to the Highway 25 Bridge (CRM 151.9).
 8. That section of the Duck River upstream from Cold Branch (Bakerville Road) Bridge (DRM 11.7), Humphreys County.
 9. That section of Old Hickory Lake (Cumberland River) from U.S. Highway 231 (CRM 262.9) upstream to approximately CRM 265.5 encompassing all waters within the Lock 5 Wildlife Refuge.
 10. That section of the Cumberland River from the TVA Hartsville Plant Service Dock (CRM 284.1) upstream to CRM 284.8, which is approximately 600 feet above Dixon's Island.
 11. That section of the Cumberland River from CRM 292.4, Rome Ferry, upstream to Cordell Hull Dam (CRM 313.5).
 12. That section of the Hiwassee River from the Appalachia Powerhouse (HRM 53.5) to the Tennessee-North Carolina boundary HRM 64.9 and from Tennessee-North Carolina boundary at HRM 65.5 to HRM 65.9.
- B. The following described area is designated as a management study area in which the destruction of aquatic mollusk habitat is prohibited at all times, and the taking of any mollusk shall be prohibited except as specified by TWRA, and under the supervision of TWRA officials. That section of the Tennessee River east of the main river channel bounded on the north by Tennessee National Wildlife Refuge Boundary pilings (approximately River Mile 103.5), and bounded on the south by the Rockport Island light at River Mile 107.8.
- C. The taking of mussels is prohibited within 1,000 yards below any TVA or Corps of Engineers Dam. For purposes of this proclamation, wing walls and lock walls are considered to be a part of the "dam" and measurements will be made from their downstream end.
- D. Commercial musseling is prohibited within 100 yards of any commercial dock or pearl culture facility.
- E. That section of the Tennessee River (Kentucky Reservoir) comprising the Johnsonville Steam Plant Discharge Harbor.
- F. That section of the Tennessee River near river mile 207 (Pickwick Reservoir) comprising Sulphur Creek Embayment (also known as the Pickwick Landing State Park Marina) as marked.

SECTION III. SPECIES, SEASONS, AND SIZE LIMITS

- A. The season for legal mussels is open year-round between sunrise and sunset of each day, except that Kentucky Reservoir is closed to the taking of mussels by diving on the following observed National Holidays: weekend of Memorial day, 4th of July, weekend of Labor day; and the weekend surrounding the 4th of July when it falls on a Friday, Saturday, Sunday or Monday.
- B. Only those individuals of the species listed below which will not pass through a ring with an inside diameter specified for that species can be harvested. All other mussels shall be returned immediately and unharmed to the bed from which they are taken.

<u>Mussel Species Listed for Harvest</u>	<u>Inside Ring Diameter in Inches</u>
Pink heelsplitter (<i>Potamilus alatus</i>)	4.0
Washboard (<i>Megaloniais nervosa</i>)	4.0
Bankclimber (<i>Plectomerus dombeyanus</i>)	2 5/8
River Pigtoe (<i>Pleurobema cordatum</i>)	2 5/8
Lake Pigtoe (<i>Fusconaia flava</i>)	2 5/8
Mapleleaf (<i>Quadrula quadrula</i>)	2 5/8
Southern Mapleleaf (<i>Quadrula apiculata</i>)	2 5/8
Threeridge (<i>Amblema plicata</i>)	2 5/8
Elephant Ear (<i>Elliptio crassidens</i>)	2 5/8
Ebony (<i>Fusconaia ebena</i>)	2 3/8
Monkeyface (<i>Quadrula metanevra</i>)	2 3/8

Under contract with the TWRA, commercial musselers may take live washboard mussels having a minimum inner ring size of 3.0" to 4.0" for sale to anyone engaged in a pearl culturing business and also under contract with TWRA. Pearl culturing businesses purchasing mussels under these provisions must implant all mussels acquired under each contract within 2 years from the initiation date of that contract.

Small washboards acquired under these provisions shall be used for the purpose of growing cultured pearls and all other uses are prohibited. The number of washboard mussels less than 4.0" bought or received by a cultured pearl business shall not exceed a quota of 75,000 per calendar year. The taking of washboards less than 4.0" shall cease once the contract quotas for licensed pearl culturing businesses are reached. Disposition of the small washboards acquired under these provisions shall be in accordance with the contract.

SECTION IV. LEGAL MUSSELING GEAR

- A. Mussels may be taken by brail or by hand, with or without the aid of diving equipment. Exception: on the Duck River brails are prohibited.
- B. All other methods of mussel collecting including the use of mechanical dredges, pumps, drag baskets, hand operated rakers, and hand held digging devices are expressly prohibited.
- C. Only brails measuring 16 feet or less are legal. Mussel brail hooks shall be constructed of wire no smaller than 12 gauge if not knobbed, or not smaller than 14 gauge when knobbed. If knobbed, the diameter of the knob shall be equal to or greater than the diameter of a 12 gauge wire. Neither curved nor straight brail hook prongs shall measure longer than 1¼" from tip to point of junction or wire wrapping.

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 16-42.

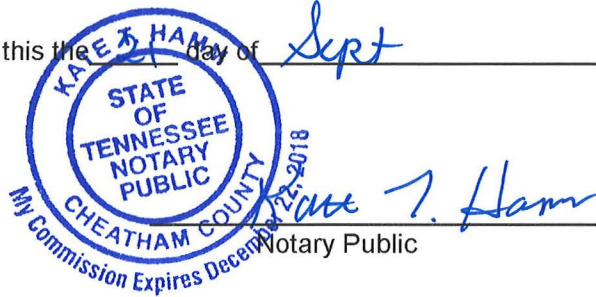
Tennessee Fish and Wildlife Commission

[Signature]
Chairman

I certify that this is an accurate and complete copy of a proclamation lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on the 21 day of September, 2018.

[Signature]
Secretary

Subscribed and sworn to before me this the 21 day of Sept, 2018.



My commission expires on: 12-22-18

Proclamation 18-11 received and recorded this 5th day of October, 2018; to be effective the 4th day of November, 2018.

[Signature]
Tre Hargett, Secretary of State

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