

TENNESSEE COMMERCIAL MUSSELING REGULATION SUMMARY

Effective March 1, 2009 to February 28, 2010

This is not a legal document. It is a summary of commercial musseling regulations. Detailed information on commercial musseling regulations is available from all TWRA offices or by visiting www.state.tn.us/twra/. Changes to these regulations and fees may occur at any time in the year.

LICENSES

	Resident	Non-Resident
Commercial Mussel Harvester	\$200.00	\$1000.00
Wholesale Mussel Dealer	\$500.00	

Non-Resident Licenses – Tennessee does not offer non-resident commercial musseling licenses to residents of states which do not permit the sale of non-resident licenses to residents of Tennessee.

Before any person, firm, or corporation shall engage in the business of a "commercial musseler" or "wholesale mussel dealer" they shall have in their possession the required license.

Commercial Mussel Harvester - any person who takes or who aids and assists another person in taking or attempting to take mussels from any of the waters of this state for pay, or for the purpose of sale, barter, or exchange.

Wholesale Mussel Dealer - any person in the business of buying from a commercial mussel harvester, freshwater mussels or parts thereof taken from the waters of the state of Tennessee for the purpose of selling, processing or handling for shipment, to wholesalers, retailers or consumers. Each separate place of business shall require a separate license.

No person, firm, or corporation shall be in possession of live non-processed freshwater mussels unless they have in their possession the required commercial mussel harvester license, wholesale mussel dealer license, or pearl culturing permit.

Waters Open to the Commercial Taking of Mussels

Only the following described waters are open for the commercial taking of mussels.

1. TENNESSEE RIVER (including TVA reservoirs thereon) except those areas designated as sanctuaries and the management study area [For commercial musseling purposes, the Tennessee River is defined as that portion of the river starting at the confluence of the forks of the Holston River and the French Broad River at approximate Tennessee River Mile (TRM) 652 (on Fort Loudoun Reservoir, excluding the waters from the Tellico Canal beginning at the Highway 321 and 73 Bridge upstream); also at the confluence of the Clinch River at the Clinch River Light and Daymark at TRM 567.6 (upstream from this point is considered the Clinch River)]. The Johnsonville Steam Plant discharge harbor is closed to the commercial taking of mussels. Commercial musseling is prohibited in 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.

2. CUMBERLAND RIVER (including U.S. Corps of Engineers reservoirs thereon), except those areas designated as sanctuaries.
3. MISSISSIPPI RIVER.

Waters Closed to the Commercial Taking of Mussels

All waters not listed above as open to the commercial taking of mussels.

Sanctuaries

The following described areas are designated as 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 are also prohibited. **Diving with the aid of a mechanical device, such as, SCUBA equipment or surface supplied air equipment in sanctuaries and the management area is prohibited without written authorization from the TWRA Director.**

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 55.0) 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.
8. The Duck River upstream from Cold Branch Bridge (Bakerville Road), (DRM 11.7), in Humphreys County.
9. That section of Old Hickory Lake (Cumberland River) from U.S. Highway 231 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 292.5, Rome Ferry, upstream to Cordell Hull Dam (CRM 313.5).
12. That section of the Hiwassee River from the Tennessee-North Carolina boundary (HRM 65.9) downstream to the Appalachian Powerhouse (HRM 53.5).

The taking of mussels is prohibited within 1,000 yards below any TVA or Corps of Engineers Dam. Wing walls and lock walls are considered to be part of the "dam" and measurements will be made from their downstream end. Commercial musseling is prohibited within 100 yards of any commercial dock or pearl culture facility.

Management Study Area

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 the TWRA study plan and under the supervision of TWRA officials.

1. That section of the Tennessee River east of the main river channel bounded on the north by Tennessee National Refuge Boundary pilings (approximately river mile 103.5) and bounded on the south by the Rockport Island light at river mile 107.8.

Seasons, Species, Size Limits and Methods

1. No person, firm, or corporation shall take, transport, export, process, sell, offer for sale, ship, or receive any endangered, threatened, or in need of management mussel species (or parts or products thereof), nor shall he disturb, degrade, or destroy the habitat of those mollusks listed in proclamations by the Tennessee Wildlife Resources Commission or in federal regulations issued under authority of Public Law 93-205.
2. **Season** - 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.
3. **Legal Mussel Species** - 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 were 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
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 (Snoot nose) Mapleleaf (<i>Quadrula apiculata</i>)	2 5/8
Three ridge (<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

4. Mussels may be taken by bail or by hand, with or without the aid of diving equipment.
5. All other methods of commercial mussel collecting including the use of mechanical dredges, pumps, drag baskets, hand operated rakes, and hand held digging devices are expressly prohibited.

6. The use of brails measuring over 16 feet is prohibited. 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 1 1/4" from tip to point of junction or wire wrapping.
7. **License Requirement** - No person, firm, or corporation shall take, buy, sell, barter, or possess mussels taken from Tennessee waters (alive or dead) that are not of the species and sizes listed above. 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.
8. **Mussel Shell Importation** - Shipments of mussels imported into Tennessee shall be accompanied by a document containing the following information: (1) signature of the seller or his authorized representative; (2) date of shipment; (3) weight of mussels by minimum size category; (4) origin of shipment including the name of the body of water where they were harvested; and (5) destination of shipment. The in-state buyer or his authorized representative, upon receiving the shipment and the document following importation, shall sign the document. The in-state buyer shall maintain and make the document available to TWRA for a period of two years.
9. **Mussel Shell Exportation** - To export mussels from Tennessee, a completed exportation document is required either the TWRA export form or the United States Fish and Wildlife Service export document may be substituted in lieu of the Tennessee exportation document. A mussel export form provided by TWRA must be completed by the commercial musseler who sells mussels which are not sold to an in-state wholesale mussel dealer giving pertinent information including the commercial musseler's name, commercial musseler license number, date of export, harvest location, pounds of shells by type and size, shell fee due, and money order number, cashier check number, or personal check number used as payment to TWRA. (See paragraph 2 of number 10 below).
10. **Mussel Shell Fee Payment** - Any person, firm or corporation who purchases or otherwise obtains freshwater mussels taken from Tennessee waters shall pay to the Tennessee Wildlife Resources Agency the amount equal to \$0.0145 per pound of mussel shells or \$0.0124 per pound of mussels (shell with meat) purchased or obtained.

The payment to Tennessee Wildlife Resources Agency shall be calculated from receipts completed by the wholesale mussel dealer or his authorized representative. 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 an authorized representative of the business who completes the report, shall be completed and forwarded, along with a copy of the receipt, to **TWRA, Revenue Division, P.O. Box 41729, Nashville, TN 37204**, postmarked by the fifteenth of the month following the monthly transaction period. Wholesale mussel dealers are required to furnish the commercial musseler with receipts for all mussels acquired on forms provided by TWRA. A receipt shall be issued for each transaction when the transaction occurs, and shall show the commercial musseler's name, commercial mussel license number, pounds of shells bought by type (shell code), 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. A copy of each receipt shall be kept by the wholesale mussel dealer for a period of 2 years, and shall be made available for inspection by TWRA during regular business hours. A copy of each receipt shall be given to the commercial musseler. Commercial musselers shall keep their copy of the receipt for a period of 2 years, and make it available for inspection by TWRA.

The procedure governing the collection of these fees on mussels which are not sold to an in-state wholesale mussel dealer is as follows: (1) a mussel export form provided by TWRA must be completed by the commercial musseler giving pertinent information including the commercial musseler's name, commercial musseler license number, date of export, pounds of shells by type (shell code), size category, harvest location, 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 along with a copy of the cashier's check, money order, personal check, or receipt evidencing payment of the fee, shall be retained by the commercial musseler and a copy shall be on the shipper's person when crossing 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, Revenue Division, P.O. Box 41729, 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 commercial musseler and the person taking the mussels across the state line if other than the commercial musseler, shall retain copies of the mussel export form and along with a copy of the cashier's check, money order, personal check or receipt evidencing payment of the fee for a period of two years and shall make them available for inspection by TWRA personnel.

11. For enforcement purposes, if less than five percent (5%) by number of mussels taken by a commercial musseler are not suitable for sale because such mussels are too small, no sanctions shall be imposed against such commercial musseler. Mussels that are illegal due to small size may not be bought or sold and must be returned immediately and unharmed to the bed from which they were taken. Harvesters who take mussels away from the bed from which they were taken to another location for grading or sizing (i.e. a nearby bank, launching ramp, etc.) are in violation of law and are subject to penalty.

DIVING SAFETY

1. All divers shall prominently display a divers-down flag in the area in which they are diving. Divers shall not display a divers-down flag any longer than thirty-minutes before and after the dive. Divers shall surface within fifty feet (50') of the divers-down flag. No one shall use a divers-down flag to stop, limit, or otherwise affect the flow of navigational traffic.
2. Any boats used as diver stations, diver support boats, or diver supply boats shall display the divers-down flag from their mast or flagstaff during the dive. **Such divers-down flags shall be no smaller than twenty inches (20") by twenty-four inches (24").** At all times such divers-down flags shall be visible from three hundred sixty degrees (360°) **TCA 69-9-402.**

3. No boat shall come any closer than fifty feet (50') from any divers-down flag and shall treat the area within two hundred feet (200') of a divers-down flag as a no wake zone. This section shall not apply to a boat used as a diver station, diver support, or diver supply boat.
4. The international code flag Alpha shall be used in the manner as described in Number #2 of this section by boats sending air or other gases to a diver through an air hose. Such use shall be in addition to any other coast guard approved use of this flag. The divers-down flag shall not be used in lieu of the Alpha flag to indicate lack of maneuverability. Whether or not the Alpha flag is being flown, the divers-down flag must be used to mark the location of divers.

TENNESSEE WILDLIFE RESOURCES AGENCY

CENTRAL OFFICE

Ellington Agricultural Center
 P.O. Box 40747
 Nashville, TN 37204
 Fish Management Division: 615/781-6575
 Law Enforcement Division: 615/781-6580
 License Section: 615/781-6585
 TWRA Fisheries Management Website: <http://www.state.tn.us/twra/fish/fishmain.html>

REGION III

464 Industrial Blvd.
 Crossville, TN 38555
 931/484-9571
 Toll Free 1+800+262-6704

REGION I

200 Lowell Thomas Drive
 Jackson, TN 38301
 731/423-5725
 Toll Free 1+800+372-3928

REGION IV

3030 Wildlife Way
 Morristown, TN 37814
 423/587-7037
 Toll Free 1+800+332-0900

REGION II

Ellington Agricultural Center
 P.O. Box 41489
 Nashville, TN 37204
 615/781-6622
 Toll Free 1+800+624-7406

REVENUE DIVISION

Ellington Agricultural Center
 P.O. Box 41729
 Nashville, TN 37204
 615/781-6553