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Sequence Number: 04-06-13
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File Date: 4/4/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Natural Areas and State Parks
Contact Person:	Brian Bowen
Address:	7th Floor, L & C Annex 401 Church Street Nashville, TN 37243-0447
Phone:	(615) 532-0436
Email:	Brian.Bowen@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	12th Floor L&C Tower 401 Church Street Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	17th Floor Conference Room A, L & C Tower		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	05/30/13		
Hearing Time:	9:00 a.m.	X CST/CDT	EST/EDT

Additional Hearing Information:

The Department prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at http://tn.gov/environment/na/ppo/.

Draft copies are also available for review at the following address:

Tennessee Department of Environment and Conservation
Resource Management Division
7th Floor, L&C Annex
401 Church Street
Nashville, Tennessee 37243
(615) 532-0431

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of Natural Areas; Attention: Brian Bowen, 7th Floor, L & C Annex; 401 Church Street; Nashville, Tennessee 37243-0447; telephone 615-532-0436 or fax 615-532-0046. However, such written comments must be received by 4:30 PM CDT, May 30, 2013, in order to assure consideration. For further information, please contact Brian Bowen at the above address or telephone number or by e-mail at Brian.Bowen@tn.gov.

Revision Type (check all that apply):

X Amendment
____ New
____ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0400-02-08	Management of Tennessee Natural Resource Areas
Rule Number	**Rule Title**
0400-02-08-.01	Natural Resource Recreation Areas
0400-02-08-.02	Applicability and Scope
0400-02-08-.03	Definitions
0400-02-08-.04	Penalties
0400-02-08-.05	Utilization
0400-02-08-.06	Administration and Custody
0400-02-08-.07	Reports
0400-02-08-.08	Intrusions
0400-02-08-.09	Publicity
0400-02-08-.10	Boundary Markers
0400-02-08-.11	Boundary Fences
0400-02-08-.12	Roads
0400-02-08-.13	Firebreaks
0400-02-08-.14	Trails
0400-02-08-.15	Signs
0400-02-08-.16	Other Structures and Improvements
0400-02-08-.17	Buffer Areas
0400-02-08-.18	Service Areas
0400-02-08-.19	Scenic and Landscape Management
0400-02-08-.20	Safety Hazards
0400-02-08-.21	Removal or Introduction of Objects
0400-02-08-.22	Water Level Control
0400-02-08-.23	Fire Control
0400-02-08-.24	Erosion Control
0400-02-08-.25	Vegetation and Wildlife Management
0400-02-08-.26	Use
0400-02-08-.27	Natural Environment Zone
0400-02-08-.28	Access Control
0400-02-08-.29	Orientation and Guidance of Visitors
0400-02-08-.30	Special Use of Areas
0400-02-08-.31	Management Research
0400-02-08-.32	Maser Plan
0400-02-08-.33	Record

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Amendment

Chapter 0400-02-08
Management of Tennessee Natural Resource Areas

Chapter 0400-02-08 Management of Tennessee Natural Resource Areas is deleted in its entirety and replaced with the following so that, as amended, the Chapter shall read:

Chapter 0400-02-08
Management of Tennessee Natural Resource Areas

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0400-02-08-.01 Natural Resources Recreation Areas

Natural Resource Areas are areas that have significant natural, historical, cultural, or recreational values and consist of legislatively designated natural areas, rivers and trails that have been established to preserve a project's inherent qualities and/or provide a specialized recreational facility. Each area is maintained and operated primarily for the preservation of the particular resource. The development of areas under this major classification will be limited to a few basic physical facilities. Larger structures such as interpretation and visitor centers, staff residences, picnic areas, parking areas and toilet facilities will be located in specified zones near the major access points, if they cannot be located outside of the designated natural area. The purpose of these rules is to assure the preservation of areas designated as Natural Resource Areas throughout the State and to prevent abuse and misuse of the privileges and facilities provided.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.02 Applicability and Scope

These rules apply to all designated natural areas. The state park rules at Chapter 0400-02-02 also apply to natural areas. Many state statutes are also applicable to all natural resource areas, including, but not limited to, T.C.A. § 11-5-108 regarding vandalism of caves.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.03 Definitions

The following definitions shall apply to these regulations:

(1) The term "Commissioner" shall mean the Commissioner of the Tennessee Department of Environment and Conservation or his or her designee.

(2) The term "Department" shall mean the Tennessee Department of Environment and Conservation.

(3) The term "Natural Resource Area" shall mean those areas legislatively designated natural areas, scenic rivers and scenic trails.

(4) The term "Program Administrator" shall mean the administrator of the Scenic Trails System, the Scenic Rivers System, or the Natural Areas System.

(5) The term "manager" shall mean that person given the responsibility of overseeing that particular natural resource area.

(6) The term "designated agency" shall mean that agency designated in the master plan for the area as being responsible for management of the area.

(7) The term "exotic species" shall mean those species considered non-indigenous to the particular area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.04 Penalties

The penalties and sanctions provided by the General Assembly for violations of the statutes and rules governing scenic rivers, scenic trails, and natural areas differ.

(1) T.C.A. § 11-13-117 states that whoever violates, fails, neglects or refuses to obey any provision of the Scenic Rivers Act or rule or order of the Commissioner may be punished by a fine of not more than fifty dollars ($50) for each day of such violation.

(2) T.C.A. § 11-11-120 states that whoever violates, fails, neglects, or refuses to obey any provision of the Tennessee Trails System Act or rule or order of the Commissioner may be punished by a fine of not more than fifty dollars ($50) for each day of such violation.

(3) T.C.A. § 11-14-115(a) states that whoever violates, fails, neglects, or refuses to obey any provision of the Natural Areas Preservation Act or rule promulgated thereunder may be punished by a fine of not less than one hundred dollars ($100) for each day of such violation. T.C.A. § 11-14-115(b) states that any person who commits any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars ($10,000) per day for each day during which the act or omission continues or occurs:

    (a) Any damage or vandalism to any natural area;

    (b) The removal or destruction of any rare, threatened or endangered species of plants in any natural area; or

    (c) Any other violation of the Natural Areas Preservation Act or this Chapter.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.05 Management Plan

(1) Responsibility for preparation and revision of the management plan for each designated natural area shall rest with the designated natural area's program administrator or the state park manager with the approval of the Commissioner. The latter is responsible for preparation and revision when the primary management authority is the state park. For designated state natural areas owned and managed by federal agencies, both the preparation and revision of the management plan and the day to day management of the natural area is the responsibility of the federal agencies. Representatives of administering agencies, private organizations, and other interested groups or individuals may provide written comment on management plans.

(2) There shall be a management plan for each designated natural area. Development of each management plan will adhere to a standardized outline format. The Department shall consult with citizen's organizations, as well as federal, state, and municipal agencies in the preparation of these plans as much as possible. For additional information concerning public involvement see T.C.A. §§ 11-11-109, 11-13-105 and 11-14-107.

(3) The management plan for each designated natural area and revisions thereto shall take effect upon approval by the Commissioner of the Department of Environment and Conservation. A deviation from these rules shall take effect only as provided in Rule 0400-02-08-.05. An up-to-date copy of each management plan shall be held by the manager, the Department, and the designated agency. These copies shall be available to public inspection during regular business hours as provided by law.

(4) Management of each Natural Resource Area shall be in accordance with these rules except for deviations as may be provided in the management plan for designated natural areas.

(5) Whenever it is required by the management plan that there be a deviation from the rules in the management of a designated natural area, such deviation shall be set forth in detail, together with the reasons therefore, in the management plan. A deviation from these rules shall take effect only upon approval by the Commissioner of the Department, and only when in accordance with the provisions and restrictions of the respective resource legislation.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.06 Administration and Custody

The form and method of administration and custody of each designated natural area shall be designated in the management plan. Each designated natural area shall have a manager who shall administer, manage, and protect the area in accordance with these rules and the management plan. The management plan shall designate an agency or owner to manage the area. The management plan may make a recommendation on whether an individual manager is needed full time in the area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.07 Reports

The designated agency shall submit an annual report and such other periodic reports to the Commissioner of the Department in such form and at such time as the Department may designate. The annual report shall include a record of management activities, land and easement inspection reports, natural catastrophes, visitor use data and other influences affecting natural conditions within the Natural Resource Area as provided in Rule 0400-02-08-.30. State and federal agencies will be contacted for special conditions that might affect the area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.08 Intrusions

(1) Environmental intrusions are those areas, structures, or works of man that cause a negative impact upon the character of the Natural Resource Area or the experience the area offers to its users.

(2) There shall be no development of structures, rights-of-way, or land uses which do not conform with the purposes and definition of a natural area as specified in T.C.A. §§ 11-14-101 et seq., or these rules,

except for intrusions that are permitted by each management plan. Any intrusion allowed by the management plan shall be considered as a deviation from these rules and treated as provided in Rule 0400-02-08-.05.

(3) Any environmental intrusion not necessary for the public use or well being or for the management of the area, and is of such nature that it can be excluded shall be so removed. This includes, but is not limited to, removing and revegetating roads, relocating powerlines, removing buildings, dams, and trash dumps.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.09 Publicity

Information about Tennessee Natural Resource Areas and appropriate descriptive material shall be developed and made available to all interested persons. Publicity which would tend to induce the general public to visit an area, except to such extent as is compatible with the maximum desirable visitor use for the area as established by the management plan shall be avoided. (See Rule 0400-02-08-.25.) Information will emphasize protection and preservation of the area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.10 Boundary Markers

State owned Natural Resource Area boundaries shall be made clearly evident by placing survey monuments at corners or other strategic locations, by posting boundary markers at intervals not exceeding 200 feet or a smaller distance if necessary so that each sign shall be visible from at least one other sign, except as otherwise provided in the management plan, and if appropriate by fencing or other means. Boundary marking of non-state owned designated natural areas shall be addressed in the management plan.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.11 Boundary Fences

Necessary boundary fences and barriers may be installed as provided in the management plan. Generally they shall not be in a form that will create a detrimental effect on movement of wildlife, air circulation, other natural or aesthetic conditions, or cause unnecessary public opposition.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.12 Roads

(1) Service Roads. Vehicular access lanes shall be installed and maintained within a Natural Resource Area only where essential for patrol, fire control, or other necessary management activities and in accordance with the management plan. Such lanes shall be closed to all except service and emergency vehicles. They shall provide a single track and clearing shall not extend more than seven feet on each side of the center of the lane. Existing roads no longer necessary for management purposes shall be treated as intrusions per Rule 0400-02-08-.08 unless otherwise utilized for public access as part of a trail system.

(2) Public Access Roads. Public access roads will be installed and maintained only when needed to provide for visitor utilization of the area. Installation of these roads will be in accordance with Rule 0400-02-08-.24 and the management plan. These roads will be constructed subject to the following criteria:

(a) Road development in all Natural Resource Areas shall be limited to the minimum necessary to provide access for the maintenance and/or public use of the area. Roads shall be designed with extreme care and located with a concern for environment. Roads shall follow the general contour of the natural terrain.

(b) Roads in Natural Resource Areas shall be constructed for a design speed not to exceed twenty-five miles per hour. Excessive cuts and fills shall be avoided. The width of roadways shall not exceed eighteen feet. Shoulders of the roadway shall not exceed one foot in width on each side. Two additional feet of shoulder will be allowed where guardrails are needed for safety purposes. The design of all structures-bridges, tunnels, grade separation devices, retaining walls-shall be

aesthetically pleasing as well as functional. Grades of up to 10% shall be used where needed for short distances. Gravel surfaced roads shall be used when practical in keeping with primitive character of Natural Resource Areas. Asphalt or concrete surfacing may be used where heavy use will make gravel surfacing impractical or when the safety of the visitor is involved.

(3) Careful attention shall be given to the impact that roads will have on the environment in the planning phase of Natural Resource Area development. Road construction will not be initiated if during this phase it is determined that the impact will be negative to the character of the area. The appropriate program administrator for the area shall carefully weigh such values as drainage, streamflow, wildlife habitat and mobility, natural vegetation, geologic features, scenic features, noise levels, and other natural characteristics of the area before determining whether a road is to be built. The exact route of the proposed road shall be inspected at the site to ensure that all natural features have been considered.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.13 Trails

Location, form, and plan of any trails other than natural wildlife paths shall be specified in the management plan and conform to the objectives of the Natural Resource Area. Trails shall be adequate to provide for permitted use of an area and to prevent erosion, trampling of vegetation, and other deterioration, but otherwise shall be kept to a minimum. Use of tread materials, footbridges, and elevated walks is permissible when necessary and provided for in the management plan. Trail development in designated natural areas is limited to foot trails and foot bridges. Only low impact recreation associated with hiking is permitted on foot trails. An exception may be granted for county or municipal owned natural areas where biking activities was expressly permitted prior to designation, provided that it is mentioned as a deviation in the management plan, as provided in Rules 0400-02-08-.05 and 0400-02-08-.30.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.14 Other Structures and Improvements

Necessary signs, trash receptacles, and structures are permitted if provided for in the management plan or in a permit for research activities. All structures and service facilities shall be located in specific areas only. Signs and structures shall conform to such style and standards as the Department may establish.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.15 Buffer Areas

Buffer areas may be established adjacent to or within Natural Resource Areas when deemed appropriate to eliminate the adverse effects of external influences. Such areas may be devoted to uses other than nature preservation which do not adversely affect the area. Buffer areas may be controlled by ownership, easement, cooperative agreement, or other appropriate means. Criteria for buffer areas shall be included in the management plan. Management of a buffer area shall be in accordance with guidelines and provisions in the applicable Natural Resource Area legislation.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.16 Service Areas

Wherever possible, service areas should be established within buffer areas to provide access and parking, management facilities, and visitor facilities. Provisions for necessary service areas shall be included in the management plan.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.17 Scenic and Landscape Management

No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of an area. There shall be no cutting of grass, brush, or other vegetation, thinning of trees, removal

of dead wood, except for safety purposes, opening of scenic vistas, or planting, except as provided in the management plan.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.18 Safety Hazards

Guardrails, fences, steps, and other devices necessary for visitor safety may be installed as provided in the management plan. Dead trees, branches, or other features that constitute a safety hazard to persons on trails or in other authorized use areas should be removed. Control of hazardous plants or animals shall be as provided in paragraph (3) of Rule 0400-02-08-.23.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.19 Removal or Introduction of Objects

Except as provided in the management plan, there shall be no removal of any natural material, product, or object from a Natural Resource Area. A collecting permit is required for collecting in all areas. (See Rule 0400-02-08-.28.) No natural or man made object that could endanger or detract from the natural characteristics of the Natural Resource Area maybe introduced to the area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.20 Water Level Control

Natural water levels shall not be altered. Water levels which have been altered by man may be changed if provided for in the management plan as essential for the restoration, safety, management, or maintenance of the area.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.21 Fire Control

All wildfires shall be brought under control as quickly as possible. After a fire within a Natural Resource Area there shall be no cleanup, fire hazard reduction, or replanting except with the approval of the Commissioner. Any special procedures and methods to be used for prevention and control of fire shall be included in the management plan.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.22 Erosion Control

Erosion and soil deposition due to past or present disturbance by human activity or natural conditions within the area may be controlled in accordance with provisions of the management plan.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.23 Vegetation and Wildlife Management

(1) Management of Rare or Unusual Plants and Animal Species.

(a) Control of plant succession and habitat shall be undertaken only if restoration or preservation of a particular vegetative type, or preservation of a rare species of native flora or fauna is designated in the management plan as an objective of the Natural Resource Area.

(b) Control measures must be undertaken only with adequate prior observation and study of the areas and only with adequate scientific evidence of necessity. Control measures shall be followed by adequate observation and study of results. The Tennessee Wildlife Resources Agency will be consulted in matters of management or control of wildlife populations.

(2) Control of Exotic Species. Control of species may be undertaken as provided in the management plan. No introduction of non-indigenous species is allowed except if the introduced species is used to control damaging pests. The Tennessee Wildlife Resources Agency will be consulted in matters of management or control of wildlife populations.

(3) Control of Native Populations. There shall be no action to increase or reduce populations of native plants or animals or to restrict movement of wildlife across boundaries of a Natural Resource Area except as provided in the management plan. The Tennessee Wildlife Resources Agency will be consulted in matters of management or control of wildlife populations.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.24 Use

(1) Use of areas shall be allowed only to such extent and in such manner as will not impair natural conditions. To the extent possible, the management plan shall define the use of each portion of the Natural Resource Area and specify the controls and restrictions to be placed on access and use. The manager will monitor conditions under which use will result in deterioration of the area and shall have the authority to further restrict access and use as necessary to protect the area. (See Rule 0400-02-08-.25.)

(2) Visitor activities that are not compatible with the preservation of the natural character of each Natural Resource Area shall not be permitted.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.25 Natural Environment Zone

(1) Each Natural Resource Area may be divided into Natural Environment Zones according to degree of development within the respective areas. Visitor presence and use may be specified for each zone.

(2) In establishing zones, consideration will be given to the natural features and characteristics of the resource and to the objectives of the Natural Resource Area as stated in the management plan.

(3) Natural areas are classified by default as unmodified (Zone 2). A delineation of another type of zone will be referenced in the management plan.

(4) Classification of Natural Environment Zones.

ZONE	DESCRIPTION AND PRIMARY USE
1	Unmodified area containing unique natural characteristics is predominant. Primary use is research. Permit required for utilization.
2	Natural environment predominates. Day use passive recreation experience is emphasized. Primary visitor uses are hiking and observation.
3	Slightly modified natural environment discernible. Man made structures are minimal. Primary visitor uses are hiking, observation, and camping.
4	Modified natural environment evident. Visitor centers, staff residences, picnic, parking and sanitary facilities are permitted.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.26 Access Control

Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the management plan. (See Rule 0400-02-08-.24 and Rule 0400-02-08-.12(2).)

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.27 Orientation and Guidance of Visitors

There may be an interpretive program within each Natural Resource Area for the orientation, education, and guidance of visitors. Exhibits, programs, and printed materials as well as guide service, interpretive programs, and labeled nature trails may be provided within the area. The overall interpretive program shall conform to the criteria in the management plan and to such additional general or special rules as the Division may establish.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.28 Special Use of Areas

A person wishing to engage in research or educational activities on a designated state natural area not otherwise permitted by these rules or in the management plan for the area shall secure a permit from the Department. If the activities are to be carried on by a group, a special use permit may be issued to the group leader who shall be responsible for the actions of the group.

(1) Educational Permits.

(a) This permit shall provide adequate information about the applicant and his or her educational activities. There will be included the name, address, position, professional qualifications, and general field of interest of the applicant and a description of the educational activities including the objective, methods, and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made.

(b) Educational permits will be required on Natural Environment Zone 1 and other areas that may be designated in the management plan. (See Rule 0400-02-08-.25)

(2) Scientific Research and Collection Permits.

(a) This permit shall provide adequate information about the applicant and his or her research activities. There will be included the name, address, position, professional qualifications, and general field of interest of the applicant and a description of the activities including the objective, methods, and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made.

(b) Scientific Research and Collecting permits will be issued to an individual or individuals sponsoring not more than fifteen students for the purpose of collection of biological, geological, or archaeological materials in Natural Resource Areas. Permits shall be issued on the basis that the applicant agrees to adhere to these rules concerning Natural Resource Areas.

(c) Applicants that are granted permission to conduct research or collect in Natural Resource Areas must submit written yearly reports of their research to the Department after application is approved. The collection data must be available to the public at all times for the purpose of scientific research and to be made part of the Area management plan.

(d) The application must specify information concerning the species or objects to be taken, numbers of species, method of taking, and disposition o specimens. A scientific research and collecting permit will be required for any part of a designated state natural area. Any permit that may be required by another agency must be obtained prior to research or collecting on State Natural Resource Areas.

(e) Specimens collected for curation are to be deposited in a publicly assessable institution.

(3) Fire Permits.-A permit for the use of fire on a Natural Resource Area will be required for areas designated by the management plan as Natural Environment Zones 1 and 2. In zones 3 and 4 a fire permit is not necessary but will be permitted only in designated areas.

(a) General Information Concerning Permits.

(i) A permit will be valid for no longer than one year but may be renewable.

(ii) A permit may be modified, suspended, or revoked by the Department at any time.

(iii) A person holding a permit will report to the manager before commencing and upon completing permitted activities.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.29 Management Research

There shall be continuing studies of the general problems of managing Natural Resource Areas. Appropriate action will be taken by the manager to alleviate problems determined by these studies. The overall goal of preservation of the Natural Resource Areas will be the main influence on the type and scope of any action taken.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

0400-02-08-.30 Record

Records shall be retained for each Natural Resource Area. Records may include annual reports of the manager as provided in Rule 0400-02-08-.07 and all other pertinent documentary material, studies, reports, obsolete portions of the management plan, research and collection permits, and descriptions of significant events. The form and content of the record shall be as the Department may establish.

Authority: T.C.A. §§ 11-1-101, 11-13-106, 11-14-104 and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

CAROL L. GRICE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

Date: April 4, 2013

Signature: Roger McCoy

Name of Officer: Roger McCoy

Title of Officer: Director

Subscribed and sworn to before me on: April 4, 2013

Notary Public Signature: Carol L. Grice

My commission expires on: June 21, 2016

Department of State Use Only

Filed with the Department of State on: 4/4/13

Tre Hargett by Mona Hart, POA
Tre Hargett
Secretary of State

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