

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF FORESTRY**

**CHAPTER 0080-07-01
PROTECTION OF STATE FORESTS**

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0080-07-01-.01 APPLICABILITY AND SCOPE.

Tennessee State Forests belong to the people of the State of Tennessee and are for the use of the public. All visitors are welcome. To prevent the abuse and misuse of the privileges, natural resources and facilities provided, the following rules and regulations governing public use are adopted.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.02 DEFINITIONS.

- (1) "Commissioner" means the commissioner of agriculture;
- (2) "Department" means the department of agriculture;
- (3) "District Forester" means the official in charge of a Forestry District or their representative;
- (4) "Division" means the division of forestry within the department;
- (5) "Multiple use" means the management and use of forests such that a variety or mix of natural resource benefits are derived from that land. "Multiple use" includes, but is not limited to, a combination of timber production, demonstration, watershed protection, wildlife management, recreation, and aesthetics;
- (6) "Natural Resource" includes but is not limited to: fruit, timber, grass, rocks, roots, flowers, leaves, minerals, water, artifacts, and soil;
- (7) "State Forester" means the director of the division of forestry or his representative;
- (8) "State forests," means those lands owned by the state and/or administered under the jurisdiction of the division.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.03 NATURAL RESOURCES.

- (1) The cutting, removal, gathering, planting, destruction or damaging of any natural resource is prohibited in any state forest without the written authorization of the district forester or under the district forester's supervision.
- (2) The collection of plants, rocks, minerals, animal life, botanical specimens or other natural objects in state forests is prohibited; provided however, persons officially representing a reputable scientific or educational institution(s), federal or state agencies may be permitted for such collecting by the district forester. Other state and/or federal permits and approvals may also be required as provided by law, rule or regulation.
- (3) The hunting, fishing, killing, taking or attempted taking of any species of wildlife in state forests is allowed only as provided by law, rule, or proclamation by the Tennessee Wildlife Resources Commission.
- (4) The district forester can restrict hunting, fishing, and the killing, taking or attempted taking of any species of wildlife in a state forest if the district forester determines that conditions in an area normally open to the public are such that they endanger resources or the public. The district forester's authority includes the right to limit the times and locations available for hunting and fishing. If the state forest is a designated or partially designated Wildlife Management Area, the district forester shall consult with the appropriate Tennessee Wildlife Resources Agency Region Manager prior to restricting hunting, fishing, killing, taking and/or attempted taking of any species of wildlife.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001. Repeal and new rule filed August 17, 2007; effective December 28, 2007.

0080-07-01-.04 CAMPING.

- (1) The district forester can restrict camping in any state forest, including the locations and the times camping is allowed. The district forester shall impose emergency restrictions whenever in the opinion of the district forester, conditions in an area normally open to the public are such as to endanger natural resources or the public.
- (2) Camping and the use of trailers or other camper units are allowed only at designated locations. The district forester will issue written permits to persons to camp in backcountry or other isolated sections of a forest area. The district forester can designate portions of a forest area in which such permits will not be required by posting appropriate signs or marking on a map, which shall be available for public inspection in the District Office.
- (3) Quiet will be maintained in all campgrounds between the hours of 10:00 p.m. and 6:00 a.m.
- (4) Unless it is prohibited by the district forester by the posting of appropriate signs, the gathering of wood for use as fuel in campgrounds or picnic areas is limited to dead material on the ground.
- (5) Campers must remove all camping equipment, clean camping sites and return them to their natural condition before leaving.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001. Repeal and new rule filed August 17, 2007; effective December 28, 2007.

0080-07-01-.05 CLOSING ROADS, TRAILS, AND OTHER AREAS.

- (1) The district forester shall establish a reasonable schedule of visiting hours for all portions of a state forest area.
- (2) The district forester shall temporarily close or restrict the public use of roads, trails and any or all portion of a state forest when necessary for the protection of the area or the safety and welfare of visitors or property. Temporary closures extending beyond one hundred twenty (120) days require the approval of the State Forester.
- (3) All persons shall abide by the officially posted signs designating closed areas and visiting hours.
- (4) Tampering with posted signs or barricades, traveling on closed or restricted use roads, driving around or through signs or barricades marking closed or restricted areas, is a Class A misdemeanor, punishable as provided by general law.
- (5) Unauthorized persons are prohibited from being in the wildlife management area portions of Chuck Swan and Prentice Cooper State Forests during deer and turkey managed hunts. Authorized persons include: Department of Agriculture and Tennessee Wildlife Resources Agency employees, any law enforcement officer engaged in official duties, or other persons or organizations as permitted by the district forester.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; 39-17-108; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001. Repeal and new rule filed August 17, 2007; effective December 28, 2007.

0080-07-01-.06 TRANSPORTATION: SADDLE AND PACK ANIMALS AND OFF-ROAD VEHICLES.

- (1) The district forester shall designate areas for use by certain types of transportation. Unauthorized off road travel by any means of transportation is prohibited.
- (2) Riders of saddle and pack animals are:
 - (a) Allowed only on those trails or routes designated for their use, unless the district forester has issued a permit authorizing cross-county travel.
 - (b) Not allowed on paved or main-traveled roadways except where necessary for ingress to and egress from trails or privately owned property.
 - (c) Required to have, in their possession, evidence of a negative test for Equine Infectious Anemia.
- (3) Riders of motorcycles, trail bikes, all-terrain vehicles, bicycles and other off-road vehicles:
 - (a) Only allowed to use the unpaved roadways and not the public roadways maintained by the Forestry Division designated for their use.
 - (b) Must have properly functioning spark arresters.
 - (c) Must have properly functioning mufflers. No person shall operate a motorized vehicle on any roadway unless such motorized vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.
 - (d) Must use the unpaved roadways and not the public roadways in accordance to speed limits or other notices that may be posted.

(Rule 0080-07-01-.06, continued)

- (4) The district forester shall designate certain roadways and areas for the use by motorcycles, trail bikes, all-terrain vehicles, bicycles and other off-road vehicles provided:
 - (a) These areas are posted for such use and may be used only during daylight hours.
 - (b) The use of unlicensed motorcycles, trail bikes, all-terrain vehicles, bicycles and other off-road vehicles in any area of a state forest is strictly prohibited, except on roadways or trails maintained by the Forestry Division designated and/or posted for specified use(s). The prohibition does not apply to state employees, agents or contactors engaged in official duties or as allowed by the district forester or any permitted use by the district forester for handicapped persons.
- (5) Motorized vehicle races, motorized vehicle racing or timed motorized vehicle competitions are prohibited in state forests.
- (6) The operation or riding of any form of transportation in a state forest in a reckless or otherwise unsafe manner is prohibited. Reckless means operating or riding of any form of transportation in a manner to endanger life, limb or safety of others or the property of the state or others.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; 44-2-1302; 55-9-302; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001. Repeal and new rule filed August 17, 2007; effective December 28, 2007.

0080-07-01-.07 COMMERCIAL OPERATIONS.

- (1) Engaging in a business or commercial solicitation of any kind within a State Forest is prohibited without a written permit from the District Forester or a fully executed contract with the Department of Agriculture, Forestry Division.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.08 GROUPS AND ORGANIZATIONS.

- (1) Public meetings, assemblies, gatherings, demonstrations, and other events are permitted within state forests on lands that are open to the general public provided a permit has been issued by the District Forester.
- (2) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, and estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.09 ABANDONED AND UNATTENDED PROPERTY.

- (1) Abandoning vehicles or other personal property is prohibited in a State Forest. Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission from the District Forester, constitutes abandonment. The District Forester may impound abandoned property.

(Rule 0080-07-01-.09, continued)

- (2) In the event unattended property interferes with a safe and orderly management of the State Forest, the District Forester may impound it at any time.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.10 DISORDERLY CONDUCT AND VANDALISM.

- (1) Disorderly conduct, as defined in T.C.A. § 39-17-305 and vandalism as defined in T.C.A. § 39-14-408 are prohibited in a State Forest.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001.

0080-07-01-.11 PENALTIES AND ASSISTANCE.

- (1) Violation of these rules may be a misdemeanor and punishable under the general law relating to misdemeanors.
- (2) The district forester can call upon any law enforcement officer or agencies and state departments and agencies for assistance in enforcing these rules and regulations.
- (3) All incidents resulting in the injury to persons or damage to property must be reported by the person or persons involved as soon as possible, but not to exceed seven (7) working days, to the district forester. This report does not relieve persons from the responsibility of making any other accident reports which may be required under state law.

Authority: T.C.A. §§ 4-3-201, et seq.; 11-1-101, et seq.; 11-4-101, et seq.; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed December 6, 2000; effective April 30, 2001. Repeal and new rule filed August 17, 2007; effective December 28, 2007.

0080-07-01-.12 FREE USE AREAS FOR FIREWOOD REMOVAL.

- (1) The district forester shall designate a "free use area" for each state forest where Tennessee residents may remove downed and dead timber from a state forest, without cost, for their own personal use as firewood for home heating and cooking, provided that none of the firewood is offered for sale.
- (2) Permits to remove downed and dead timber from free use areas for use as firewood shall be issued by the district forester or representative for each state forest during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, or at other times at the district forester's discretion.
- (3) Permits will be valid for a specified date and time; will include a unique identifying number; and may be issued by any reasonable means, including by telephone, in person or by Internet.
- (4) Permit requests may be made by persons 18 years of age or older and shall include the permittee's name, vehicle license number, and county to which the firewood will be transported.
- (5) The district forester or representative may refuse to issue a permit if he or she determines that refusal is necessary for safety reasons or in the best interest of the state forest.

(Rule 0080-07-01-.12, continued)

- (6) Permits will not be issued during hunts managed by the Tennessee Wildlife Resources Agency.
- (7) Permits are not transferable.
- (8) Permit shall be displayed on the permittee's vehicle at all times during timber removal.
- (9) Permittee is prohibited from setting fires during firewood cutting and removal, and equipment used shall have appropriate spark arrestors.
- (10) Permittee shall remove all trash and litter resulting from Permittee's activities.
- (11) Permittee shall comply with the division's guidelines on firewood transport posted on the department's internet website and available at all division offices.
- (12) Timber or firewood removal outside the designated free use area is strictly prohibited.
- (13) Permittee and permitted activities are subject to all applicable state laws and regulations.

Authority: T.C.A. §§ 4-3-201, et seq. and 11-4-807. **Administrative History:** Original rule filed December 28, 2018; effective March 28, 2019.