

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

**CHAPTER 0080-07-02
USE OF LOOKOUT TOWERS FOR COMMUNICATION SYSTEMS**

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0080-07-02-.01 DEFINITIONS.

Division - Refers to the Department of Agriculture, Division of Forestry.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.01 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.01 filed December 6, 2000; effective April 30, 2001.

0080-07-02-.02 PURPOSE.

The purpose of these rules is to create criteria to govern the use of lookout tower sites and other Department of Agriculture, Division of Forestry land for communication systems and to establish a system of fees for this use.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.02 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.02 filed December 6, 2000; effective April 30, 2001.

0080-07-02-.03 CRITERIA FOR EVALUATING REQUESTS.

The Department of Agriculture, Division of Forestry will evaluate all requests for antenna space based upon the following criteria:

- (1) Security - An analysis of the measures necessary to protect the antennas and systems from theft, vandalism, etc. and of the increase in danger to systems already on a site.
- (2) Number of Existing Systems - An increase in the number of systems at a site causes an increase in security costs, interference possibilities, administrative cost, and a lessening of the aesthetic appearance of a site.
- (3) Interference - A review of the possible interference created by the installation of the requested antennas with other communications systems in the requested area. The Division may require the requesting party to run radio tests prior to installation to determine frequency compatibility.
- (4) Environmental Impact - A review of the extent the requested antenna installation will adversely affect the natural surroundings and aesthetics in the requested area.

(Rule 0080-07-02-.03, continued)

- (5) Impact on the Division of Forestry - A review of the extent the requested antenna installation will interfere with or indirectly or directly benefit Division of Forestry activities. No installation should require maintenance or development of improvements at the expense of the Division, in excess of the needs of the Division.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.03 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.03 filed December 6, 2000; effective April 30, 2001. Amendments filed November 4, 2019; effective February 2, 2020.

0080-07-02-.04 USE OF DIVISION OF FORESTRY SITES.

The Division, upon request, may authorize the use of lookout tower sites and other Division land for communication systems upon the following conditions:

- (1) Requests may be made by any entity, including an individual, corporation, limited liability company, partnership, sole proprietorship, amateur radio organization, or government agency.
- (2) The Division will evaluate requests on the basis of whether the use proposed by the entity will directly or indirectly benefit or assist the Division in the event of an emergency response or wildfire prevention and suppression.
- (3) Authorized use is subject to applicable deed restrictions.
- (4) No additional uses will be authorized at Division headquarter sites or 24 hour stations of one (1) acre or less.
- (5) Permanent installation of radio equipment will only be authorized on Division structures built specifically to house communication equipment.
- (6) The Division may dispose of any equipment owned by or place at site by an authorized user remaining at the site 45 days following the termination or expiration of a use agreement.
- (7) In the event an authorized user fails to remove structures on Division land within 45 days of termination or expiration of use agreement, the Division may remove the structure with costs of removal to be borne by the user.
- (8) An authorized user may only assign use rights to another entity upon written approval of the Division.
- (9) Authorized users shall comply with all applicable federal, state, and local laws and regulations.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.04 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.04 filed December 6, 2000; effective April 30, 2001. Amendments filed November 4, 2019; effective February 2, 2020.

0080-07-02-.05 INSTALLATION CATEGORIES.

- (1) Class A installation includes attaching antennas to lookout towers, or other existing towers with various radio equipment attached to cross arms, platforms, or other parts of existing towers.
- (2) Class B installation includes attaching antennas to lookout tower or other existing tower with separate building for radio equipment.
- (3) Class C installation includes installing a separate pole or steel tower 100 feet or less, with or without guy wires, with building to house radio equipment.
- (4) Class D installation includes installing a separate pole or steel tower over 100 feet, with or without guy wires, with a building to house radio equipment.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.05 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.05 filed December 6, 2000; effective April 30, 2001.

0080-07-02-.06 USER CATEGORIES.

- (1) Federal, local, county governments, or other state agencies.
- (2) Semi-governmental Agencies.
- (3) Private Groups other than Radio or Television.
- (4) Radio or Television Stations.

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.06 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.06 filed December 6, 2000; effective April 30, 2001.

0080-07-02-.07 FEES.

- (1) The user of a Division of Forestry site for the installation of a communication system must pay an annual fee in advance.
- (2) Fees will be based on the category of user and category of installation.
- (3) If more than one user uses the same improvements, the owner must pay the full fee and the additional users may pay a Class A fee to the Division of Forestry.
- (4) The fees will be charged in accordance with the standardized rate structure which may be obtained from the Department of Agriculture, Division of Forestry.
- (5) Use of a site without charge may be authorized for government agencies and rural fire departments when in the opinion of the Division that use provides a direct benefit to wildland fire prevention and suppression.

(Rule 0080-07-02-.07, continued)

Authority: T.C.A. §§ 4-3-201, et seq.; 4-3-504; 11-1-101, et seq.; 11-4-101, et seq.; 11-4-102; 11-4-301(d)(18); and 11-4-405; and Executive Order No. 41 (February 4, 1991). **Administrative History:** Original rule filed August 25, 1989; effective October 9, 1989. Rule 0080-07-02-.07 has been assigned a new control number, removed, and renumbered from the amended rule 0400-08-01-.07 filed December 6, 2000; effective April 30, 2001.