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Notice ID(s): 2902
File Date: 8/28/18

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:	Department of Agriculture
Division:	Forestry
Contact Person:	Theresa Denton, General Counsel
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5280
Email:	Theresa.denton@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:	Liz Sneed
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	Liz.sneed@tn.gov

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

Address 1:	Ellington Agricultural Center, Bruer Building Conference Room		
Address 2:	406 Hogan Road		
City:	Nashville, TN		
Zip:	37220		
Hearing Date :	Wednesday, October 24, 2018		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> X CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

This new rule is proposed by the department in compliance with Public Chapter 730 of 2018, which requires the state forester to designate portions or all of each state forest as free-use areas for the purpose of allowing state residents to remove downed and dead timber, without cost, for personal use and not for sale.

Revision Type (check all that apply):

☐ Amendment
☒ X 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
0080-07-01	Protection of State Forests
Rule Number	Rule Title
0080-07-01-.12	Free Use Areas For Firewood Removal

Chapter Number	Chapter Title
Rule Number	Rule Title

New
Chapter 0080-07-01-.12

- (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) Permit requests may be refused any time the district forester or representative determines refusal is for safety reasons or in the best interest of the state forest.
- (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.
- (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 Public Chapter 730 of 2018.

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.



Date: August 28, 2018

Signature: Jai Templeton

Name of Officer: Jai Templeton

Title of Officer: Commissioner

Subscribed and sworn to before me on: 08-28-18

Notary Public Signature: Theresa H. Denton

My commission expires on: 07-08-19

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Filed with the Department of State on: 8/28/18

Tre Hargett
Tre Hargett
Secretary of State

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