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**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION
DIVISION OF STATE PARKS
CHAPTER 0400-2-8
MANAGEMENT OF TENNESSEE
NATURAL RESOURCE AREAS**

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0400—2—8—.01 NATURAL RESOURCE RECREATION AREAS. Natural Resource Areas are those components of the Tennessee Outdoor Recreation Area System (TORAS) that exhibit significant natural, historical, cultural, or recreational resources. These areas 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, and toilet facilities will be located in specified zones near the major access points.

0400—2—8—.02 APPLICABILITY AND SCOPE. 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, the following rules and regulations governing public use are adopted under the following authority: Tennessee Code Annotated Sections 11-1406, 11-1617, 11-1613, and 11-1704.

0400—2—8—.03 DEFINITIONS. The following definitions shall apply to these regulations:

- (1) The term "Commissioner" shall mean the Commissioner of the Tennessee Department of Conservation.
- (2) The term "Natural Resource Area" shall mean those areas legislatively designated natural areas, scenic rivers and scenic trails.
- (3) The term "Program Administrator" shall mean the administrator of the Scenic Trails System, the Scenic Rivers System, or the Natural Areas System.
- (4) The term "manager" shall mean that person given the responsibility of overseeing that particular natural resource area.
- (5) The term "designated agency" shall mean that agency designated in the master plan for the area as being responsible for management of the area.
- (6) The term "exotic species" shall mean those species considered non-indigenous to the particular area.
- (7) The term "carrying capacity" shall mean the maximum use a resource can withstand for a specified length of time without sustaining physical damage or degrading the integrity of the area.

0400—2—8—.04 PENALTIES. Any violation of these rules of management of such properties will be subject to the following penalty:

(1) SCENIC RIVERS.-Title I, Chapter 14, Section 11-1417. BE IT FURTHER ENACTED, That whoever violates, fails, neglects or refuses to obey any provision of this Act or regulation or order of the Commissioner of the Department of Conservation may be compelled to comply with or obey the same by injunction, mandamus or other appropriate remedy; and provided further that whoever violates, fails, neglects or refuses to obey any provision of this Act or regulation or order of the Commissioner of the Department of Conservation may be punished by a fine of not more than fifty dollars (\$50.00) for each day of such violation.

(2) SCENIC TRAILS.-Title II, Chapter 16, Section 11-1620.

Violations-Compelling compliance- Penalties. Whoever violates, fails, neglects or refuses to obey any provision of this chapter or regulation or order of the Commissioner may be compelled to comply with or obey the same by injunction, mandamus, or other appropriate remedy; and provided, further that whoever violates, fails, neglects, or refuses to obey any provisions of this chapter or regulation or order of the Commissioner may be punished by a fine of not more than fifty dollars (\$50.00) for each day of such violation.

(3) NATURAL AREAS.-Title II, Chapter 17, Section 11-1715.

Violations-Penalties. Whoever violates, fails, neglects or refuses to obey any provisions of this chapter or rule or regulation promulgated here under may be punished by a fine of not less than one hundred dollars (\$100.00) for each day of such violation. It shall be the duty of district attorneys-general to prosecute violations of this chapter.

0400—2—8—.05 UTILIZATION.

(1) There shall be a master plan for each Natural Resource Area. Development of each master plan will adhere to a standardized outline format. The Department shall consult with citizens' 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 Tennessee Code Annotated, Title II,

Chapter 14, Section 11-1401, 11-1416; Chapter 16, Section 11-1609; and Chapter 17, Section 11-1707, 11-1710.

(2) Management of each Natural Resource Area shall be in accordance with these rules except for deviations as may be provided in the master plan for the particular area.

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

0400—2—8—.06 ADMINISTRATION AND CUSTODY. The form and method of administration and custody of each Natural Resource Area shall be designated in the master plan. Each Natural Resource Area shall have a manager who shall administer,

manage, and protect the area in accordance with these rules and the master plan. The master plan shall designate an agency to manage the area and shall recommend whether or not an individual manager is needed full time in the area. (If not otherwise provided in the master plan, the owner of a Natural Resource Area shall have custody.)

0400—2—8—.07 REPORTS. The designated agency shall submit an annual report and such other periodic reports to the Commissioner of the Department of Conservation 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—2—8—.33. State and federal agencies will be contacted for special conditions that might affect the area.

0400—2—8—.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 Resource Area as specified in the respective Acts, or these rules for management, except for intrusions that are permitted by each master plan. Any intrusion allowed by the master plan shall be considered as a deviation from these rules and treated as provided in Rule 0400-2-8-.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.

0400—2—8—.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 master plan shall be avoided. (See Rule 0400—2—8—.27). Information will emphasize protection and preservation of the area.

0400—2—8—.10 BOUNDARY MARKERS. 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 330 feet, except as otherwise provided in the master plan, and if appropriate by fencing or other means. Boundary marker signs shall be as the Department may establish.

0400—2—8—.11 BOUNDARY FENCES. Necessary boundary fences and barriers may be installed as provided in the master 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.

0400—2—8—.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 management or research activities and in accordance with the master 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—2—8—.08.

(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—2—8—.26. 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.

(c) 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.

0400—2—8—.13 FIREBREAKS. Necessary boundary firebreaks shall be constructed in a buffer area outside the area. Firebreaks within an area shall be kept to a minimum and shall not exceed ten feet in width and shall be constructed only in accordance with the master plan.

0400—2—8—.14 TRAILS. Location, form, and plan of any trails other than natural wildlife paths shall be specified in the master 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 master plan.

0400—2—8—15 SIGNS. A signing system for each Natural Resource Area will be specified in each master plan and developed per the guidelines of the TORAS signing program.

0400—2—8—16 OTHER STRUCTURES AND IMPROVEMENTS. Necessary signs, trash receptacles, and structures are permitted if provided for in the master 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.

0400—2—8—17 BUFFER AREAS. Buffer areas shall be established adjacent to or within Natural Resource Areas wherever possible in order 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 master plan. Authorization is given on the establishment of Buffer Areas in Tennessee Code Annotated, Section 11-1801, et seq. Management of a buffer area shall be in accordance with guidelines and provisions in the respective Natural Resource Area legislation.

0400—2—8—18 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 master plan.

0400—2—8—19 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 MASTER PLAN.

0400—2—8—20 SAFETY HAZARDS. Guardrails, fences, steps, and other devices necessary for visitor safety may be installed as provided in the master 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 Rule 0400—2—8—.25(3).

0400—2—8—21 REMOVAL OR INTRODUCTION OF OBJECTS. Except as provided in the master 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—2—8—.30.) 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.

0400—2—8—.22 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 master plan as essential for the restoration, safety, management, or maintenance of the area.

0400—2—8—.23 FIRE CONTROL. All fires 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 master plan.

0400—2—8—.24 EROSION CONTROL. Erosion and soil deposition due to past or present disturbance by man or natural conditions within or outside of the area may be controlled in accordance with provisions of the master plan.

0400—2—8—.25 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 an endangered species of native flora or fauna is designated in the master 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 exotic plants and animals may be undertaken as provided in the master plan. No introduction of non-indigenous species is allowed. The Tennessee Wildlife Resources Agency will be consulted in matters of management or control of wildlife populations.

(3) Control of Natural 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 master plan. The Tennessee Wildlife Resources Agency will be consulted in matters of management or control of wildlife populations.

0400—2—8—.26 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 master 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—2—8—.27.)

(2) Visitor activities that are not compatible with the preservation of the natural character of each Natural Resource Area shall not be permitted. Each master plan shall specify the carrying capacity (people/day) permitted in each Natural Resource Area or section of an area. The carrying capacity shall be based on the respective natural environment zone, special features and conditions within the zone, and the influence of visitor use on the zone.

0400—2—8—.27 NATURAL ENVIRONMENT ZONE.

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

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

(3) Classification of Natural Environment Zones.

ZONE DESCRIPTION AND PRIMARY USE

P Unmodified area containing unique natural characteristics is predominant. Primary use is research. Permit required for utilization.

1 Unmodified natural environment predominates. Day use wilderness recreation experience is emphasized. Primary visitor uses are hiking and observation.

2 Slightly modified natural environment discernible. Man made structures are minimal. Efficiency in outdoor skills is important. Primary visitor uses are hiking, observation, and camping.

3 Modified natural environment evident. Man made structures may be provided for comfort and convenience. Moderate proficiency in outdoor skills involved. Primary visitor uses are hiking, observation, and camping.

4 Modified natural environment dominant. Structures and facilities may exceed basic comfort and convenience accommodations. Proficiency in outdoors skills is not necessary when supplemented by administrative controls. Primary visitor uses a picnicking and day use family activities.

0400—2—8—.28 ACCESS CONTROL. Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the master plan. (See Rule 0400—2—8—.26 and Rule 0400—2—8—.12(2).)

0400—2—8—.29 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 master plan and to such additional general or special rules as the Division may establish.

0400—2—8—.30 SPECIAL USE OF AREAS. A person wishing to engage in research or educational activities on a Natural Resource Area not otherwise permitted by these rules or in the master plan for the area shall secure a permit approved by the Department of Conservation. 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. This permit will be valid only on State owned land or land otherwise controlled by the State.

(1) Educational Permits.

(a) This permit shall provide adequate information about the applicant and his 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) Educated permits will be required on Natural Environment Zone P and other areas that may be designated in the master plan. (See Rule 0400—2—8—.27)

(2) Collection Permits.

(a) This permit shall provide adequate information about the applicant and his 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) 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 collect in Natural Resource Areas must submit written yearly reports of their research to the Department of Conservation 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 master plan.

(d) The application must specify information concerning the species or objects to be taken, numbers of species, method of taking, and disposition of specimens. A collecting and research permit will be required for any park of any area controlled by the State. Any permit that may be required by another agency must be approved before making application for collecting on State Natural Resource Areas.

(3) Fire Permits.-A permit for the use of fire on a Natural Resource Area will be required for areas designated by the Area master plan as Natural Environment Zones P and 1. In zones 2, 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 of Conservation at any time.

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

0400—2—8—.31 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 AREA WILL BE THE MAIN INFLUENCE ON THE TYPE AND SCOPE OF ANY ACTION TAKEN.

0400—2—8—.32 MASTER PLAN.

(1) Responsibility for preparation and revision of the master plan for each Natural Resource Area shall rest with the appropriate program administrator with the approval of the Commissioner of Conservation. Representatives of administering agencies, private organizations, and other interested groups or individuals may participate in the formulation and revision of master plans.

(2) The master plan for each Natural Resource Area and revisions thereto shall take effect upon approval by the Commissioner of the Department of Conservation. A deviation from these rules shall take effect only as provided in Rule 0400—2—8—.05. An up-to-date copy of each master plan shall be held by the manager, the Department of Conservation, and the operational agency. These copies shall be available to public inspection during regular business hours as provided by law.

0400—2—8—.33 RECORD. Records shall be prepared for each Natural Resource Area. One copy shall be retained by the managing agency and one copy by the program administrator of the Natural Resource Area. Records shall include annual reports of the manager as provided in Rule 0400—2—8—.07 and all other pertinent documentary material, studies, reports, obsolete portions of the master plan, research and collection permits, and descriptions of significant events. The form and content of the record shall be as the Department may establish.

Responsibility for assembling the record shall be as designated in the master plan.

Authority of T.C.A. §§4-317, 11-1406, and 11-1704. Administrative History: Original rule filed June 7, 1974, effective July 7, 1974.