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Division of Publications**

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Sequence Number: 05-09-13
Notice ID(s): 2007
File Date: 5/15/13

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: Doe Mountain Recreation Authority (DMRA)
Division:
Contact Person: Gabrielle Lynch
Address: 10537 Hwy 421 N Shady Valley TN 37688
Phone: 423.471.0700
Email: glynych@tnc.org

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: Bill Adams
Address: 211 North Church Street, Mountain City TN 37683
Phone: 423.727.7929
Email:

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

Address 1:	Johnson County Health Department Annex	
Address 2:	715 West Main Street	
City:	Mountain City Tennessee	
Zip:	37683	
Hearing Date :	07/09/13	
Hearing Time:	1:00 p.m.	<input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Additional Hearing Information:

The rulemaking hearing will be on the agenda at the July meeting of the Board of Directors of the Doe Mountain Recreation Authority (DMRA). Written comments may be submitted in advance to DMRA Secretary-Treasurer Gabrielle Lynch at the above address. Although advance notice is not required to provide comments at the hearing, it will assist in scheduling if persons wishing to provide comments notify Ms. Lynch prior to the hearing date. Time limitations may be imposed to ensure the orderly conduct of the rulemaking hearing and to allow all interested persons the opportunity to comment.

Revision Type (check all that apply):

- 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
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0485-01-01	Rules of the Doe Mountain Recreation Authority
Rule Number	Rule Title
0485-01-01-.01	Purpose
0485-01-01-.02	Applicability and Scope
0485-01-01-.03	Rules Incorporated by Reference
0485-01-01-.04	Hours
0485-01-01-.05	Hunting
0485-01-01-.06	Off-highway Vehicles
0485-01-01-.07	User Agreement and Fees
0485-01-01-.08	Commercial Activities
0485-01-01-.09	Penalties

(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>)

The Doe Mountain Recreation Authority (DMRA) is proposing to adopt rules for the management of the DMRA and the Doe Mountain lands under its authority (Doe Mountain). The scope of this rulemaking is the protection and conservation of the natural resources of Doe Mountain and the development of multi-use recreational opportunities for public participation and enjoyment of Doe Mountain.

The DMRA Board of Directors (the Board) is proposing that certain rules of the Tennessee Department of Environment and Conservation be adopted for the DMRA; those rules are identified in the body of the proposed rule. Because of the unique nature of the DMRA, the Board is also proposing other rules to address hunting, off-highway vehicles, hours, user agreement and fees, commercial activities, and penalties. The Board invites public comment on these proposals and the DRAFT rule below:

DRAFT
Rules of the Doe Mountain Recreation Authority

Chapter 0485-01-01

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0485-01-01-.01 Purpose

(1) Pursuant to the Doe Mountain Recreation Authority Act of 2012, T.C.A. §§ 11-27-101-119, the purpose of this Chapter is to establish rules and regulations for the administration and management of the Doe Mountain Recreation Authority and the lands under its administration.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.02 Applicability and Scope.

Authority: T.C.A. §§ 11-27-107-108.

(1) The Rules in this Chapter shall apply to the Doe Mountain Recreation Authority and all lands under its administration.

0485-01-01-.03 Rules Incorporated by Reference

(1) General: Except as otherwise provided in these rules, and subject to the definitions below, the following Rules of the Tennessee Department of Environment and Conservation, including any future amendments, shall apply to the Doe Mountain Recreation Authority and all lands under its administration:

400-02-02 Public Use and Recreation

400-02-05-.01-.21 Vehicles and Traffic Safety (excludes T.C.A. § 0400-02-05-.22: Trail Bikes, Mini Bikes, and Other Off Road Vehicles)

(2) Definitions: The following terms used in the Rules of the Tennessee Department of Environment and Conservation have the following definitions as they apply to the Doe Mountain Recreation Authority and the lands under its administration:

(a) The term "Commissioner" shall mean the Chair of the Board of Directors of the Doe Mountain Recreation Authority.

(b) The term "Assistant Commissioner" shall mean the Chair of the Board of Directors of the Doe Mountain Recreation Authority.

(c) The term "Park Manager" includes the Board of Directors of the Doe Mountain Recreation Authority, the Executive Director of the Doe Mountain Recreation Authority, or their authorized representatives.

(d) The term "Authorized Person" includes any person authorized to enforce the provisions of these regulations.

(e) The term "Park Area" includes all lands administered by the Doe Mountain Recreation Authority.

(3) If there is an inconsistency between these rules and the Rules of the Tennessee Department of Environment and Conservation, these rules are controlling with respect to the Doe Mountain Recreation Authority and all lands under its administration.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.04 Hours

(1) Notwithstanding any other provision of these rules or the rules of the Tennessee Department of Environment and Conservation, the Board of Directors of the Doe Mountain Recreation Authority will establish hours for use of the lands under its administration. Hours may differ depending on usage and season. Hours shall be posted publicly.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.05 Hunting

(1) The Board of Directors of the Doe Mountain Recreation Authority shall determine when and to what extent the lands under its administration will be open for hunting, consistent with the rules and proclamations of the Tennessee Wildlife Resources Agency. When lands are open to hunting, the laws of the State of Tennessee, including the rules of the Tennessee Wildlife Resources Agency, shall apply to the extent they apply generally to other public lands in the State of Tennessee.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.06 Off-Highway Vehicles

(1) Off Highway Vehicle (OHV) is any motorized vehicle capable of traveling off highways. The term includes all-terrain vehicles, motorcycles, dune buggies, and other four-wheeled vehicles used for off-road activities.

(2) Within the Doe Mountain Recreation Authority-administered lands, OHVs are restricted to use on roads and trails designated for OHV use.

(3) OHV users must comply with all relevant safety laws, including the use of safety belts and child safety

restraints if the vehicle is so equipped. OHV users must comply with minimum age requirements and OHV passenger limitations. All pertinent safety equipment, including an approved helmet, protective eyewear, and protective clothing is recommended.

(4) Minors (under the age of 18) must be under the supervision of an adult and must wear a DOT or SNELL approved helmet in accordance with state law.

(5) OHVs must be operated in a safe manner. Recklessness and the harassment or disturbance of people or wildlife is not permitted.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.07 User Agreement and Fees

(1) User Agreement: All Doe Mountain Recreation Authority users must sign an Acknowledgement of Risk and have a valid DMRA User Agreement and photo ID in their presence at all times while on Doe Mountain Recreation Authority lands.

(2) Fees - General: The Doe Mountain Recreation Authority Board of Directors will assess fees and other charges to defray the costs of the Authority's responsibilities with respect to the lands under its administration and to make the Doe Mountain Recreation Authority as self-sufficient as possible. Fees may be based on the type of recreational use, including the impact of particular uses on Doe Mountain and maintenance required for specific uses.

(3) Fee types: Charges may include, as determined by the Board of Directors of the Doe Mountain Recreation Authority, any of the following:

(a) Single visit entry fees, user charges, or permits;

(b) Annual fees or permits;

(c) Fees for special activities;

(d) Fees assessed on authorized concessionaires;

(e) Parking fees; and,

(f) Such other fees or charges as the Doe Mountain Recreation Authority Board of Directors deems appropriate to accomplish the purposes of the Doe Mountain Recreation Act of 2012.

(4) Complementary passes and fee waivers: The Doe Mountain Recreation Authority Board of Directors may allow for complementary permits, as appropriate, for specific categories of users. The Board of Directors may also waive fees for appropriate purposes, such as for promotions, for access by persons conducting scientific research, etc., if the Board of Directors determines that waiver is in the interest of the Doe Mountain Recreation Authority. The authority to waive fees on a case-by-case basis may be exercised by the Chair of the Board of Directors of the Doe Mountain Recreation Authority. The authority to waive fees on a case-by-case basis may also be delegated by the Board of Directors to the Executive Director of the Doe Mountain Recreation Authority or such other person as the Board of Directors designates.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.08 Commercial Activities

(1) Advertisements: Commercial notices and advertisements shall not be displayed, posted, or distributed on Doe Mountain Recreation Area lands without the written permission of the Chair of the Board of Directors of the Doe Mountain Recreation Authority or the written permission of the Executive Director of the Doe Mountain Recreation Authority. Permission may be granted if such notices or advertisements are found to be desirable or necessary for the convenience and guidance of the public.

(2) Business operations: Engaging in or soliciting any business on Doe Mountain Recreation Area lands is prohibited except in accordance with an authorized permit, contract, or other written agreement with the Doe

Mountain Recreation Authority.

Authority: T.C.A. §§ 11-27-107-108.

0485-01-01-.09 Penalties

(1) Failure to comply with these rules may result in the revocation of a user's day or annual permit - without refund of fees - or a permanent ban from use of the Doe Mountain Recreation Area administered lands. Violations of federal, state, or local law may also result in charges, arrests, prosecutions, and any penalties authorized by law.

Authority: T.C.A. §§ 11-27-107-108.

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: 05-14-2013

Signature: *Larry D. Potter*

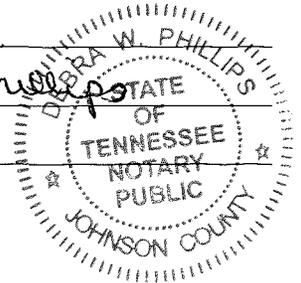
Name of Officer: Larry D. Potter

Title of Officer: Doe Mountain Recreation Authority, Chairman

Subscribed and sworn to before me on: 5-14-13

Notary Public Signature: *Debra W Phillips*

My commission expires on: 1-29-17



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Filed with the Department of State on: 5/15/13

Tre Hargett

Tre Hargett
Secretary of State

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