

APPENDIX I: NATURAL AREA PRESERVATION ACT OF 1971

CHAPTER 14
NATURAL AREAS PRESERVATION

Part 1

General Provisions

11-14-101. Short title.

This part shall be known and may be cited as the "Natural Areas Preservation Act of 1971."

[Acts 1971, ch. 116, § 1; T.C.A., § 11-1701.]

11-14-102. Purpose.

The general assembly finds that in the countryside of Tennessee there are areas possessing scenic, scientific, including biological, geological and/or recreational values, and which are in prospect and peril of being destroyed or substantially diminished by actions such as dumping of refuse, commercialization, construction, changing of population densities or similar actions, there being either no regulations by the state or by local governments or regulations which are inadequate or so poorly enforced as not to yield adequate protection to such areas. It is the intention of the general assembly to provide protection for such areas.

[Acts 1971, ch. 116, § 2; T.C.A., § 11-1702.]

11-14-103. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Area" means an area of land or water, or both, whether in public or private ownership, which has scenic, natural, or scientific values;
- (2) "Commissioner" means the commissioner of environment and conservation;
- (3) "Department" means the department of environment and conservation;
- (4) "Local government" means the government of a county or municipality; and
- (5) "System" means collectively the areas, whether scenic, natural or scientific, which will be placed in this part and which shall receive the preservation and protection that is provided by this part.

[Acts 1971, ch. 116, § 3; T.C.A., § 11-1703.]

11-14-104. Administration - Report on implementation.

(a) This part shall be administered by the department, in cooperation with the wildlife resources agency and with the conservation commission, acting as an advisory body.

(b) After a period of study, the commissioner shall, by February 1, 1972, make a recommendation to the members of the general assembly as to the requirements for the proper administration and implementation of this program, specifying whether a new division is required and whether a new director is required, and to submit to the department of finance and administration a request for the funds deemed necessary for the initiation of the program.

(c) The commissioner is authorized to make and shall enforce certain regulations necessary for the preservation and enhancement of the values herein protected, and for control of recreational, educational, scientific and other uses of these areas in a manner that shall not impair them.

[Acts 1971, ch. 116, § 4; impl. am. Acts 1974, ch. 481, §§ 4, 6; T.C.A., § 11-1704.]

11-14-105. Classifications.

There shall be two (2) classes of areas within the meaning of this part:

(1) Class I, scenic-recreational areas, which are areas associated with and containing waterfalls, natural bridges, natural lakes, small but scenic brooks or streams, gorges, coves, woodlands, caverns or other similar features or phenomena, which are unique in scenic and recreational value and not extensive enough for a state park but worthy of perpetual preservation; and

(2) Class II, natural-scientific areas, which are areas associated with and containing floral assemblages, forest types, fossil assemblages, geological phenomena, hydrological phenomena, swamplands and other similar features or phenomena which are unique in natural or scientific value and are worthy of perpetual preservation.

[Acts 1971, ch. 116, § 5; T.C.A., § 11-1705.]

11-14-106. Development permitted.

(a) The following development shall be permitted in the two (2) classes of areas:

(1) (A) Class I areas may be developed with foot trails, foot bridges, overlooks, primitive campgrounds and small picnic areas with associated sanitary facilities.

(B) Class II areas may be developed with foot trails, foot bridges, overlooks and primitive campgrounds; and

(2) Either class may be developed with such facilities as may be reasonably necessary for the dissemination of educational material and for the safe and proper management and protection of the area; provided, that no such facility shall be constructed or sited in such a manner as to be inconsistent with the preservation of the natural or scientific values in a Class II area or as an intrusion upon the scenic and recreational values in a Class I area.

(b) The commissioner shall adopt rules and regulations for each natural area, specifying the activity or activities permitted. Such permissible activities shall not be inconsistent with the

purpose of perpetual preservation. If, in the discretion of the commissioner, any portion of an area is deemed to be of so fragile a nature that overuse may damage it, limitations may be placed on activities within those portions. Removal of plants, animals or geological specimens shall not be permitted except by permit issued by the commissioner. If hunting or fishing are among the activities permitted by the commissioner, the commissioner shall adopt, with the advice of the wildlife resources agency, rules and regulations to regulate such activity on the natural area in question. Such rules and regulations may be more restrictive than the rules and regulations adopted for statewide hunting and fishing by the wildlife resources agency.

[Acts 1971, ch. 116, § 6; 1978, ch. 634, § 1; T.C.A., § 11-1706.]

11-14-107. Reports by department.

The department, with the cooperation of the wildlife resources agency and the conservation commission, as an advisory body, shall study and submit to the next session of this general assembly a list of Class I and Class II areas, together with maps showing their boundaries, to be initially made a part of the system. Thereafter, the department shall submit annually to each succeeding general assembly proposals for additions and alterations to Class I or Class II areas, or for improvements to this program. Each proposal shall specify the category of the proposed addition and shall be accompanied by a report on the factors which, in the judgment of the department, make the area a worthy addition to the system. The department shall consult with citizens' organizations in the administration of this part as much as possible.

[Acts 1971, ch. 116, § 7; impl. am. Acts 1974, ch. 481, §§ 4, 6; T.C.A., § 11-1707.]

11-14-108. Designation of areas.

(a) The general assembly may designate Class I or Class II areas proposed by the commissioner to become parts of the system. However, designation by the general assembly need not necessarily be restricted to areas proposed by the department.

(b) The following areas are designated natural areas:

(1) Class I--Scenic-Recreational Areas

(A) **Bays Mountain.** An approximately three thousand five hundred (3,500) acre natural area located in Sullivan and Hawkins counties, plus any of approximately seven hundred (700) acres in private ownership which may be acquired for addition to the natural area. The area includes a lake, interpretive trails, outdoor education and recreation facilities, and areas of great scenic beauty, including Laurel Run Gorge where several of Tennessee's rare plant species occur. The area is managed by the governments and agencies of Kingsport and Hawkins County with cooperation and support from the Tennessee natural areas program;

(B) **Big Cypress Tree.** A bottomland hardwood, partly forested area containing the largest recorded bald cypress (*Taxodium Distichum*) tree on the North American continent with approximately two hundred seventy (270) acres in Weakley County. The Big Cypress Tree State Natural Area composed of approximately three hundred twenty-nine (329) acres with deeds of record in the register of deeds office of Weakley County in deed book 194 page 411, book 154 page 246, and book 154 page 244, is

transferred from the jurisdiction of the Tennessee wildlife resources agency to the jurisdiction of the department of environment and conservation; provided, that hunting shall continue to be permitted following the transfer in the entire portion of the area that the agency has allowed hunting in the year preceding June 8, 2007, in the same manner as hunting is permitted in a wildlife management area within the agency designated region such area is located and provided that the agency shall have full access to, and use of, any facility in the area. Access and use shall include control of any structure constructed by the agency;

(C) Burgess Falls. A cascade-type one-hundred-twenty-foot (120') falls with included lake and scenic stream, consisting of approximately three hundred fifty (350) acres of land and water in Putnam County;

(D) Chimneys. An area of approximately thirty-three (33) acres along Pocket Creek in Marion County that protects an unusual geologic feature and surrounding forested gorge. This area, located within the Cumberland Plateau Physiographic Province, includes two (2) isolated sandstone pinnacles rising out of Pocket Gorge. The pinnacles are connected by a natural bridge or arch that forms a natural window in their base. In addition to the pinnacles, this area also includes several waterfalls and an "old growth" hemlock forest;

(E) Devil's Backbone. A forest of approximately nine hundred fifty (950) acres with a high diversity of upland community types representative of the western Highland Rim. It is located in Lewis County west of the Natchez Trace Parkway. Its prominent topographic features are numerous dry rocky ridges with moderate to steep slopes which form hollows with several perennial streams. The department will develop a plan for the development and management of the additional acreage east of the Natchez Trace in consultation with Lewis County;

(F) Dunbar Cave. A well-explored, scenic and historic cave along with a small lake and upland hardwood forest, consisting of approximately one hundred fifteen (115) acres of land and water in Montgomery County;

(G) Falling Water Falls. A one-hundred-thirty-foot (130') falls with view of the Sequatchie Valley, consisting of approximately one hundred thirty-six (136) acres in Hamilton County;

(H) Frozen Head State Park. An area of approximately eight thousand six hundred twenty (8,620) acres lying within the twenty-two thousand eight hundred (22,800) acre Frozen Head State Park. The area contains undisturbed forest land of unique configuration and is located in the southeast portion of Morgan County. The state park is comprised of the class I area, the class II area, three hundred thirty (330) acres located along North Prong Flat Fork Creek and Judge Branch below one thousand six hundred feet (1,600') elevation and one (1) acre on the summit of Frozen Head Mountain, and seven thousand three hundred twenty (7,320) acres known as the Emory tract;

(I) Ghost River (Section of the Wolf River). An area of approximately two thousand two hundred twenty (2,220) acres located in Fayette County that supports high quality bottomland hardwood forest and forested wetland communities occurring along scenic meanders of the Wolf River. The Bald Cypress-Tupelo Forest Community is a dominant natural feature established along river, swamp, and lake habitats and is representative of unaltered pristine river systems;

(J) Grundy Forest. An area consisting of two hundred thirty-four (234) acres containing unique gorges with outstanding scenic views in Grundy County;

(K) Hampton Creek Cove. A six hundred ninety-three (693) acre site in the headwaters of Hampton Creek in Carter County, that supports several rare plants and animals for Tennessee and represents a key tract in the protection of the Roan Mountain Massif;

(L) House Mountain. An area of approximately eight hundred fifty (850) acres on the upper slopes and crest of the four thousand (4,000) acre mountain which is a unique synclinal outlier of Clinch Mountain, possessing a combination of scenic views, geological formations and bird and plant life, lying within a major metropolitan area and incorporating the southern terminus of the Trail of the Lonesome Pine, in Knox County. No land for the House Mountain scenic-recreational area shall be acquired by any governmental entity by use of its power of eminent domain;

(M) John Noel State Natural Area at Bon Aqua. An area of approximately thirty-five (35) acres in Hickman County protecting a small remnant mesic white oak forest community of "old growth" characteristics, including a variety of oak and hickory species of considerably larger diameter than those found in similar forest types elsewhere in Middle Tennessee. The forest is also significant because umbrella magnolia, a relatively uncommon species on the Western Highland Rim, is abundant in the understory;

(N) Natural Bridge. A twenty-five-foot (25') natural rock bridge, consisting of approximately three (3) acres in Franklin County;

(O) Ozone Falls. A one-hundred-ten-foot (110') falls and scenic gorge area, consisting of approximately sixteen and five-tenths (16.5) acres in Cumberland County;

(P) Reelfoot Lake. A natural, earthquake-formed lake, consisting of approximately eighteen thousand (18,000) acres of land and water owned by the state of Tennessee and the United States in Lake and Obion counties;

(Q) Rugby. An area of approximately six hundred sixty-seven (667) acres in Morgan County located adjacent to Historic Rugby. This forested tract protects the watershed of Little Creek and has a rich spring flora;

(R) Shelby Farms Forest--Lucius E. Burch, Jr. Natural Area. An area of approximately seven hundred eighty-eight and thirty-three one-hundredths (788.33) acres located within Shelby Farms Forest Park in Shelby County. This coastal plain site includes areas of bottomland hardwood/bald cypress-tupelo forest and forested wetland communities along the northeasterly and northerly sides of the Wolf River and provides habitat for plant and animal species in need of conservation. The seven hundred eighty-eight and thirty-three one-hundredths (788.33) acre natural area includes two (2) separate forest areas: an approximately four hundred thirteen and seventy-five one-hundredths (413.75) acre bottomland hardwood/bald cypress-tupelo swamp forest north of Walnut Grove Road, and an approximately three hundred seventy-four and fifty-eight one-hundredths (374.58) acre mature bottomland hardwood/bald cypress forest south of Walnut Grove Road. Such description is more particularly described in a survey prepared by Dickinson & Bennett, Inc., for Shelby County Government on November 5, 2003;

(S) Short Mountain -- Jim Cummings Natural Area. An erosional remnant or outlier of the Cumberland Plateau, comprising approximately five hundred (500) acres with scenic rock formations and a thriving population of flora and fauna, in Cannon County;

(T) Short Springs. An area of approximately four hundred twenty (420) acres located within Coffee County. The area includes rich woods, forested ravines, low cascades, springs and waterfalls, one (1) of which is sixty feet (60') in height; in addition it contains a large diversity of wildflowers including two (2) state-listed endangered plant species (*Nestronia* and Broad-leaved Bunchflower). It is an excellent example of the forested slopes which are transitional between the Highland Rim and the Central Basin; and

(U) Stillhouse Hollow Falls. An area of approximately ninety (90) acres in Maury County containing a seventy-five-foot-high waterfall that cascades into a deep plunge pool at the base of a rock amphitheater. The surrounding hardwood forest includes an understory of oakleaf hydrangea and a rich display of spring flora, including the rare grass of Parnassus.

(2) Class II--Natural-Scientific Areas

(A) Auntney Hollow. An area of approximately twenty-seven (27) acres located in Lewis County that supports the federally listed plant, Tennessee yellow-eyed grass (*Xyris tennesseensis*). This Western Highland Rim site protects a significant population of this rare plant, which occurs here in a globally rare xyris seep community. The rare grass of Parnassus (*Parnassia grandifolia*) is a codominant plant species of the xyris seep community;

(B) **Barnett's Woods.** A forty (40) acre site located in Montgomery County which supports the federally threatened Price's potato bean;

(C) **Bone Cave.** A cave of extremely significant archaeological, historical, and scenic value consisting of approximately four hundred (400) acres in Warren County;

(D) **Campbell Bend Barrens.** An area of approximately thirty-five (35) acres in Roane County containing an undisturbed example of a Ridge and Valley limestone barrens plant community with exposed limestone. It is comprised of native grasses, other barrens flora, and is surrounded by a mixed hardwood forest;

(E) **Carroll Cabin Barrens.** An area of approximately two hundred fifty (250) acres located in Decatur County. This West Tennessee Uplands site supports a rare glade/barrens community that occurs in association with outcrops of Silurian limestone formations. The Limestone Hill Barrens Community grassland is dominated by little bluestem (*Schizachyrium scoparium*) with rare plant species that include barrens silky aster (*Aster pratensis*), hairy fimbriatylis (*Fimbristylis puberula*), and slender blazing star (*Liatris cylindracea*);

(F) **Cedars of Lebanon State Forest Natural Area.** An area consisting of one thousand forty-three (1,043) acres comprising the best examples of the Cedar Glade ecosystem in Tennessee and possibly the entire United States. It is located in Wilson County;

(G) **Colditz Cove.** An area of approximately one hundred sixty-five (165) acres in Fentress County containing the seventy-five foot (75') Northrup Falls and a scenic gorge with many interesting rock formations;

(H) **Couchville Cedar Glade.** A one hundred twenty-eight (128) acre site in Davidson County adjacent to Long Hunter State Park which supports the largest population of the globally-rare, federally endangered Tennessee coneflower. This site is considered to be one of the best barren and glade sites in Tennessee;

(I) **Crowder Cemetery Barrens.** An area of approximately fifteen (15) acres in Roane County containing a floristically rich example of a Ridge and Valley limestone barrens with several rare plant species, including the tall larkspur, slender blazing star, and white upland aster, as well as an outstanding display of prairie dock;

(J) **Dry Branch.** An area of approximately two thousand one hundred sixty-eight (2,168) acres located in Lewis County that protects one of the largest known populations of the rare plant, Tennessee yellow-eyed grass, as well as the rare seep communities where it grows. This western Highland Rim site also protects a number of other rare plant species, including small-headed rush and large-leaved grass of Parnassus;

(K) **Duck River Complex.** A complex of 6 separate subunit natural areas totaling approximately two thousand one hundred (2,100) acres within the 12,000 acre Duck

River Wildlife Management Area in Maury County. Located in the Central Basin, these areas support rare species associated with globally rare cedar glades and barrens communities, including the federally listed leafy prairie-clover (*Dalea foliosa*). The areas support diverse forest community types, caves and other karst features, and scenic attributes associated with a segment of the Duck Scenic River that flows through this public land;

(L) Elsie Quarterman Cedar Glade. An area of approximately one hundred eighty-five (185) acres in Rutherford County that includes a large expanse of cedar glades and barrens supporting a population of the federally endangered Tennessee coneflower (*Echinacea tennesseensis*), and numerous other cedar glade endemic plants and natural communities;

(M) Fall Creek Falls State Park. An isolated and rugged portion of the Cumberland Plateau in Van Buren and Bledsoe counties containing sixteen thousand one hundred eighty-one (16,181) acres of the twenty-five thousand four hundred seventeen (25,417) acre state park;

(N) Fate Sanders Barrens. An area of approximately two hundred thirty (230) acres located in Rutherford County that includes barrens with small glades interspersed among cedar-hardwood forest. The barrens of this Central Basin site are dominated by native warm season grasses, while the glades support state-listed rare and endemic plant species;

(O) Flat Rock Cedar Glades and Barrens. An area approximately eight hundred forty-six (846) acres in Rutherford County that includes a large expanse of cedar glades and barrens supporting populations of the federally and state endangered Pyne's Ground-Plum (*Astragalus bibullatus*) and Leafy Prairie-Clover (*Dalea foliosa*), as well as numerous other rare and endemic species of plants. This biologically rich site is within the Central Basin Physiographic Province and represents one of the largest and most ecologically diverse glade/barren complexes in the Central Basin;

(P) Frozen Head State Natural Area. An area of approximately six thousand five hundred thirty (6,530) acres within the twenty-two thousand eight hundred (22,800) acre Frozen Head State Park located in Morgan County and within the Cumberland Plateau Physiographic Province. The entire area possesses deep hollows and valleys that represent numerous forest types with mixed mesophytic forest being the most prevalent. It contains significant mature forests and rare plants and is one of the least disturbed areas within the Cumberland Mountains;

(Q) Gattinger's Cedar Glade and Barrens. An area of approximately fifty-seven (57) acres located in Rutherford and Wilson Counties. This Central Basin site supports one of the largest known populations of the rare Tennessee coneflower, as well as numerous other rare and endemic cedar glade plants. It is a pristine limestone cedar glade-barrens complex;

(R) Hawkins Cove. A two hundred forty-nine (249) acre site in Franklin County which supports a population of the Cumberland rosinweed, a rare plant for Tennessee;

(S) Hicks Gap. An area of approximately three hundred fifty (350) acres located within Prentice Cooper State Forest in Marion County. The area includes a forested slope in the scenic Tennessee River Gorge containing a large population of a federally endangered plant species known as *Scutellaria montana* (large-flowered skullcap);

(T) Hill Forest. An area of approximately two hundred twenty-five (225) acres in Davidson County protecting a western mesophytic forest community with "old growth" characteristics located in Metropolitan Nashville. The forest has a high diversity of exceptionally large diameter tree species including oaks, hickories, and tulip poplars and is an exemplary remnant forest within an urban setting;

(U) Honey Creek. A wooded area near the Big South Fork River Gorge that includes rock houses, scenic streams, and a waterfall. The area is located in Scott County, and consists of one hundred nine (109) acres;

(V) Hubbard's Cave. A fifty (50) acre site located in Warren County. More than two hundred fifty thousand (250,000) federally endangered gray and Indiana bats, more than all other known Tennessee caves combined, hibernate in the cave;

(W) John and Hester Lane Cedar Glades. An area of approximately forty-five (45) acres located in Wilson County and within the Central Basin Physiographic Province. This site consists of a complex of pristine limestone cedar glades and mixed cedar-hardwood forests, and protects one of the largest known populations of the rare and endemic federal and state listed Tennessee coneflower, as well as a population of the state and federal listed leafy prairie-clover. This ecologically significant site also protects numerous other species of rare cedar glade flora;

(X) Langford Branch. An area of approximately twenty-three (23) acres in Lewis County that supports the federally listed Tennessee yellow-eyed grass (*Xyris tennesseensis*). Tennessee yellow-eyed grass occurs in an ecologically significant small calcareous seep community with other rare plants that include grass of parnassus (*Parnassia grandifolia*) and short-headed rush (*Juncus brachycephalus*). The seep is nested within an oak-hickory forest with grassland barrens species occurring on steep slopes;

(Y) Laurel Snow. A wooded area with three (3) flowing streams, two (2) scenic waterfalls, gorges, and a small stand of virgin timber consisting of two thousand two hundred fifty-nine (2,259) acres in Rhea County;

(Z) Manus Road Cedar Glade. An area of approximately twenty-two (22) acres located in Rutherford County. This Central Basin site supports a high quality limestone cedar glade with rare and endemic cedar glade plants including the federally endangered Pyne's ground plum (*Astragalus bibullatus*) and the state listed *evolvulus*

(*Evolvulus nuttallianus*) and Tennessee milk-vetch (*Astragalus tennesseensis*);

(AA) May Prairie. A remnant of the prairie that once covered many acres in Middle Tennessee, consisting of approximately two hundred fifty (250) acres in Coffee County;

(BB) Meeman-Shelby Forest. An area of approximately eleven thousand (11,000) acres located within Meeman-Shelby State Park in Shelby County. This area supports large unfragmented cypress dominated sloughs and bottomland hardwood forests that represent exemplary forest communities of the Mississippi Alluvial Plain in West Tennessee. It also supports significant unfragmented upland hardwood forests occurring along the Chickasaw Bluff;

(CC) Montgomery Bell. This area is comprised of a southern tract of approximately three hundred fifty (350) acres and a northern tract, referred to as Wildcat Ridge, of approximately two hundred fifty (250) acres of oak-hickory forests in Dickson County. These tracts are among the best known examples of representative oak-hickory forest ecosystems on the Western Highland Rim in Tennessee;

(DD) Morril's Cave. A tract of land containing approximately thirty (30) acres that includes an undisturbed cave with beautiful formations and eight to ten (8-10) miles of passages. The area is located in Sullivan County;

(EE) Morrison Meadow. An area of approximately eighteen (18) acres in Warren County on the Eastern Highland Rim containing an excellent example of a once extensive wetland prairie/barrens complex and associated wet flatwoods. Dominated by native warm-season grasses, the native barrens at this site contain a high level of floristic diversity, including at least ten (10) state listed plant species and is regarded as one of the most significant botanical sites in the state;

(FF) Mount View Glade. A nine (9) acre site located in Davidson County which supports an important colony of the globally-rare, federally-endangered Tennessee coneflower;

(GG) Mr. and Mrs. Harry Lee Carter Natural Area. An area of approximately nine hundred thirty-one (931) acres, located in Franklin County, also known as, and containing, Lost Cove Cave (Buggytop Caves);

(HH) North Chickamauga Creek Gorge. An area of approximately seven thousand ninety-three (7,093) acres located in Hamilton County that includes the rugged and steep gorge of North Chickamauga Creek. This area provides habitat for the state and federally endangered large-flowered skullcap (*Scutellaria montana*) and the state endangered and federally threatened Virginia spirea (*Spirea virginiana*), as well as numerous other rare species of plants. This Cumberland Plateau site includes a diversity of forest types from rich mixed mesophytic forest in the gorge to xeric oak-hickory-pine forest on the uplands;

(II) Old Forest. A forested area of approximately one hundred twenty-six (126) acres located in the eastern half of Overton Park in Shelby County. Overton Park was purchased in 1901 as the first city park in Memphis and is listed on the national register of historic places. The park's forest is comprised of upland old growth that has never been cleared or farmed despite its location in the center of a major urban area. The forest contains more than three hundred thirty (330) flowering plant species from eighty-five (85) plant families, including eleven (11) species of oak trees, eight (8) species of grapevines and a wide variety of native wildflowers. The forest is roughly bounded by the Memphis Zoo's perimeter and North Parkway on the north, East Parkway on the east, Poplar Avenue on the south, and Lick Creek on the west;

(JJ) Overbridge. An area of seventy (70) acres in Rutherford County which supports a pristine cedar glade community including a population of the federally endangered Pyne's Ground Plum and six (6) state listed plants;

(KK) Piney Falls. Two (2) small waterfalls along with a scenic gorge that includes pockets of virgin timber, consisting of approximately four hundred forty (440) acres in Rhea County;

(LL) Pogue Creek. An area of approximately three thousand (3,000) acres in Fentress County located adjacent to Pickett State Forest and containing scenic gorges with numerous cliffs, sandstone arches, waterfalls, and rock houses, as well as rich forest communities. It also protects populations of rare species including Cumberland sandwort and Lucy Braun's snakeroot;

(MM) Powell River Preserve. A twenty-nine (29) acre site located in Claiborne County which supports the state's largest population of large-leaved grass of Parnassus and showy ladyslipper;

(NN) Radnor Lake. A one thousand two hundred (1,200) acre area in Davidson County, containing a seventy (70) acre lake, marshes, streams, and wooded hills;

(OO) Riverwoods Natural Area. An area of approximately twenty-one (21) acres, located in Shelby County;

(PP) Roundtop Mountain. An area bordering for one (1) mile on the Great Smoky Mountains National Park and containing an ecosystem very similar to the relatively untouched Appalachian Uplands of the national park. The area is located in Sevier County;

(QQ) Savage Gulf. A mixed-mesophytic, semi-virgin forest, consisting of approximately fifteen thousand five hundred ninety (15,590) acres in Grundy County;

(RR) Sequatchie Cave. An area of approximately ten (10) acres located where Owen Spring Branch flows from the mouth of the cave at Sequatchie Cave Park in

Marion County. The cave and its cool spring water support the federally listed royal snail (*Pyrgulopsis ogmorhaphae*) and numerous other rare faunal species. This is also the type locality of a rare caddisfly (*Glyphopsyche sequatchie*);

(SS) Sneed Road Cedar Glade. A one (1) acre site located in Williamson County which may be the best remaining site for the federally-endangered leafy prairie-clover;

(TT) Stinging Fork Falls. A gorge lying in and along Stinging Fork Creek that includes waterfalls and scenic overlooks. The area consists of seven hundred seventy-six (776) acres and is located in Rhea County;

(UU) Stones River Cedar Glade and Barrens. An area of approximately one hundred and eighty-five (185) acres located within Stones River National Battlefield in Rutherford County. This Central Basin site includes rare limestone cedar glades and barrens communities, and is a recovery site for the rare Tennessee coneflower and Pyne's ground-plum. This site also supports numerous other rare and endemic cedar glade plants;

(VV) Sunk Lake. An area containing a series of open lakes and swamp forest, and consisting of approximately one thousand six hundred eighty-three (1,683) acres in Lauderdale County;

(WW) Sunnybell Cedar Glade. A thirty-six (36) acre site in Rutherford County which supports a large population of rare yellow sunnysbells and six (6) other rare plants;

(XX) Taylor Hollow. A one hundred sixty-two (162) acre remnant old growth forest in Sumner County which supports the rare blue-eyed Mary and dwarf trillium;

(YY) Twin Arches. An area of approximately one thousand five hundred (1,500) acres containing two (2) fifty foot (50') high natural bridge arches located in Pickett County;

(ZZ) Vesta Cedar Glade. A one hundred fifty (150) acre cedar glade in Wilson County, which supports one of only five (5) known populations of the endangered Tennessee coneflower plus other rare cedar glade plants;

(AAA) Vine Cedar Glade. An area of approximately thirty five (35) acres in Wilson County that includes rare cedar glades and barrens communities and supports a population of the federally endangered Tennessee coneflower (*Echinacea tennesseensis*) as well as numerous other species of rare cedar glade plants. This area is located in the Central Basin physiographic province of middle Tennessee;

(BBB) Virgin Falls. A wooded area consisting of one thousand one hundred thirty-three (1,133) acres and containing the unusual Virgin Falls, sinkholes, caves, and portions of the Caney Fork River located in White County;

(CCC) Walker Branch Dragonfly and Damselfly Preserve. This is approximately 225 acres in Hardin County near the Tennessee River. This site has forested wetland communities including Tupelo gum (*Nyssa aquatica*) and Bald cypress (*Taxodium distichium*) with surrounding floodplain and upland forest community types. There are upland seeps, which combined with these many other forest communities, provide unique habitat for more than 37 species of dragonflies and damselflies;

(DDD) Walls of Jericho. An area of approximately seven hundred fifty (750) acres in Franklin County located within the Bear Hollow Wildlife Management Area. This forested property contains a gorge known as the Walls of Jericho, a large, bowl-shaped natural amphitheater with interesting and unusual rock formations carved by Turkey Creek. In addition to its natural beauty, this property protects a diverse array of plant and animal species, including the rare limerock arrowwood;

(EEE) Walterhill Floodplain. A thirty-four (34) acre area located along the Stones River in Rutherford County, and supporting one of the world's largest populations of the Stones River bladderpod, one of Tennessee's rarest plants;

(FFF) Washmorgan Hollow. A seventy-three (73) acre site in Jackson County which supports a rare mint population and is a significant neotropical bird habitat;

(GGG) Watauga River Bluffs. An area of approximately fifty (50) acres located along the Watauga River in Carter County that includes a mixture of calcareous riverine bluffs and mixed oak/hemlock forest. This site supports a population of the rare Carolina pink (*Silene caroliniana*), and one of the best examples of a rock chestnut oak-eastern red cedar forest in the Ridge and Valley physiographic province;

(HHH) William B. Clark Conservation Area. An area of approximately four hundred twenty-eight (428) acres located in Fayette County that supports high quality bottomland hardwood and forested wetland communities occurring along scenic meanders of the Wolf River. Located in the Coastal Plain physiographic province of west Tennessee, this site contains unaltered river channels and forested flood plains featuring high quality Bald Cypress-Water Tupelo forest communities, and provides habitat for numerous species of plants and animals in need of conservation;

(III) William L. Davenport Refuge. An area of approximately 120 acres in Polk County that includes a southern Appalachian bog community. This plant community is considered globally rare. It is characterized by an open canopy and is covered by a mat of large cranberry (*Vaccinium macrocarpon*) interspersed with tawny cotton-grass (*Eriophorum virginicum*), and alder (*Alder serrulata*) at the bog's edge; and

(JJJ) Wilson School Road forest and cedar glades. A predominately forested area of approximately fifty-eight (58) acres in Marshall County in the Central Basin containing small limestone cedar glades and karst topography with wet weather conveyances, and dry woodlands containing eastern red cedar and blue ash trees.

There are three (3) rare plant species known on this site, including the globally rare running glade clover (*Trifolium calcaricum*), Carolina anemone (*Anemone caroliniana*), and Tennessee glade cress (*Leavenworthia exigua* var. *exigua*).

HISTORY: Acts 1971, ch. 116, § 8; 1973, ch. 185, § 1; 1973, ch. 324, § 1; 1974, ch. 612, § 1; 1975, ch. 33, § 1; 1977, ch. 254, § 1; 1977, ch. 263, § 1; 1977, ch. 302, §§ 1, 2; T.C.A., § 11-1708; Acts 1984, ch. 574, § 1; 1985, ch. 99, §§ 1-3; 1986, ch. 912, §§ 6, 7; 1987, ch. 154, §§ 1, 2; 1987, ch. 210, § 1; 1988, ch. 508, §§ 1-3; 1988, ch. 643, § 1; 1989, ch. 91, § 1; 1993, ch. 341, § 1; 1994, ch. 627, § 1; 1995, ch. 105, §§ 1, 2; 1997, ch. 237, §§ 1, 2; 1998, ch. 622, §§ 1-5; 1999, ch. 357, §§ 1-5; 2000, ch. 636, §§ 1, 2; 2001, ch. 56, §§ 1-6; 2002, ch. 779, §§ 2-8; 2003, ch. 129, §§ 1-4; 2004, ch. 482, § 1; 2004, ch. 947, § 1; 2006, ch. 618, §§ 1-4; 2007, ch. 68, §§ 1-3; 2007, ch. 381, § 1; 2008, ch. 749, §§ 1-9; 2009, ch. 53, §§ 1-7; 2010, ch. 643, §§ 1-4; 2011, ch. 400, § 1.

11-14-109. Plan for development and protection.

The commissioner shall, within two (2) years after an area has been made a part of this system, have completed a comprehensive plan of development and protection, and shall have begun the process of acquisition.

[Acts 1971, ch. 116, § 9; T.C.A., § 11-1709.]

11-14-110. Acquisition of property.

Within the boundaries of any Class I or Class II area included within the system, except those belonging to local governments, the commissioner may acquire, on behalf of the state of Tennessee, lands in fee title, or if applicable, and preferably, interest in land in the form of conservation easements. Easements should especially be sought in establishment of trails or other narrow, elongated or extensive land uses. Acquisition of land in fee or of any interest therein may be by donation, purchase with donated or appropriated funds, exchange, or otherwise. In acquiring property or property interests, as herein defined, the commissioner shall have the powers set forth in title 29, chapter 16, as heretofore or hereinafter amended, or under any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain. No area shall be added to this part except by an act of the general assembly.

[Acts 1971, ch. 116, § 10; T.C.A., § 11-1710; Acts 1981, ch. 361, § 13.]

11-14-111. Cooperation with other agencies.

The commissioner, with the assistance of the other concerned state agencies, shall seek the cooperation of federal, county, and municipal agencies for the purposes of planning, development, and administration of the areas included within this program, and for the wise utilization of economic resources.

[Acts 1971, ch. 116, § 11; T.C.A., § 11-1711.]

11-14-112. Registration of privately owned areas.

The department shall maintain a registry of scenic or natural-scientific areas that are not in state ownership and whose owners have agreed to maintain them in a natural state, in accordance with such rules and regulations promulgated by the commissioner. Owners of such areas shall be permitted to make public the fact that the area is listed in the state registry. If the commissioner finds at any time that the owner has failed to maintain the criteria for natural areas as specified in this part, registration shall lapse.

[Acts 1971, ch. 116, § 12; 1978, ch. 634, § 2; T.C.A., § 11-1712.]

11-14-113. Areas becoming part of other state areas.

Any component of the system that is or shall become a part of any state park, wildlife refuge, or similar area shall be subject to the provisions of this part and the laws under which the other areas may be administered and, in the case of conflict between the provisions of these laws, the more restrictive provisions shall apply.

[Acts 1971, ch. 116, § 13; T.C.A., § 11-1713.]

11-14-114. Reports from other agencies.

All state agencies shall, as areas are placed in this system, inform the commissioner of any proceedings, studies, or other activities within their jurisdiction and regardless of by whom requested which are then in progress and which affect or may affect any of the areas specified in § 11-14-105. They shall likewise inform the commissioner of any such proceedings, studies or other activities which are thereafter commenced or resumed before they are commenced or resumed.

[Acts 1971, ch. 116, § 14; T.C.A., § 11-1714.]

11-14-115. Violations - Penalties.

(a) Whoever violates, fails, neglects or refuses to obey any provisions of this part or rule or regulation promulgated hereunder may be punished by a fine of not less than one hundred dollars (\$100) for each day of such violation.

(b) In addition to the foregoing criminal penalty, the general assembly finds that it is appropriate that there be the following civil sanction as well. Any person who commits any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

- (1) Any damage or vandalism to any natural area;
- (2) The removal or destruction of any rare, threatened or endangered species of plants in any natural area; or

(3) Any other violation of this part or the rules promulgated hereunder.

(c) The commissioner, through the attorney general and reporter, may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation occurred, in the name of the department.

(d) In assessing the civil penalty, the court may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the natural area, including compensation for loss or destruction of any part of the area, resulting from the violation, as well as expenses involved in enforcing this section and the costs involved in rectifying any damage;

(3) The cause of the violation; and

(4) Any economic benefit gained by the violator.

[Acts 1971, ch. 116, § 15; T.C.A., § 11-1715; Acts 1998, ch. 1080, § 6; 2001, ch. 56, § 7.]

11-14-116. Reelfoot Lake Natural Area - Administration - Land acquisition.

(a) Notwithstanding any provisions of this part to the contrary, the provisions of this section are applicable to the Reelfoot Lake natural area, an area designated as a natural area under the provisions of § 11-14-108 and described therein.

(b) The responsibility for the administration of the Reelfoot Lake natural area under this part is transferred from the department, in cooperation with the wildlife resources agency and with the conservation commission acting as an advisory body, to the wildlife resources agency, in cooperation with the department and with the conservation commission acting as an advisory body.

(c) All powers and duties of the commissioner under this part, with respect to the Reelfoot Lake natural area, are transferred to and shall be exercised and performed by the executive director of the wildlife resources agency, except that the power and duty to promulgate regulations are transferred to and shall be exercised by the wildlife resources commission.

(d) All powers and duties of the department under this part, with respect to the Reelfoot Lake natural area, are transferred to and shall be exercised by the wildlife resources agency.

(e) The wildlife resources commission, when promulgating regulations applicable to the Reelfoot Lake natural area, and the wildlife resources agency and its executive director, in the administration of the Reelfoot Lake natural area, shall seek the cooperation and advice of the department during the preparation of such regulations and the development of all management plans and policies for the natural area.

(f) The powers and duties of the wildlife resources commission, the wildlife resources agency and its executive director, with respect to the Reelfoot Lake natural area under this section shall not extend to those properties operated by the division of parks and recreation, as the

Reelfoot Lake State Resort Park, including noncontiguous day use areas, and consisting of approximately two hundred seventy-nine and twenty-three hundredths (279.23) acres.

(g) No provision of this part shall prevent the wildlife resources commission from allowing hunting, fishing or other taking of wildlife on the Reelfoot Lake natural area in accordance with the provisions of title 70 and the rules, regulations and proclamations promulgated pursuant to title 70. However, such rules, regulations and proclamations may include restrictions on hunting, fishing or other taking of wildlife in limited areas designated by the wildlife resources commission as requiring such restrictions for the protection of plant and animal species which are listed by either the department or the wildlife resources commission as endangered, threatened, deemed in need of management or of special concern.

(h) Annually, not later than January 8, the executive director of the wildlife resources agency shall submit a report to the appropriate standing committees of the senate and the house of representatives of the general assembly. Such report shall outline, in summary form, the agency's activities and accomplishments in administering the Reelfoot Lake natural area during the preceding fiscal year.

(i) (1) The general assembly finds and declares that it is in the general interests of the people of Tennessee to establish a partnership between this state and private, nonprofit corporations, qualifying under Section 501(c)(3) of the United States Code, for the purpose of implementing the expeditious acquisition of interest in lands at Reelfoot Lake.

(2) The executive director of the wildlife resources agency shall identify appropriate private, nonprofit corporations to assist with the acquisition of these lands. These corporations shall have the protection of charters of incorporation. The executive director is authorized, with the approval of the commissioner of finance and administration and the state building commission, to enter into agreements with such corporations to permit the corporations to purchase surveys, appraisals, title work, and other services required for the acquisition of interests in lands at Reelfoot Lake; provided, that contractors selected by the corporations for these purposes must be properly licensed in Tennessee for these purposes. The executive director, with the approval of the commissioner of finance and administration and the state building commission, is further authorized to accept such surveys, appraisals, title work, and services on behalf of the state and to enter into agreements with such corporations to acquire options and to pre-acquire on behalf of the state interests in lands at Reelfoot Lake. The executive director is further authorized, with the approval of the commissioner of finance and administration and the state building commission, to acquire conservation easements from such corporations where such corporations may retain the fee title; provided that the executive director may not purchase a conservation easement under such circumstances for more than its appraised value. The executive director may, through such agreements, commit the state to reimburse the corporations for their costs of acquisition and for their costs of capital. The commissioner of finance and administration and the state building commission shall establish a form for such agreements.

[Acts 1984, ch. 548, § 1; 1985, ch. 350, §§ 1-3.]

11-14-117. Initiation of proceedings - Injunctive relief.

The commissioner may initiate proceedings in the chancery court of Davidson County or the county in which the activities occurred against any person who is alleged to have violated or is about to violate this part or the rules promulgated hereunder. In such action the commissioner

may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

[Acts 2001, ch. 56, § 8.]