

**RULES  
OF  
TENNESSEE WILDLIFE RESOURCES AGENCY  
WILDLIFE RESOURCES**

**CHAPTER 1660-1-12  
RULES AND REGULATIONS CONCERNING  
LEASING OF STATE-OWNED PROPERTY  
AT REELFOOT LAKE**

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**1660-1-12-.01 LEASING OR PERMITTING STATE-OWNED PROPERTY AT REELFOOT LAKE**

- (1) The Executive Director of the Wildlife Resources Agency is authorized to permit the construction, maintenance and operation of facilities on lands under the jurisdiction of the Agency deemed necessary for the best utilization of Reelfoot Lake in the public interest, such facilities or developments to include, but not limited to, boat docks, fishing piers, camp sites, trailer camps, picnic areas, hotels, motels, restaurants, fish markets and other retail stores.
- (2) The Executive Director is authorized to grant leases of lands for a period of twenty (20) years or less upon terms hereinafter described and for such purposes he may deem reasonable in the public interest. The said leases may contain a provision giving the lessee the option of renewing the said lease upon the terms hereinafter described and conditions and for the same term.
- (3) The leaseholds may be sold provided that the same has been approved by the Executive Director, the Governor and Attorney General, but a sale made without their approval shall be void.
- (4) The Executive Director shall approve the plans and specifications prior to the construction of any facility or improvement on state lands at Reelfoot Lake under the jurisdiction of the Agency and such authorization shall be evidenced by written supplements to said leases. A performance bond will be posted with the Director prior to the construction of any commercial structure. The bond shall be returned to the lessee upon satisfaction of the terms and specifications of the lease. The total value of the bond shall be forfeited to the Agency, if the terms of the lease are not satisfied.
- (5) The Executive Director is authorized to move any person or persons, at any time from any of the islands, or other lands on Reelfoot Lake belonging to the State who fail to observe the laws, rules and regulations governing the islands or waters of the lake or who violates any of the provisions of any agreement or lease entered into with the Executive Director.
- (6) The Executive Director is authorized to grant leases or use permits for use of the lake shore frontage, lake surface rights, and land under jurisdiction of the Agency at Reelfoot Lake under the following conditions:
  - (a) Leases of land shall be granted for lake shore frontage and for land under the jurisdiction of the Agency in accordance with the requirements of applicable law.
  - (b) Excavating chutes, inlets, or ditches from the lake proper across the State line or into State land is prohibited except when specifically authorized by the Executive Director. Such excavation or digging will only be authorized in the term of a lease or an amendment to a lease by the party requesting authority to accomplish such excavation. Waters contained or impounded in that portion of such chutes or excavations lying within the State property line will be considered as

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an extension of the lake and structures built thereon or over same will be considered as being built over or upon the surface of the lake.

- (c) Leases, permits or authority for excavations or structures will not be granted where same will deny access by the general public to State lands or shore lines not under lease to private individuals, or will deny access to other leaseholds, other permitted structures or other structures not requiring permit.
- (d) On or after January 1, 1989, permits shall be obtained for all facilities or structures, or portions thereof, located on or over Reelfoot Lake waters in which the State possesses a legal interest or has legal control whether said facilities or structures are attached to the land under the water, or not, under the following conditions:
  - 1. For facilities or structures in existence on January 1, 1989, and under lease, a permit shall be obtained upon expiration of the lease; and,
  - 2. For facilities or structures to be constructed on or after January 1, 1989, the permit shall be obtained prior to construction.

Multiple facilities and structures shall be permitted as a unit for each lessee or landowner for use in connection with the land leased or owned; that is, in the event a lessee or landowner has more than one facility or structure for use in connection with the land leased or owned, only one permit will be required which will include all facilities and structures as a unit. Approval of additional facilities and structures will be required and will be incorporated into the existing permit.

Permits shall not be required for facilities or structures located entirely on or over privately owned lands where the lands are normally covered with water. The maximum width of docks or piers shall not exceed ten feet unless authorized by the executive director.

- (e) Applications for permits shall be made on forms approved by the executive director. Applicants shall agree to and shall meet and abide by the terms and conditions as contained in the application prior to approval and issuance of the permit. Submission of the application shall be accompanied by an annual fee. The annual fee for structures and facilities used for commercial purposes or in connection with commercial enterprises shall be \$50.00. The annual fee for structures or facilities used in connection with non-commercial holdings shall be \$20.00. Non-commercial holdings are those holdings where the major use of the adjoining private property is residential. In the event the private property owner, his lessee, assign, employee, agent or person in charge is engaged in a business or activity on the property for which he is assessed a commercial property tax as reflected on the rolls of the assessor of property for the appropriate county on the issuance or anniversary date of the permit, then the major use of the property shall be considered commercial for permit purposes.
  - (f) The executive director shall issue a permit upon approval of the application. Permits shall expire one year from the date of issuance of same.
  - (g) Permits may be renewed by written request to the executive director accompanied by the annual fee.
- (7) The payment of fees charged for facilities leased or permitted at Reelfoot Lake shall be payable on the anniversary date of the lease or permit. Fees not paid within 30 days after the anniversary date of the lease or permit will result in the cancellation of the lease or permit. The Executive Director shall be in

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receipt of the annual payment of the lease or permit on or before the effective date of the lease or permit.

- (8) The following described lands shall not be subject to lease, permit or any use other than for hunting and fishing.

That portion of the Reelfoot Lake area known as the State Wildlife Management Area from Champey Pocket north to where the State fence intersects Bayou Du Chein. Those portions of land under jurisdiction of the Agency adjacent to the U. S. Fish and Wildlife Service Refuge and not under lease.

The purpose of excluding these lands is to preserve the natural character of Reelfoot Lake, prevent undue harassment to waterfowl and other wildlife and allow a great freedom for hunters to use the lake as a safety precaution.

- (9) Any facility constructed by a leasee or permittee on state property at Reelfoot Lake becomes the property of the Agency upon expiration of the lease or permit or upon cancellation of the lease or permit for reasonable cause.
- (10) The provisions of these rules and regulations shall be effective upon date of publication except that the terms of leases now in effect shall continue under their present terms until their date of expiration and at which time these rules and regulations become effective. Leases that have temporarily elapsed for administrative purposes may be renewed upon payment of the elapsed amount due and accruable to July 1, 1959, at the rates in effect at the time leases elapsed, thereafter to be renewed under the terms of these rules and regulations.
- (11) Provisions for private or commercial buildings including attachments thereto either totally or partially located on State property under jurisdiction of the Agency at Reelfoot Lake not under lease-the owner of such structure, if the structure meets specifications, must lease the land on which he encroaches from his property line to the water's edge under terms of Paragraph (6) preceding, or remove the structure from said state property.
- (12) No lease or permit shall be granted for the purpose of mooring houseboats to the shores of Reelfoot Lake nor shall the anchoring of houseboats in the waters of Reelfoot Lake be permitted.

**Authority:** T.C.A. §70-1-206. **Administrative History:** Original rule certified May 8, 1974. Amendment filed May 10, 1984; effective June 9, 1984. Amendment filed February 20, 1986; effective March 22, 1986. Amendment filed October 26, 1988; effective December 10, 1988.