



Department of
**Environment &
Conservation**



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
TENNESSEE STATE PARKS**

**COMMERCIAL USE AUTHORIZATION
CONDITIONS OF AUTHORIZATION**

The State of Tennessee, Department of Environment and Conservation (the "Department") has terms and conditions on all commercial use authorizations. The following terms and conditions will apply to all commercial use authorizations. There may be additional terms and conditions based on the services provided at certain parks. These park-specific conditions of authorization are listed after the general conditions of authorization.

**COMMERCIAL USE AUTHORIZATION
GENERAL CONDITIONS OF AUTHORIZATION**

1. **False Information:** The holder is prohibited from knowingly giving false information. To do so will be considered a breach of conditions and be grounds for revocation.
2. **Legal Compliance:** The holder shall conduct all commercial park activities permitted under this authorization subject to the supervision of the Department.
3. **Liabilities and Claims:** This authorization is issued upon the express condition that the State of Tennessee, its agents and employees, shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or persons or property of any kind whatsoever, whether to the person or property of the holder, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this authorization or occasioned by any occupancy or use of said premises or any activity carried on by the holder in connection herewith. The holder covenants and agrees to indemnify, defend, save, and hold harmless the State of Tennessee, its agents and employees, from all liabilities, charges, expenses, and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits, or losses however occurring or damages growing out of the same.
4. **Insurance:** The holder agrees to carry general liability insurance against claims occasioned by the action or omissions of the holder, its agents and employees, in carrying out activities and operations under this authorization. Holder shall also carry any other insurance policies required as outlined in Attachment B CUA Insurance Requirements. The policy(ies) shall name the State of Tennessee, Department of Environment and Conservation as an additional insured and provide coverage in at least the amounts outlined in Attachment B CUA Insurance Requirements. Holder agrees to have on file with the Department copies of the above insurance with the proper endorsements.
5. **Fees:** The holder shall pay all fees outlined in Attachment C Fee Schedule and Payment Information.
6. **Transfer:** This authorization may not be transferred or assigned.
7. **Termination:** This authorization may be terminated upon breach of any of the conditions herein or as outlined in Tenn. Comp. R. & Regs. 0400-02-13-.06.
8. **Preference or Exclusivity:** The holder is not entitled to any preference to renewal of this authorization except to the extent otherwise expressly provided by law. This authorization is not exclusive and is not a concession contract.
9. **Construction:** The holder shall not construct any structures, fixtures, or improvements, or engage in any groundbreaking activities in the park without the express, written approval of the Department.
10. **Reporting:** Within 60 days after each anniversary of the issuance of this authorization and the expiration date of this authorization, the holder must file a statement of its gross revenues derived from activities under this authorization for the year prior to that anniversary or expiration date, as appropriate. Such statement of gross revenue must be broken down by commercial park activity and park and be submitted to TSP-CommercialUse@TN.gov. The Department may also request that the annual report include other information related to the holder's activities, including but not limited to visitor use statistics or resource-impact assessments.
11. **Accounting:** The holder must maintain an accounting system under which its accounts can be readily identified within its system-of-accounts classification. This accounting system must be capable of providing the information required by this authorization. The holder grants the State of Tennessee access to its books and records related to the activities conducted under this authorization at any time for the purpose of determining compliance with the terms and conditions of this authorization.

12. **Intellectual Property of Department:** Except with the written authorization of the Department, the holder shall not represent to the public or assert any legal claim that the holder or any related entity holds a trademark, tradename, service mark, or other ownership interest in the words "Tennessee State Parks", the initials "TSP", the official name of any park or part thereof, or any logo used by the Department, or any colorable likeness thereof or the likeness of a Tennessee State Park official uniform, badge, logo, or insignia.
13. **Nondiscrimination:** The holder must comply with applicable laws relating to nondiscrimination in providing visitor services to the public and with all equal employment opportunity provisions of Title VII of the Civil Rights Act, as amended.
14. **Compliance with Laws:** The holder, in exercising the privileges granted by his authorization, must comply with all applicable federal, state, county, and municipal laws, ordinances, or regulations, including all applicable state park rules and regulations. The holder must acquire all permits or licenses of state or local government, as applicable, necessary to provide the services described above.
15. **Parking:** The holder must restrict all parking of vehicles to designated parking areas only.
16. **Idling Prohibited:** Drivers of motor vehicles are prohibited from idling their engines in parking lots except while actively loading or unloading passengers.
17. **Excessive Noise Prohibited:** Holder and holder's clients must not create excessive noise. The use of musical instruments or amplified music and motorized equipment such as generators is prohibited without prior written approval from the park manager.
18. **Holder's Employees, Agents, Contractors, and Customers:** The holder must ensure the holder's employees, agents, sublessees, contractors, subcontractors, and their employees, as well as holder's customers, are informed of and comply with all the terms of this authorization and the Department's rules and regulations.
19. **Minimal Impact:** The holder must limit the impact its commercial park activities have on park resources and other park guests to the greatest extent possible, subject to what is reasonable or a generally expected level of impact for holder's particular commercial park activity(ies).
20. **Rescues and Emergencies:** Holder shall notify the park of lost or missing clients by calling the park office or dial 911 in case of an emergency. While self-rescue is encouraged in cases where no additional resources are needed and there is no immediate threat to human health or safety, park staff may employ additional resources when the situation warrants.
21. **Rock Climbing:** Rock climbing, rappelling, belaying, bouldering, and any similar activities are authorized within designated climbing and rappelling areas only. In addition to this authorization, the holder must also have a valid climbing permit, which may be obtained through the Department's website, before offering any of the services listed above.
22. **Caves:** Before entering park caves, all items that have been inside any cave or other environment that could potentially expose these items to white-nose syndrome fungus must first be disinfected according to the most recent version of the US Fish and Wildlife Service's National White-nose Syndrome Decontamination Protocols. In addition to this authorization, holder must have a valid cave permit, which may be obtained through the Department's website, before entering a cave on park property.

COMMERCIAL USE AUTHORIZATION
PARK SPECIFIC CONDITIONS OF AUTHORIZATION

Old Stone Fort State Archaeological Park

1. **Group Size Restrictions:** Group size is limited to 15 people, including clients and guides, unless a larger group size is approved in advance in writing by the park manager.
2. **No Off-Trail Hiking:** Holder may not take clients, or allow clients to go, off-trail without prior written approval from the park manager.
3. **Archeological and Cultural Sites:** Walking on, climbing, entering, ascending, descending, or traversing an archaeological or cultural resource is prohibited.
4. **Use of Park Roads:** Commercial travel by holder's vehicles, whether owned, rented, leased or controlled by holder, is restricted to front country roads only. Holder may use the enclosure emergency access road in cases of emergency only. Commercial travel on backcountry roads is not permitted under this authorization without prior written approval from the park manager. Vehicle parking must be in established parking lots or roadside pull offs.
5. **Backcountry Campsites/Shelters:** Backcountry camping is allowed in established campsites only. Holder must reserve campsites and shelters prior to use. Off-trail camping is strictly prohibited. Overnight backpacking trips are limited to a

maximum of four persons per party, including guides, regardless of the campsite used. Camping areas must be set up in accordance with Leave No Trace principles, appropriate for the group size, and as unobtrusive to other visitors as possible. At the end of each camping trip/permitted itinerary, the holder must remove all gear, trash, and equipment from the site.

Panther Creek State Park

1. **Group Size Restrictions:** Day-hiking group size is limited to 36 individuals, including guides, unless a larger group size is approved in advance in writing by the park manager. The holder will provide no less than 1 guide for every 11 clients in the hiking group. Large groups over 12 may break into smaller hiking groups on the same trail if they stagger each group's start time by 15 minutes and maintain the 15-minute distance between the groups.
2. **No Off-Trail Hiking:** Holder may not take clients, or allow clients to go, off-trail without prior written approval from the park manager.

South Cumberland State Park

1. **Group Size Restrictions:** Group size is limited to 15 people, including clients and guides, for day hiking groups and similar activities utilizing park trails.
2. **No Off-Trail Hiking:** Holder may not take clients, or allow clients to go, off-trail without prior written approval from the park manager.
3. **Natural, Archeological, and Cultural Sites:** Walking on, climbing, entering, ascending, descending, or traversing an archaeological or cultural resource is prohibited. Off-trail exploration in designated natural areas or areas that contain fragile ecosystems is strictly prohibited.
4. **Use of Park Roads:** Commercial travel by holder's vehicles, whether owned, rented, leased, or controlled by holder, is restricted to front country roads. Commercial travel on backcountry routes is not permitted under this authorization without prior written approval from the park manager. Vehicle parking must be in established parking lots or roadside pull-offs.
5. **Backcountry Campsites:** Backcountry camping is allowed in established campsites only. Holder must reserve campsites prior to use. Off-trail camping is strictly prohibited. Overnight backpacking trips are limited to a maximum of 12 persons per party, including guides, with no more than six persons per backcountry site unless it is a group site. Camping areas must be set up following Leave No Trace principles, appropriate for the groups' size, and as unobtrusive to other visitors as possible. At the end of each camping trip/permitted itinerary, the holder must remove all gear, trash, and equipment from the site.
6. **Kayaking/Boating:** Commercial boating is limited to Grundy Lakes. Holder may only use paddle craft, and no motors or sailing is allowed. No boating is permitted within smaller creeks or waterways.