



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
TENNESSEE STATE PARKS

COMMERCIAL USE AUTHORIZATION PROGRAM

## CUA Handbook

This handbook is intended to assist prospective applicants and returning operators in learning more about the commercial use authorization application and permitting process and commercial operation within Tennessee State Parks. The service categories allowed and requirements specific to each service category can be found in Attachment A: Authorized Services and Required Licenses, Registrations, and Training Certificates at the Tennessee Department of Environment and Conservation’s Vendor Opportunities webpage. <https://www.tn.gov/environment/parks-conservation/vendor-opportunities.html>

## Contents

CUA Handbook .....	1
Frequently Asked Questions .....	2
What is a commercial use authorization? .....	2
What types of activities are authorized in Tennessee State Parks under a CUA?.....	2
What is the definition of each CUA category? .....	2
What criteria must commercial operations meet to qualify for a CUA?.....	3
How do I apply for a CUA? .....	3
When is the application period? .....	4
What happens once I apply for a CUA? .....	4
How long does it take to obtain a CUA? .....	5
What are the standard fees associated with acquiring and operating under a CUA? .....	5
How do I allocate my gross revenue if I provide commercial activities at multiple parks? .....	5
When is the application fee due? .....	5
When are the market fee and annual financial report due? .....	6
How do I pay the application and market fees? .....	6
What is the term of a CUA? .....	6
What if I need to add another park to my CUA after submitting or after my permit is complete?.....	6
May I use TDEC intellectual property in my advertising? .....	6
Who should I contact with additional questions? .....	6
Checklist for Applicants.....	6

## Frequently Asked Questions

### What is a commercial use authorization?

A commercial use authorization (CUA) is a permit issued by TDEC to allow individuals and businesses to provide activities involving any commercial or business purpose within a Tennessee state park or state natural area that may impact park facilities, park visitors, or park staff, including, but not limited to, any recreational activity that is packaged and sold as a service.

### What types of activities are authorized in Tennessee State Parks under a CUA?

The following activities are eligible for authorization under a CUA in Tennessee State Parks:

- Road-based Commercial Tours
- Shuttle Service
- Guided Front Country Tours & Workshops
- Guided Water-based Tours/Excursions
- RV/Camper Delivery Services
- Food and Beverage Service
- Guided Horseback Rides
- Guided Overnight Excursions
- Recreation Equipment Rental Services

Definitions for each activity type are described in more detail in the CUA Handbook. TDEC will not accept applications for activities not listed above. Commercial activities not authorized under a CUA, special use permit, or other TDEC-approved contract or agreement are prohibited in Tennessee State Parks.

### What is the definition of each CUA category?

AUTHORIZED COMMERCIAL SERVICE	DEFINITION
<b>Road-based Commercial Tours</b>	One or more persons traveling by improved roadway on an itinerary that is packaged, priced, or sold for leisure/recreational purposes and provides no other services except those incidentals to road-based travel in a Tennessee State Park (on-board interpretation and incidental stops at visitor centers, wayside exhibits, etc.). Tour groups are only permitted in areas designated under special conditions of authorization.
<b>Food and Beverage Service</b>	Services such as concession stands, temporary food vendors, food trucks, and catering services. (The services provided may not conflict with the services provided by concessioners under contract with the Department or park operations.)
<b>Shuttle Service</b>	Providing one or more persons direct transportation to or from a park trailhead or other park destination by vehicle or boat for compensation. This does not include services offered by rideshare or taxi companies whose principal customer base is not park guests.
<b>Guided Horseback Ride</b>	One or more persons travelling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes; takes place along the overlooks, historic areas, roadways, waterways, greenspace, park facilities,

	or on any designated trail; and includes transportation across such facilities via horseback or other equine species or similar pack animals such as llamas.
<b>Guided Front Country Tours &amp; Workshops</b>	One or more persons travelling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes and takes place along the overlooks, historic areas, roadways, waterways, greenspace, park facilities, or on any designated trail. Examples include but are not limited to hiking, fishing, hunting, climbing, rappelling, photography instruction, birding classes, fitness classes, and art instruction.
<b>Guided Overnight Excursions</b>	One or more persons travelling on an itinerary that has been packaged, priced, or sold for educational/recreational purposes and a portion of the trip takes place in a backcountry area on any designated trail and includes an overnight stay.
<b>Guided Water-based Tours/Excursions</b>	One or more persons travelling on an itinerary that has been packaged, priced, or sold for leisure/recreational purposes and includes transportation in waterways via motorized or non-motorized vessels.
<b>Recreation Equipment Rental Services</b>	In addition to equipment rentals, may also include delivery and set up of camping or other recreation equipment on a designated location in a park. If the delivery/set up is on a campsite, the campsite must be reserved in advance by the client/visitor, not the service provider. Only services defined above are permitted under this category.
<b>RV/Camper Delivery Services</b>	The delivery of hard-sided recreational vehicles on wheels (e.g., camper trailers or motorhomes) to a pre-reserved campsite. The campsite reservation must be made directly by the client/visitor, not the service provider. Only services defined above are permitted under this category.

### What criteria must applicants meet to qualify for a CUA?

- All proposed commercial activities must (i) be an appropriate use of the park; (ii) be consistent with the park purpose, all park management plans, and all applicable laws and rules; (iii) not exceed the park's capacity for conducting the commercial activity; and (iv) have a minimal impact on park resources and values.
- The proposed commercial activities may not conflict with the services provided by concessioners under contract with TDEC or the park's operations.
- A completed application form and non-refundable application fee must be submitted to qualify for consideration.

### How do I apply for a CUA?

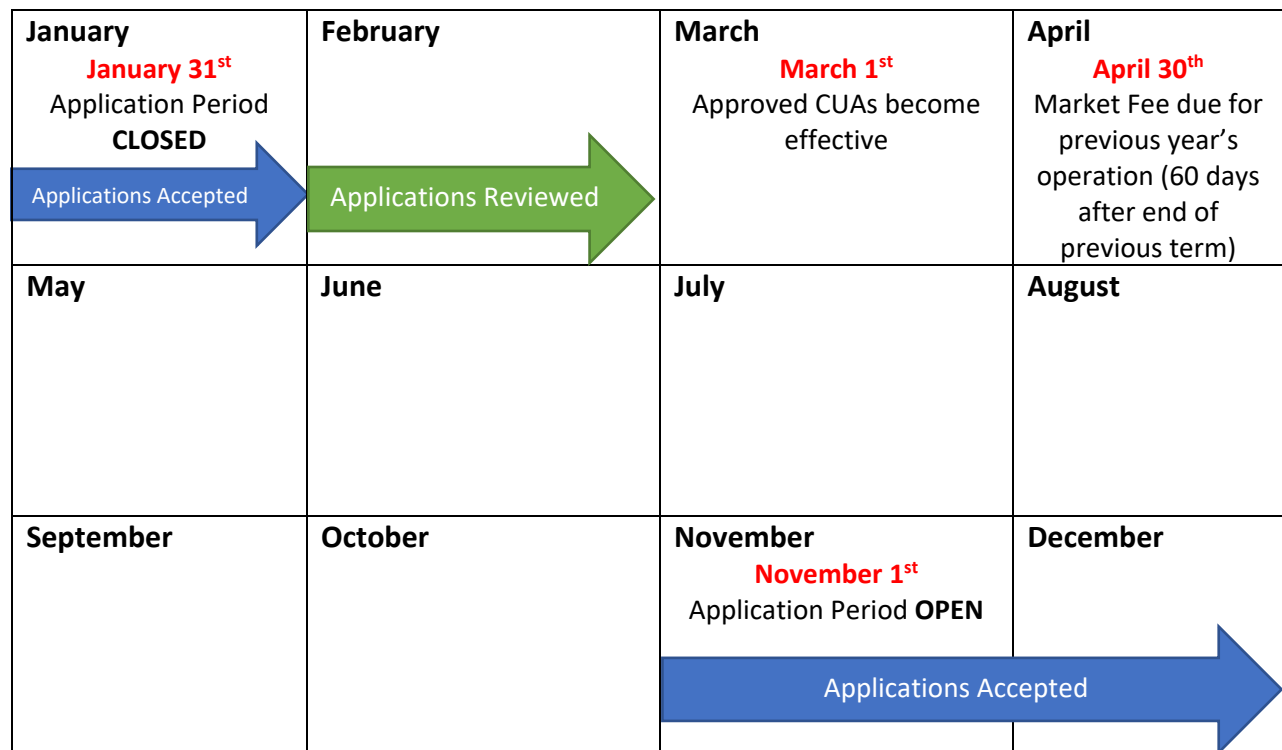
Review the applicant checklist at the end of this handbook. Once you have gathered all the required

documentation, you may submit a complete application package electronically by visiting <https://www.tn.gov/environment/parks-conservation/vendor-opportunities.html> and clicking the link named “Commercial Permit Application”.

### When is the application period?

In most instances, CUA applications may be submitted at any time throughout the calendar year. However, TDEC has the ability to establish limited application timeframes as needed to avoid exceeding the carrying capacity of the resource, potential user conflict, operational concerns, or negative impacts on user experience. If TDEC establishes a limited application timeframe, applications for these service opportunities will typically be accepted on an annual basis as determined by TDEC.

The following chart is an example of how a limited application timeframe could work for applicants to receive CUAs by March 1.



### What happens once I apply for a CUA?

Once TDEC receives a completed application, \* it is sent to the park manager and area manager for review and approval. If approved by the park manager and area manager, it is then sent to the Director of Operations for final approval.

After staff have approved, TDEC will then notify the applicant to submit payment. Once payment is received, TDEC will email the fully executed CUA permit to you, and you may begin operating in the park(s) identified on the permit within the authorization dates. You are not allowed to operate without a fully executed CUA.

\* If the application is incomplete or there are concerns related to the services requested or location of services, TDEC will contact you to correct any issues. Once the issues have been resolved, the application will continue through the approval process. All correction requests will be shared via email.

### **How long does it take to obtain a CUA?**

On average, it takes up to 30 days to receive a fully executed CUA from the date you submit your complete application. However, some applications will take longer if they include requests to provide commercial activities on land that is managed by TDEC under an agreement with certain federal agencies (e.g., Army Corps of Engineers) since the federal agency must also approve applications. \* If the application is incomplete or there are concerns related to the services requested or location of services additional time will be required to finalize the permit.

### **What are the standard fees associated with acquiring and operating under a CUA?**

The two most common fees associated with CUAs are the application fee and market fee. The application fee is \$300 for the first park and \$50 for each subsequent park selected. Upon approval of the application, the entire nonrefundable application fee must be submitted to receive a CUA. The application fee covers the administrative costs of processing the application but will be applied as a credit toward the holder's market fee. The default for the market fee is 3% of the gross revenue derived from commercial activities in parks. However, TDEC may approve an alternative fee arrangement if it is in TDEC's best interests to do so.

Because the application fee acts as a credit toward the market fee, some holders may not owe additional market fees. For example, if a holder only provides commercial activities at one park and pays the \$300 application fee, under the default fee arrangement the holder will only owe additional market fees if the holder's gross revenue exceeds \$10,000 (3% of \$10,000=\$300).

Gross revenue means the entire amount of the actual sales price, whether for cash or other consideration, of all commercial activities occurring within parks authorized by a CUA; all deposits not refunded to purchasers; and any money retained after a guest cancels or does not fulfill a scheduled commercial activity and is not granted a refund. Gross revenue does not include sales tax collected from customers.

### **How do I allocate my gross revenue if I provide commercial activities at multiple parks?**

Holders who provide a single commercial activity that spans multiple parks (e.g., a multi-day camping trip with stops at multiple parks) should allocate their gross revenue per park according to the percentage of the total trip time spent in each park. Similarly, holders who provide commercial activities at multiple parks, but no single commercial activity occurs across multiple parks (e.g., an outfitter offers options for guided hikes at multiple parks, but each route is located entirely within a single park), should allocate their gross revenue on a per-park basis according to the percentage of gross revenue derived from activities provided at each park. The holder is responsible for maintaining accounting records that demonstrate evidence of gross revenue and proper fee payment. TDEC may audit a holder's financial reports at any time.

### **When is the application fee due?**

The application fee is due after approval of your application but prior to TDEC issuing your CUA. The application fee is nonrefundable.

### **When are the market fee and annual financial report due?**

Within 60 days after the expiration date of a CUA. The annual financial report must include proof of all gross revenues received from commercial activities provided under the CUA and be broken down by commercial activity(ies) and park(s).

### **How do I pay the application and market fees?**

The application fee can be paid online by debit/credit card prior to the issuance of the CUA.

You may pay your Market Fees similarly by clicking the link below.

- Log into the TDEC Forms site <https://forms.tdec.tn.gov/>
- Select Tennessee State Parks under the organization drop down box
- Scroll down and click the 2nd form listed as "Tennessee State Parks Commercial Use Authorization Market Fee"

You will need your current CUA permit number a business Profit and Loss Statement.

### **What is the term of a CUA?**

A CUA is typically issued for a one-year term, though TDEC can authorize longer terms under specific conditions.

### **What if I need to add another park to my CUA after submitting or after my permit is complete?**

Additional parks can be added by contacting [TSP.Commercial.Use@tn.gov](mailto:TSP.Commercial.Use@tn.gov) and requesting the addition. Please note each supplementary park will be subject to a uniform fee of \$50. Such additions shall be granted solely for the duration remaining within the current permit term.

### **May I use TDEC intellectual property in my advertising?**

The Tennessee State Parks logo, arrowhead mark, and all related intellectual property are the property of the State of Tennessee and may not be used by holders without prior written permission.

### **Who should I contact with additional questions?**

Please direct any questions to [TSP.Commercial.Use@TN.gov](mailto:TSP.Commercial.Use@TN.gov). Additionally, there are resources for applicants and holders available at <https://www.tn.gov/environment/parks-conservation/vendor-opportunities.html>.

## Checklist for Applicants:

- Submit a completed CUA application form. Submission of an application certifies your statements are true and accurate and you have read and will comply with all conditions of the CUA.
  - Include current copies of all required insurance (see Attachment B - CUA Insurance Requirements on Vendor Opportunity Page linked above)
  - Training certifications
  - Operations plans
  - Other documents required by service category type (see Attachment A - Authorized Commercial Services and Required Licenses, Registrations, and Training Certificates on Vendor Opportunity Page linked above)
  - Include a copy of at least one advertising brochure and/or website promotions.
- Double check this list to confirm submission of a complete application packet. Applications are processed in the order they are received. Incomplete application packages will not be processed.
- Pay the \$300.00 nonrefundable application fee. The application fee increases \$50.00 for each additional park at which applicants wish to provide commercial services.