

 <p>COMMERCIAL OPERATIONS Doe Mountain Recreation Area (DMRA)</p>	<p>POLICY</p>
	<p>Effective Date: 07-01-2020</p>
<p>Approved By:</p> <p>_____</p> <p>DMRA Board Chairman</p>	<p>First Issue Date: 07-01-2020 Review/Revised:</p>
<p>SUBJECT: Commercial Operations Policy for persons or businesses wishing to conduct any type of commercial operations on DMRA property.</p>	

I. RESPONSIBLE OFFICE

The Doe Mountain Recreation Authority Board (DMRA Board) is responsible for overseeing this Commercial Operations Policy.

II. PURPOSE

This policy is intended to address the growing demand from persons and businesses wishing to conduct private, commercial operations on Doe Mountain Recreation Area. This policy provides the DMRA Executive Director (DMRA ED) guidance on how to evaluate all such requests from prospective commercial operators in the park. Commercial operations include, but are not limited to: sales of items, guide services, rental of equipment for use on DMRA property, food sales, use of/access to DMRA trails for commercial purposes, advertising, and filming for other than personal individual or family use of the DMRA trails.

All persons or businesses wishing to conduct any type of commercial operations on DMRA property must comply with this policy and its procedures.

III. DISCLAIMER

The guidelines under this policy are a basis for internal administrative review and guidance only. They are not intended to, do not, and may not be relied upon to create any substantive or procedural rights.

IV. SCOPE

Doe Mountain Recreation Area, Johnson County, Tennessee.

V. AUTHORITY

Tennessee Code Annotated § 11-25-103

VI. PROCEDURE:

A. Request for Commercial Operations

1. Prior to commencing operations or advertising the availability of services on DMRA property, any business or person wishing to conduct commercial operations (Commercial Operator or Operator) must submit a written request to the DMRA. An authorized person must sign the request on behalf of the Commercial Operator. Requests should be sent to:

DMRA Executive Director
1203 Harbin Hill Road
Mountain City, TN 37683

2. Commercial Operations requests must contain the following:
 - a. Identity of Commercial Operator; if a corporation, provide the corporation's name, state of incorporation, and official business address;
 - b. Point of Contact for the request along with phone and e-mail address;
 - c. Nature of request - guide services, OHV rentals, food sales, etc.;
 - d. Estimated frequency (daily, weekly, monthly, etc.) of operations at Doe Mountain;
 - e. Location(s) on DMRA property where activity will take place;
 - f. Copies of or proof of all relevant licensing to conduct business in Tennessee, if applicable;
 - g. Proof of insurance, if applicable;
 - h. Disclosure of debarment or suspension from any State or Federal program;
 - i. References, and;
 - j. Any additional information that would assist in the evaluation of the request.
3. Commercial Operator Acknowledgments
 - a. The Commercial Operator assumes the risk and accepts full responsibility for all activities undertaken on DMRA property by the Operator and any persons visiting the property under the auspices of the Operator (includes paying customers, employees, and contractors).

- b. The Commercial Operator will ensure that all visitors to DMRA property pay all applicable fees and are properly registered with the DMRA.
- c. The Commercial Operator will ensure that all customers/clients are informed of DMRA rules and that visitors comply with all rules and posted signage, including, but not limited to: the wearing of helmets, operator age restrictions, passenger limits, speed limits, noise levels, travel on authorized trails only, *etc.*
- d. The Commercial Operator shall be solely liable for all applicable sales, service, business, and/or income taxes arising from its activities on or around the Doe Mountain Recreation Area.
- e. The Commercial Operator shall comply with all Local, State and Federal regulations governing its activities, including, but not limited to, OSHA, Health, or antitrust regulations.
- f. All advertising referencing “Doe Mountain Recreation Authority” and/or “Doe Mountain Recreation Area” shall be subject to approval by the DMRA ED, DMRA Board, and/or or relevant DMRA Board committee prior to publication. Said advertising shall be submitted to the DMRA ED two (2) weeks in advance of date of publication.
- g. The Commercial Operator agrees to release, waive, indemnify, and hold harmless the State of Tennessee, Johnson County Tennessee, the DMRA, and their members, officers, employees, and agents from any and all liability, claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage, or injury, including death, that may be sustained arising out of the Operator’s use, presence, and /or activities on DMRA property.
- h. The Commercial Operator agrees to accept financial responsibility for any costs related to emergency response or treatment required related to the Operator’s use, presence, and/or activities on DMRA property.
- i. The Commercial Operator agrees to abide by the hours of operation for the Doe Mountain Recreation Area, including any temporary closures of trails, facilities or of the park due to inclement weather, national, state, and/or local emergencies, or construction.

4. DMRA Action on Commercial Operator Requests

The DMRA ED is authorized to either act upon the request or forward it to the Executive Committee of the DMRA Board for action. All written requests and approvals/disapprovals will be kept on file at the park for audit purposes.

5. Approval Authority

- a. The DMRA Board (or relevant Committee) has the authority to approve on-going commercial activities. Any activities that are expected to occur (or do occur) more than four times in a single year must be approved by the DMRA Board (or relevant Committee).
- b. DMRA Executive Director: The DMRA ED is authorized to approve a single day activity with little to no impact on DMRA operations. In the event the DMRA ED denies a request, the Commercial Operator may appeal to the Executive Committee of the DMRA Board for *de novo* review at said Committee's next regularly scheduled meeting.

Examples of DMRA ED authority:

- An outfitter from outside Johnson County, Tennessee who wants to bring a client on a one-off basis
- A licensed food vendor who will set up on a one-time basis during an approved event

6. Review of Commercial Operator Request

- a. Final decisions on requests will be within the exclusive discretion of the DMRA Board. Requests will be reviewed based on submitted information, the possible impact of the activity on the property and other users, and any other information relevant to the request. The Board and/or DMRA ED may request addition information from the Commercial Operator.
- b. Failure to provide the required information may delay consideration or result in disapproval of the request.
- c. The DMRA Board and/or the DMRA ED may place conditions or additional terms on any request approval.
- d. The DMRA ED will send a written response to the Commercial Operator conveying the DMRA's final action on the request.
- e. On an annual basis, the DMRA Board (or relevant Committee) Board will review all authorizations for on-going commercial operations.

7. Revocation of Authority to Conduct Commercial Operations

Failure to comply with DRMA rules and/or any terms or conditions of the approval will be grounds to suspend or revoke an authorization to conduct commercial operations on DMRA property. Once notified of non-compliance, the Commercial Operator shall have two (2) weeks from date of notification to resolve the problem in

a manner satisfactory of the DMRA ED before the Commercial Operator's authorization to conduct commercial operations on DMRA property is revoked/suspended.

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