

**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

**CHAPTER 0400-01-01
FEES AND CHARGES FOR CERTAIN DEPARTMENTAL SERVICES**

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0400-01-01-.01 ACCESS TO DEPARTMENT OF ENVIRONMENT AND CONSERVATION PUBLIC RECORDS.

(1) Production Costs

Upon request for records under Tennessee's Public Records Act, T.C.A. § 10-7-501, et seq., the Department shall charge the requesting party a reasonable charge for production costs, including labor, duplication and delivery, based on the most current Schedule of Reasonable Charges issued by the Office of Open Records Counsel, available at the website of the Open Records Counsel in the Comptroller's Office.

(2) Payment of Production Costs

The Department shall provide the requesting party an estimate of the production costs, including labor, duplication and delivery, before the initial production of the requested documents. The Department shall require the requesting party to provide full payment of the production costs before copies of the requested records are delivered or otherwise made available.

(3) Waiver of Production Costs.

- (a) The Department shall waive production cost if the total production cost, including labor, duplication and delivery, is less than ten dollars (\$10).
- (b) When the requesting party is a federal, state, or local government agency, the Department shall provide the requested copies of public records without charge. A request made by a federal, state, or local government agency on behalf of a citizen under the Tennessee Public Records Act shall be treated as a request by a citizen and charged accordingly.

(4) Reduction of Fees.

The Commissioner may reduce any part of the fees calculated under these rules upon a determination that such reduction is in the best interest of the public.

Authority: T.C.A. § 11-1-101, 11-1-108 and 68-203-103 and 4-5-201 et seq. **Administrative History:** Original rule filed June 14, 2010; effective September 12, 2010. Amendment filed June 27, 2012; effective September 25, 2012.

0400-01-01-.02 MISCELLANEOUS FEES.

(1) Purpose

(Rule 0400-01-01-.02, continued)

The purpose of this Rule is to establish a process for assessing fees and charges for certain departmental services. Pursuant to T.C.A. § 11-3-302, fees and charges related to park operations shall be placed in the state park fund. Pursuant to T.C.A. § 68-203-101, fees and charges, for the environmental programs listed in subsection (b) of that statute, shall be placed in the Tennessee Environmental Protection Fund.

(2) Assessment of certain fees and charges

To defray the cost of park operation and the administration of environmental regulatory programs, the Commissioner shall establish fees and charges as are necessary to make the department as self-sufficient as possible. The Commissioner may set fees and charges for:

- (a) Revenue-generating facilities, including marinas, campgrounds, golf courses, cabins, gift shops, restaurants;
- (b) Miscellaneous services provided by the Department; and,
- (c) Regulatory functions and services provided for which fees are not otherwise specified in statutes or rules.

(3) In setting such fees and charges the Commissioner shall consider:

- (a) Maintenance costs;
- (b) Short and long term operational cost;
- (c) Mileage;
- (d) Lab expense;
- (e) The State's current overhead rate;
- (f) Costs billed to the State by contractors and consultants; and,
- (g) A reasonable portion of the amount expended by the Department in gathering and posting data, computer program development cost, etc.

Authority: T.C.A. §§ 11-1-101, 11-1-108 and 68-203-103. **Administrative History:** Original rule certified May 24, 1974. Original rule filed June 14, 2010; effective September 12, 2010.

0400-01-01-.03 STATE PARKS ENTRANCE FEES AND PARKING FEES.

(1) Purpose.

This rule is promulgated for the purpose of establishing entrance fees and parking fees to provide funding to maintain and improve the quality of facilities and services offered to all patrons of Tennessee State Parks System. It is the commissioner's intent that funds raised pursuant to this part rule will remain exclusively within the Tennessee State Parks System.

(2) Entrance Permit Required.

All persons who enter a Designated Fee Area within the Tennessee State Parks System must have a valid entrance permit. Permits may be obtained at all Parks Visitor Centers and other locations designated by the commissioner.

(Rule 0400-01-01-.03, continued)

(3) Designated Fee Area.

An area is a "Designated Fee Area" if the entrances to the area are so posted. Such postings may include the portion of the calendar year for which fees shall be charged and shall specify where entrance permits may be obtained. Any person who fails to obtain a permit as directed shall be subject to enforcement pursuant to Rule 0400-02-01-.04.

(4) Types of Permits.

(a) Complimentary Permit. Entrance permits shall be provided free of charge to the following persons:

1. Any person taking part in an organized tour or outing conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. (Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. Waivers granted on this basis will include all participating students and instructors, as well as accompanying non instructor chaperones;
2. Any person conducting State, local, or Federal government business within any Designated Fee Area;
3. Any person who has not reached thirteen (13) years of age; or
4. Any person performing approved volunteer projects/work in a State park.

(b) Tennessee State Parks Passport.

1. The Tennessee State Parks Passport is valid for admission to any Designated Fee Area.
2. The charge for the Tennessee State Parks Passport shall be determined by the Commissioner.
3. Except as provided in part 4 of this subparagraph, the Tennessee State Parks Passport shall be valid for one year from date of purchase.
4. For an additional fee, not to exceed thirty (30) dollars, as determined by the Commissioner, a Tennessee State Parks Passport that is purchased by a person sixty-five (65) years of age or older shall be valid for the lifetime of that person.

(c) Single-Visit Permit.

1. A Single-Visit Permit shall be required for all persons not admitted by a Complimentary Permit or Tennessee State Parks Passport.
2. The charge for the Single-Visit Permit shall not be more than two dollars (\$2.00) per person. In lieu of this per person charge, the commissioner may establish a per vehicle charge. Any per vehicle charge established shall not exceed the total charge that would result if all passengers in the vehicle were charged on a per person basis.
3. A Single-Visit Permit shall be valid at the Designated Fee Area for which the permit is purchased during the same calendar day of purchase.

(Rule 0400-01-01-.03, continued)

- (5) Display and Nontransferability of Entrance Permits.
 - (a) Every permit shall be exhibited/displayed in the manner designated in the permit.
 - (b) Permits are nontransferable.
- (6) Parking Fees.
 - (a) The Commissioner may charge a fee for the privilege of parking motor vehicles on State Park property. Such parking fees may be in addition to entrance fees.
 - 1. The parking fee for vehicles capable of carrying fifteen (15) passengers or less shall range between one dollar (\$ 1.00) and fifteen dollars (\$15.00) per day.
 - 2. The parking fee for vehicles capable of carrying more than fifteen (15) passengers shall range between ten dollars (\$ 10.00) and fifty dollars (\$50.00) per day.
 - 3. The Commissioner may establish weekly, monthly, or annual parking fees that do not exceed the daily rates.
 - (b) Areas where a parking fee is charged shall be clearly posted. The posted sign shall include the rate and directions for making payment.
- (7) Entrance Permits and Parking Fees Distinguished from Recreation Use Fees.

Neither Entrance Fee Permits nor the payment of parking fees authorizes the use of any facility for which a recreation use fee is charged. These fees are in addition to all other fees (e.g., green fees, slip fees, etc).
- (8) The Commissioner may waive all or part of any fees otherwise due under this rule if he finds that such waiver is in the best interest of the park system. Such waivers may include the grant of free access on dates selected by the Commissioner, reduced group fees, special promotional fees, etc.

Authority: T.C.A. §§ 4-5-201 et seq., 11-1-101 et seq., 11-1-108 and 68-203-103. **Administrative History:** Original rule filed June 14, 2010; effective September 12, 2010. Amendment filed December 21, 2011; effective March 20, 2012.