

Summary of November 16, 2018 Draft of TWRA's Commercial Non-Motorized Vessel Outfitters' Permit

In January 2019, the Tennessee Fish and Wildlife Commission will consider the passage of a rule to address unmanaged commercial canoe and kayak liveries operating on our public rivers and lakes. This is the first step in a two-step process. A general permit is needed to be able to collect important data necessary for sound management of public waters, and to help address immediate needs of management. The second step in the process (not included in this general permit) will be to develop management strategies to ensure all users can have a quality experience on our public rivers and lakes.

Currently, commercial outfitters are not managed, resulting in significant negative impacts to other recreational users, landowners, and our public waters. A significant goal of this rule is to preserve the recreational value of Tennessee rivers and lakes by promoting their sound management and preserving the integrity of public access to Tennessee rivers and lakes for the benefit of all recreational boaters and anglers.

This rule will create a general operating permit to provide maximum safety for the public by detailing the operating, vessel, and safety requirements of commercial outfitters, as well as applicable fees to aid in the management of these users and the public waters they utilize. The rule applies to commercial outfitters renting canoes, kayaks, stand-up paddle boards, tubes, and any other vessels powered only by their occupants and propelled by manual methods, including, but not limited to paddles and oars, operating in waters of Tennessee (defined as any waters within the territorial limits of this state). The rule does not apply to privately owned ponds or lakes not used for commercial purposes.

Permitting and Operating Requirements

Beginning October 1, 2019, commercial outfitters will need to apply for an operating permit through TWRA. The operating permit is effective from January 1 through December 31 of each year and all renewals should be filed with the TWRA between October 1 and December 15.

In addition to possessing a valid operating permit issued by the TWRA, commercial outfitters must maintain detailed records, subject to inspection by TWRA personnel, showing the number of non-motorized vessels leased or rented each day; the number of accidents and/or casualties involving the use of a commercial outfitters non-motorized vessel; and number of water rescues each day involving a commercial outfitters non-motorized vessel.

According to the permit, commercial outfitters shall not lease or rent to an individual under 16 years of age unless the individual is supervised by someone at least 18 years of age. Similarly, they shall not cause any environmental damage to the river and/or river corridor and shall accomplish prompt clean-up and policing of litter generated by employees or guests.

Vessel Requirements

Commercial outfitters must follow vessel identification and maintenance requirements to ensure that vessels are labeled and structurally sound before each use. They must clearly display their name/logo according to the permit specifications on each non-motorized vessel. All no-motorized vessels used in commercial operations will be subject to inspection.

Safety Requirements and Procedures

Commercial outfitters must comply with requirements and procedures designed to maintain vessels and associated equipment, educate passengers and protect their safety, and encourage stewardship. All safety instruction must be conducted with approved materials and methods.

Transportation/Access Area Parking

All parking by commercial outfitters and customer parking at TWRA-controlled public access areas shall be restricted to areas approved by the TWRA. Commercial outfitters shall comply with the Department of Safety Rules and Regulations regarding the transportation of passengers and commercial vehicles.

Fees

Commercial outfitters will be required to pay a general permit fee of \$244 and to purchase a commercial non-motorized vessel decal from the TWRA for each non-motorized vessel owned by the applicant. Commercial outfitters are also required to pay vessel inventory (Commercial outfitters, except tubes, shall be assessed a \$100 fee per 50 non-motorized vessels in inventory; and tubes shall be assessed a \$100 fee per 100 tubes in inventory) and public access launch fees (Non-motorized vessels launched multiple times in one calendar day are subject to the public access launch fee of \$1.00 per launch [put in] and \$1.00 per retrieval [take out]).