

control, or public lands or reservations within the meaning of section 26a of the Act if it:

- (a) Is a fixed enclosed structure having a cost-in-place in excess of five thousand dollars; or
- (b) Is designed or used for human habitation, regardless of cost; or
- (c) Involves a discharge into the navigable waters of the United States.

Such obstructions shall be subject to all requirements of this subpart, but nothing contained in this section shall be construed to be in derogation of the rights of the United States or of TVA under any flowage easement held by TVA.

For purposes of this section *enclosed structure* shall mean a structure enclosed overhead and on all sides so as to keep out weather.

[42 FR 65148, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

Subpart C—Regulation of Boat-houses, Houseboats, Other Floating Structures, and Harbor Limits

§ 1304.200 Scope and intent.

This subpart prescribes regulations governing designation of harbor areas at commercial boat docks and the approval of structures and facilities which can be moored or installed in such areas and in other areas in the Tennessee River and its tributaries, all in such a manner as to avoid obstruction of or interference with navigation and flood control, avoid or minimize adverse effects on public lands and reservations, prevent the preemption of public waters by houseboats moored in permanent or semipermanent locations outside such harbors and used as floating dwellings, attain the widest range of beneficial uses of land and land rights owned by the United States of America, enhance reasonable recreational use of TVA reservoirs by all segments of the general public, protect lands and land rights owned by the United States alongside and subjacent to TVA reservoirs from trespass and other unlawful or unreasonable uses,

and maintain, protect, and enhance the quality of the human environment.

[42 FR 65148, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

§ 1304.201 Definitions.

For the purposes of this subpart, in addition to any definitions contained elsewhere in this part, the following words or terms shall have the meaning specified in this section, unless the context requires otherwise:

Existing as applied to floating boat-houses or other structures, except houseboats, means those which were moored, anchored, or otherwise installed on, along, or in a TVA reservoir on or before July 1, 1972.

Existing as applied to houseboats shall mean those which were moored, anchored, or otherwise installed on, along, or in a TVA reservoir on or before February 15, 1978.

Floating boathouse means a floating structure or facility, any portion of which is enclosed, capable of storing or mooring any houseboat or other vessel under cover.

Houseboat means any vessel which is equipped with enclosed or covered sleeping quarters.

Navigable houseboat means any self propelled houseboat having maneuverability which is (a) built on a boat hull or on two or more pontoons; (b) equipped with motor and rudder controls located at a point on the houseboat from which there is forward visibility over a 180° range; and (c) in compliance with all applicable State and Federal requirements relating to watercraft: *Provided, however*, That any existing houseboat which was deemed navigable under the provisions of the former §1304.201, which became effective November 21, 1971, shall continue to be deemed navigable for all purposes of this subpart, except that such houseboats shall be subject to the provisions of § 1304.203(d).

New as applied to houseboats, floating boathouses, floats, or other structures means all houseboats, floating boathouses, or structures, other than existing ones.

Nonnavigable houseboat means a houseboat not in compliance with one or more of the criteria defining a navigable houseboat.