

deteriorated or been damaged, so as to be unusable or unrepairable: *Provided, however,* That such floating boathouses may be so structurally modified or expanded, replaced, rebuilt, or so returned to the reservoir if they comply with all the requirements of § 1304.205(d) and approval is obtained under that section as for a new floating boathouse.

APPENDIX—INTERPRETATIONS OF
§§ 1304.203 AND 1304.204

1. Sections 1304.203(a) and 1304.204(a) of Title 18 of the Code of Federal Regulations prohibit new nonnavigable houseboats and new floating boathouses not meeting the requirements of § 1304.205(d) in TVA reservoirs. These sections also provide that existing nonnavigable houseboats approved for continued mooring on TVA reservoirs and all floating boathouses shall be moored: (1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or (2) to the bank of the reservoir outside the designated harbor limits of commercial boat docks, if the houseboat or boathouse owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and has requested and obtained from TVA, pursuant to § 1304.205, written approval authorizing mooring at such location.

In all cases where more than one person owns or leases the abutting property at a present or proposed mooring location as tenants in common or in any other sort of cotenancy, TVA interprets the terms "the owner or lessee of the abutting property" and "such owner or lessee" in 18 CFR 1304.203(c)(2) and 1304.204(b)(2) as meaning all of the owners of such abutting property. The owner or owners of only a fractional interest or of fractional interests totalling less than one in any such property shall under no circumstances be considered, by virtue of such fractional interest or interests only, to be the "owner or lessee" of such abutting property for the purposes of 18 CFR 1304.203(c)(2) or 1304.204(b)(2) and, as such, eligible to moor or license others to moor as provided therein without the consent of the other coowners.

(Sec. 26a of the Tennessee Valley Authority Act of 1933, *as amended* (16 U.S.C. 831y-1))

[42 FR 65149, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979, and amended at 48 FR 9639, Mar. 8, 1983]

§ 1304.205 Approval of plans for floating boathouses and nonnavigable houseboats.

(a) Existing nonnavigable houseboats and all floating boathouses must be ap-

proved pursuant to this subpart and the provisions of Subpart B of this part.

(b) Persons proposing to moor new floating boathouses shall submit applications to TVA prior to commencement of construction or mooring thereof. Applications shall be accompanied by plans showing in reasonable detail the size and shape of the facility; the kind of flotation device; the proposed mooring locations thereof; whether a marine toilet is on the facility; and the name and mailing address of the owner. TVA shall be kept advised of any changes in the kind of flotation devices which may be made by the applicant after approval is granted. Plans described in this section shall be in lieu of the plans specified in § 1304.103(a).

(c) If the proposed mooring location is outside the designated harbor limits of a commercial boat dock, the application and plans shall be accompanied by evidence satisfactory to TVA showing that the applicant is the owner or lessee of the abutting property at the proposed mooring location, or the licensee of such owner or lessee.

(d) Applications for new floating boathouses will be disapproved if the plans provide for toilets, living or sleeping quarters, or enclosed spaces with more than 25 square feet of floor space, not including walkways around boat wells or mooring slips. Such walkways shall not exceed 4 feet in width unless, in the sole judgment of the Director, the size of the well or slip justifies a greater width. A new floating boathouse or part thereof shall not be deemed "enclosed" solely because of plans providing for the use of wire mesh or similar screening which leaves the interior of the structure open to the weather, and nothing contained in this subsection shall be construed as prohibiting enclosure of the boat well or mooring slip proper. Plans for any new floating boathouses will also be disapproved if the proposed flotation device includes metal drums in any form.

(e) Applications for mooring outside designated harbor limits will be disapproved if TVA determines that such proposed mooring location will be contrary to the intent of this subpart, of

§ 1304.206

§ 1304.2, or of any applicable law. Applications will also be disapproved if marine toilets not in compliance with § 1304.4 are proposed.

(f) Approvals of applications shall contain such conditions as may be required by law and may contain such other conditions as TVA determines to be necessary or desirable to carry out the intent of this subpart, this part or other applicable law. Included, without limitation, among such conditions are conditions relating to the mooring of houseboats and floating boathouses at locations outside the designated harbor limits of commercial boat docks. Strict compliance with all conditions will be required.

[36 FR 20424, Oct. 22, 1971; 36 FR 22901, Dec. 2, 1971, as amended at 42 FR 65149, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

§ 1304.206 Numbering and transfer of approved facilities.

(a) Upon approval of an application concerning a nonnavigable houseboat or floating boathouse, TVA will assign a number to such facility. The owner of the facility shall paint such number on, or attach a facsimile thereof to, a readily visible part of the outside of the facility in letters not less than three (3) inches high. The placement of such number shall be consistent with the requirements of any State or Federal law or regulation concerning numbering of watercraft.

(b) The transferee of any floating boathouse or nonnavigable houseboat approved pursuant to this part and which, after transfer, remains subject to this part, shall promptly report such transfer to TVA. A facility moored at a location approved pursuant to this part shall not be moored at a different location without prior approval of such location by TVA under this subpart, except for transfers of location to or between mooring facilities provided by commercial dock operators within the designated harbor limits of their docks.

[36 FR 20424, Oct. 22, 1971; 36 FR 22901, Dec. 2, 1971, as amended at 42 FR 65149, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

18 CFR Ch. XIII (4-1-00 Edition)

PART 1305—LAND BETWEEN THE LAKES

Subpart A—Use of Motorized Vehicles

Sec.

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Subpart B [Reserved]

AUTHORITY: 16 U.S.C. 831-831dd. Sections 1305.1 to 1305.6 also issued under 42 U.S.C. 4321 and E.O. 11644, 37 FR 2877.

SOURCE: 38 FR 5458, Mar. 1, 1973, unless otherwise noted. Redesignated at 44 FR 30682, May 29, 1979.

Subpart A—Use of Motorized Vehicles

§ 1305.1 Motor vehicles generally.

All properly licensed motor vehicles may be operated on paved, graveled, or graded roads unless otherwise posted or gated or barricaded, and on other roads if specifically authorized in writing by an authorized Land Between the Lakes official. Driving in woods or fields or on foottrails or utility rights of way is prohibited, except as authorized in §§ 1305.3 through 1305.5. Drivers must hold a valid State operator's license to drive on improved roads. All vehicles must be equipped with properly functioning mufflers. Maximum speed within Land Between the Lakes is 35 miles per hour or less if so posted, except on the Trace and U.S. Highway 68, where a maximum speed of 60 miles per hour is permitted unless posted for reduced speeds.

§ 1305.2 Motorcycles.

Motorcycles of all types shall be equipped with properly functioning spark arresters. Safety requirements for motorcycle riders on improved roads are safety helmets and protective eyewear.