

Policy Governing Floating Houses on the TVA Reservoir System

The Tennessee Valley Authority (TVA) has been charged by Congress with management of the Tennessee River and its tributaries to improve navigation, reduce floods, and, to the extent consistent with these purposes, for the generation of electricity. In response to this charge, TVA created and manages a reservoir system that encompasses more than 11,000 miles of shoreline and 600,000 acres of water. This system consists of 49 dams, most of which were constructed by TVA itself. These vast public projects provide a 650-mile navigational channel, regulate water flows to reduce flood risks, and produce other benefits for the public including recreation and water supply. The TVA reservoir system is both an economic catalyst for the Tennessee Valley region and the foundation for the quality of life that many Valley residents enjoy.

Vigilance is required to ensure that the public will continue to benefit from its investment in the reservoir system. In 1971, the TVA Board decided that the mooring of nonnavigable houseboats on TVA's reservoirs converted public waters under TVA's management to private use. TVA prohibited the mooring of additional nonnavigable houseboats on the system. This prohibition was reaffirmed by the Board in 1978. Subsequently, a new type of nonnavigable houseboat is being moored on the reservoir system, floating houses. These structures may have some of the attributes of real watercraft, but they in fact are a modern version of the older nonnavigable houseboats that TVA has long prohibited. The primary purpose of floating houses is habitation at a fixed location.

Floating houses occupy public waters, pose navigational risks both with respect to how they are moored to the shoreline and if they become unmoored, and discharge wastewater that contributes to water quality deterioration. Their electrical connections can pose electrocution risks. Floating houses, however, represent substantial economic investments by owners and can provide income to their owners and to marinas where they are moored.

As steward of the Tennessee River system, TVA must reaffirm its policy prohibiting the mooring of nonnavigable structures on its reservoirs, take other steps to protect the public's use of the TVA reservoir system, and stop the spread of floating houses.

Policy

The mooring of new floating houses and other nonnavigable structures used primarily for habitation on the TVA reservoir system is prohibited from the issuance date of this policy. All floating houses, including previously permitted nonnavigable houseboats, must be removed from the TVA system no later than 30 years after the issuance of this policy. TVA reaffirms its earlier determinations that these structures primarily benefit

their owners at the expense of the public's right to use and enjoy the public waters that TVA manages. A 30-year sunset period appropriately mitigates the potential impact on owners and marina operators.

In the interim, the owners of nonnavigable houseboats that have been previously permitted must ensure that they comply with their permits. Owners of existing floating houses must obtain permits from TVA and meet standards that TVA will establish by regulation to ensure safer mooring, electrical connections, and protection of water quality. Failure to comply with permit requirements or applicable standards will result in revocation of permits and the required removal of structures from the TVA reservoir system.

To secure the resources needed to enforce TVA's permit requirements and new standards and to ensure that these structures are appropriately removed from the reservoirs at the end of the sunset period, staff is directed to institute an appropriate cost recovery program applicable to floating houses and non-navigable houseboats.

NOTE: Subsequent to the Policy, on December 16, 2016, Congress enacted the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN Act), which amended the TVA Act by adding Section 9b. It allows floating cabins to remain if they maintain health, safety, and environmental standards as required by TVA. TVA implemented these standards in two phases of Section 26a regulation amendments. Section 9b reads as follows:

Sec. 9b.Recreational access

(a)Definition of floating cabin.—

In this section, the term “floating cabin” means a watercraft or other floating structure—

- (1)primarily designed and used for human habitation or occupation; and
- (2)not primarily designed or used for navigation or transportation on water.

(b)Recreational access.—

The Board may allow the use of a floating cabin if—

- (1)the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board;
- (2)the Corporation has authorized the use of recreational vessels on the waters; and
- (3)the floating cabin was located on waters under the jurisdiction of the Corporation as of the date of enactment of this section.

(c) Fees.—

The Board may levy fees on the owner of a floating cabin on waters under the jurisdiction of the Corporation for the purpose of ensuring compliance with subsection (b) if the fees are necessary and reasonable for such purpose.

(d) Continued recreational use.—

(1) In general.—

With respect to a floating cabin located on waters under the jurisdiction of the Corporation on the date of enactment of this section, the Board—

(A) may not require the removal of the floating cabin—

(i) in the case of a floating cabin that was granted a permit by the Corporation before the date of enactment of this section, for a period of 15 years beginning on such date of enactment; and

(ii) in the case of a floating cabin not granted a permit by the Corporation before the date of enactment of this section, for a period of 5 years beginning on such date of enactment; and

(B) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Corporation at such time and for such duration as—

(i) the floating cabin meets the requirements of subsection (b); and

(ii) the owner of the floating cabin has paid any fee assessed pursuant to subsection (c).

(2) Savings provisions.—

(A) Nothing in this subsection restricts the ability of the Corporation to enforce reasonable health, safety, or environmental standards.

(B) This section applies only to floating cabins located on waters under the jurisdiction of the Corporation.

(e) New construction.—

The Corporation may establish regulations to prevent the construction of new floating cabins.