

January 3, 2019

To: Tennessee Fish and Wildlife Commission

Regarding: Proposed Commercial Paddlecraft Regulations

On behalf of private boaters and citizens across the state, the Tennessee Scenic Rivers Association would like to submit public comment to the Tennessee Fish and Wildlife Commission about the proposed regulations for commercial operations of non-motorized watercraft. The Appalachian Paddling Enthusiasts from upper east Tennessee and the Tennessee Valley Canoe Club from Chattanooga have also signed on to these comments.

First, we are very appreciative that TWRA opened up the process to include input from various stakeholders in the community. We believe it is a much better proposal as a result of the collaboration. Our further comments are intended to continue this effort to encourage development of good public policy for Tennessee's waterways, citizens and businesses.

1. Commercial Launch fees seem excessive. While the annual permit fee and annual inventory fleet fees seem reasonable, we are concerned about overreach with the per vessel launch fees. Currently, the proposal requires a \$1 fee for each use of a public put in plus \$1 fee for each use of a public takeout, regardless of the type of access point or government entity that owns that access. We don't think fees should be paid to TWRA for use of local community accesses, Army Corp of Engineers accesses, undeveloped shorelines and kayak staircases built by local volunteers. It would be more appropriate for launch fees to be charged when outfitters put in or takeout at state-owned boat ramps and those fees can be used to maintain the state-owned boat ramps.

2. Small business owners should not be criminalized. We understand that these regulations are attached to the Powerboat Law and penalties under that law are Class C misdemeanors. But that is not an appropriate penalty structure for a whole class of small businesses to operate their livelihood. A misstep by a seasonal employee should not give the boss a criminal record. TWRA can do better.

3. The Safety Talk should match the body of water, hazards and conditions at hand. TSRA is very supportive of a mandatory safety talk including info about litter and trespassing. But the current rule includes language from the Ocoee Agreement and the reality is that you don't give the same safety talk at a lake that you do on a Class III river. Under current wording, even outfitters on lakes and in slackwater are required to teach "swimming in moving water" but there is no mention of hazards like wind or how to handle motorized boat traffic. This language needs some small edits that will make a big difference.

4. Donations that do not incur a rental fee should not incur a TWRA Launch Fee. Many outfitters donate the use of their fleet for river cleanups, safety classes, veterans events and more. Officials from TWRA promised that these donations would not incur TWRA fees but that did not make it into the actual proposed rule. It is to everyone's benefit that the regulations encourage this kind of good citizenship. The rule needs a sentence that donations will not incur TWRA Launch Fees.

5. Paddlers need an ongoing seat at the table. We ask for the establishment of an ongoing TWRA Paddlesport Advisory Council including state and local officials, Wildlife Officers, whitewater and flatwater outfitters, fishermen and fishing guides, paddle clubs and other private boaters, American Whitewater and the American Canoe Association, and watershed organizations. The river community can come together to develop solutions for emerging problems on the water and, if necessary, advise on the development of public policy. This should be a group to advise about problems on any waterway in the state. Often, solutions do not require new laws or regulations. They require awareness and a community willing to address them head on.

Thank you for including private boaters in the development of these regulations. We look forward to helping address additional concerns on Tennessee waterways together.