



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, D.C. 20314-1000

CECW-LRD

MAY 18 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1148 of the Water Resources Development Act of 2016 (WRDA 2016), Recreational Access at Corps of Engineers Reservoirs

1. Section 1148 of the WRDA 2016 (Public Law 114-322; 130 Stat. 1628) amends Section 1035 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Public Law 113-121; 128 Stat. 1234) regarding use of floating cabins within leased marina areas of the Cumberland River basin. Sections 1148 and Section 1035 are enclosed.
2. A floating cabin is permitted within the Cumberland River basin if "the Secretary has authorized the use of recreational vessels on such waters," and the floating cabin meets the following requirements:
 - a. Meets the definition of "vessel," given in Section 3 of title 1 of the United States Code." The word vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water."
 - b. Compliant with, and maintained by the owner to satisfy the requirements of, regulations for recreational vessels, including health and safety standards, issued under chapter 43 of title 46, United States Code, and Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).
 - c. Located within a marina leased by the Corps of Engineers.
 - d. Complies with all other restrictions and regulations placed on recreational vessel owners and operators within a leased marina area of the Cumberland River basin, to include any applicable restrictions on use, residency, and permanency.
3. The previous implementation guidance for WRRDA 2014 Section 1035 (CECW-CO/CEMP-CR Memorandum, May 26, 2015) is rescinded and any real estate outgrants containing the clauses from the previous implementation guidance will be amended accordingly. Any new proposals for floating cabins regulations or regulations on all vessels within the Cumberland River basin shall be coordinated through the MSC to CECW-CO and CEMP-R, who will further coordinate with CECC-R as required.

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4. Questions regarding this implementation guidance should be directed to Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415, Ada.Benavides@usace.army.mil.



JAMES C. DALTON, P.E.
Director of Civil Works

Encl

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SEC. 1148. RECREATIONAL ACCESS AT CORPS OF ENGINEERS RESERVOIRS.

Section 1035 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1234) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Recreational Access.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

“(1) the floating cabin—

“(A) is in compliance with, and maintained by the owner to satisfy the requirements of, regulations for recreational vessels, including health and safety standards, issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322); and

“(B) is located at a marina leased by the Corps of Engineers; and

“(2) the Secretary has authorized the use of recreational vessels on such waters.”; and

(2) by adding at the end the following:

“(c) Limitation On Statutory Construction.—

“(1) IN GENERAL.—Nothing in this section may be construed to authorize the Secretary to impose requirements on a floating cabin or on any facility that serves a floating cabin, including marinas or docks located on waters under the jurisdiction of the Secretary in the Cumberland River basin, that are different or more stringent than the requirements imposed on all recreational vessels authorized to use such waters.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) VESSEL.—The term ‘vessel’ has the meaning given that term in section 3 of title 1, United States Code.

“(B) REQUIREMENT.—The term ‘requirement’ includes a requirement imposed through the utilization of guidance.”.

WRRDA 2014, SEC. 1035. RECREATIONAL ACCESS.

(a) DEFINITION OF FLOATING CABIN.—In this section, the term “floating cabin” means a vessel (as defined in section 3 of title 1, United States Code) that has overnight accommodations.

(b) RECREATIONAL ACCESS.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

(1) the floating cabin—

(A) is in compliance with regulations for recreational vessels issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322);

(B) is located at a marina leased by the Corps of Engineers; and

(C) is maintained by the owner to required health and safety standards; and

(2) the Secretary has authorized the use of recreational vessels on such waters.