

## MEMORANDUM FOR Beaver Project Office Personnel

- SUBJECT: Project Policy #20-01, Enforcement of Title 36, U.S.C. § 327.3(b) Vessels and Title 36, U.S.C. § 327.18(a) Commercial Activities

1. PURPOSE: The purpose of this policy is to outline what are considered to be acceptable and unacceptable services and use of vessels on Beaver Lake under the following provisions of Title 36:

a. 327.3(b), Vessels. The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

b. 327.18(a), Commercial activities. The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.

2. DEFINITION: A “commercial purpose” is defined as any use or service that is provided as an integral part of a business that is operating for a fee or profit and is conducted on a consistent and frequent basis. “Incidental part of business” is defined as associated with, but secondary to, or a minor part of that business.

3. GUIDANCE:

a. Any watercraft moored on Beaver Lake that is used for a commercial purpose must be authorized by lease or license. This requirement applies to boats stored in private, community, marina, and resort slips.

b. Any watercraft launched on Beaver Lake for the specific purpose of providing rental services must be authorized by lease or license. Watercraft rented off project lands may only be launched by the customer. Placement on public lands by the rental agent is considered a commercial activity.

c. A business that is operated off project lands that utilizes watercraft on Beaver Lake as an occasional and incidental part of their business does not meet the requirement for a lease or license.

d. Routine maintenance, repairs, and emergency services may be provided by independent private service companies to boat owners and slip owners in private and community docks. Marina and resort owners may choose, at their discretion, to allow such services on their premises on an “as called” basis without a formal sublease agreement.

e. Fishing guide services may be provided as long as the size of party is limited to not more than four persons. Marina and resort owners may choose, at their discretion, to allow such services on their premises. Guides are required to operate through a commercial concession where parties of five or more persons are being accommodated.

4. This policy will remain in effect until superseded or rescinded.

A black rectangular redaction box covers the signature of the Operations Manager. A thin, curved line extends from the right side of the box.

Operations Manager