



**Report
to the
Tennessee Advisory Committee on Intergovernmental Relations
from the TN Paddlesports Association
On
Paddlecraft Issues Authorized for Study by TACIR
Research Plan: Public Chapter 497, Acts of 2021,
Water Recreation Resources**

November 19, 2021

INTRODUCTION

In 2021 the legislature authorized the Tennessee Advisory Committee on Intergovernmental Relations (TACIR) to study the management and access issues related to the growth of non-motorized paddlecraft use in the State and some issues specific to paddlecraft rental businesses. Paddlecraft uses have grown over the past 20 years. Many commercial and noncommercial paddlers utilize resources managed by the Tennessee Wildlife Resources Agency (TWRA) and Tennessee Department of Environment and Conservation (TDEC), such as boat ramps and launch sites on rivers and lakes. The U.S. Army Corps of Engineers, Tennessee Valley Authority (TVA) and various local agencies also provide access for paddlecraft uses.

The TN Paddlesports Association hopes that the TACIR study will focus on options to accommodate or support the growth of paddlecraft use instead of viewing it as a problem that should be suppressed. Commercial and noncommercial paddlecraft uses are a benefit to the citizens of Tennessee and are important economically to rural counties. These uses should be embraced and nurtured by providing appropriate management and access rather than suppressing them because they are unpopular with a competing group of users. In most cases competing uses can exist side by side or at different times at the same resource.

This report is provided to assist TACIR in fulfilling the objectives outlined by the legislature for the study. While most of the state legislature's attention has been focused on commercial paddlecraft rental businesses, the growth of noncommercial uses has been more dramatic in recent years and must be considered by the TACIR study. TWRA is gathering use data on commercial paddlecraft operations in 2021 but has limited ability to track noncommercial uses except at a few specific sites.

In general state agencies, including TWRA and State Parks, are providing access for these paddling activities, but their funding and infrastructure has not evolved with public demand for these activities. Many of the TWRA boat ramps were designed before the advent of recreational kayaking and the growth of paddlesports. Those access points need modification to accommodate paddlecraft uses which will help to resolve some of the user conflicts that have arisen in recent years.

This report represents the views of the TN Paddlesports Association. Its primary author is David Brown, who in his role as a consultant to the TN Paddlesports Association (TPA), serves as the organization's Executive Director. Mr. Brown has more than 40 years of experience on recreation, permitting and management issues at the state and federal level. He served as the Executive Director of the nation's leading

trade association for professional outfitters, America Outdoors Association, for more than 26 years, and has testified before Congress on recreation issues over 20 times.

Status of Paddlecraft Use in Tennessee

Total paddlecraft use in the state

For the purposes of this study paddlecraft uses include recreational kayaks, canoes, tubes, rafts and standup paddleboards. It does not include row boats and rowing shells, categories with nominal amounts of use. We should also note this study will not include very significant whitewater uses in the Cherokee National Forests, which are covered by other regulatory authorities. Whitewater rafting and paddling on the Ocoee, Hiwassee and Pigeon Rivers are not generally considered to be under the same TWRA and TDEC regulatory authorities as those for paddlecraft rental operations. The number of customers of commercial outfitters at those whitewater resources likely exceeds the number of participants among all the outfitters under TDEC CUAs and TWRA permits.

One of the challenges of the TACIR study will be getting valid numbers on the overall use of paddlecraft in Tennessee. We estimate (guess), 250,000 to 300,000 total user days for commercial paddlecraft uses. Much of this use originates from private access points or access points controlled by agencies others than TWRA and TDEC, such as the Corps of Engineers, TVA and local governments. Noncommercial paddlecraft use is significantly higher.

A review of the registration data from the Ohio Division of Watercraft provides some indication paddlecraft trends in Tennessee and the number of boats in livery fleets versus noncommercial paddlecraft. In Ohio paddlecraft rental operations are called “liveries”.

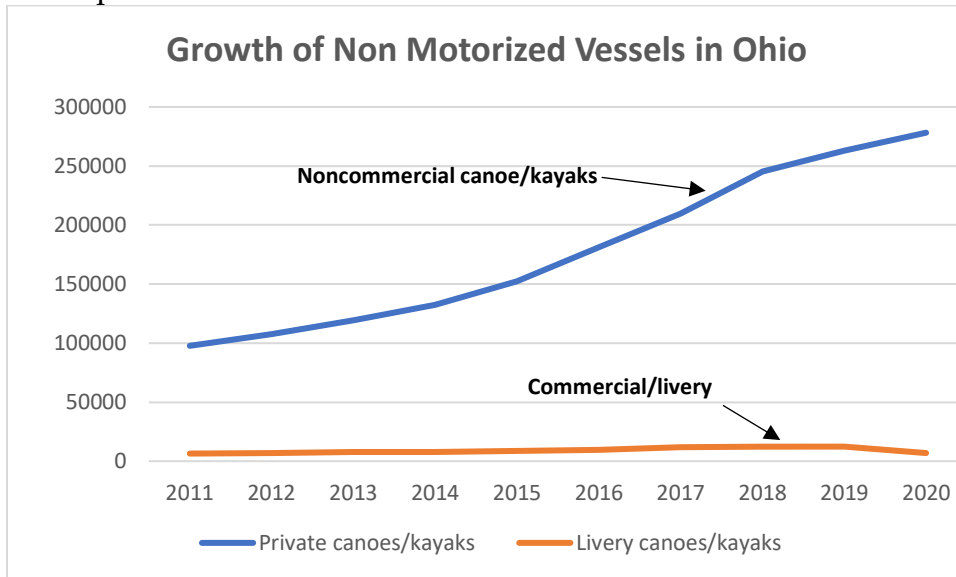
Data from the Ohio Division of Watercraft on Growth of Paddlecraft

Registration Type	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Private canoes/kayaks	97,693	10,7671	119,120	132,608	152,132	181,203	209,839	245,269	263,018	278,200
Livery canoes/kayaks	6,436	6,872	7,549	7,937	8,896	9,549	11,883	12,328	12,331	6,779 ¹
Total canoes/kayaks	106,140	116,555	128,682	142,559	163,043	192,768	223,739	259,615	277,368	286,999

¹ During the pandemic about half of the commercial fleet was taken out of service in Ohio. 2019 is a more realistic representation of the size of the rental fleet.

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The Ohio report shows that the number of noncommercial paddlecraft during the period grew by 284% while livery fleets grew by 52% (using 2019 data for livery paddlecraft to exclude the anomaly in 2020). Only about 4.6% of total paddlecraft statewide in Ohio were in rental fleets in 2019/2021. Livery paddlecraft are used more frequently but given the number of active vessels, it is highly likely that noncommercial paddlecraft use greatly exceeds commercial use statewide. These are active vessels since registration fees are required for their use in Ohio.



The number of paddlecraft in Ohio now exceeds the number of powerboats. Ohio reported 250,468 registered powerboats in 2020 and approximately 290,000 paddlecraft. **It is important to note that this data does not include river tubes or stand-up paddleboards, which Ohio does not register, so the separation between power craft and non-motorized vessels is even more significant.**

Ohio is significantly more populous than Tennessee, so the total number of vessels in Tennessee is probably less, but the trends and ratios should be similar. Due to supply chain disruptions, the number of livery craft is not expected to grow significantly in the short term. Manufacturers are not taking new orders for livery paddlecraft (by the summer of 2021). Most of their capacity is devoted to retail boats and not livery fleets.

2 Data is compiled by the ODNR Division of Watercraft, 2021, contact Jane Maxwell, Columbus, Ohio 614-265-6512.

As cited elsewhere in this report, Sec. 28001 of HR 3684, the recently passed infrastructure legislation, authorizes a study of paddlecraft uses.³ TACIR should contact The Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council to coordinate and avoid duplication of use data collection or determine if there is some funding available for data collection. The infrastructure bill may have significant funds for recreational infrastructure that TACIR should also investigate.

We expect that TWRA will be collecting use data from commercial paddlecraft rental businesses, but accurate data may not be available before the end of the 2022 season since only half of the paddlecraft rental industry held permits at the end of 2021.

Number of paddlecraft rental businesses

TPA has done an extensive search of paddlecraft rental operations and estimates that there are between 90 and 100 businesses renting paddlecraft to the public at various locations around the state. This number varies from year to year with entries, as well as closures.

As stated previously this count does not include paddlecraft rental operations in National Forests, Ocoee whitewater outfitters, and some institutional programs to which exemptions have been granted. It does include outfitters renting tubes and kayaks on the lower Ocoee River which is outside Ocoee State Park.

Of the 95 businesses known to have rented paddlecraft in the state in 2021, only 48 had TWRA permits at the end of 2021 so, as stated previously, it is not clear that TWRA will be able to gather use data from about one-half of the industry. Several outfitters with permits ceased operation in 2021.

Commercial paddlecraft outfitters by type

Paddlecraft rental operations can be broken down into four categories:

1. **Paddlecraft rental services operating from fixed, dedicated facilities** providing paddlecraft rental and shuttle services as their primary business. In some instances, camping, retail and food service are also features of these operations.
2. **Mobile paddlecraft rental services.** Mobile operations are without fixed facilities. Customers meet the outfitter at various access points. These operations are limited by the capacity of their trailers, which carry boats to

³ H.R.3684, TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY, Sec. 28001. Sport fish restoration and recreational boating safety. Study of impacts of nonmotorized vessels on access points, page 461.

various locations. This segment of paddlecraft rentals has grown in recent years. Some outfitters provide guides and instruction along with the rental service.

3. **Ancillary paddlecraft services.** Marinas, lodging and restaurants also offer paddlecraft tours or rentals. In some cases, the paddlecraft rental operation may be leasing space from a marina as a standalone business. Nonprofit foundations also provide paddlecraft rental services, such as kayak tours of the area which they are overseeing.
4. **Institutional paddlecraft services.** Programs sponsored by institutions or government agencies, include those offered by a university, state, city or county recreation department. For example, MTSU has a paddlecraft rental program for students, faculty and friends of students and faculty. Some city and county programs rent directly to the public. TWRA has exempted college programs from the permit requirement.

As stated previously, while noncommercial and commercial canoeing, kayaking and tubing uses have grown over the past twenty years, the paddlecraft rental business does not appear to have grown as dramatically as the noncommercial, private boater segment of the sport. Most of the established paddlecraft rental operations with fixed facilities on or near rivers have been around for decades and started operations when economics were more favorable for seasonal rental operations. The exception is the addition of paddlecraft rental services at marinas, some market segments and destinations.

Number of annual paddlecraft rental users

While the number of paddlecraft rental customers annually will not be confirmed until TWRA compiles data from all the companies subject to the permitting requirements, we believe the data will show that rivers around Nashville are the most heavily used rivers for canoeing and kayaking. Tubing has grown in these areas as well and is also increasingly popular in the foothills west of the Great Smoky Mountains.

Statewide, commercial use levels are prominent on approximately 120 miles of rivers for about 24 days annually, which are weekends and holidays during the summer months. This is a small footprint on the annual calendar.

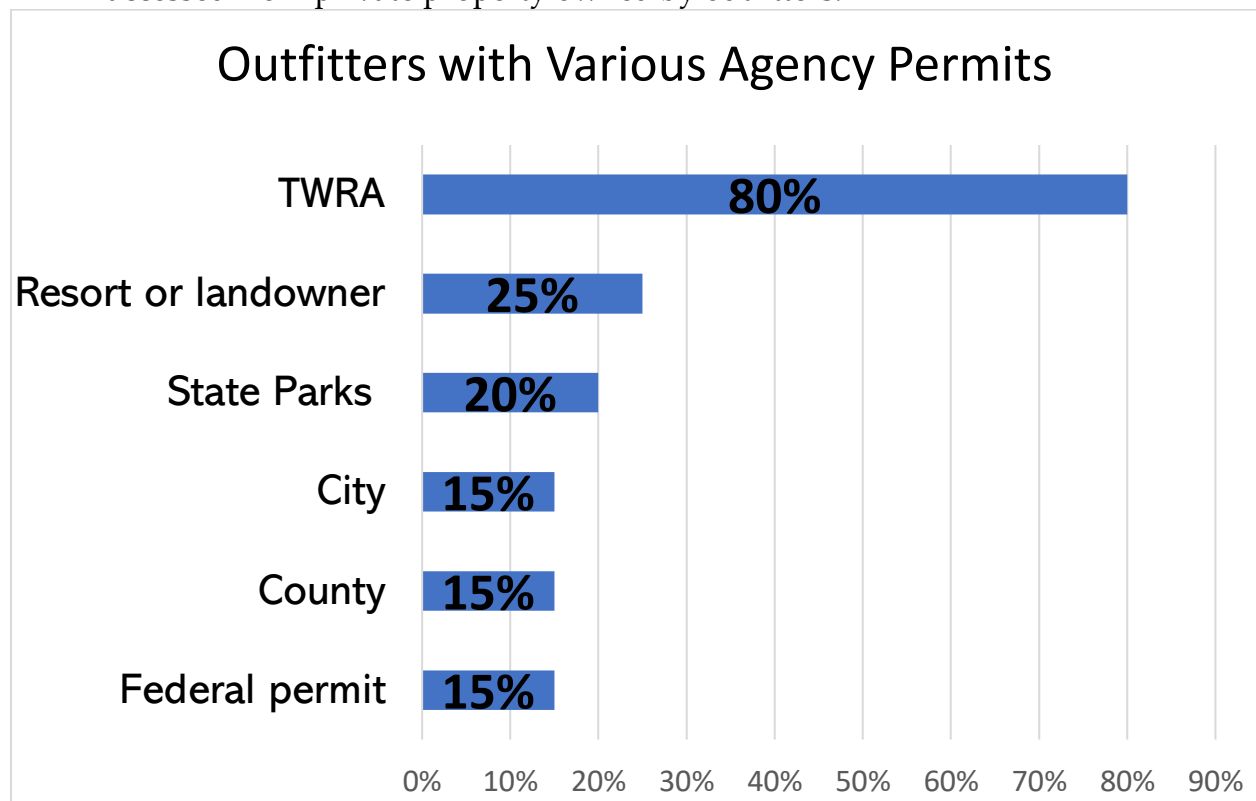
Venues for paddlecraft outfitters

Our research finds paddlecraft rental services occurring on 45 waterways around the state, including 27 streams and 18 lakes. These are the operations covered by the provisions of the laws or regulations related to paddlecraft rental operations in this study. The number of locations will vary slightly from year to year along with the

number of outfitters as new entries enter the business at previously unused locations and some businesses discontinue operations or eliminate paddlecraft rental services.

Agencies and entities providing access for paddlecraft uses in Tennessee

1. TWRA -- We estimate approximately 60,000 to 70,000 annual visits to TWRA access points by commercial paddlecraft customers. Most of those visits occur on the Caney Fork, the Duck, the Elk, lower portions of the Buffalo, the Cumberland and Tennessee Rivers. Some outfitters use a combination of Corps of Engineers and TWRA access points on one trip, which crosses agency jurisdictions.
2. State parks –Harpeth River State Park is probably the most heavily used state park venue. Other state parks, such as Panther Creek and Seven Islands on the French Broad, issue permits for paddlecraft uses
3. City and county governments waterway access points are common throughout the state.
4. TVA has boat ramps on some of its lakes and properties.
5. Corps of Engineers provides access on lakes and at some tailwater locations.
6. National Park Service. A few National Park locations such as the Big South Fork provide river access.
7. USDA Forest Service. These locations are in the Cherokee National Forest.
8. Private businesses and property owners. Some of the most popular rivers are accessed from private property owned by outfitters.



Waterways where paddlecraft services are offered (2021)

Barkley Lake	Duck River	Pigeon River
Barren Fork River	Elk River	Piney Creek
Big South Fork of the Cumberland River	Fort Loudon Lake	Powell River
Bledsoe Creek	French Broad River	Red River
Buffalo River	Harpeth River	Roaring River
Caney Fork River	Indian Creek	Sequatchie River
Center Hill Lake	Kentucky Lake	Shoal Creek
Cherokee Lake	Lake at Fairfield Glade	Stones River
Chickamauga Lake	Little River	Tennessee River
Chilhowee Lake	Lower Ocoee River	Tims Ford Lake
Collins River	Panther Creek State Park	Watauga River
Clinch River	Meade's Quarry (Lake)	Watauga Lake
Cordell Hull Lake	Norris Lake	Watts Bar Lake
Cumberland River	Obey River	Wolf River
Dale Hollow Lake	Old Hickory Lake	
Douglas Lake	Percy Priest Lake	

The rivers where paddlecraft rental use is most prominent include:

- Harpeth River
- Caney Fork River
- Buffalo River
- Duck River
- Elk River
- Little River
- Red River

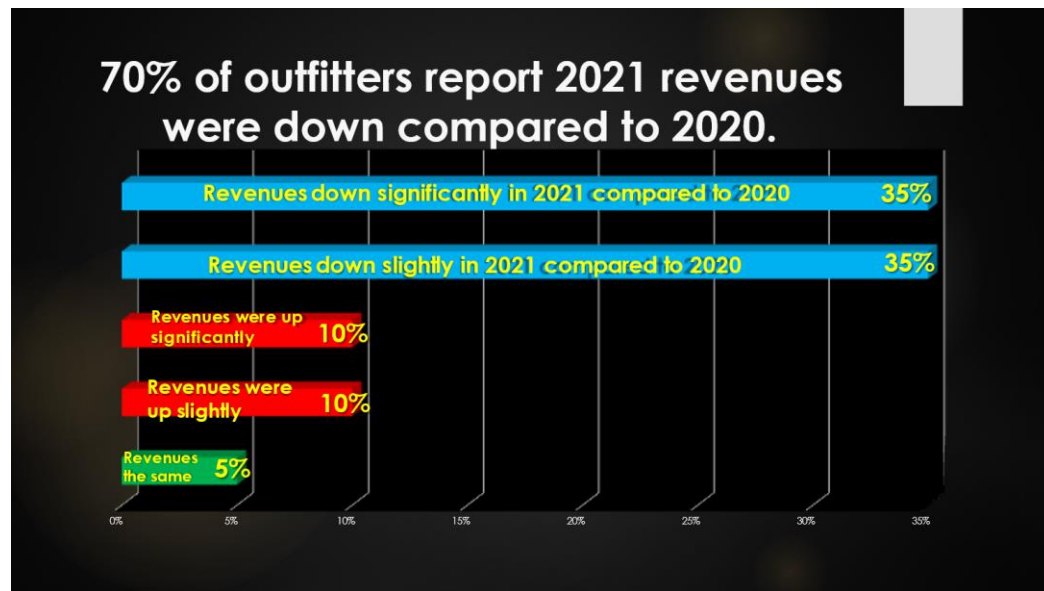
Commercial paddlecraft uses are found at other locations and on other streams and river sections, such as the Piney Creek, the Barren Fork, Collins River, the Stones River, the Cumberland, the Holston, Indian Creek, Powell River, the French Broad, Wolf, Red, Obey, Lower Ocoee, Shoal Creek, the Watauga and the Tennessee Rivers as well as on a number of smaller streams. Paddlecraft rentals are provided on many area lakes typically from marinas or mobile outfitters. Private bodies of water or lakes wholly contained within the boundaries of private land or an agency park, such as Meade’s Quarry in Knoxville, are other venues for paddlecraft operations.

Growth of commercial paddlecraft rental operations

While the number of outfitters with dedicated, fixed facilities has not grown dramatically in recent years, there has been some growth of mobile paddlecraft rental

operations and ancillary services as part of lodging or marina operations. Mobile operations often consist of a trailer or two carrying up to 20 boats. These operations generally meet their clients at an access point, such as a put-in and provide shuttle services after the trip.

In 2020, when the Covid-19 pandemic struck, demand for boats and the services of rental operations grew dramatically. Ironically, supply chain constraints and sanitation protocols prevented many outfitters from increasing their daily capacity. Some companies closed for the year. However, stronger week-day demand led to growth for most outfitters operating in 2020. The growth spurt was short-lived as 70% of outfitters responding to the TPA Business Outcome Survey saw their business decline in 2021 when compared to 2020. 2021 is the only year since the TWRA regulations went into effect that realistic use numbers for commercial paddlecraft rentals can be obtained since 2020 was atypical as the chart below indicates.



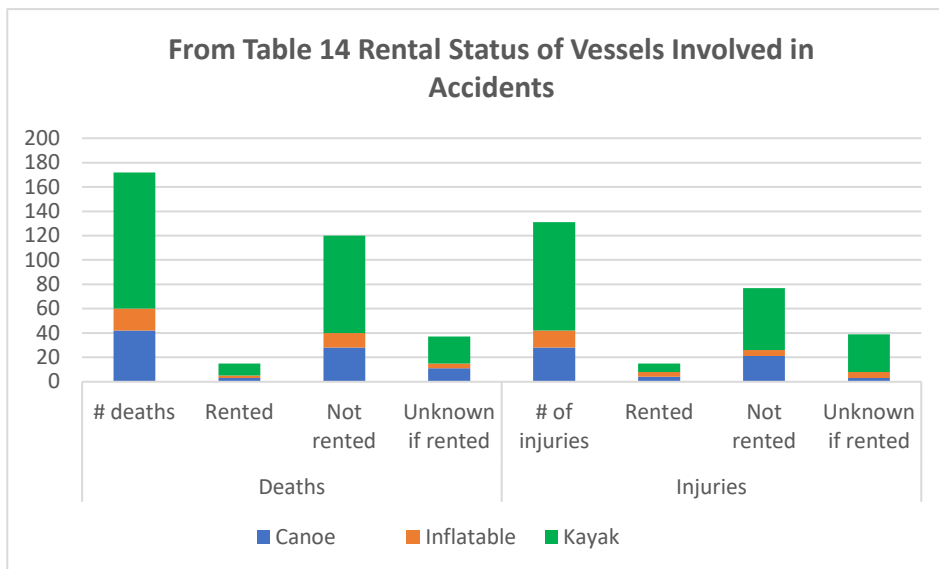
When the paddlecraft regulation became an issue in Tennessee, the general perception was that the industry was experiencing “explosive” growth. While there has been growth over the past 20 years, recent growth for commercial paddlecraft services has not been “explosive” when viewed from a statewide perspective. Significant growth has been limited to specific events (pandemic years) and market segments, such as the introduction of stand-up paddleboards or growth in a few destination markets, such as venues adjacent to national parks where tubing is popular.

SAFETY ISSUES

Outfitted trips are lower risk for beginners and the general public because:

- Experienced outfitters cease operations when conditions are dangerous or the weather threatening.
- Customers are given a safety orientation and provided a life jacket.
- Many outfitters patrol their rivers or provide emergency response instructions to paddlers.
- Boats and gear are inspected prior to their use.

Coast Guard data provides additional documentation that paddlecraft rental services are generally safer.⁴




⁴ 2020 Recreational Boating Statistics, COMDTPUB P16754.34, U.S. Department of Homeland Security, U.S. Coast Guard Office of Auxiliary and Boating Safety, page 31

Example of safety measures from the Harpeth River.

Why are outfitted trips safer?

One primary reason is outfitters stop operating when conditions are hazardous for beginners.

Harpeth River strainer



EXAMPLE FROM 2020 SEASON

- ▶ All the resident outfitters stopped running trips through this section of Harpeth due to risks of strainer.
- ▶ State Parks allowed private boaters to continue to access it with no warning signs (see photo).
- ▶ Death trap, but outfitters got criticized for crowding because they diverted all their customers to another access.
- ▶ Eventually outfitter, not State Parks, cut away much of strainer.

Safety

- ▶ Majority of safety problems are among private boaters.
- ▶ 2020 saw 6 fatalities among paddlecraft users, all private, non-commercial.
- ▶ On Caney Fork Smith County Rescue squad reported approximately 22 calls involving paddlers and fishermen in 2020. Of those 3 or 4 were outfitted.

There were only 3 calls we could reference this year where the subjects were still in the water when rescued, both those were private kayakers and the other one was a trout fisherman that became stranded by rising water.”

Of all the calls (as opposed to water rescues) to date in 2020, only 3 or 4 involved outfitters.

Challenges specific to operating a seasonal recreational business

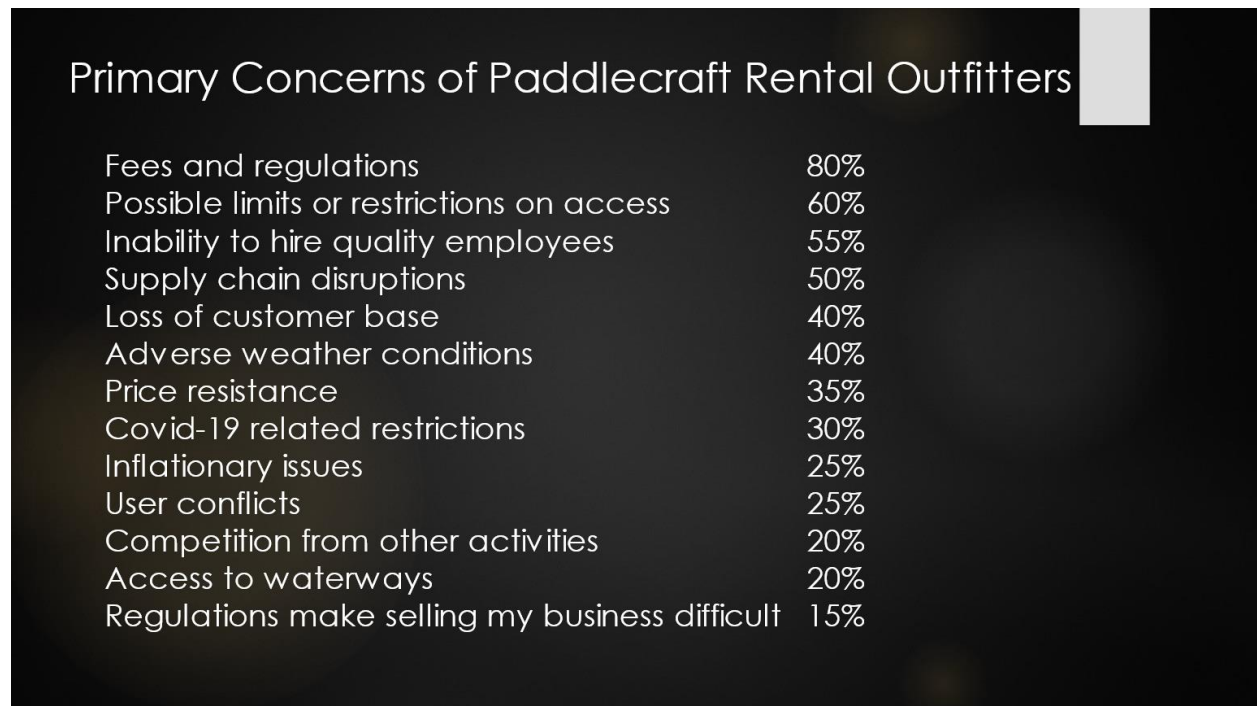
While there are no assurances in business in general, along with economic challenges and inflationary pressures, outfitter operations are challenged by weather and natural disasters or events that prevent them from operating. Because of the seasonal nature of their business, most paddlecraft rental operations have negative cash flow for seven to

eight months each year. Weather related business interruptions are common and if prolonged can wipe out the profitability for an outfitting business.

A significant revenue surplus at the end of the season is necessary for a paddlecraft rental operation to continue in business and avoid using a line of credit (or credit cards) to cover off-season expenses such as repairs, equipment purchases, taxes, application fees, insurance premiums, marketing and living expenses.

The overburden of fees, regulations, reporting and taxes on small business is a significant threat to their survival because those regulatory burdens almost always grow and are rarely streamlined, retracted or diminished.

The top concern for paddlecraft rental operations at the end of the 2021 season are the potential impacts of fees and regulations on their businesses.



Current reporting requirements and fees for paddlecraft business in Tennessee

The following agency reports and fees are required of a paddlecraft operator in Tennessee. No one agency takes responsibility for this collective burden although it may threaten the viability of operators if they continue to grow.

1. Federal corporate taxes, self-employment or related Subchapter S taxes
2. State sales tax (9.25% to 9.75%)
3. Federal unemployment tax

4. State unemployment tax
5. State franchise fees
6. County property tax
7. County personal property
8. City and county use fees on outfitters operating from local agency venues
9. County business tax
10. Federal FICA taxes
11. Workers compensation taxes
12. State annual report and fee
13. Gas taxes

Additional authorized taxes and fees

1. State Park Commercial Use Authorization (CUA) fees (up to 3% of gross) and reports
2. Potential for TWRA permit and use fees and required use reports for all outfitters statewide even when they overlap with other agencies

Price resistance in paddlecraft rentals as it relates to agency fees.

One misconception particularly among regulators, is that there is no limit to what the public will pay for recreational services such as paddlecraft rentals. The thinking is that adding a dollar or two to the cost of a rental will not impact demand. That is simply not the case, especially when outfitters are facing dramatic inflation along with duplicative and overlapping fee authorities.

Youth and social groups are particularly price sensitive. Outfitters often provide discounts to these groups to attract or retain their business. When there is significant price competition among competitors for leisure services, increased fees are often absorbed and may not be passed on to the customer as easily. This is especially important as costs of fuel and general inflationary pressures mount and claim a business' pricing power.

If outfitter's prices were without limits, they would already be charging higher prices. With the availability of low-cost kayaks and river tubes, the public has options other than renting paddlecraft. The casual paddler who visits a river once or twice each year is more likely to remain a rental customer until purchasing a boat becomes financially more attractive than renting one. An enthusiast who ventures out multiple times per year for several years will buy their own boat and transition away from paddlecraft rental services and that transition will be encouraged as prices for rental services increase.

Why unnecessary restrictions on paddlecraft rental services are bad policy

Eliminating or severely restricting commercial services or increasing fees dramatically in an inflationary spiral will encourage beginners and novices to venture out on their own and have the unintended consequences of diminishing river safety. Rural economies will also be negatively impacted.

LEGISLATIVE AND REGULATIONS IMPACTING PADDLECRAFT OUTFITTERS

Advocacy primarily from the Tennessee Wildlife Federation and its allies resulted in legislation⁵ in 2018 that gave the TWRA authority to regulate “all aspects” of commercial paddlecraft rental businesses. The legislation’s authority is described in the legislation below.

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 9, Part 2 by adding the following as new sections:

69-9-227.

(2) “Non-motorized vessels” means canoes, kayaks, stand-up paddle boards, tubes, and any other vessels powered only by their occupants and propelled by manual methods, including, but not limited to paddles and oars; and

(2) “Waters of Tennessee” means any waters within the territorial limits of this state, except privately owned ponds or lakes not used for commercial purposes.

(b)(1) The commission is hereby authorized to establish rules, regulations, permits, and procedures regulating all aspects of commercial operations that lease or rent non-motorized vessels for non-commercial use by the public on the waters of Tennessee.

(2) The regulatory authority granted under subdivision (b)(1) shall not apply to commercial outfitters operating pursuant to and in possession of a permit issued by the United States forest service on waters in and adjacent to the Cherokee National Forest.

Implementation of TWRA regulations 2018 to 2021

After the 2018 legislation TWRA proposed significant regulations and fees on commercial paddlecraft outfitters. Chris Richardson, Deputy Director of TWRA, admitted at the outset that this was TWRA’s first experience regulating business, although the agency has permitted various commercial fishing activities. Initially, TWRA considered charging owner/operators of paddlesports businesses with

⁵ PUBLIC CHAPTER NO. 969, SENATE Bill NO. 1335, By Bailey, Bowling, in exhibits.

misdeemeanors for their customers' violations of regulations. The proposed fees included inventory, launch and permit fees. TWRA proposed to collect fees at public access points not owned by the agency, which had questionable legal authority. After objections from the industry, those fee and regulatory proposals were adjusted or withdrawn over concerns about their legality.

The current TWRA regulations were approved by The Joint Government Operations Committee and became effective November 2019. They were implemented in 2020⁶. Shortly after the regulations went into effect, TWRA began issuing permits to applicants for a two-year term for the 2020/2021 season although technically the paddlecraft rental permit was supposed to be issued for a one-year term. As of October 2021, TWRA had issued approximately 48 permits out of a universe of approximately 94 to 100 paddlecraft rental businesses statewide subject to the permit requirement.⁷ TWRA did not enforce the permit requirement during the 2020 or 2021 seasons. Some companies were not aware of the permit requirement. Others simply chose not to comply.

After the 2018 legislation and announcement of the proposed regulations, paddlecraft rental outfitters formed the Tennessee Paddlesports Association (TPA) to represent their interests and to provide input.

In 2019 the General Assembly passed legislation supported by TPA that adjusted TWRA's regulatory authority.⁸

Modification to TWRA's regulatory authority in the 2019 legislation

- Requires TWRA to keep individual company use data confidential but allows use data to be made public in the aggregate, which presumably means the total amount of use for a given resource or river or for the industry statewide.
- Authorizes use reports consistent with the previous requirements contained in the TWRA regulations for paddlecraft rental businesses to be submitted on May 1, October 1 and December 1.
- Requires fees be approved by Joint Government Operations Committee but deferred implementation until after July 1, 2021.
- Authorized a paddlecraft advisory committee made up of paddlecraft businesses to advise TWRA on the regulations.

⁶ RULES OF TENNESSEE WILDLIFE RESOURCES AGENCY, NON-MOTORIZED VESSELS, CHAPTER 1660-04-01
RULES AND REGULATIONS GOVERNING COMMERCIAL NON-MOTORIZED VESSEL OUTFITTERS

⁷ List of paddlecraft rental businesses compiled by TN Paddlesports Association.

⁸ PUBLIC CHAPTER NO. 347, HOUSE BILL NO. 1328, By Representatives Keisling, Byrd, Tillis, Weaver, Smith, Kumar, Substituted for: Senate Bill No. 665

- Authorizes TWRA to issue multi-year permits;
- Exempts commercial paddlecraft operation with a permit issued by the Tennessee Department of Environment and Conservation (TDEC) or USDA Forest Service from the TWRA permit requirement.

2021 State Parks initiates commercial use authorizations

In 2020 TDEC began the process of implementing a Commercial Use Authorization⁹ (CUA) to provide consistency to the authorization of various commercial activities in State Parks. In 2021 the Joint Government Operations Committee approved TDEC's Commercial Use Authorization to cover commercial activities in State Parks and Natural Areas, which will be implemented beginning in calendar year 2022. The CUA covers all types of commercial uses and is not specific to paddlecraft uses. It is renewable and can be issued for terms of up to 5 years. That authorization includes fees of up to 3% of gross but it also provides an option for negotiated flat fees. There are no fees currently charged to noncommercial paddlecraft users in State Parks and none are authorized for noncommercial users of TWRA access points.

Currently, outfitters subject to the CUA requirement are expected to have a TWRA permit and may be subject to fees from both agencies in addition to sales taxes unless this issue is sorted out. There appears to be an exception to the TWRA permit requirement for TDEC permit holders, but that exception is unclear and needs clarification. This issue is also covered in the specific questions presented to TACIR.

TACIR Study Authorized in 2021

The General Assembly passed Public Chapter 497 this year directing TACIR to study paddlecraft issues as outlined in the TACIR Research Plan (**Research Plan: Public Chapter 497, Acts of 2021, Water Recreation Resources**). This report is in response to TACIR research related to this legislative authorization.

REVIEW OF KEY PADDLECRAFT ISSUES

Congestion

The potential for congestion occurs in two general areas: 1) on the river and 2) at access points.

River Congestion

We do not believe that river congestion is so significant that use must be restricted. There may need to be adjustments to access points, dispersal of use and adjustment to flows to help ameliorate user conflicts. On the busiest day there may be 50 to 60 boats on the water within a half mile and in the view of a paddler or fishermen. For a fly fisherman on a smaller stream who must stop casting, 20 paddlers probably equates to congestion.

As we have stated elsewhere in this report, paddlecraft use is prominent on only about 24 days each season on less than 125 miles of waterways.

An estimated 14,000 noncommercial and commercially-assisted users enjoy a 20-mile stretch of the Caney Fork River annually. We estimate that 50% of that use is by customers of commercial paddlecraft outfitters. For canoeing and kayaking, the Harpeth River is probably the most popular flatwater recreation river in the State.

Groups such as Wounded Wars, ROTC students, Scouts, church or school groups occasionally bring groups of 60 to 80 customers for a trip and insist on participating in one group. The social component of the experience is important to these larger groups and access points should be available to accommodate them. Flatwater rivers near population are not wilderness areas or wild and scenic rivers and are likely to see higher levels of traffic on weekends. These use levels on Tennessee rivers are not as significant as similar rivers in other states.

That being said “user conflicts” are real but they can be managed by adjusting launch times or the location of access points to avoid heavily fished locations.

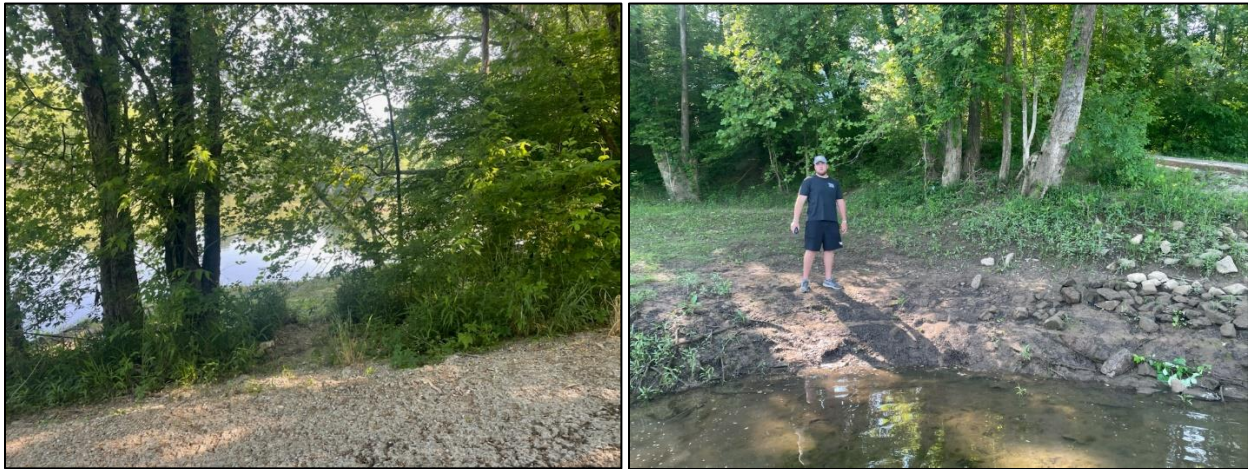
Congestion issues: access point congestion

Access point congestion is acute on some heavily used resources on weekends, such as on the Harpeth River and at times on the Caney Fork River. Access point congestion occurs in two areas: parking and congestion at launch sites, such as boat ramps.

While congestion at boat ramps, especially on rivers like the Caney Fork and Harpeth, has been an issue in past years, concerted action by outfitters has alleviated some of the

backup attributed to their use. Prior to 2019, outfitters will admit that their employees were probably less sensitive to the congestion issue than they should have been. When notified of the problem outfitters took action to address it, although solutions often require trial and error and continued monitoring.

In 2021 Canoe the Caney took action to relieve congestion on weekends by dispersing trips among access points and finding an alternative launch area downstream of the boat ramp.



Canoe the Caney starting using an area away from the boat ramp at Happy Hollow to launch and recover paddlecraft thereby relieving ramp congestion, a simple adjustment that only required a bit of weed whacking.

To address congestion at ramps and other issues at boat ramps, TPA and outfitters have also adopted the following best practices for the industry.

Best Practices for responsible, shared use of Tennessee Waterways

The TN Paddlesports Association supports responsible, shared use of Tennessee waters ways for paddling, fishing, and boating. A goal of the TN Paddlesports Association is to promote practices that diminish the potential for user conflicts and help keep our natural environment clean and available to all for outdoor recreation. These best practices are offered to help achieve that goal.

Reduce congestion at popular put-ins and take-outs

Unload as quickly as possible and in areas that do not block boat ramps and access by others. Move your vehicle to an appropriate parking area as soon as possible. Don't leave kayaks and canoes on boat ramps for an extended period. Whenever possible avoid using the ramps to put-in and take-out. When available use areas on the sides of the boat ramps to load and unload. Instruct customers to assemble in areas that

are not heavily trafficked to allow vehicles to move around without blocking their egress. Don't loiter in front of the boat ramp.

Respect fishermen

When fishermen are present look for their lines in the water and avoid them by paddling away from where their line enters the water, which generally is away from the fishermen. Do not try to paddle under the line unless it is too late to avoid. Be aware that fly casting needs up to 30 yards of clearance in a radius around the fishermen. In general, avoid waving or trying to converse with fishermen unless they initiate contact. They may not want to respond to every paddler passing by.

Respect Private property

Unless you are in a National Forest or in a National or State Park, the land on either side of the river is private property. Do not try to access this land. Some landowners may consider setting foot on riverside property to be trespassing. If you are lost or confused about where to take-out, contact your outfitter, or follow the instructions provided to you during the orientation.

Pick-Up Litter

It goes without saying that littering on waterways is inappropriate. Never try to sink cans or other waste to discard them. Use a trash bag and carry out more than you carried in. Most litter in waterways come from tributaries. Still some who are opposed to paddling on navigable waterways may try to blame paddlers for the litter therefore it is important for you to pick up any litter you may find during your trip. Most outfitters conduct river cleanups annually.

Be helpful to others

While you are not responsible for rescues and the problems of others encountered on the water, be helpful to others whenever possible. Follow your outfitter's instructions in case of an emergency. Call _____
Number here

Always be courteous to others and avoid confrontations.

Congestion issues: lack of parking.

Ironically, the primary pressure on parking resources comes from self-guided (noncommercial) users and not from outfitters. Self-guided users have one vehicle for every one to four users. Outfitters generally bring groups in one large vehicle and leave after they have launched so they do not require extensive parking space. The photo below is an example of use parking issues at Happy Hollow on the Caney Fork River. These vehicles are all noncommercial users who access the launch areas within the same time frame each day. This level of use and congestion is not the result of commercial use.

Mobile outfitter operations do require use of parking areas in some cases, especially if their customers meet at the river. But that use is limited by the boat capacity of a trailer.



Private boaters’ cars line both sides of the road for ¼ mile at the Happy Hollow access point on the Caney Fork River.

Infrastructure improvements at the Caney Fork and Harpeth River to enlarge parking and bottle necks at ramps are among the most urgent issues to be addressed.

Addressing unfair criticism of the paddlesports industry

Adversaries of paddlecraft rental business have at times used disingenuous information to advance regulation of paddlecraft outfitters. Among those claims:

- **Paddlers were leaving significant amounts of litter** on popular rivers, which is patently false as anyone who visits these rivers knows. Outfitters leave rivers and access points cleaner by participating and supporting many river cleanups and removing trash from many ramps.



Outfitter’s employees removing litter overflowing from Carthage Corps of Engineers’ access point. This litter was left at the ramp by the public, powerboaters and fishermen, not paddlers.

- **Outfitters have been accused of operating in an unsafe manner** when in fact data shows that outfitted trips are lower risk than self-guided trips, especially for beginners (see the section below on safety).

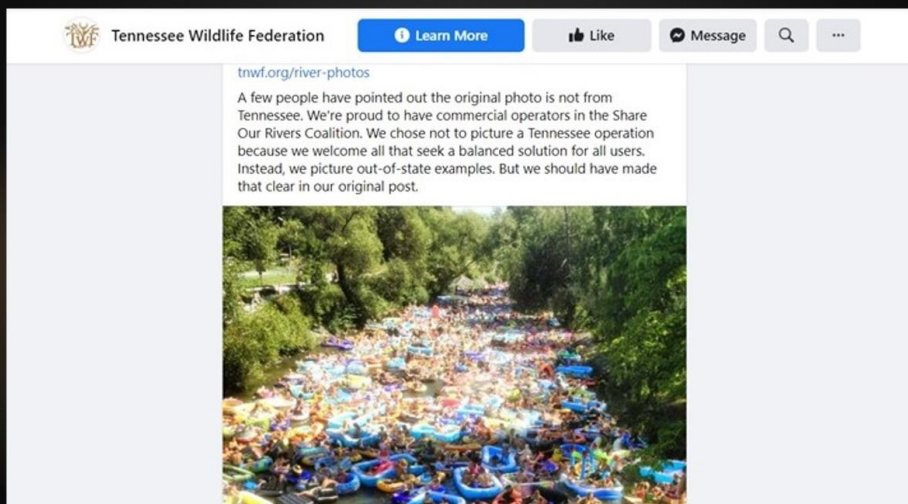


- **Are customers of outfitters trespassing?** While there are occasional issues related to trespass, part of the issue stems from the fact that gravel bars and rocks within the riverbed are often claimed by the adjacent landowner as their property. If the river is adjudicated as “navigable” then use of the land below the low water mark is not

trespass. Unfortunately, few rivers have been adjudicated as navigable by this standard and the state does not necessarily consider federal navigability. All the popular paddling rivers are federally navigable. Wade fishermen, especially those wading in rivers like the Holston, are just as likely to be cited for trespass as paddlers. Occasionally, a customer will miss the takeout and try to find their way back across private property. Signage could relieve this problem, which is also an issue among noncommercial paddlers.

- **Congestion.** Photos from beer festivals in Europe were posted by TWF to depict congestions on Tennessee rivers. Use of these types of photos inflamed adversaries of paddlesports.

Campaign continued with inflammatory disinformation – Picture of Beer Festival in Finland posted as TN



ACTION AND SOLUTIONS

The TN Paddlesports Association recognizes five general issues related to paddlecraft uses for which intervention is needed. These proposals are also dealt with specifically in the answers to the TACIR study.

- **Change to the governance of agencies to include more representation for paddlecraft uses and nongame recreation activities.** 80% of outfitters in our survey use TWRA access points. At some point fees may be required of the customers of these businesses utilizing TWRA access points. The Tennessee Fish and Wildlife Commission simply does not have adequate representation on the Commission to represent nonmotorized vessel uses and nongame recreation. Some Commissioners appear to view paddlecraft outfitters as a “problem”. We highly recommend modifying the Commission to add seats to foster better oversight and support for non-game recreation programs, including paddlecraft uses.
- **Lack of planning and funding to accommodate the growth of paddlesports.** Agencies have not kept up with the changing recreation demand by society for paddlesports and other non-fish and game recreation. TWRA’s strategic plan states: *“There is an increased demand for TWRA to provide opportunities for a greater diversity of outdoor recreation activities on TWRA managed lands and access areas. In order to meet this demand additional funding sources will be necessary.”* Since these uses have occurred despite this lack of planning and infrastructure improvement, user conflicts have occurred in a few locations. Funding for modifications to access points will have to be broad-based, certainly broader-based than fees on the customers of outfitters. (See more discussion of this issue under the TACIR study).
- **Resolving occasional congestion at popular access points.** Modification of outfitter operations has relieved some of this congestion but modifications to access and parking are needed. At some resources, such as the Caney Fork, dam operations and flow management plans need to be modified to enhance downstream recreational uses.
- **User conflicts between power boaters, fishermen and paddlers.** These conflicts occur in a handful of locations and can be alleviated by implementation of best practices and modifications to access points to segregate users. Building kayak lanes adjacent to or away from boat ramps is one example of a modification to promote use and reduce user conflicts. Specific strategies to reduce conflicts should be tailored to each resource.
- **Overlapping fee and regulatory authorities present a long-term threat to paddlecraft rental businesses.** Paddlesports outfitters are already paying almost

10% of gross in sales taxes. Additional fees to TDEC and to TWRA will make successful operation of these businesses difficult especially in less popular destinations where higher marketing costs are necessary. Some smaller operations may be forced out of business. While fees to these agencies for use of their facilities may be appropriate, a credit on sales taxes from the state portion of the tax for fees to TWRA and TDEC should be considered. For example, Ocoee River outfitters pay 10% of gross to TDEC, but are exempt from the sales tax. Likewise, some consolidation of TDEC and TWRA regulatory authorities should be considered so that only one permit is required.

RESPONSE TO ISSUES IDENTIFIED FOR THE TACIR STUDY

1. The procedural and financial measures necessary to accommodate the increased demand for non-fish-and-game recreational activities and the resources required to manage such activities by TDEC and TWRA;

TWRA access points on popular rivers such as the Caney Fork River in Dekalb and Smith Counties and the Duck River in Maury County are experiencing significant levels of paddlecraft use that have at times resulted in user conflicts with powerboaters and fishermen. These user conflicts often result from interactions with noncommercial paddlecraft users and do not always involve customers of outfitters, although fishermen have on occasion blamed commercial outfitters for conflicts with noncommercial users (kayakers).

As stated previously modification of these access points with some additional access points in a few places to segregate paddlers from powerboaters and fishermen will help relieve congestion at access points. Most of the boat ramps were built with money from the Sport Fishing Restoration Fund or fees on fishermen and powerboaters, a point which also results in conflict since not all paddlecraft users are paying these fees. But some are. For example, many paddlers hold fishing licenses and boat registrations and should not be expected to pay for use of boat ramps unless TWRA extends fee collection for use of ramps to fishermen in general.

A. Step One. Evaluate the needs and costs to provide recreation infrastructure

Some entity or authority is needed to coordinate multi-agency tasks related to the implementation of outdoor recreation programming. For example, rivers do not respect agency jurisdictions as they flow across the landscape. Access points for a river trip may be a combination of private, city, county, state, federal agency or TWRA facilities.

The first step to fulfilling the goals of the TACIR study with respect to paddlecraft uses is to objectively inventory issues and needs at the most heavily used resources, especially those involving TWRA and TDEC access points, and determine what needs to be done and what those costs will be. Who in the state has the authority across agency jurisdictions to conduct this review? Can it be part of the existing TACIR study? We hope TACIR will address this issue.

B. Potential fees on Commercial Outfitters and Paddlecraft Users.

Two potential fees are possible for use of TWRA or TDEC access, but they will not be sufficient to cover infrastructure needs. A flat permit application fee and a fee for use of access points are the two fees for commercial uses that have been discussed.

Access point fee

If fees are required of commercial paddlecraft outfitters for use of access points, that should be a flat fee per boat for use of individual access points (agency facilities) and not a percentage of gross. This strategy allows for consideration of use of multi-jurisdictional access, where for example, the put-in might be privately owned or county-owned and the take-out owned by TWRA.

Service in lieu of fees

Many outfitters are already assisting TWRA with management of their access points by cutting grass and weeds, collecting trash and clearing boat ramps. Without this support some TWRA ramps would not be maintained. TWRA should consider a program to formalize this maintenance and allow it to be conducted in lieu of use fees.

Permit fee

A flat permit application fee consistent with the fee for commercial fishing is what we suggest for the annual TWRA fee.

Why fees from outfitters are not going to be sufficient to modify access points

If our estimate of 60,000 to 70,000 customers of outfitters using TWRA access points annually is correct, fees for use of these areas when combined with permit fees will barely cover the administrative costs for collection and permit administration.

An evaluation of the user fee potential from outfitters will likely reveal that revenues from commercial paddlecraft users **utilizing all public access points** in Tennessee will be of nominal value and insufficient to contribute significantly to the modification of access points. Some of the most prominent paddlecraft uses in Tennessee occur from private access points on federally navigable rivers. The Court of Appeals in Tennessee

has affirmed that non-federal agencies cannot claim fees for use of waters under federal authority except for a fee to cover the cost of enhancing safety and security¹⁰. It is our opinion that fees cannot be legally collected from river users or vessels launched from private access points on federally navigable waters and transferred to uses such as building access points.¹¹ Fees that are consistent with state law can be charged for use of TWRA or TDEC property.

TACIR may wish to have the attorney general review this issue so that any fees recommended are legal.

Conclusion: Based on this opinion, we believe a broader base of funding is needed to provide infrastructure for paddlesports access and possibly for other non-fish and game programs. There are existing grant programs available for some of this funding.

Review what other states' are doing to determine other possible funding sources.

Dedicating a portion of sales tax to non-fish and game recreation and state parks

One option to evaluate is The Texas Sporting Goods Sales Tax “which authorizes the Legislature to make appropriations from the collection of sales tax on sporting goods to support state parks, historic sites, and local park grants. The Sporting Goods Sales Tax is a portion of an existing 6.25 percent general sales tax. The allocation to parks was capped at \$32 million per year until 2007. Today, the allocation for the support of parks is limited to up to 94 percent of the Sporting Goods Sales Tax revenue (Texas Tax Code Chapter 151, Subchapter M., Sec. 151.801). In recent years it has generated between \$75 and \$125 million per year for outdoor recreation.”¹²

Titling or Registration of Paddlecraft

An Oregon Marine Board study in 2016 revealed

- ▶ 4 states and DC title canoes and kayaks: Washington DC, Minnesota, Pennsylvania, South Carolina and South Dakota title paddlecraft.
- ▶ Registering paddlecraft. 10 states and 2 territories have some form of registration for various paddlecraft: AK, DC, FL, HI, IA, MN, NH, OH, OK, PA, RI, SC, SD, VI.¹³

¹⁰ HIGH COUNTRY ADVENTURES, INC. v. POLK COUNTY, Appeal from the Chancery Court for Polk County, No. 6924 Jerri Bryant, Chancellor, No. E2007-02678-COA-R3-CV - FILED NOVEMBER 10, 2008

¹¹ Legal opinion by the Bradley law firm regarding TWRA’s proposed fees on paddlecraft outfitters, January 10, 2019, Section II., page 3.

¹² STATE FUNDING PROGRAMS FOR OUTDOOR RECREATION: Texas Sporting Goods Sales Tax, Authors of report: Kelly Pohl and Megan Lawson, Ph.D. Headwaters Economics.

¹³ Non-Motorized Boating National Survey Results A Synopsis, September and October 2016, Oregon State Marine Board

These programs may have changed since this report. Some states have dropped titling and registration.

Ohio has the most experience with registration. Their most popular form of registration is a \$25 sticker for noncommercial canoes and kayaks, which is good for 3 years. \$5 of that fee goes to a conservation program for access improvements. There is a separate annual fee for commercial paddlecraft since many of those are retired at the end of a season.

TPA is not recommending this option but calling it to the attention of TACIR for review. Certainly, titling paddlecraft would be infeasible politically in Tennessee and a disaster for canoe and kayak rental businesses.

Utilize existing funding sources.

Existing grant programs may provide some assistance. These programs are overseen by TDEC. TWRA does not appear to have access to them and that barrier needs to be resolved.

- **Existing grant programs.**

- **Local Parks and Recreation Fund (LPRF).**

The LPRF program provides state funding for the purchase of land for parks, natural areas, greenways and the purchase of land for recreational facilities. Funds also may be used for trail development and capital projects in parks, natural areas and greenways. Recreation Educational Services administers the LPRF grants. These grants are a 50% match.

- **Recreational Trails Program (RTP)**

The Recreational Trails Program (RTP) is a federal funded, state administered grant program. The RTP provides grant funding for land acquisition for trails, trail maintenance, trail construction, trail rehabilitation and for trail head support facilities. These funds are distributed in the form of an 80% grant with a 20% match. Local, state and federal land managing agencies are eligible to apply as well as state chartered, non-profit organizations with IRS 501 (c) (3) status that have a written agreement for trail management with an agency. All grant projects MUST be on publicly owned land.

- **Tennessee Recreation Initiative Program (TRIP)**

The Tennessee Recreation Initiative Program (TRIP) apportions grant money to cities and counties who lack professional park and recreational directors and do not provide a comprehensive recreation delivery system in their community to assist with the establishment of the first Parks and

Recreation Department. These grants are a three-year commitment, \$50,000 grant matched equally by the communities.

- **Land and Water Conservation Funds (LWCF)**

The LWCF program provides matching grants to states to administer to state and local governments for the acquisition and development of public outdoor recreation areas and facilities. Recreation Educational Services administers the LWCF grants in Tennessee. These grants require a 50% match.

Consider transferring some access points to local governments or private entities

Some counties may be interested in improving access points or taking them over entirely. TWRA should consider this option where it cannot effectively maintain or manage ramps for multiple uses. In a few areas, nonprofits may be available to manage access points. Some outfitters are already providing maintenance, such as cutting weeds, removing trash and clearing ramps of debris and sediments.

Possible funding for recreation in H.R. 3684 should be investigated.

Private access

Some of the access provided to the public in the state is private and available at considerable expense to the landowner. That contribution should be recognized.

2. How TWRA-managed resources are being utilized by non-motorized vessels for non-fish-and-game recreational activities, such as paddle boarding, canoeing, tubing, and kayaking;

As noted previously, a study of these issues was authorized in the recent federal infrastructure legislation. TACIR should consult with the entities developing this study to determine if funds are available to conduct this study in Tennessee to fulfill some of TACIR's goals as well as the federal study goals.

H.R.3684, TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY, Sec. 28001. Study of impacts of nonmotorized vessels on access points, page 461states:

*TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY
Sec. 28001. Sport fish restoration and recreational boating safety. Study of impacts of non motorized vessels on access points*

(c) RECREATIONAL BOATING ACCESS. —

(1) IN GENERAL. —Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Natural Resources and the Committee of

Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that, to the extent practicable, given available data, shall document—

(A) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access;

(B) user conflicts at waterway access points; and

(C) the use of—

(i) Sport Fish Restoration Program funds to improve nonmotorized access at providing that access; and

(ii) Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(2) CONSULTATION.—The Comptroller General of the United States shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on study design, scope, and priorities for the report under paragraph (1).

3. The accessibility to and funding for all non-fish-and-game recreational activities;

TWRA controls many areas that could be used more broadly for non-fish and game recreation activities. Not all Wildlife Management Areas were obtained with money from fish and wildlife grant programs, but these areas are still managed almost exclusively for those uses. Camping and hiking are two such uses compatible uses. These uses can be developed without conflicting with fish and game programs if the agency has

- the culture and governance to accept and promote non-fish and game recreation;
- modifies its strategic plan and staff to implement it and
- has the funding to expand uses at their sites.

There are numerous potential funding sources for infrastructure and access improvements covered in other sections which we will not repeat here, including possible new sources of funding in H.R.3684, the infrastructure bill, which should be investigated.

4. The annual fees and taxes charged to paddle craft and commercial outfitters in the previous four fiscal years;

The list provided on page 12 is a good starting point for covering this topic.

5. Any duplicative fees charged by TDEC and TWRA, and what action may be taken to eliminate such duplicity in fee structures and their regulatory authority generally;

Need to clarify overlapping regulatory authorities

Currently TDEC and TWRA are both authorized to issue permits and collect fees from commercial paddlecraft outfitters. State Parks is implementing a fee of up to 3% of gross in 2022. The legislature gave TWRA authority to collect fees on commercial paddlecraft businesses. As we have stated elsewhere, outfitters should only be subject to one regulatory authority. TACIR should also determine whether localities, such as city or county governments can require special paddlecraft permits in addition to business licenses. These authorizations may conflict with TWRA's authority.

We suggest the following strategy regarding fees:

- Consolidate regulatory authority so that outfitters are only required to have one permit.
- Outfitters not using TWRA access point should not pay a fee to TWRA for use of other agency access points or for use of rivers in general. Use fees at TWRA access points should not be charged to holders of fishing licenses or boat registrations.
- Flat fees per boat are better than fees based on gross revenues, which requires a deduction of fees on unrelated revenues.
- Outfitters using state, county and city access points as well as a TWRA access points during a trip need to have permitting authority and fees consolidated. One option would be to grant a credit on the state portion of the sales tax for the fee burden to these agencies. The county local option should not be included in the credit against sales tax.
- Outfitters holding a TDEC or State Park permit should not also be required to hold a TWRA permit. This tenet is consistent with State law as cited on b. 2 SECTION 1. Tennessee Code Annotated, Title 69, Chapter 9, Part 2. Ideally the outfitter should only be required to hold one permit. TWRA and TDEC should work together on a joint permit if necessary.

While the legislative authority for the TWRA permit, exempts outfitters operating in National Forests and potentially those operating under TDEC permits, it does not exempt outfitters operating under National Park Service authorizations. Nor does it recognize the potential duplicative fees for operations under city and county contracts and authorizations. As one outfitter operating under a county contract said, "if TWRA implements a fee in addition to the fee burden I am paying the county, I am walking".

6. The extent to which customers of non-motorized vessels contribute to revenue derived from the purchase of fishing licenses and registration of watercraft;

TACIR may want to work with outfitters to develop surveys of their customers or perform on site sampling in 2022 to determine what percentage of paddlecraft users hold fishing and hunting licenses or boat registrations. The Virginia study suggests that 93% of users of access point were participating in some form of fees through hunting, fishing and other licenses although it is not clear what portion are paddlecraft users. TACIR may want to contact the researchers at Virginia Tech since the description in their study is not clear and the report was in draft form¹⁴.

7. The amount of funding needed to manage, sustain, and improve access to and the management of non-motor vehicle activities in this state and what fundraising options are available to support non-fish-and-game and other similar activities.

This study should identify

- Where use is concentrated and which access points deserve modification to reduce conflicts and congestion.
- State Parks, TWRA and local governments should be included in the study.
- Access points and resources in the greatest need for intervention should be identified and prioritized. We recognize the need on the Caney Fork, the Duck and the Harpeth, but there may be other areas as well.
- Issues such as flow management to enhance downstream recreation below TVA and Corps Dam project should be included as intervention options.

8. What fee structure is most appropriate for recreational users generally, given that the benefits of non-fish-and-game programs are broader than just outfitters, who are already paying sales tax;

See Number 1. in this section for more information on this issue. Regarding use of boat ramps funding by the Sport Fish Restoration Fund and related grants, the recently passed infrastructure bill included authorization for a study that may recommend federal strategies such as an excise tax on paddling gear, which has been proposed in the past. Those initiatives will have to be factored in to planning in Tennessee.

We also recommend some evaluation of the Texas model referred to in 1.

¹⁴ Thus, it is important to note that of all BA site users participating in the face-to-face interview survey, only ~7% (i.e., 180 of 2,678) of respondents (1) do not currently possess a state-issued hunt, trap, or angler license or DGIF Access Permit, and (2) are participating in boat-based activities using watercraft not requiring registration in Virginia. In sum, study data show that ~ 93% of users of DGIF-owned or cooperatively-managed BA sites and facilities are indeed “paying” or “contributing financially” to the Boating Access Program through existing mechanisms. DRAFT, VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES: BOATING ACCESS SITE AND FACILITY MANAGEMENT PLAN, October 22, 2018

9. The feasibility of outfitters who pay additional fees to TDEC and TWRA receiving a credit on the sales tax paid on such fees and whether the local option sales tax should be included in the credit;

TPA strongly supports this fee credit for fees paid to TDEC and TWRA for use of their access points. However, the local option portion of the sales tax should be exempted from the fee credit.

10. What measures can TDEC and TWRA implement to improve their strategic plans, their organizational structures, and the oversight and sustainability of non-fish-and-game-related recreational activities.

There is no question that TWRA's strategic plan needs updating. Non fish and game activities are admittedly a lower priority for the agency than fish and game related activities. If the agency is going to regulate and oversee paddlecraft outfitters and enforce state boating laws for all nonmotorized vessels, then those activities should be embraced and promoted by TWRA. For example, the agency needs to consider allowing more extensive use of their Wildlife Management Areas for non-fish and game related activities, recognizing that some funding mechanism will be needed to enable that use.

Finally, the Tennessee Fish and Wildlife Commission needs to be re-structured to include at least two voting seats for representatives for non-fish and game activities to include watchable wildlife, and non-fish and game recreation such as paddlesports.

The state needs better coordination between state land managing agencies in service to the recreational interests of its citizens as we expressed in other sections of this report.

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