

Appendix A – Applicant’s Proposal

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JOINT APPLICATION FORM
Department of the Army/TVA

The Department of the Army (DA) permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (P.L. 95-217). These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. Section 25a of the Tennessee Valley Authority Act, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).

Name and Address of Applicant: <i>ERWIN MARINE SALES, INC. 3001 KINGS POINT RD. CHATTANOOGA TN 37416</i>		Name, Address, and Title of Authorized Agent: 	
Telephone Number: Home _____ Office <u>423/622-1978</u>		Telephone Number: Home _____ Office _____	

Location where activity exists or will occur (include Stream Name and Mile, if known):
28571 US HIGHWAY 431 GRANT, AL 35747 - HONEY COMB CREEK TN

Application submitted to DA TVA
Date activity is proposed to commence: SPRING 2007 Date activity is proposed to be completed: 28 MO PROJECT

Describe in detail the proposed activity, its purpose and intended use (private, public, commercial, or other). Describe structures to be erected including those placed on fills, piles, or floating platforms. Also describe the type, composition, and quantity of materials to be discharged or placed in the water; the means of conveyance; and the source of discharge or fill material. Please attach additional sheets if needed.

SEE ATTACHMENT

Application is hereby made for approval of the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I agree that, if this application is approved by TVA, I will comply with the attached terms and conditions and any special conditions that may be imposed by TVA at the time of approval. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.

March 13 2007 *[Signature]*
Date Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. The appropriate DA fee will be assessed when a permit is issued.

Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway:

RECEIVED
JUN 04 2007
5000. TP
#269 + Land Use App.



TENNESSEE VALLEY AUTHORITY

LAND USE APPLICATION

Tennessee Valley Authority (TVA) Resource Stewardship receives several hundred requests annually for use of TVA land or landrights. Please fill out this application completely. TVA has implemented a cost recovery system so that those who benefit directly from the use of public lands reimburse TVA for its total cost. The appropriate initial payment or standard fee must be included with your application. You will be billed for any additional costs for those actions that exceed the initial payment. Please see the attached sheet TVA Land Transaction Fees for additional information. If you have any questions, please call your local TVA Resource Stewardship Watershed Team.

TVA OFFICIAL USE ONLY
 RLR No.: 179420 Tract No. Assigned by Realty: _____

<p>1. Name and Mailing Address of Applicant: <u>ERWIN MARINE SALES, INC</u> <u>2001 KING'S POINT ROAD</u> <u>CHATTANOOGA TN 37416</u> Home Telephone No.: _____ Office Telephone No.: <u>423/622-1978</u> E-Mail Address: <u>BMCMAHAN@ERWINMARINESALES.COM</u> SSN or Federal ID No.: <u>62-1241179</u></p>	<p>2. Name, Address, and Title of Authorized Agent: (i.e., builder, engineer.) Include a letter confirming your authorization. _____ _____ _____ Home Telephone No.: _____ Office Telephone No.: _____</p>
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<p>3. Location: Attach a location map and a map showing boundaries of TVA land needed. Subdivision: _____ Subdivision Plat Lot No.: _____ Tax Map & Parcel No.: _____ Reservoir: _____ River: _____ River Mile: _____</p>	<p>4. Type of Land Use Required: Please call your local TVA Resource Stewardship Watershed Team (WT) to help us determine the appropriate TVA action needed.</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Approval by TVA WT: <input type="checkbox"/> Land Use Permit <input type="checkbox"/> License Agreement <input type="checkbox"/> Surrender Agreement (Complete page 1 only)</p> </td> <td style="vertical-align: top;"> <p>Approval by TVA Board: <input checked="" type="checkbox"/> Easement <u>30 YEAR TERM</u> <input type="checkbox"/> Deed Modification <input type="checkbox"/> Lease (____ years needed) <input type="checkbox"/> Abandonment <input type="checkbox"/> Land Transfer</p> </td> </tr> </table>	<p>Approval by TVA WT: <input type="checkbox"/> Land Use Permit <input type="checkbox"/> License Agreement <input type="checkbox"/> Surrender Agreement (Complete page 1 only)</p>	<p>Approval by TVA Board: <input checked="" type="checkbox"/> Easement <u>30 YEAR TERM</u> <input type="checkbox"/> Deed Modification <input type="checkbox"/> Lease (____ years needed) <input type="checkbox"/> Abandonment <input type="checkbox"/> Land Transfer</p>
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5. Proposed Time Schedule for your Project:
 Start Date: 12/29/06 Projected Completion Date: Spring 2009

6. Describe your project, its purpose and intended use:
 Describe the proposed development, on or off TVA land. Include a general description of proposed structures to be erected and land disturbance including vegetation removal, fills or excavations. Attach a copy of detailed plans as appropriate.
SEE ATTACHED

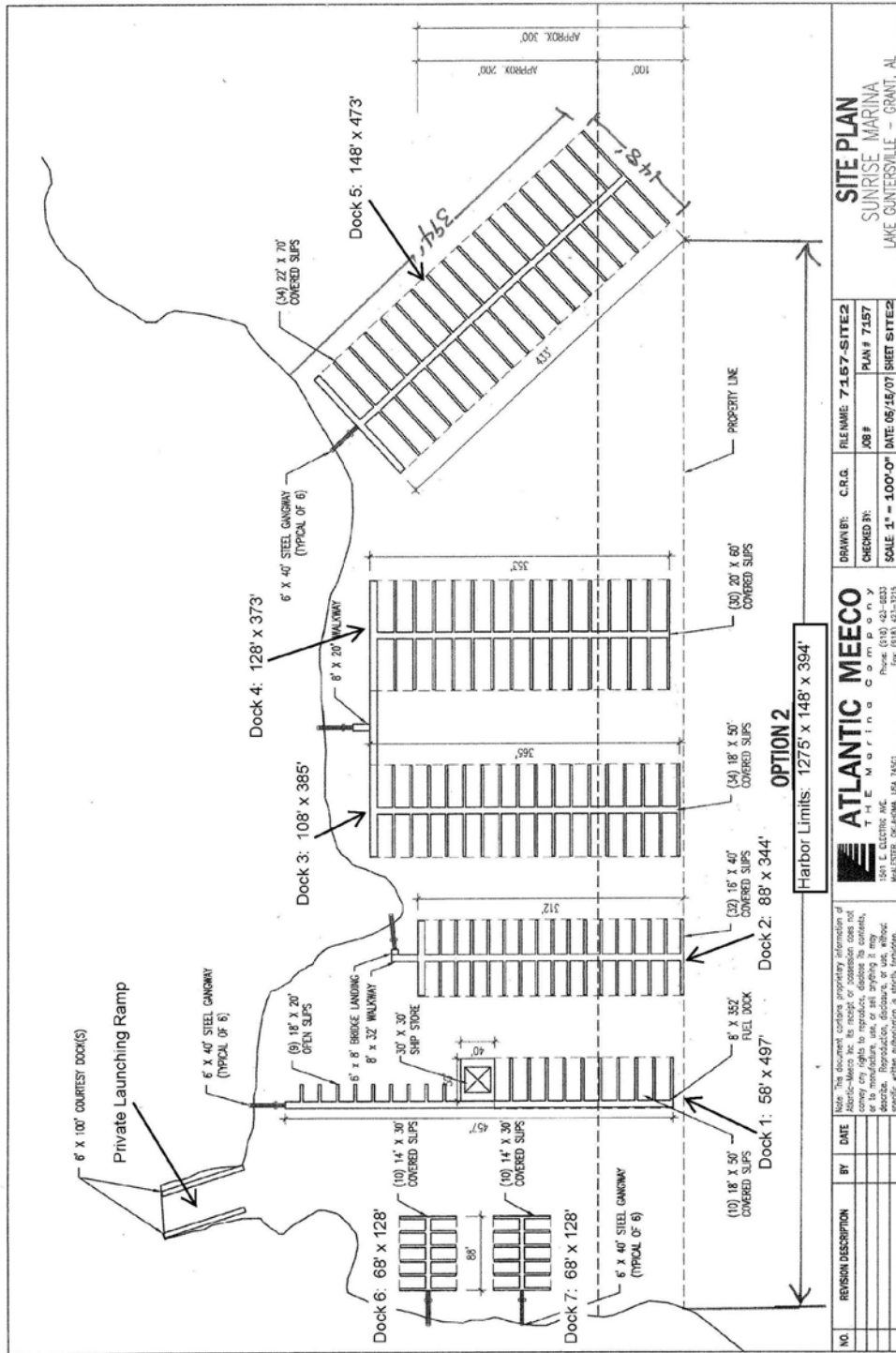
7. Will federal assistance be used as part of this project?
 Yes No If yes, describe activity and complete Applicant Information Pre-Award Form.

8. Authorization for TVA to process your application:
 Application is hereby made for approval of the land use described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. By submitting this request, I understand credit checks will be performed as part of the normal business procedure. Additional financial information may be requested.

PAYMENT TERMS: Payment for Land Transaction Fees and any related costs are due Net thirty (30) days from the date of invoice. On any overdue payment, TVA shall charge interest at the rate payable by TVA under the United States Prompt Payment Act (31 U.S.C. §§3901-3906), from the date payment is due until the date TVA receives payment. Payment of interest shall be due within thirty (30) days after TVA's invoice for such interest is dated.

Failure by the Customer to pay all invoices within sixty (60) days will result in termination of the request

Paul M. Adams
 7/13/2007
 \$5000.00
 Land Use +
 RLR 179420
 S.C. 001 G&M

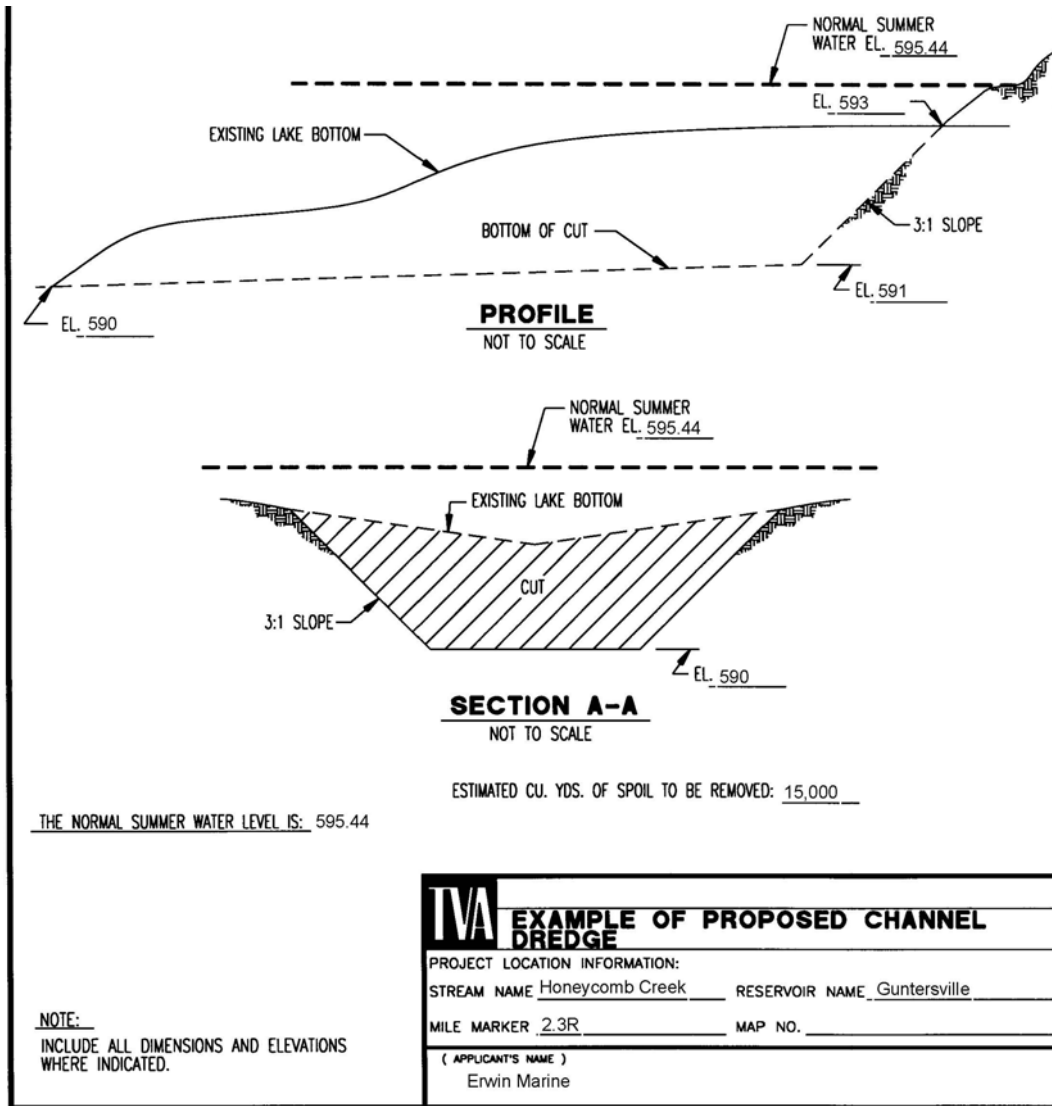


NO.	REVISION DESCRIPTION	BY	DATE

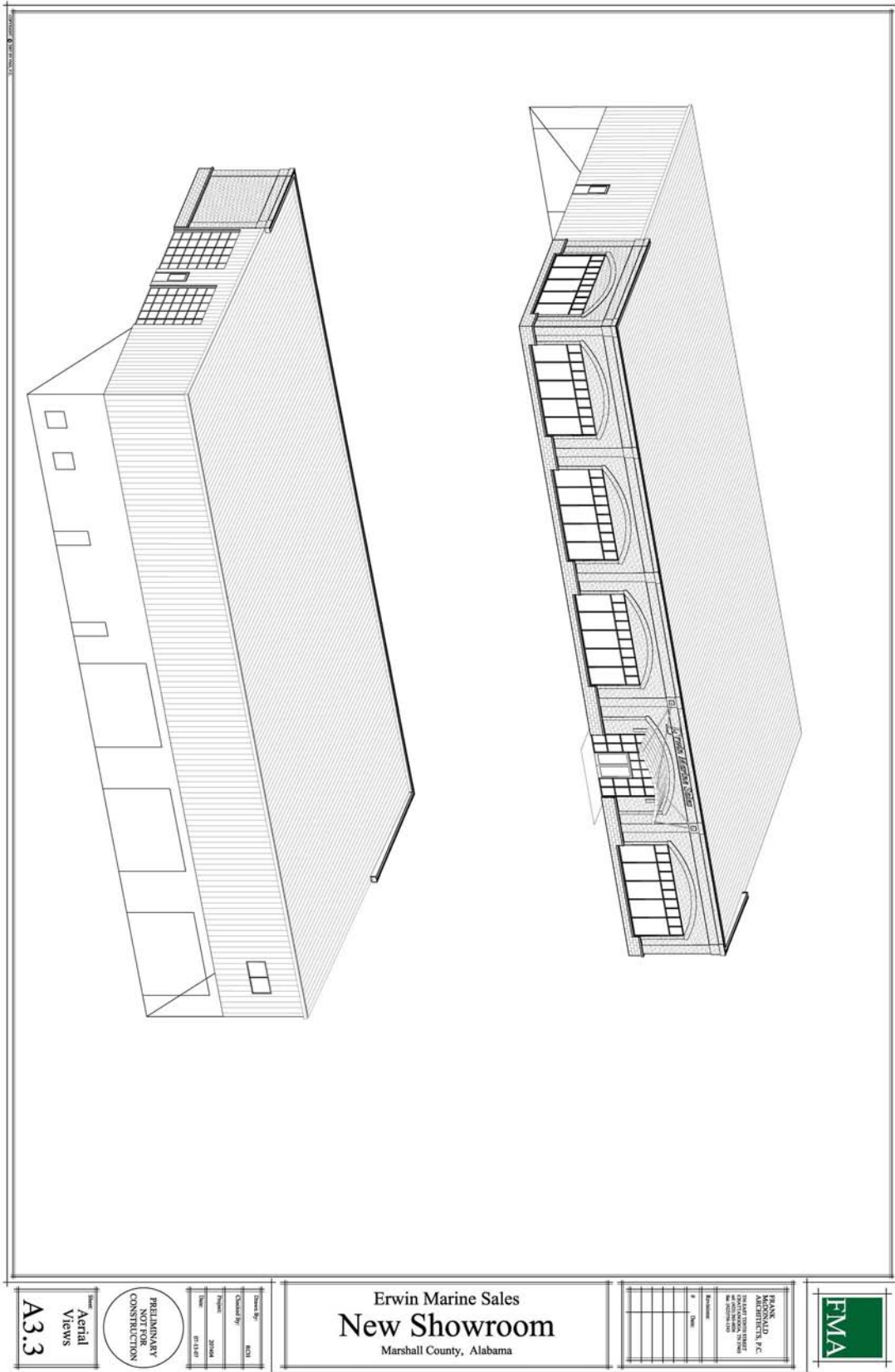
<p>ATLANTIC MEECO THE MARINA COMPANY</p> <p>1501 E. ELECTRIC AVE. MOBILE, ALABAMA, USA 36681</p> <p>Phone: (334) 432-8833 Fax: (334) 432-3113</p>	<p>Drawn By: C.R.G.</p> <p>Checked By:</p> <p>Scale: 1" = 100'-0"</p>	<p>File Name: 7157-SITE2</p> <p>Job #</p> <p>Plan # 7157</p> <p>Date: 05/15/07</p> <p>Sheet Site: 2</p>
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SITE PLAN
SUNRISE MARINA
LAKE GUNTERSVILLE - GRANT, AL

Note: This document contains proprietary information of Atlantic Meeco, The Marina Company. It is the property of Atlantic Meeco, The Marina Company and its contents are confidential. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Atlantic Meeco, The Marina Company.



26A-1-E



A3.3
Aerial
Views

PRELIMINARY
NOT FOR
CONSTRUCTION

Drawn By:	MSJ
Checked By:	
Project:	202004
Date:	02-14-07

Erwin Marine Sales
New Showroom
Marshall County, Alabama

NO.	DATE	REVISIONS



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Appendix B – Public Launching Ramp

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GENERAL AND STANDARD CONDITIONS Section 26a and Land Use

General Conditions

1. You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
2. This permit may be revoked by TVA by written notice if:
 - a) the structure is not completed in accordance with approved plans;
 - b) if in TVA's judgment the structure is not maintained as provided herein;
 - c) the structure is abandoned;
 - d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or;
 - e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
3. If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
4. In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
5. In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
6. This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable electrical building codes, now in effect or hereafter enacted.
7. The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
8. You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name.
9. You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any *required* conditions.
10. You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.
11. The facility will be maintained in a good state of repair and in good, safe, and substantial condition. If the facility is damaged, destroyed, or removed from the reservoir or stream for any reason, or deteriorates beyond safe and serviceable use, it cannot be repaired or replaced without the prior written approval of TVA.
12. You agree that if any historical or prehistoric archaeological material (such as arrowheads, broken pottery, bone or similar items) is encountered during construction of this facility you will immediately contact this office and temporarily suspend work at that location until authorized by this office to proceed.
13. The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises. If LESSEE (or licensee or grantee (for easement) or applicant (for 26a permit on federal land)) discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE (or licensee, grantee, or applicant) shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (phone 256-571-4280). Work may not be resumed in the area of the discovery until approved by TVA.

- 14. On TVA land, unless otherwise stated on this permit, vegetation removal is prohibited.
- 15. You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
- 16. You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located as shown on your application or as otherwise approved by TVA in this permit. The facility must be located on land owned or leased by you, or on TVA land at a location approved by TVA.
- 17. It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked if TVA receives an objection to your water use facility from any owner or partial owner of the property rights at this location.

Standard Conditions: (Items that pertain to your request have been checked.)

1. Structures and Facilities

- a) TVA number _____ has been assigned to your facility. When construction is complete, this number shall be placed on a readily visible part of the outside of the facility in the numbers not less than three inches high.
- b) The 100-year flood elevation at this site is estimated to be SEE FLOOD PROFILE-feet mean sea level. As a minimum, your fixed facility should be designed to prevent damage to stored boats by forcing them against roof during a 100-year flood event.
- c) You agree that the float will be temporarily connected (i.e., by slip pin/ropes) and not permanently attached to nonnavigable houseboat.
- d) You agree that this _____ shall have no side enclosures except wire mesh or similar screening.
- e) Buildings or other enclosed structures containing sleeping or living accommodations, including toilets and related facilities, or that have enclosed floor area in excess of 32 square feet, are prohibited.
- f) Ski jumps will not be left unattended for extended periods of time. All facilities will be tied to the shoreline or to a boathouse or pier fronting your property at the completion of each day's activities.
- g) For all electrical services permitted, a disconnect must be located at or above the 600 (IF NEEDED)-foot contour that is accessible during flooding.
- h) You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- i) The entire closed-loop coil heating and air conditioning system and its support apparatus must be either placed below elevation _____ (to provide a five-foot clearance for water craft at minimum pool elevations of _____) or located underneath a TVA approved water-use facility or other TVA approved structure. The supply and return lines must be buried as they cross the reservoir drawdown zone in areas of water depth less than five feet (minimum pool). The liquid contents of the closed-loop heating and air conditioning system must be propylene glycol or water, and the applicant or authorized agent must provide TVA with written verification of this fact.
- j) You agree that only those facilities which have been approved by TVA prior to construction will be placed within the harbor limits and that permanent mooring buoys, boat slips, or other harbor facilities will not be placed outside the harbor limits.
- k) You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the "Flammable and Combustible Liquids" section of the National Fire Codes and any additional requirements of federal, state, and local laws and regulations.
- l) You agree that the water use facility hereby approved will be used for recreation and for no other purpose unless approved in writing from TVA.
- m) You agree that if the construction project covered by this permit is not initiated within (18) months after the date of issuance, this permit will then automatically expire and you must submit a new 26a permit application for TVA approval with the applicable fee.

RLR No. 177889**2. Ownership Rights**

- a) No fill will be placed higher than elevation _____ maximum shoreline contour (msc), and every precaution will be taken not to disturb or alter the existing location of the _____-foot contour elevation through either excavation or placement of fill.
- b) You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- c) You shall notify TVA of any sale or transfer of land, which would affect the landward limits of harbor area, as far in advance of such sale or transfer as possible.
- d) This approval of plans is only a determination that these harbor limits will not have any unacceptable effect on TVA programs or other interests for which TVA has responsibility. Such approval does not profess or intend to give the applicant exclusive control over the use of navigable waters involved.
- e) You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

3. Shoreline Modification and Stabilization

- a) For purposes of shoreline bank stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at normal summer pool elevation.
- b) You agree that spoil material will be disposed of and contained on land lying and being above the _____-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.
- c) Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.
- d) You agree to reimburse TVA \$_____, which is the current value of the _____ acre feet of power storage volume displaced by fill into the reservoir.

4. Water Intake

- a) If the reservoir falls below the elevation of the intake, the applicant will be responsible for finding another source of raw water.
- b) You must install and maintain a standard regulatory hazard buoy at the end of the intake to warn boaters of the underwater obstruction. The word "intake" should be added to the buoy and be attached using a five-foot cable.
- c) The screen openings on the intake strainer must be 1/8-inch (maximum), to minimize the entrapment of small fish.
- d) This approval does not constitute approval of the adequacy or safety of applicant's water system. TVA does not warrant that the water withdrawn and used by applicant is safe for drinking or any other purpose, and applicant is solely responsible for ensuring that all water is properly treated before using.

5. Bridges and Culverts

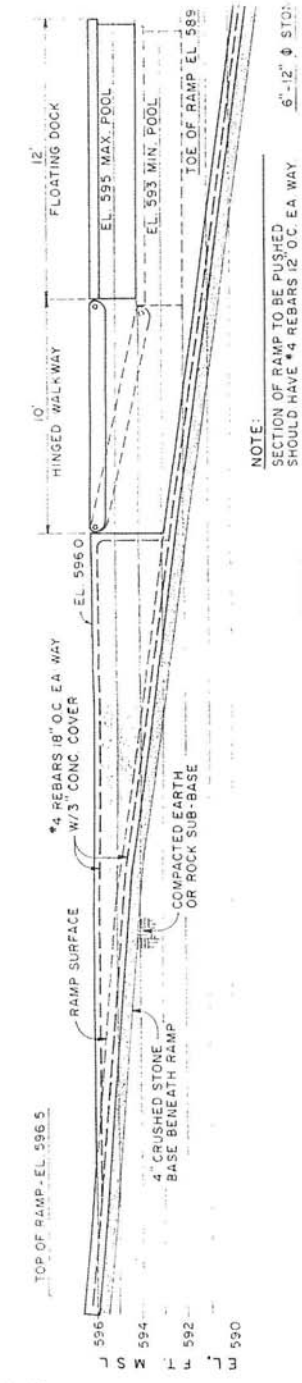
- a) You agree to design/construct any instream piers in such a manner as to discourage river scouring or sediment deposition.
- b) Applicant agrees to construct culvert in phases, employing adequate streambank protection measures, such that the diverted streamflow is handled without creating streambank or streambed erosion/sedimentation and without preventing fish passage.
- c) Concrete box culverts and pipe culverts (and their extensions) must create/maintain velocities and flow patterns which offer refuge for fish and other aquatic life, and allow passage of indigenous fish species, under all flow conditions. Culvert floor slabs and pipe bottoms must be buried below streambed elevation, and filled with naturally occurring streambed materials. If geologic conditions do not allow burying the floor, it must be otherwise designed to allow passage of indigenous fish species under all flow conditions.

- d) All natural stream values (including equivalent energy dissipation, elevations, and velocities; riparian vegetation; riffle/pool sequencing; habitat suitable for fish and other aquatic life) must be provided at all stream modification sites. This must be accomplished using a combination of rock and bioengineering, and is not accomplished using solid, homogeneous riprap from bank to bank.
- e) You agree to remove demolition and construction by-products from the site--for recycling if practicable, or proper disposal--outside of the 100-year floodplain. Appropriate BMPs will be used during the removal of any abandoned roadway or structures.

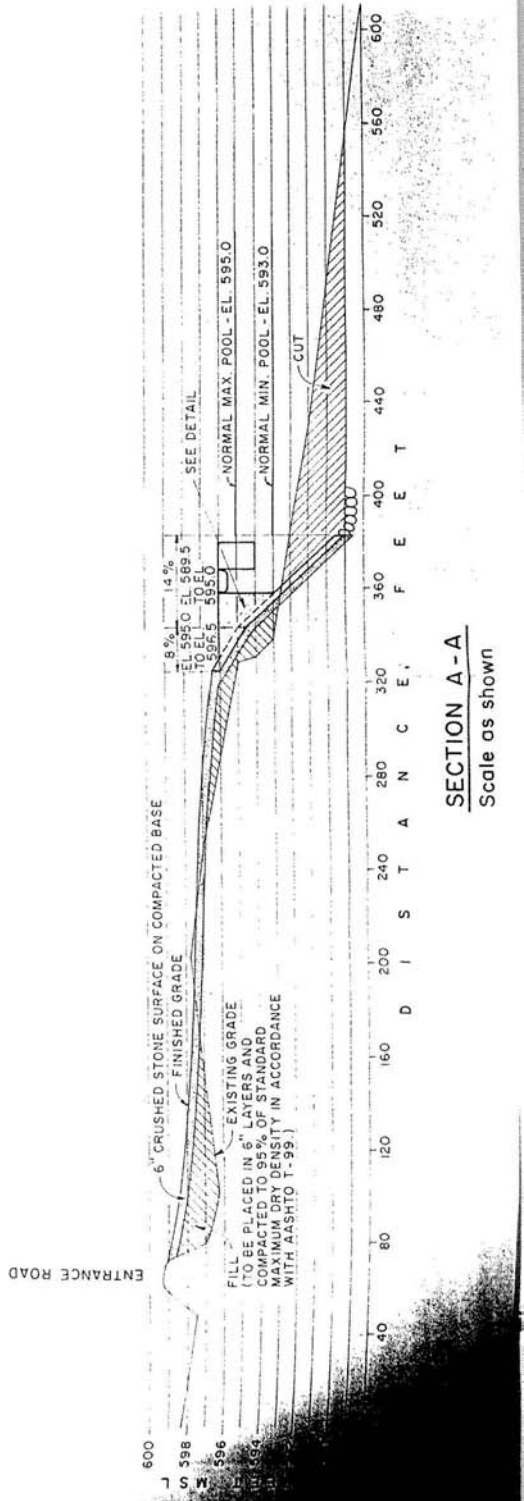
6. Best Management Practices

- a) You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- b) You agree to installation of cofferdams and/or silt control structures between construction areas and surface waters prior to any soil-disturbing construction activity, and clarification of all water that accumulates behind these devices to meet state water quality criteria *at the stream mile where activity occurs* before it is returned to the *unaffected portion of the stream*. Cofferdams must be used wherever construction activity is at or below water elevation.
- c) A floating silt screen extending from the surface to the bottom is to be in place during excavation or dredging to prevent sedimentation in surrounding areas. It is to be left in place until disturbed sediments are visibly settled.
- d) You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").
- e) You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.
- f) You agree to use erosion control structures around any material stockpile areas.
- g) You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.
- h) You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.
- i) You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install or perform additional erosion control structures/techniques deemed necessary by TVA.

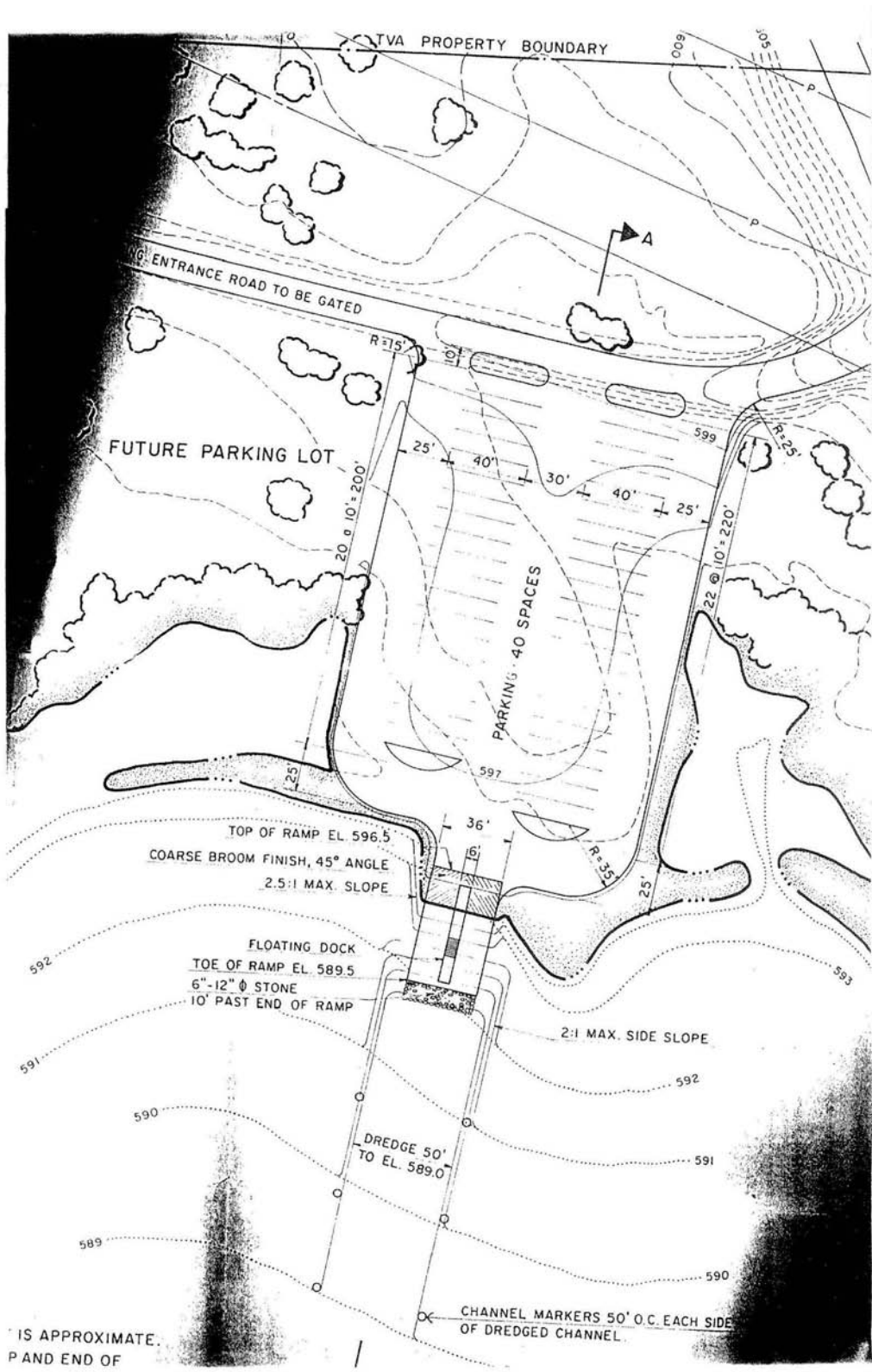
Additional Conditions

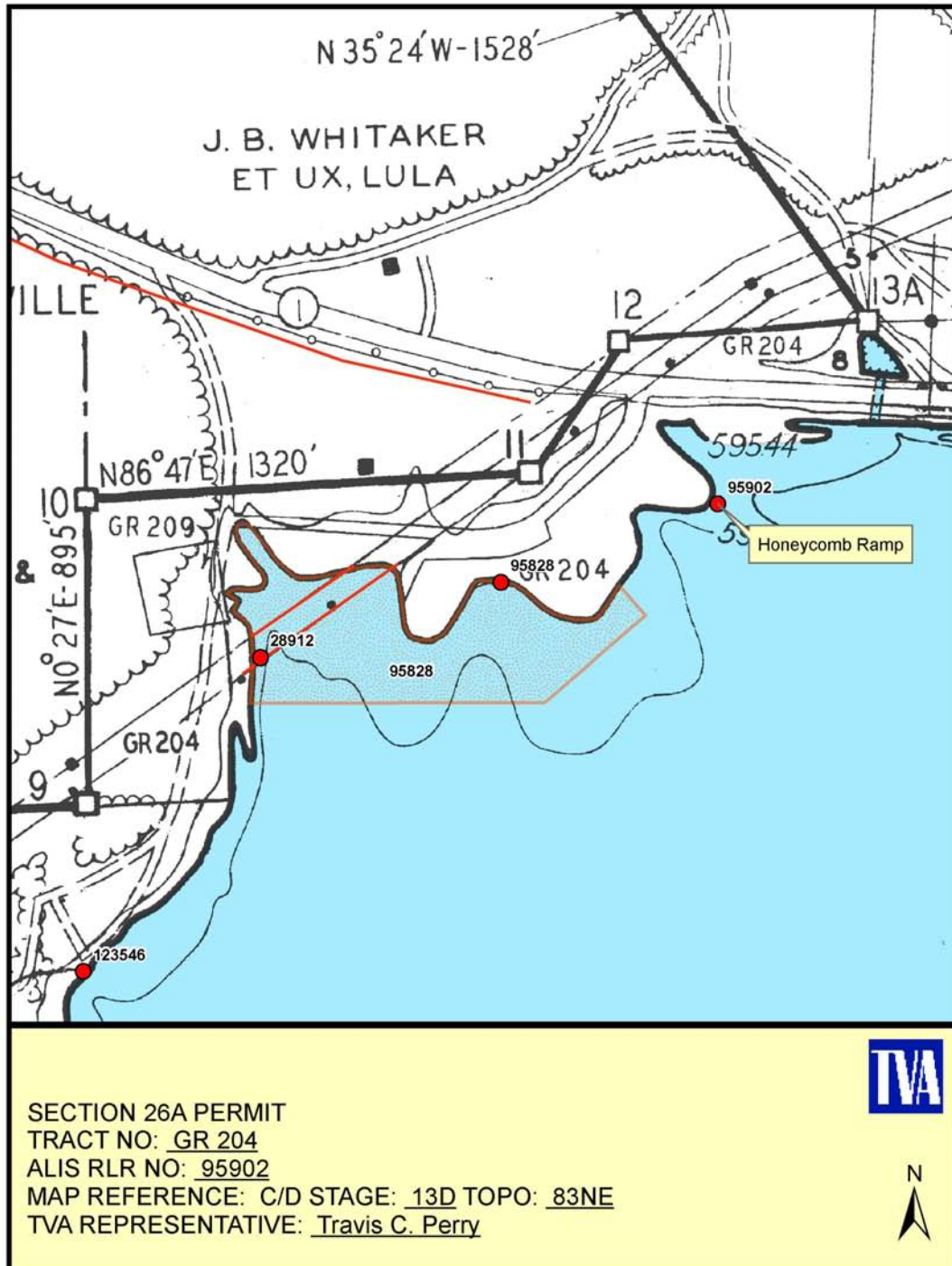


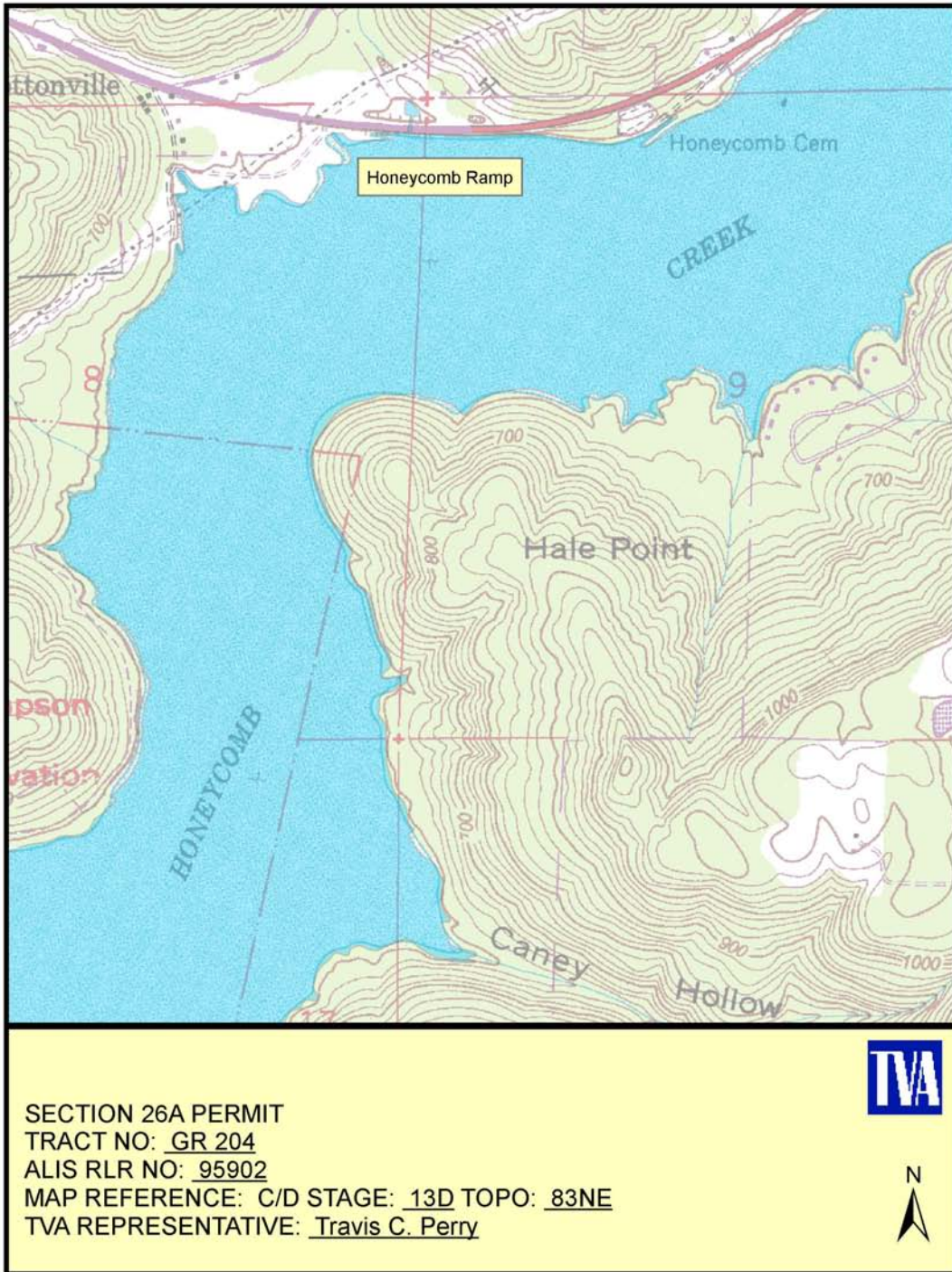
RAMP & DOCK DETAIL
Scale: 1/4" = 1'-0"



SECTION A-A
Scale as shown







JOINT APPLICATION FORM
Department of the Army/TVA

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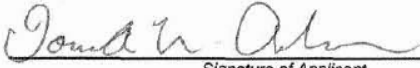
Name and Address of Applicant: Tennessee Valley Authority 3696 AL Hwy. 69 Guntersville, AL 35976		Name, Address, and Title of Authorized Agent: Donald W. Anderson 3696 AL Hwy. 69 Guntersville, AL 35976	
Telephone Number:	Home _____ Office <u>256-571-4280</u>	Telephone Number:	Home _____ Office <u>256-571-4280</u>

Location where activity exists or will occur (*include Stream Name and Mile, if known*):
TRM 351.6 Honeycomb Creek

Application submitted to	<input checked="" type="checkbox"/> DA	<input type="checkbox"/> TVA
Date activity is proposed to commence:	<u>ASAP</u>	Date activity is proposed to be completed: <u>ASAP</u>

Describe in detail the proposed activity, its purpose and intended use (*private, public, commercial, or other*). Describe structures to be erected including those placed on fills, piles, or floating platforms. Also describe the type, composition, and quantity of materials to be discharged or placed in the water; the means of conveyance; and the source of discharge or fill material. Please attach additional sheets if needed.

Launching ramp, parking lot, dredging, and fixed and floating courtesy pier as outlined by attached drawings. This will be for public recreation. Dredged material will be placed upland of the 600' contour on Erwin Property.

Application is hereby made for approval of the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I agree that, if this application is approved by TVA, I will comply with the attached terms and conditions and any special conditions that may be imposed by TVA at the time of approval. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.	
<u>2-1-2007</u> Date	 Signature of Applicant
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. The appropriate DA fee will be assessed when a permit is issued.	

Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway:

List of previous DA/TVA permits/approvals DA 50283 TVA 6-20-1988
Permit Number Date

Is any portion of the activity for which authorization is sought now complete? Yes No (If "Yes" attach explanation)
 Month and year the activity was completed: _____ . Indicate the existing work on the drawings.

List all approvals or certifications required by other federal, interstate, state, or local agencies for any structures, construction, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval

Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?
 Yes No (If "Yes" attach explanation)

Project plans or drawings should accompany the application. These should be on paper suitable for reproduction no larger than 11 x 17 inches or contained on a 3-1/2 inch floppy computer disc in "dxf" format, and should be submitted to the appropriate TVA and U.S. Army Corps of Engineers offices. An application that is not complete will be returned for additional information.

U.S.A.C.E. Offices		TVA Office Location
U.S. Army Corps of Engineers Eastern Regulatory Field Office Spring Cress Business Park 501 Adessa Blvd., Suite 250 Lenoir City, Tennessee 37771 (865) 986-7296	U.S. Army Corps of Engineers Savannah District The Plaza, Suite 130 1590 Adamson Parkway Morrow, Georgia 30260-1763 (678) 422-2729	Tennessee Valley Authority
U.S. Army Corps of Engineers Regulatory Branch 3701 Bell Road Nashville, Tennessee 37214 (615) 369-7500	U.S. Army Corps of Engineers Western Regulatory Field Office 2042 Beltline Road, SW, Bldg C, Suite 415 Decatur, Alabama 35602 (256) 350-5620	
U.S. Army Corps of Engineers Norfolk District P.O. Box 338 Abingdon, Virginia 24212 (276) 623-5259	U.S. Army Corps of Engineers Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, North Carolina 28801-5006 (828) 271-4856	

Privacy Act Statement
 This information is being requested in accordance with Section 26a of the TVA Act as cited on the front page of this form. Disclosure of the information requested is voluntary; however, failure to provide any required information or documents may result in a delay in processing your application or in your being denied a Section 26a permit. An application that is not complete will be returned for additional information. TVA uses this information to assess the impact of the proposed project on TVA programs and the environment and to determine if the project can be approved. Information in the application is made a matter of public record through issuance of a public notice if warranted. Routine uses of this information include providing to federal, state, or local agencies, and to consultants, contractors, etc., for use in program evaluations, studies, or other matters involving support services to the program; to respond to a congressional inquiry concerning the application or Section 26a program; and for oversight or similar purposes, corrective action, litigation or law enforcement.

Burden Estimate Statement
 Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Agency Clearance Officer, Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402; and to the Office of Management and Budget, Paperwork Reduction Project (3316-0060), Washington, D.C. 20503.

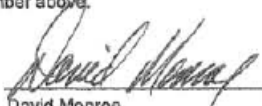


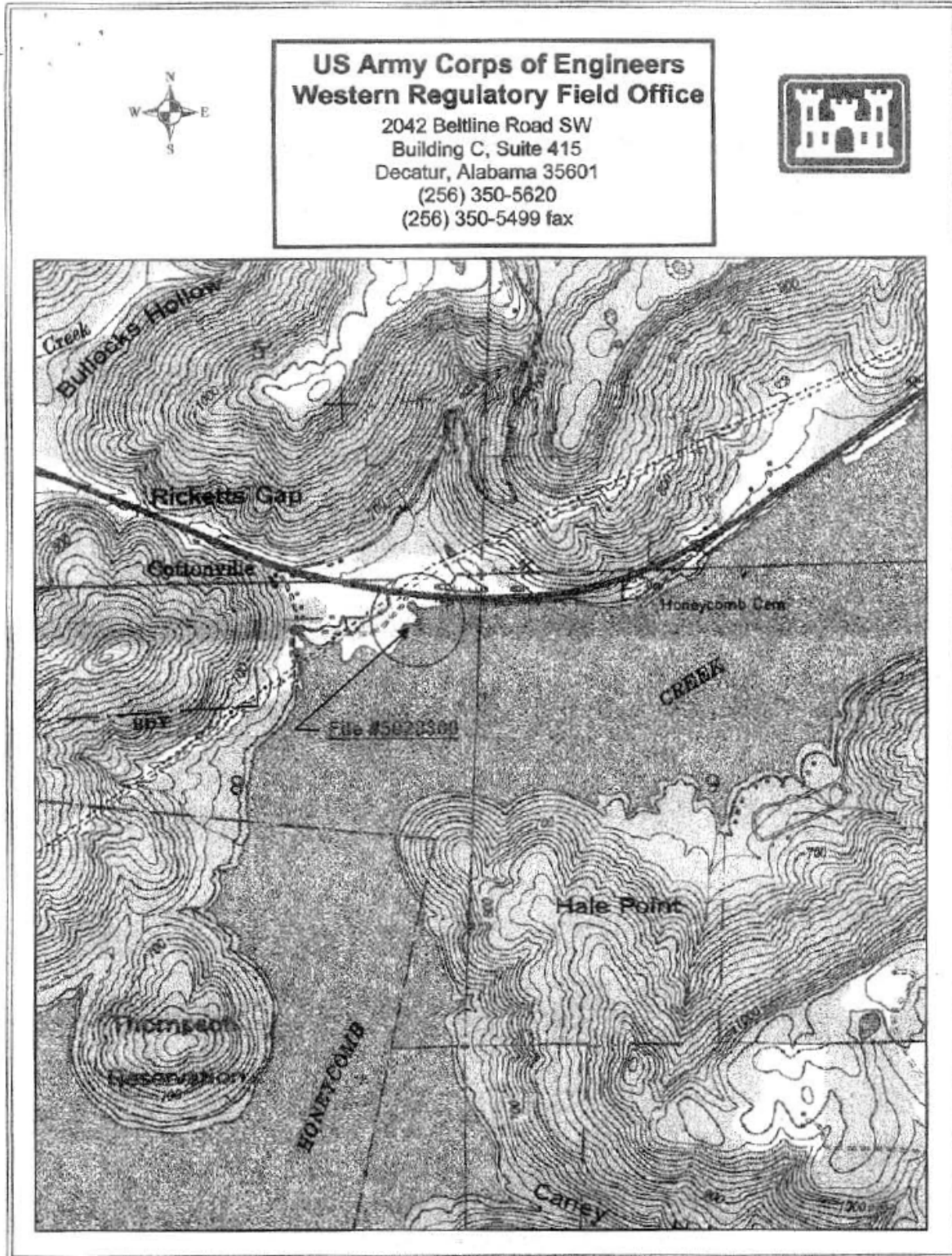
**US Army Corps
of Engineers.**
Nashville District

Department of the Army Permit

February 13, 2007

Western Regulatory Field Office
2042 Beltline Road, SW
Bldg. G, Suite 415
Decatur, AL 35601
(256)350-5620

		File No. 5028300	1145b1
Applicant Name Tennessee Valley Authority		Lake. Guntersville Lake	County Marshall
Address: 3696 A. Hwy 69 Guntersville, Alabama 35976		River/Stream Mile Honeycomb Creek Mile 2.0, Right Bank Tennessee River Mile 351.6, Right Bank	
		Subdivision	Lot No(s)
<p>We have reviewed your application, dated Feb. 1, 2007, for a Department of the Army (DA) Permit. The work listed below is approved subject to all conditions and plans attached to this permit.</p> <p>NATIONWIDE PERMIT (NWP). The following activities are approved under authority of the NWP Program. These NWP's became effective March 18, 2002. #3 Maintenance</p> <p>The verification that the work is approved under authority of this NWP is valid until March 18, 2007. This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.</p> <p>The State of Alabama has issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed Alabama Best Management Practices.</p> <p>In addition, other federal, state, and/or local permits may be required. In this respect, the proposed action is subject to the enclosed Alabama Department of Environmental Management (ADEM) conditions for NWPs, titled "Best Management Practices." In addition, for any disturbance activities greater than one acre, ADEM requires that you register your proposed action with them and obtain a construction stormwater National Pollutant Discharge Elimination System (NPDES) permit prior to commencement of work. For this purpose, attached are ADEMs criteria and procedures for obtaining NPDES permits. For questions regarding ADEMs requirements, please contact the Mining & Nonpoint Source Section at ADEM, PO Box 301463, Montgomery, AL 36130, telephone (334) 394-4311. Further information may be found at ADEMs website, <http://www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm>.</p> <p>Special Conditions:</p> <p>REGIONAL PERMIT (RP) The following activities are approved under authority of RP04 RP 06 (Guntersville Lake).</p> <p>This RP expires on 5/18/2009.</p> <p>The proposed activity requires review by TVA. No construction shall commence until you have written approval or verification that no permit is required.</p> <p>Remarks:</p> <p>If I can be of further assistance, please contact me at the address or phone number above.</p> <div style="text-align: right;">  David Monroe Office Manager Operations Division </div>			
Enclosures	Copy Furnished:		
Approved Plans Permit Conditions Location Map	Mining & Nonpoint Source Section Alabama Department of Environmental Management Field Operations Division P.O. Box 301463 Montgomery, Alabama 36130-1463	Tennessee Valley Authority Guntersville, Alabama RLR#177859	



FILE NO. 5028300EFFECTIVE DATE: May 18, 2004REGIONAL PERMIT 04RP06
(Dock Structures)**DEPARTMENT OF THE ARMY REGIONAL PERMIT**

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), this Regional Permit (RP) authorizes you to construct the dock facilities as shown on the attached plans provided the work is accomplished and maintained in accordance with the terms and conditions specified below.

PERMIT CONDITIONS:**GENERAL CONDITIONS.**

1. The work must be completed within five years of the date of issuance of the RP.
2. The facilities must be maintained in good condition and in conformance with the terms and conditions of the RP.
3. If any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by the RP, the permittee must immediately notify this office. This office will initiate Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the RP.
5. The facilities shall not effect threatened or endangered species, as identified under the Endangered Species Act, or endanger the habitats of such species.

SPECIAL CONDITIONS.

1. Dock structures constructed for permanent boat moorage shall be limited to a maximum of 1200 square feet of displaced water surface area, and that sundecks and fishing docks shall be limited to 500 square feet of displaced water surface area. The size of existing dock structures shall be included in computing the total area of displaced water surface.
2. Structures shall not extend into the waterway more than one-third the distance from the minimum pool shoreline to the opposite shoreline, or 150 feet, whichever is the lesser distance.
3. Structures shall not be located within a narrow section of the river, outside of river bends, or close to the navigation channel, if an adverse effect on navigation is likely to occur.
4. Structures shall be constructed of quality materials and encased Styrofoam must be used for flotation; e.g., barrels, drums, etc., are not authorized.
5. Structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to insure the integrity of the structures and the safety of boats moored thereto from damage by wave wash and that the permittee shall not hold the United States liable for any such damage.

FURTHER INFORMATION:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project. **The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that your work meets the criteria for authorization by this permit was made in reliance on the information you provided.

4. Reevaluation of your activity. This office may reevaluate its decision that your activity is authorized by this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you regarding the activity proves to have been false, incomplete, or inaccurate.

c. Significant new information surfaces which this office did not consider in reaching a decision that your work meets the criteria for authorization under this permit.



US Army Corps
of Engineers

Nashville District

Nationwide Permit

File No. 5028300

No. 3 Maintenance.

Activities related to:

(i) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the District Engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(ii) Discharges of dredged or fill material, including excavation, into all waters of the US to remove accumulated sediments and debris in the vicinity of, and within, existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure, provided the permittee notifies the District Engineer in accordance with General Condition 13. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. All excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the District Engineer under separate authorization. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the District Engineer.

(iii) Discharges of dredged or fill material, including excavation, into all waters of the US for activities associated with the restoration of upland areas damaged by a storm, flood, or other discrete event, including the construction, placement, or installation of upland protection structures and minor dredging to remove obstructions in a water of the US. (Uplands lost as a result of a storm, flood, or other discrete event can be replaced without a Section 404 permit provided the uplands are restored to their original pre-event location. This NWP is for the activities in waters of the US associated with the replacement of the uplands.) The permittee must notify the District Engineer, in accordance with General Condition 13, within 12-months of the date of the damage and the work must commence, or be under contract to commence, within two years of the date of the damage. The permittee should provide evidence, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. The restoration of the damaged areas cannot exceed the contours, or ordinary high water mark, that existed before the damage. The District Engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this permit. Minor dredging to remove obstructions from the adjacent waterbody is limited to 50 cubic yards below the plane of the ordinary high water mark, and is limited to the amount necessary to restore the pre-existing bottom contours of the waterbody. The dredging may not be done primarily to obtain fill for any restoration activities. The discharge of dredged or fill material and all related work needed to restore the upland must be part of a single and complete project. This permit cannot be used in conjunction with NWP 18 or NWP 19 to restore damaged upland areas. This permit cannot be used to reclaim historic lands lost, over an extended period, to normal erosion processes. This permit does not authorize maintenance dredging for the primary purpose of navigation and beach restoration. This permit does not authorize new stream channelization or stream relocation projects. Any work authorized by this permit must not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding (See General Conditions 9 and 21). (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Section 404(f) exemption for maintenance.



US Army Corps of Engineers
Nashville District

Nationwide Permit Conditions

FILE NO. 5028300

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permits are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality. (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generally or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General

Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA, in the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their WorldWide Web pages at <http://www.fws.gov/bendspp/endspp.html> and http://www.nmfs.noaa.gov/prct_res/overview/les.html respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:
(a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
(b) A statement that any required mitigation was completed in accordance with the permit conditions; and
(c) The signature of the permittee certifying the completion of the work and mitigation.

15. **Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 11/3-acre).
16. **Water Supply Intakes.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.
17. **Shellfish Beds.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.
18. **Suitable Material.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).
20. **Spawning Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.
21. **Management of Water Flows.** To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.
22. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.
23. **Waterfowl Breeding Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
24. **Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
25. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.
- (a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 28, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NIMFS has concurred in a determination of compliance with this condition.
- (b) For NWPs 3, 8, 10, 13, 15, 16, 19, 22, 23, 25, 27, 28, 30, 33, 34, 35, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
26. **Fills Within 100-Year Floodplains.** For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.
- (a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 33, 40, 42, 43, and 44.
- (b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 38, 40, 42, and 44.
- (c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.
27. **Construction Period.** For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).
- For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps. For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.
- Further Information**
- District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
 - NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
 - NWPs do not grant any property rights or exclusive privileges.
 - NWPs do not authorize any injury to the property or rights of others.
 - NWPs do not authorize interference with any existing or proposed Federal project.
- * Some NWP conditions that are not applicable for this verification were omitted from above list. If you are interested in a complete list, you should contact the Corps of Engineers office that handled your request.

ATTENTION

**YOU ARE REQUIRED TO SUBMIT THIS
SIGNED CERTIFICATION REGARDING THE
COMPLETED ACTIVITY AND ANY
REQUIRED MITIGATION.**

I hereby certify that the work authorized by Permit No. 5028300 and any required mitigation was done in accordance with the Corps authorization, including any general or special conditions. Honeycomb Creek Mile 2.0, Right Bank a Tributary of the Tennessee River Mile 351.3, Right Bank, Guntersville Lake, Marshall County, Alabama

Permittee Signature

Date _____

Submit this signed certification to the office checked below:

U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Eastern Regulatory Field Office
P.O. Box 465
Lenoir City, TN 37771

Western Regulatory Field Office
2042 Beltline Road, Southwest
Building C, Suite 415
Decatur, AL 35601

STATE OF ALABAMA
BEST MANAGEMENT PRACTICES

The following Best Management Practices (BMPs) required by the Alabama Department of Environmental Management (ADEM) must be followed, as appropriate, in order for any authorization by a nationwide Permit (NWP) in the State of Alabama to be valid:

1. The applicant must implement appropriate, effective Best Management practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The applicant, at a minimum, must implement applicable effective BMPs as provided in the ADEM Alabama Nonpoint Source Management Program document, as amended, and the EPA Stormwater Pollution Prevention for Construction Activities - Developing Pollution prevention Plans and Best Management Practice document, as amended. Immediately after completion of the project, the applicant must implement and maintain effective measure to ensure permanent revegetation or cover of all disturbed area.
2. The applicant shall implement an ADEM approved system for the collection, storage, treatment and disposal of sewage and other putrescible wastes.
3. The applicant shall implement a Spill Prevention Control and Counter Measures (SPCC) Plan for all onsite fuel or chemical storage tanks or facilities. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The application shall immediately notify the Department after becoming aware of significant, visible oil sheen in the vicinity of the proposed activity.
4. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. Also, soil contaminated by pain or chemical spills, oils spills, etc. must be immediately cleaned up or be removed and disposed of in an approved manner.
5. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering the waterbody.
6. The application shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
7. The applicant shall implement appropriate measure as necessary to ensure that the activities authorized by this certification do not

- significantly contribute to or cause instream dissolved oxygen concentrations to decrease below 5 mg/l.
8. All materials used as fill or for construction purposes must be non-toxic, non-leaching, non-acid forming and free of solid waste or other debris.
 9. Permanent or temporary raised creek crossing must be constructed with pipe(s) to safely pass expected mean water flow of the creek for the time of year and length of time that they are installed. The crossing must be inspected on a regular basis and any significant debris or blockage removed and properly disposed of to ensure unobstructed flow of water. Placement of rock-fill without pipe(s) for passage of water is not acceptable. Each raised creek crossing must be designed and maintained to ensure structure integrity and stability for safe passage of water flow generated by expected precipitation events while the structure is in place.
 10. Dredged or fill material may be temporarily placed in adjacent waters or wetlands provided the sidecast or placed material is not permanently placed in adjacent waters or wetlands.
 11. The applicant shall conduct the proposed activity in an expedient time frame in order to reduce the amount of time to the maximum extend practicable in which turbid water is produced.
 12. The proposed activity shall be conducted with all due diligence utilizing good engineering practices in order to reduce the amount of turbidity and other environmental impacts created by the project to the maximum extend practicable.
 13. If upland disposal areas are utilized, the applicant shall be responsible for the condition of the spoil disposal area for the life of the dredging and disposal activity and until the disposal area is reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal area sufficient to ensure that turbidity in the return water will not cause substantial visible contact with the receiving waters, or results in an increase of 50 NTUs above background turbidity levels in the receiving waters.
 14. The applicant shall take appropriate measure to ensure that there is a complete flushing or turnover to water in a modified channel at least every 7-10 days. Mechanical aeration should be utilized to maintain water quality, if necessary. The Department also encourages the use of design features that enhance water quality due to the potential for mechanical breakdowns and decreased equipment maintenance over time.
 15. Entrance and exit channels should be aligned so that they extend practicable with prevailing winds, and should be designed with openings of maximum width and minimum length that aid in the circulation of water.
 16. Designs that provide an open and enlarged surface area in the canal should be implemented to the extent practicable and are preferable to channels having a constricted or fragmented design. An open

design enhances the effects of tides and winds in driving circulation and reaeration.

17. Modified channels should be no deeper than the depth of the adjacent receiving waters. Channel designs that are shallower at the margins with depths deepening as one approaches the receiving waters should be implemented to the extent practicable and are preferable because circulation and reaeration is enhanced. Slopes of channel banks which are 1:3 or flatter provide bank stabilization, enhance water quality by improving water circulation, and promote colonization by littoral vegetation which provides better habitat. Vertical bulk heading is strongly discouraged. Rounded corners in the channel interior optimize internal circulation.
18. Surface drainage patterns should be designed, constructed, and maintained to the extent practicable with swales or other methods to minimize direct runoff into waters of the state and to minimize the introduction of pollutants.
19. Proposed modified channels should duplicate the old channel in regard to pools, riffle areas, riparian vegetation, depth, gradient, and length to the maximum extent practicable in order to ensure that water temperature, pH, turbidity, and dissolved oxygen are not adversely impacted after the project is completed.
20. The bottom of any modified channel should be V-notched, concave in shape, or otherwise constructed to allow adequate concentrated and unobstructed flow of water during periods of low flow.
21. The applicant shall follow the following sequence when preparing to release water into a new channel. The applicant shall remove the downstream seal of the new channel. The upstream seal of the new channel is to be removed next. The application must then wait 48 hours before sealing of the upstream entrance of the existing channel. Once the upstream section is sealed in the existing channel, the applicant must ensure that all flow has left the existing channel to the maximum extent practicable before sealing the downstream opening to the existing channel.
22. The applicant shall conduct, at a minimum, weekly comprehensive site inspections to ensure that effective Best Management practices (BPMs) are properly designed, implemented, and regularly maintained (i.e. repair, add to, improve, implement more effective practice, etc.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional until completion of the proposed activity.
23. To ensure the protection of water quality, the applicant shall conduct an evaluation of any dredged material in order to evaluate the presence of pollutants that have the potential to be present in concentrations that could result in water quality. A qualified credentialed professional until completion of the proposed activity shall conduct the inspections.

24. For those NWPs that require written notification to the Corps, the applicant shall: 1) submit a written statement that the applicant is aware of ADEM regulations and that NPDES permit coverage from ADEM is not required; or 2) submit proof of coordination with ADEM that all appropriate NPDES or other permits have either been applied for and/or obtained.

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



April 1, 2004

CONSTRUCTION AND SMALL NONCOAL MINING SITES STORMWATER REGISTRATION PROGRAM

Pursuant to EPA rules and ADEM Administrative Code Chapter 335-6-12, the **operator/owner or other responsible party(s)** is required to register for and maintain valid **National Pollutant Discharge Elimination System (NPDES) coverage** for treated stormwater discharges prior to beginning construction or regulated land disturbance that will equal or exceed one (1) acre in size. The regulations also require NPDES registration prior to conducting disturbance activities less than one (1) acre that are part of, adjacent to, or associated with a larger common plan of development or sale, that may eventually equal or exceed one (1) acre, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by the Department. The regulations also require NPDES registration prior to conducting any noncoal, nonmetallic mining/remining and mineral dry processing activity less than five (5) acres in size. The regulated construction or mining disturbance also includes, but is not limited to, associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, and access roads, and pre-construction activities performed in advance or in support of construction or mining such as logging, clearing, and dewatering. A registrant, operator/owner, developer, contractor, or other responsible entity, separately or collectively, must retain NPDES registration coverage for phased developments until **all** disturbance activity, including phased construction, or mining is complete.

The ADEM WebPage at www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm contains a number of helpful documents and other information that can be viewed or downloaded at your convenience such as the construction stormwater program rules, Notice Of Registration (NOR) form 498, reporting forms 499, 500, & 501, a list of construction related Tier 1 Waterbodies, registration fee schedule, the *Alabama Handbook* BMP document, example site identification sign, qualified credentialed inspection program (QCIP) description, etc.

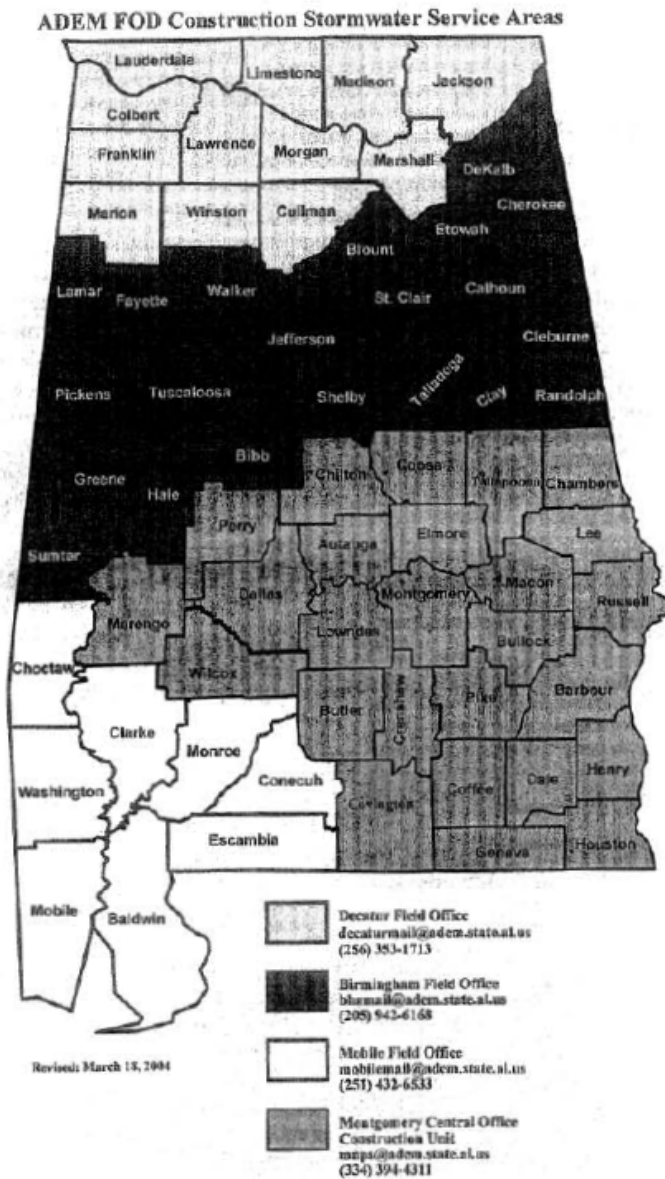
In order to determine whether your project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the US Army Corps of Engineers, Nashville District by mail at PO Box 1070, Nashville, TN 37202-1070 or by phone at (615) 736-5181 for all sites within the Tennessee River watershed or the Mobile District by mail at PO Box 2288, Mobile, AL 36628-0001 or by phone at (251) 690-2658 for all other sites within the state. Facilities covered under a US Army Corps of Engineers Permit must register for stormwater coverage from ADEM if there is construction or land disturbance above the Ordinary High Water Mark, or if there is any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre.

Other agencies you may wish to contact are: (1) the US Fish & Wildlife Service and the Alabama Department of Conservation & Natural Resources regarding potential impacts to endangered or threatened species, (2) the Office Of Water Resources, Alabama Department of Economic and Community Affairs, regarding potential water quantity concerns or issues, (3) the State Fire Marshall and the Alabama Department of Industrial Relations regarding potential safety considerations regarding blasting, (4) the Alabama Department of Industrial Relations which requires permit coverage and reclamation bonding for most non-coal mining sites, (5) the Alabama Historical Commission regarding preservation or potential impacts to surrounding or onsite historical or archaeological sites, and (6) your local municipal or county government, or local zoning and planning agency, if applicable, for additional approvals that may apply to your project.

Page 1 of 2

In recognition that projects are site specific in nature and conditions can change during project implementation, the Department reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case by case basis, in order to ensure the protection of water quality.

If you have any questions or need additional information, please contact the ADEM office in your area.





US Army Corps
of Engineers
Nashville District

Public Notice

Public Notice No. 88-43 Date: March 30, 1988

Application No. 50,283

In Reply Refer to:
ORNOR-F, PO Box 1070, Nashville, TN 37202-1070

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA

SUBJECT: Proposed Boat Launching Ramp at Mile 2.0, Right Bank, Honeycomb Creek (TRM 351.5R)

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (CWA). Before a permit can be issued, certification must be provided by the State of Alabama, Department of Environmental Protection, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated.

APPLICANT: Tennessee Valley Authority
201 Summer Place Building
Knoxville, Tennessee 37902

LOCATION: Mile 2.0, right bank, Honeycomb Creek (Guntersville Lake) tributary of Tennessee River at Mile 351.5, right bank in Marshall County, Alabama

DESCRIPTION: The proposed work consists of the construction of a 36'x58' reinforced concrete boat launching ramp 6-inches thick, placed between top Elevation 596.5 and bottom Elevation 589.5. The ramp would contain 25 cubic yards of concrete, 20 cubic yards of crushed stone and 115 cubic yards of rock fill and riprap.

The proposed launching ramp would replace a nearby existing ramp that will be converted to commercial use.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the

APPLICATION FOR		
Department of the Army Permit	and/or	Tennessee Valley Authority Section 26a Approval
<p>The Department of the Army (DA) permit program is authorized by Section 10 of the River and Harbor Act of 1899 and Section 404 of The Clean Water Act (P.L. 95-217). These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. Section 26a of the Tennessee Valley Authority Act, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).</p> <p>Two sets of original drawings on 8"x10-1/2" tracing paper or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings) and be submitted to the District Commander and appropriate TVA office at the addresses listed below. An application that is not complete will be returned for additional information. Information in the application is made a matter of public record through issuance of a public notice, if warranted. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the application. If necessary information is not provided, the application cannot be processed nor can a permit/approval be issued.</p>		
<u>DA and TVA Main Office</u>	<u>TVA Office Location</u>	<u>Mailing Address</u>
Commander, Nashville District U.S. Army Corps of Engineers Post Office Box 1070 Nashville, Tennessee 37202	202 West Blythe Street Paris, Tennessee Phone: 901-642-2041	Supv., Land and Facilities Mgmt. (West) Division of Natural Resource Operations Post Office Box 280 Paris, TN 38242-0280
	170 Office Service Warehouse Muscle Shoals, Alabama Phone: 205-386-2221	Supv., Land and Facilities Mgmt. (West) Division of Natural Resource Operations 170 Office Service Warehouse Muscle Shoals, AL 35660
Director of Land and Forest Resources Tennessee Valley Authority Norris, Tennessee 37828	1101 Congress Parkway Athens, Tennessee Phone: 615-745-1783	Supv., Land and Facilities Mgmt. (East) Division of Natural Resource Operations Post Office Box 606 Athens, Tennessee 37303
	2611 West Andrew Johnson Highway Morristown, Tennessee Phone: 615-686-8400	Supv., Land and Facilities Mgmt. (East) Division of Natural Resource Operations 2611 West Andrew Johnson Highway Morristown, Tennessee 37814
<u>Name and Address of Applicant</u> Tennessee Valley Authority Knoxville, TN 37902 Telephone Number Home _____ Office _____	<u>Name, Address, and Title of Authorized Agent</u> Ralph H. Brooks Director of Environmental Quality Tennessee Valley Authority 201 Summer Place Building Knoxville, TN 37902 Telephone Number Home _____ Office <u>Thayer Broili</u> (615) 632-6608	
<u>Location where activity exists or will occur (include Stream Name and Mile, if known)</u> Guntersville Lake, Honeycomb Creek 1.9R which flows into the Tennessee River at TRM 351.7R, Marshall County, AL	<u>Application submitted to</u> DA <input type="checkbox"/> Yes <input type="checkbox"/> No TVA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date activity is proposed to commence <u>March 1988</u> Date activity is proposed to be completed <u>May 1988</u>	
<u>Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway.</u> The northern boundary of the site follows U.S. Highway 431, and Guntersville Lake forms the eastern boundary. The only adjoining landowner is Don Deitsch, who owns land along the western boundary and plans to lease TVA land forming the southern boundary of the site. His address is Route 1, Box 532-A, Grant, Alabama, and his telephone numbers are (205) 582-4435 (business) and (205) 582-4772 (home).		
<u>List of previous DA/TVA permits/approvals</u> <input type="checkbox"/> DA _____ <input type="checkbox"/> TVA _____ Permit Number Date		

DA/TVA JULY 1979

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Appendix C – Public Comments

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**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 07-87

Date: October 9, 2007

Nashville District

Application No. 49713-00

Expires: November 9, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214 (Attn: Lisa Morris)

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Commercial Marina Facilities at Honeycomb Creek Mile 2.3, Right Bank, Tennessee River Mile 352.0, Right Bank, Gunterville Lake, Marshall County, Alabama (Gunterville Marina formally known as Sunrise Marina)

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to Section 10 of the Rivers and Harbors Act of 1899 and for Tennessee Valley Authority (TVA) approval pursuant to Section 26a of the TVA Act for marina facilities and larger harbor limits and a 30-year easement for the use of TVA land, approximately 8.5 acres, for the operation of the marina facilities; RLR 179420.

APPLICANT: Erwin Marine Sales, Inc.
d/b/a Gunterville Marina
3001 Kings Point Road
Chattanooga, TN 37416

LOCATION: Honeycomb Creek Mile 2.3R, Marshall County, AL. The marina site is located at 28571 US Highway 431, Grant, AL 35747. Honeycomb Creek is a tributary of the Tennessee River at Mile 352.0R, Gunterville Lake. USGS Maps: Mt. Carmel, AL. Lat: 34-27-00, Lon: 86-20-00.

DESCRIPTION: The applicant proposes to construct a complete marine recreation facility with boat sales and service and dry and wet storage facilities within a park style environment. The proposed work includes reconstruction of the floating transit dock located on the west side of the marina and the construction of five commercial floating covered docking facilities; Dock 1- 10 slips @ 18' x 50' and an 8' x 352' fuel dock; Dock 2- 32 slips @ 16' x 40'; Dock 3- 34 slips @ 18' x 50'; Dock 4- 30 slips @ 20' x 60'; and Dock 5- 34 slips @ 22' x 70' within TVA harbor limits.

PN 07-87
File No. 49713-00

In addition, construction includes a boat sales showroom with supporting offices and service area; expansion of an 18 year old, 225 slip, dry stack storage building; and improvements to the launch and retrieve apron at the waters edge and in front of the existing dry stack building with new concrete, etc. No dredging would be required. Plans of the work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and the needs and welfare of the people. A permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared prior to a final decision concerning issuance or denial of the requested permits.

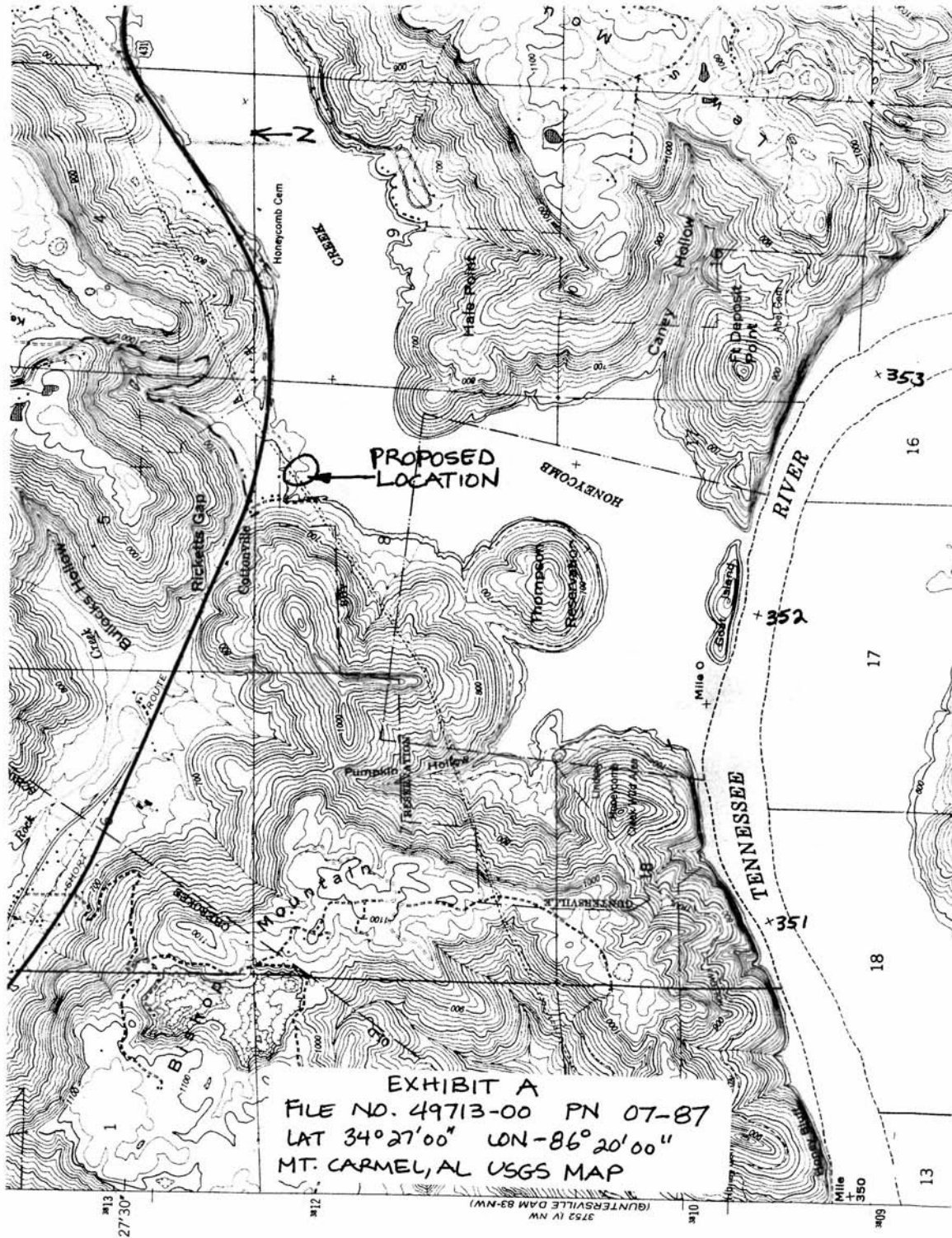
PN 07-87
File No. 49713-00

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service.

Other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **November 9, 2007**, will become a part of the record and considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504. Point of contact at TVA is Travis Perry, (256) 571-4297.



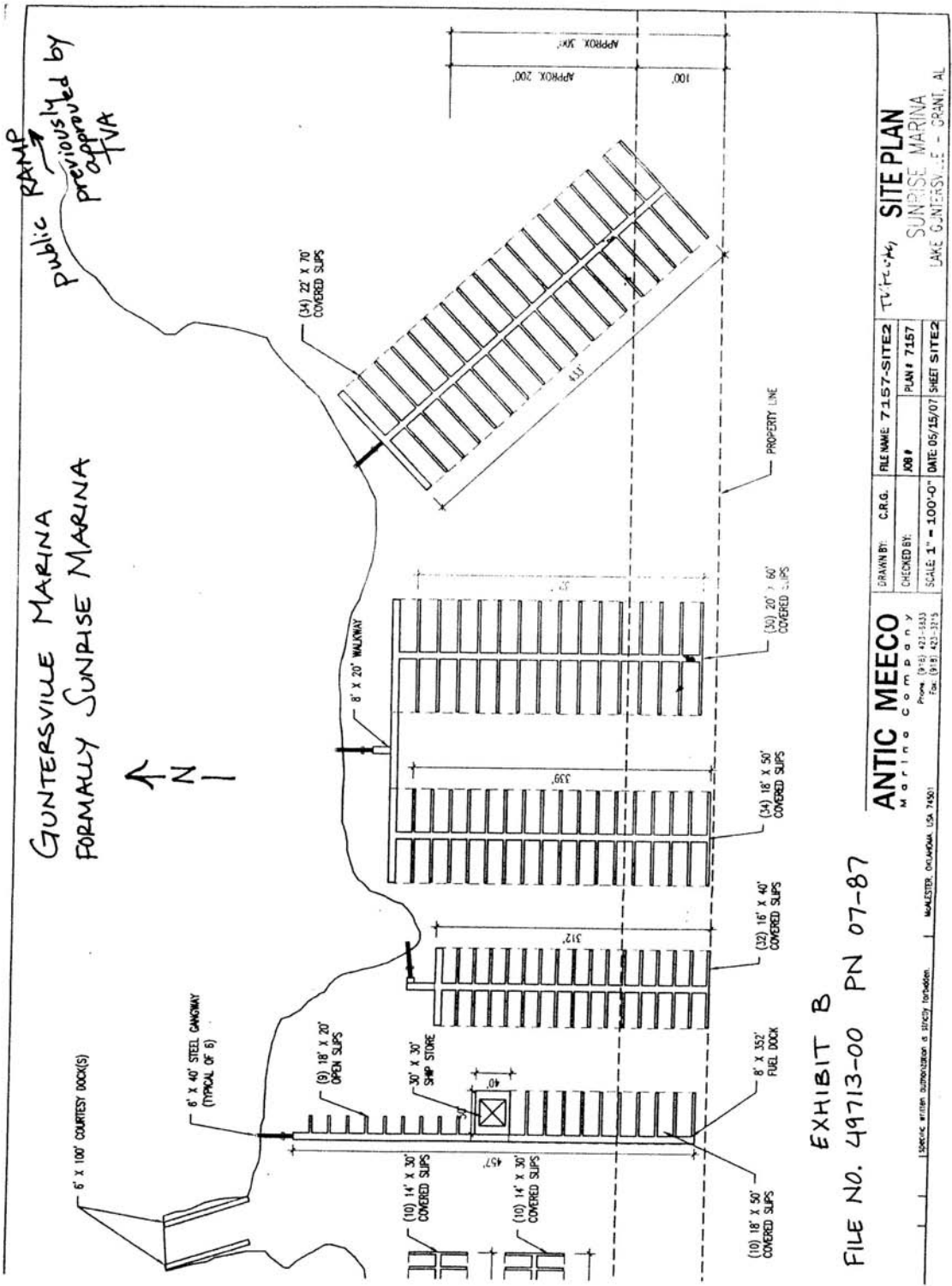


EXHIBIT B
FILE NO. 49713-00 PN 07-87

ANTIC MEECO Marino Company Phone: (918) 421-1143 Fax: (918) 421-1113 MALESTER, OKLAHOMA, USA 74561		DRAWN BY: C.R.G. CHECKED BY:	FILE NAME 7157-SITE2 JOB # DATE 05/15/07 SHEET SITE2	TV-16-04 SITE PLAN SUNRISE MARINA LAKE GUNTERVILLE - GRANT, AL.
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Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-554-6852 Fax 828-488-2462

DATE: 12 - March - 08

TO: TVA
Attn: Pat Ezzell
400 West Summit Hill Dr.
Knoxville, TN 37902-1499

PROJECT(s): Comments regarding Cultural Resource Assessment of proposed Easement for Commercial Recreation Facility on Guntersville Reservoir in Marshall County, TN.

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians would like to thank you for the opportunity to comment on this proposed Section 106 activity under 36 C.F.R. 800.

The EBCI THPO concurs with the archeologist's recommendations that no archeological sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archeological field survey. As such, the EBCI THPO believes that the proposed project may proceed as planned. In the event that project plans change, or cultural resources or human remains are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler B. Howe".

Tyler B. Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians



Choctaw Nation of Oklahoma

P.O. Box 1210 • Durant, OK 74702-1210 • (580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

March 5, 2008

Pat Bernard-Ezzell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Dear Pat Bernard-Ezzell:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Project Description: Easement for Commercial Recreation Facility

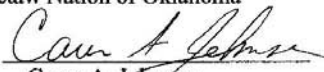
Project Location: Guntersville Reservoir

County-State: Marshall County, Alabama

Comments: After further review of the above-mentioned project (s), to the best of our knowledge, it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Caren A. Johnson
Administrative Assistant

CAJ: vr



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

February 20, 2008

(Name)
Address
Address
Address
Address

Dear _____:

**TVA, CULTURAL RESOURCES ASSESSMENT OF PROPOSED EASEMENT FOR
COMMERCIAL RECREATION FACILITY ON GUNTERSVILLE RESERVOIR,
MARSHALL COUNTY, TENNESSEE**

The Tennessee Valley Authority (TVA) proposes to grant a 30-year easement to Erwin Marine Sales for a commercial recreation facility located on Guntersville Reservoir (map enclosed). TVA Cultural Resources has determined the area of potential effects (APE) for this project to be the 7.5-acre development for archaeology, and the view shed for historic structures to be a half-mile radius beyond this construction.

TVA staff conducted a field assessment for the project and determined that the area has been heavily disturbed. One archaeological site has been recorded in the project area (1MS209) on the non-TVA land. This site was recorded as an old homestead by the University of Alabama. Construction of a dry storage boat facility in this area has obliterated the remains of the site. Additional construction, erosion, and other disturbances leave very little potential for archaeological resources to be present (see attached aerial photograph depicting project boundaries).

The APE for historic structures has already been compromised by the construction of new condominiums on the adjacent private property. A field assessment identified one structure within the view shed of the proposed recreation facility. This building consisted of a Tudor style structure with many alterations and additions that have altered its integrity (see enclosed photos). It is our opinion that the structure fails to meet the criteria of eligibility for listing in the National Register of Historic Places (NRHP).

Based on our findings, it is TVA's determination that no historic properties will be affected by the proposed easement. Pursuant to Section 106 of National Historic Preservation Act and its implementing regulations at 36 CFR § 800.4, TVA is seeking your office's comments on our findings and recommendations.

TVA is consulting with the following federally recognized Indian tribes regarding properties within the proposed project's APE that may be of religious and cultural significance to your tribe and eligible for the NRHP: Cherokee Nation, Eastern Band of the Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, The Chickasaw Nation, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Muscogee (Creek) Nation of Oklahoma, Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Kialegee Tribal Town, Thlopthlocco Tribal Town, Poarch Band of Creek Indians, Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, and the Seminole Tribe of Florida.

Page 2
February 20, 2008

If you have any questions or comments regarding this project, please contact me at 865-632-6461 or by email at pbezzell@tva.gov.

Sincerely,

A handwritten signature in black ink that reads "Pat Bernard Ezzell". The signature is written in a cursive style with a large initial "P".

Pat Bernard Ezzell
Historian/Native American Liaison
Cultural Resources

EP:PBE:IKS
Enclosures
cc: EDMS, WT 11D-K



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

March 18, 2008

TEL: 334-242-3184
FAX: 334-240-3477

Thomas O. Maher, Ph.D.
TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1490

Re: AHC 08-0470
Cultural Resource Assessment
Easement for Commercial Recreation Facility
Marshall County, Alabama

Dear ~~Dr. Maher:~~ Tom:

Upon review of the above referenced project, we have determined that the project activities will have no effect on any known cultural resources listed on or eligible for the National Register of Historic Places. Therefore, we concur with the proposed project activities.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans. These include but are not limited to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are postholes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your efforts on this project. Should you have any questions, the point of contact for this matter is Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/LAW/GCR/gcr



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

February 20, 2008

Ms. Stacye Hathorn
Alabama Historical Commission
468 South Perry Street
Montgomery, Alabama 36130-0900

Dear Ms. Hathorn:

**TVA, CULTURAL RESOURCES ASSESSMENT OF PROPOSED EASEMENT FOR
COMMERCIAL RECREATION FACILITY ON GUNTERSVILLE RESERVOIR,
MARSHALL COUNTY, ALABAMA**

The Tennessee Valley Authority (TVA) proposes to grant a 30 year easement to Erwine Marine Sales for a commercial recreation facility Guntersville Reservoir (map enclosed). TVA Cultural Resources has determined that the area of potential effects (APE) for this project to be the 7.5 acre development for archaeology and the view shed for historic structures to be a half-mile radius beyond this construction.

TVA staff conducted a field assessment for the project and determined that the area has been heavily disturbed. One archaeological site has been recorded in the project area (1MS209) on the non-TVA land. This site was recorded as an old homestead by the University of Alabama. Construction of a dry storage boat facility in this area has obliterated the remains of the site. Additional construction, erosion, and other disturbances leave very little potential for archaeological resources to be present (see attached aerial photograph depicting project boundaries).

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Based on our findings, it is TVA's determination that no historic properties will be affected by the proposed easement. Pursuant to Section 106 of the *National Historic Preservation Act* and its implementing regulations at 36 CFR § 800.4, TVA is seeking your office's concurrence on our findings and recommendations.

TVA is consulting with the following federally recognized Indian tribes regarding properties within the proposed project's APE that may be of religious and cultural significance to them and eligible for the NRHP: Cherokee Nation, Eastern Band of the Cherokee Indians, United Keetoowah Band, The Chickasaw Nation, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Muscogee (Creek) Nation of Oklahoma, Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Kialegee Tribal Town, Thlopthlocco Tribal Town, Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and Shawnee Tribe.

Ms. Stacye Hathorn
Page 2
February 20, 2008

If you have any questions or comments regarding this project, please contact Erin Pritchard at 865.632.2463 or by email at eepritchard@tva.gov.

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Maher". The signature is written in a cursive style with a long, sweeping underline.

Thomas O. Maher, Ph.D.
Manager
Cultural Resources

Enclosures



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

February 19, 2008

TEL: 334-242-3184
FAX: 334-240-3477

Robert McMahan
Erwin Marine Sales
3001 Kings Point Road
Chattanooga, Tennessee 37416

Re: AHC 08-0060
Marina Facilities Near Honeycomb Creek
Marshall County, Alabama

Dear Mr. McMahan:

Upon review of the additional information forwarded by your office, we have determined that the proposed activities will have no effect on properties listed on or eligible for the National Register. Therefore, we concur with this project.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans. These include but are not limited to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are postholes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your continued efforts on this project. Should you have any questions, the point of contact for this matter is Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

cc: Lisa Morris
USACOE Nashville District
3701 Bell Road
Nashville, Tennessee 37214

27 FEB 2008

THE STATE HISTORIC PRESERVATION OFFICE
www.preservation.org



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

COLONEL (RET.) JOHN A. NEUBAUER
EXECUTIVE DIRECTOR

November 6, 2007

TEL: 334-242-3184
FAX: 334-240-3477

Lisa Morris
Corps Nashville District
3701 Bell Road
Nashville, Tennessee 37214

Re: AHC 09-0060
COE-T 07-87
Marina Facilities
Honeycomb Creek
Marshall County, Alabama

Dear Ms. Morris:

Upon review of the above referenced project, our files indicate that the specific location has never been surveyed for cultural resources and it is unknown if sites potentially eligible for the National Register of Historic Places exist here. The project area is similar environmentally to areas which are known to have significant cultural resources. Therefore, it must be considered archaeologically sensitive.

We request that the project area be surveyed by a professional archaeologist in order to identify any cultural resources which may be present. The archaeologist's report should be submitted to our office for review and determination prior to any construction activities. In addition, we request that an architectural survey be conducted in order to document any structures at least 50 years old within a one mile radius of the project area.

We appreciate your efforts on this project. Should you have any questions, the point of contact for this matter is Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

A handwritten signature in cursive script, appearing to read "Elizabeth Ann Brown".

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

THE STATE HISTORIC PRESERVATION OFFICE
www.preserveala.org

09 NOV 2007



Ms. Robinson

Page 1
55

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
64 NORTH UNION STREET
MONTGOMERY, AL 36130

BOB RILEY
GOVERNOR

M. BARNETT LAWLEY
COMMISSIONER

HOBBIE SEALY
ASSISTANT COMMISSIONER

JAMES H. GRIGGS, DIRECTOR
GREGORY M. LEIN, ASSISTANT DIRECTOR
STATE LANDS DIVISION

TELEPHONE (334) 242-3484
FAX NO (334) 242-0999

November 2, 2007

Nashville District Corps of Engineers
Regulatory Branch,
Mrs. Lisa R. Morris
3701 Bell Road
Nashville, TN 37214

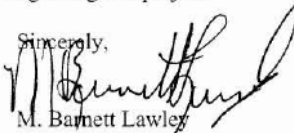
Re: Public Notice No. 07-87, Proposed construction of a complete marine recreation facility with boat sales and service as well as dry and wet storage within a park style environment located in Marshall County, AL. See notice for construction details.

Dear Mrs. Morris:

The Department of Conservation and Natural Resources has reviewed the above mentioned permit application. We respectfully submit the following comments:

- The Division of Wildlife and Freshwater Fisheries submits the following comments: 1. The applicant should coordinate with the Marine Police Division (334-242-3669) regarding navigational safety aspects associated with the project. 2. The applicant should also coordinate with the Natural Heritage Section of the State Lands Division regarding potential impacts to protected species. The Natural Heritage Section will provide information on both state- and federally-protected species, whereas the U. S. Fish and Wildlife Service will provide information only on federally-protected species. If a state- or federally-protected species is impacted by the project, further coordination with the Department of Conservation (334-242-3420) and with the Fish and Wildlife Service (251-441-5181) will be required. 3. We recommend the use of rip rap rather than sea walls to protect the shoreline from erosion. Rip rap better protects shallow water spawning, rearing and feeding habitat for fish and other aquatic species. 4. Provided that state water quality standards are not violated, and that stream and wetland impacts (if any) are mitigated in accordance with regulations administered by the Corps of Engineers, we have no further concerns regarding this project.

Sincerely,


M. Barnett Lawley
Commissioner

Cc: Wildlife and Freshwater Fisheries
State Lands Division
ADEM

07 NOV 2007

The Department of Conservation and Natural Resources does not discriminate on the basis of race, color, religion, age, gender, national origin, or disability in its hiring or employment practices nor in admission to, access to, or operations of its programs, services or activities.



Erwin Marine - Guntersville

The Harbor Town Homes
c/o Sherryl Marsh
112 Intracoastal Drive
Madison, AL 35758

October 14, 2007

Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road,
Nashville, TN 37214
Attn: Lisa Morris

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7006 2760 0004 1869 5470

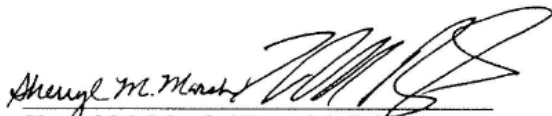
Re: Public Notice No. 07-87
Application No. 49713-00

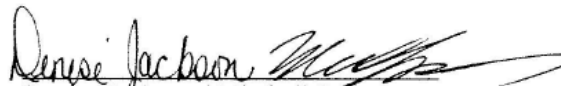
Dear Ms. Morris,


The homeowners at The Harbor, a luxury town home community, request a public hearing to discuss the environmental and aesthetic impact of the application of the proposed commercial marina facility at Honeycomb Creek referenced above.


The Harbor is located on the property behind the proposed marina and is not a condominium complex. As individual homeowners, notice of the public hearing should be mailed to each homeowner as noted below.

Thank you for your assistance in processing this request.


Sherryl M. Marsh / Terry M. Bridges
112 Intracoastal Drive
Madison, AL 35758


Denise Jackson / Mitchell Jackson
264 Lowell Drive
Grant, AL 35747


Nala Gradkowski / Mark Gradkowski
14004 Mt. Hope Place
Huntsville, AL 35803


Tammy Lucia / Bruce Lucia
5261 Gauley River Drive
Stone Mountain, GA 30087

(Signatures continued on page 2)

19 OCT 2007

Nashville District Corps of Engineers
Regulatory Branch
Attn: Lisa Morris
Page 2 of 2

Laura McFeely by Denise Jack
with express permission
Laura McFeely / Dr. William McFeely
3027 Lake Hampton Drive
Hampton Cove, AL 35763

Stephen Self by Denise Jack
with express permission
Marty Self / Stephen Self
102 Still Cove Drive
Huntsville, AL 35811

Debby Rosenbloom / George Rosenbloom
Debby Rosenbloom / George Rosenbloom
P.O. Box 343
Arab, AL 35016

Rich Sneeringer by Denise Jack
with express permission
Rich Sneeringer
110 Jones Valley
Huntsville, AL 35802

Kathy Bazemoore by Denise Jackson
with express permission
Kathy Bazemoore / Russell Bazemoore
28473 U.S. Hwy 431
Grant, AL 35747

Earl Hudson, Kelly B. Hudson
Kelly B. Hudson / Earl Hudson
28477 U.S. Hwy 431
Grant, AL 35747

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.....

Erwin Marine Sales

R. T. (Bob) McMahan
Exec. VP - COO

REPLY TO:
3001 Kings Point Road
Chattanooga, TN 37416

Tele. 423/622-1978
Mobil 423/802-5515
Fax 423/698--1982
Email bmcman@
erwinmarinesales.com

October 31, 2007

Ms. Lisa R. Morris
Project Manager
Operations Division
Department of the Army
Nashville District
Corps of Engineers
3701 Bell Road
Nashville, TN 37214

RE: File no. 49713-00; Proposed Commercial Marina Facilities at Honeycomb Creek 2.3,
Right Bank, Tennessee River Mile 352.0, Right Bank, Guntersville Lake, Marshall County,
Alabama.

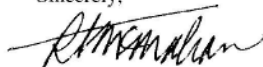
Dear Ms. Morris:

Thank you for copying me on your October 22, 2007 letter to the homeowners at Harbor Town
Homes.

Yesterday we were on the site and visited with two of the homeowners. With the exception of maybe
one person, I believe the issue here is nothing more than curiousness. What are going to do? How
are we going to it? What is it going to look like? Certainly the homeowners would like to believe
they have some participation in the answers to these question and as the marina developers, we
understand that concern. Our concerns are mutual to theirs to see that both our completion of the
marina development started eighteen years ago and their unfinished development, started four years
ago, present a completed appearance which enhances the value of all the property concerned.

We have scheduled a meeting with the home owners for Tuesday evening November 13th to review
our planning and vision and to address any concerns or questions they may have. I'll report back to
you after that meeting.

Sincerely,



Cc: Kayo Erwin, CEO, Erwin Marine Sales

Sea Ray


CARVER
YACHTS

02 NOV 2007

The Harbor Homeowners
c/o Sherryl Marsh
112 Intracoastal Drive
Madison, AL 35758

November 7, 2007

Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road,
Nashville, TN 37214
Attn: Lisa Morris
Via Overnight Mail

Tennessee Valley Authority ✓
400 W. Summit Hill Drive
Knoxville, TN 37902-1499

Mr. Bob McMahan
Erwin Marine Sales, Inc.
d/b/a Gunterville Marina
3001 Kings Point Road
Chattanooga, TN 37416

Re: Public Notice No. 07-87
Application No. 49713-00

Dear Ms. Morris, TVA Representative and Mr. McMahan,

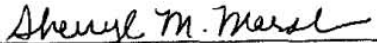
The homeowners at The Harbor have additional questions that we are requesting a response from the Corps of Engineers and TVA for the application referenced above.

- 1) Exhibit B, File No. 49713-00, PN 07-87 – The spacing between boat slips does not appear to be navigable. The density appears high in comparison to the room necessary to facilitate navigation. How much space is required between boat slips?
- 2) Aesthetics of the proposed commercial marina facility – What are the specific details of all buildings, boat docks, roof lines, including building materials, colors, parking facilities and landscaping? What is the height of each covered boat slip?
- 3) Light Pollution – What are the specific details of the type of lighting of the buildings, parking lots and boat slips? Will shrouded lighting be used? Will parking lot lighting be on a timer as opposed to all night?
- 4) Satellite dishes – Will there be provisions for cable versus satellite dishes for the boat slips?
- 5) Outbuildings – Are there provisions that all outbuildings such as bath houses or other structures will be placed near the existing marina dry dock structure?

- 6) **Noise Pollution** – Are restrictions being made to limit the time in which excessive noise such as the use of music speakers, live music performances or parties may be held or in use?
- 7) **Gate and fencing** – Will there be a control access gate to the marina? If so, what materials will be used? Will there be fencing between the Harbor homes and the marina easement?

Thank you for your assistance in responding to this request.

With kind regards,



Sherryl M Marsh on behalf of
The Harbor Homeowners

From: Bob McMahan [mailto:bmc_mahan@erwinmarinesales.com]
Sent: Wednesday, November 14, 2007 5:51 PM
To: Morris, Lisa R LRN; Perry, Travis C
Cc: Kayo Erwin
Subject: Public notice No.07-87, Application No. 49713-00

Recently the writer and the two of you received a letter from Sherryl Marsh of Madison Alabama representing the ten families who are property owners in The Harbors townhome development which is immediately adjacent to the owned and leased property we have under development for a Marina complex. This communication will enlighten you to our response to this group and Ms Marsh.

Kayo Erwin and myself visited personally with two members of this group on October 30 and agreed to set a future meeting date for the entire group of homeowners. Yesterday evening was that future date. We met at the property site and had seven families present with an acknowledgement from the three that were unable to be there. The writer responded to the seven questions posed in Ms Marsh's letter. A copy of that response is attached for your review.

The atmosphere for the meeting was relaxed and informal with refreshments served. It was held in an owner's townhome on site. It should be pointed out that several of those present had purchased boats from us previously and were already using our Dry Storage marina services at this site. The group seemed aware of our reputation for completing first class marinas and providing excellent customer service at our sales and service locations. What they didn't know was our plans for the development of this site. I take the blame for that not having previously met with them to review our plans.

As borne out in their letter, their concern was for a proper merge of their development into ours which would provide security for them, landscaping for the site, sight lines to the water from their homes and protection of the investment they had made in their property. We reviewed our development plans with visual aids and answers to their questions. We assured them that their concerns were our concerns. The two developments would merge together and appear as one to the casual observer. The public would be welcome at the Public Launch Ramp we will complete and the services offered to slip renters will be available to the property owners as well. The meeting concluded on a high note with the homeowners verbally expressing support for our plans and understanding that all of us, the property owners and ourselves, wanted the same thing, appreciation and return on our investments.

Please contact the writer if you have questions or would like further details of this meeting.

R. T. (Bob) McMahan, Exec.VP/COO
Erwin Marine Sales, Inc.
3001 Kings Point Rd
Chattanooga, TN 37416
Office 423/622-1978
Mobile 423/802-5515
Fax 423/698-1982
bmc_mahan@erwinmarinesales.com

Applicant Response to Questions posed by Ms Sherryl Marsh on behalf of The Harbor townhome property owners.

Q1/ The spacing between boat slips does not appear to be navigable. The density appears high in comparison to the room necessary to facilitate navigation. How much space is required between boat slips?

Ans. The space between marina docks is referred to as a Fairway. Marina layout design standards call for a Fairway to be one and one-half times the length of the longest slip entering that fairway.

- Example: B Dock has 40' slips, C Dock has 50' slips, the Fairway between these two docks will be 75'. One and one-half times the 50' slips.
- The Fairway between C and D docks will be 90'. One and one-half times the 60' slips.

Q2/ Aesthetics of the proposed commercial marina facility. What are the specific details of all buildings, boat docks, roof line, including building materials, colors, parking facilities and landscaping? What is the height of each boat slip?

Ans. At this time, the only building planned for the marina wet slip facility is a Dock Store which would be located approximately mid-way out on A Dock. This would be a small building having approximately 900 sq ft. The primary purpose for this building is the housing of attendants for the selling of fuel and sundry items, i.e. ice and soft drinks. The building will be constructed of wood frame with an elevation complimentary to the site.

- The docks are constructed of galvanized steel with wood or cement walking surfaces. The floating foam supports are encapsulated in a black vinyl material.
 - Roof lines will be pitched from the center at a rate of 1.5' drop per 12'.
 - The height of slip openings will vary from a low of 18' to a high of 24'.
- Parking facilities will be a hard surface, asphalt or concrete.
- Landscaping will be complimentary to the site and the landscaping in place for The Harbor.

Q3/ Light Pollution. What are the specific details of the type of lighting of the buildings, parking lots and boat slips? Will shrouded lighting be used? Will parking lot lighting be on a timer as opposed to all night?

Ans. Details on the lighting have not been finalized at this time.

- Parking lot lighting will be directed downward and away from the Townhouses as much as possible. This lighting will be controlled by photocells.
- It can be expected that dock lighting will consist of low wattage lamps at waist height with one per slip at the head of the slip where all the slip utilities come together. These lamps will be controlled individually by a photocell.

Q4/ Satellite dishes. Will there be provisions for cable versus satellite dishes for the boat slips?

Ans. Cable will be available at each slip. There will not be any community satellite service available.

Q5/ Outbuildings. Are there provisions that all outbuildings such as bath houses or other structures will be placed near the existing marina dry dock structure?

Ans. Yes. We would make use of the water and sewage facilities already in place in that area.

Q6/ Noise pollution. Are restrictions being made to limit the time in which excessive noise such as the use of music speakers, live music performances or parties may be held or in use?

Ans. The Rules & Regulations we issue to a slip licensee cover this subject. We do not set hours but we do advise the boat owner that electronic entertainment on his/her boat is for his/her benefit only and should not be intrusive to the neighbors. This issue has not been a problem at our existing marinas.

Q7/ Gate and fencing. Will there be a control access gate to the marina? If so, what materials will be used? Will there be fencing between the Harbor homes and the marina easement?

Ans. The public launch ramp will be moved from its present location in front of the Harbor homes to a point further up the drive and very near Highway 431. We have a plan for that area we can show you.

- We will install an electronically coded marina entrance gate at our property limits at or about where the present posts are erected. The gate will be a decorative one in design harmony with the surroundings.
- Fencing running from that gate to the waterline is being considered. A question arises on how to treat fencing running northwest from the gate toward the Harbor homes.
- There is no plan to separate the Harbor homes from the marina proper. These two areas will blend together with landscaping appearing.

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**Appendix D – Landscaping With Native
Shrubs in Utility Rights-of-Way**

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Landscaping with Native Shrubs in Utility Rights-of-Way

A guide to selecting native shrubs for rights-of-way naturalization



For more information about native plants in your area please contact:

- Alabama Wildflower Society
P.O. Box 115
Northport, AL 35476
- Georgia Native Plant Society
Box 422085
Atlanta, GA 30342
- Kentucky Native Plant Society
c/o Department of Biology
Eastern Kentucky University
Richmond, KY 40475
- Mississippi Native Plant Society
Mississippi Museum of Natural Science
111 North Jefferson St.
Jackson, MS 39202
- North Carolina Wildflower Preservation Society
c/o NC Botanical Garden
Totten Center, 457-A
Chapel Hill, NC 27514
- South Carolina Native Plant Society
Box 759
Pickens, SC 29671
- Southern Appalachian Botanical Society
c/o C. Horn
Newberry College
2100 College St.
Newberry, SC 29108
- Tennessee Native Plant Society
Department of Botany
University of Tennessee
Knoxville TN 37996-1100
- Virginia Native Plant Society
Box 844
Annandale, VA 22003

For more information about this brochure contact:

- Environmental Research & Services
Tennessee Valley Authority
17 Ridgeway Road
Norris, Tennessee 37826

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The Tennessee Valley

Southern Appalachian Mountains
Ridge and Valley
Cumberland Plateau
Interior Low Plateaus
Coastal Plain



The Tennessee Valley

Southern Appalachian Mountains, Ridge and Valley, Cumberland Plateau, Interior Low Plateaus, Coastal Plain

The Southern Appalachian Mountains (Blue Ridge), the Ridge and Valley, Cumberland Plateau, the Interior Low Plateaus, and the Coastal Plain all are distinct physiographic regions that make up the Tennessee Valley. Site conditions for each area are determined by topography, soil characteristics, elevation, light availability, and hydrology. These varying site conditions support a mosaic of native plant communities. These regions fall into two different USDA hardiness zones: Zone Six and Zone Seven. These zones are based on the range of average minimum temperatures



The region addressed in this brochure includes diverse geography, geology, and soils. Soils range from those formed in alluvial sediments along stream courses to soils formed from the residual weathering of rocks like limestone, sandstone, shales, gneiss, schists, and quartzites.

Because there is a range of environmental conditions across the Valley, it is important to realize that native plant species vary as well.

The best way to learn about soils in your area is to contact your local state agricultural extension agent or your county NRCS (Natural Resources Conservation Service) agent.

Special Concerns of Utility Rights-of-Way

Utility Rights-of-Way (ROW) usually involve the clearing of corridors of vegetation because tall trees or shrubs growing under or too close to utility lines often create problems. Branches which break during wind or ice storms can knock down lines, create dangerous situations, and disrupt service.

What is Rights-of-Way Naturalization?

Since exotic, fast growing species often invade these recently cleared corridors, naturalization of ROWs is an attempt to use low growing (< 20 ft. tall), native plants to help establish a healthy ecosystem.

Rights-of-Way Naturalization Considerations

Utility ROW pose an interesting challenge for naturalization. Due to the existence of utility lines, anything planted in or near a ROW must meet certain criteria.

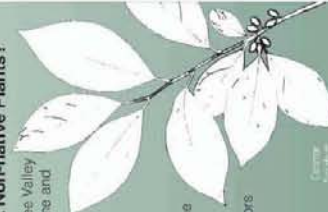
Criteria to be considered for ROW planting are such things as plant height, and water, soil, and light requirements.

Why Naturalize Right-of-Ways?

- A naturalized ROW is more aesthetically pleasing than one that is treated regularly using herbicides and/or tree cutting to keep tall plants from growing in to powerlines.
- The ROW can be naturalized with plants that are suitable for wildlife habitat and forage.
- Naturalizing a ROW benefits the ecosystem and promotes biodiversity.
- A naturalized ROW does not need frequent maintenance and therefore reduces costs and the need for frequent intrusion.

Why Use Native Plants vs. Non-native Plants?

- Species native to the Tennessee Valley have evolved over geologic time and are adapted to the conditions that exist in this area.
- Native plants promote biodiversity and provide food and shelter for native wildlife.
- Non-native plants often escape cultivation and displace native plants, threatening biodiversity.
- Non-native plants can be vectors for disease and exotic pests.



Native Shrub Recommendations

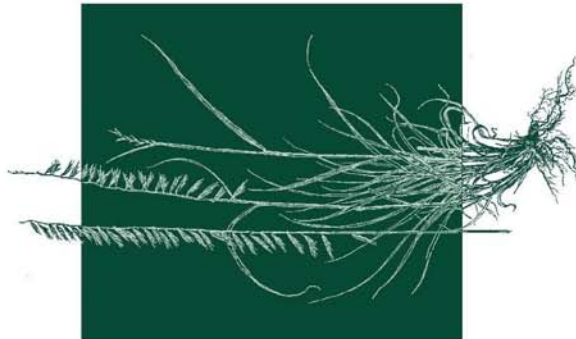
K Height S= shrub <15' Y 15-20'
E Soil Moisture W= wet, hydric M= moist, mesic D= dry, xeric
L Light F= full sun P= part shade S= full shade
Z Zone 6= Areas with min. temp of -10° to 0°F 7= Areas with min. temp of 0° to 10°F

Common Name	Scientific Name	Height S ST	Light F P S	Soil Moisture W M D	Soil pH B A	Zone 6 7	Additional Comments
Red Buckeye	<i>Aesculus pavia</i>	**	**	**	**	**	Nice flowers; good food source for wildlife. Good for wet soil sites; tends to form thickets. Prefers stream/river banks, and open woods. Very adaptable. Tends to sucker and form large colonies. Very resistant to insects. Seeds of this plant may be poisonous to cattle. Prefers wet soils; tolerates wide soil pH range. Considered poisonous.
Hazel	<i>Alnus serrulata</i>	**	**	**	**	**	Does not tolerate hot, dry sites; great for wildlife. Excellent for streambank stabilization; good growth rate; great for wildlife. Good growth rate; tends to sucker. Needs a well drained soil; drought tolerant. Thrives in moist to wet shady areas.
False Indigo	<i>Amorpha fruticosa</i>	**	**	**	**	**	Requires fertile moist soil. Fast growth rate; suckers freely; twigs may be poisonous to livestock. Prefers moist, well drained soils of upland forests. Good food source for wildlife.
Red Chokeberry	<i>Amorpha fruticosa</i>	**	**	**	**	**	Evergreen; prefers swamps and streambanks; suckers to form colonies. Suckers to form colonies. Good for wet swampy areas. Beautiful flowers in summer. May be poisonous.
Black Chokeberry	<i>Amorpha fruticosa</i>	**	**	**	**	**	Evergreen; will not withstand drought. Prefers banks, backwaters and streambanks. Prefers moist woodlands and streambanks. Good growth rate; very adaptable; excellent for streambank restoration. Requires well drained soil, drought tolerant; good for wildlife.
Northern Spicebush	<i>Lindera benzoin</i>	**	**	**	**	**	Usually found in moist soils along roadsides and field borders. Moist soils streambanks form dense thickets. Most species of Rhododendron are considered poisonous. Good along ponds and in swamps. More flowers. Most species of Rhododendron are considered poisonous.
Blackberry	<i>Rubus occidentalis</i>	**	**	**	**	**	Tolerant of poor dry soils; good for wildlife. Prefers stream and pond banks. Widely distributed in wet places; swamps, seepage areas and stream banks. Fast growth rate; suckers profusely; good for wildlife.
Butternut	<i>Asplenium platyneuron</i>	**	**	**	**	**	Prefers bogs and wet meadows. Prefers streambanks; suckers to form colonies. Good growth rate; suckers; drought tolerant. Can adapt to a wide range of soil conditions; excellent for restoration sites. Good for shaded sites; forested uplands; needs well drained soil. Adaptable; suckers freely from base. Prefers streambanks and swamps; upland slopes. Good growth rate; suckers freely; prefers moist streambanks.
Swiftnut	<i>Asplenium platyneuron</i>	**	**	**	**	**	
Pagoda Dogwood	<i>Cornus alternifolia</i>	**	**	**	**	**	
Gray Dogwood	<i>Cornus amomum</i>	**	**	**	**	**	
American Filbert	<i>Corylus americana</i>	**	**	**	**	**	
Coccoloba	<i>Crataegus crusgalli</i>	**	**	**	**	**	
Leatherwood	<i>Dicellaophora virens</i>	**	**	**	**	**	
Large Fomongia	<i>Fornaxia major</i>	**	**	**	**	**	
Witch Hazel	<i>Hamelis virginiana</i>	**	**	**	**	**	
Smooth Hydrangea	<i>Hydrangea arborescens</i>	**	**	**	**	**	
Carolina Holly	<i>Ilex ambigua</i>	**	**	**	**	**	
Deciduous Holly	<i>Ilex decidua</i>	**	**	**	**	**	
Flaxberry	<i>Ilex glabra</i>	**	**	**	**	**	
Winterberry	<i>Ilex verticillata</i>	**	**	**	**	**	
Virginia Creeper	<i>Parthenocissus vitacea</i>	**	**	**	**	**	
Mountain Laurel	<i>Kalmia latifolia</i>	**	**	**	**	**	
Drooping Leucothoe	<i>Leucothoe foeniculifera</i>	**	**	**	**	**	
Spicebush	<i>Lindera benzoin</i>	**	**	**	**	**	
American Wild Plum	<i>Prunus angustifolia</i>	**	**	**	**	**	
Chickasaw Plum	<i>Prunus americana</i>	**	**	**	**	**	
Blackberry	<i>Rubus occidentalis</i>	**	**	**	**	**	
Swamp Azalea	<i>Rhododendron viscosum</i>	**	**	**	**	**	
Fragrant Sumac	<i>Rhus aromatica</i>	**	**	**	**	**	
Smooth Sumac	<i>Rhus glabra</i>	**	**	**	**	**	
Swamp Rose	<i>Rosa palustris</i>	**	**	**	**	**	
Silky Willow	<i>Salix sericea</i>	**	**	**	**	**	
American Elderberry	<i>Sambucus canadensis</i>	**	**	**	**	**	
Redow Sweet	<i>Spiraea alba</i>	**	**	**	**	**	
Spicebush	<i>Lindera benzoin</i>	**	**	**	**	**	
American Bladderut	<i>Staphylea trifolia</i>	**	**	**	**	**	
Highbush Blueberry	<i>Vaccinium corymbosum</i>	**	**	**	**	**	
Maple Leaf Viburnum	<i>Viburnum acerifolium</i>	**	**	**	**	**	
Aronwood Viburnum	<i>Viburnum dentatum</i>	**	**	**	**	**	
Possambaw Viburnum	<i>Viburnum nudum</i>	**	**	**	**	**	
Yellow root	<i>Xanthoxylum simplicifolium</i>	**	**	**	**	**	



Landscaping with Native Grasses in Utility Rights-of-Way

A guide to selecting native grasses for rights-of-way naturalization



For more information about native grasses in your area please contact:

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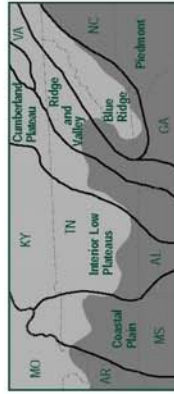
The Tennessee Valley
Southern Appalachian Mountains
Interior Low Plateaus
Cumberland Plateau
Ridge and Valley
Coastal Plain



This brochure provides information on naturalizing powerline rights-of-way (ROW) using native grass species. Naturalizing ROW has many potential benefits to the environment and the electric power consumers.

The Tennessee Valley

The Tennessee Valley lies across five distinct physiographic regions. From the Southern Appalachian mountains (Blue Ridge) in the eastern Tennessee Valley to the Coastal Plain in west, the diverse geology, geography, climate, and soils of these regions create a variety of habitats that support a mosaic of native plant communities.



Because of the diversity of habitat conditions in the Tennessee Valley, it is important to understand that conditions suitable for native plants can vary as well. County agricultural extension offices or NRCS (Natural Resources Conservation Service) offices are helpful points of contact to learn more about the soils and habitat conditions in your area.



Special Concerns of Utility Rights-of-Way

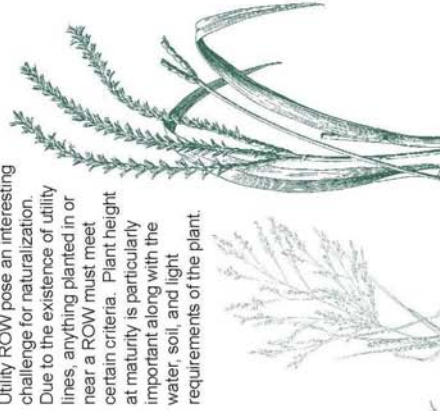
Utility Rights-of-Way are usually corridors across the landscape that are kept cleared of tall vegetation. Tall trees growing under or too close to utility lines often create problems. Trees or branches which grow into powerlines or break during wind or ice storms can cause power outages.

What is Rights-of-Way Naturalization?

Fast-growing tree species and sprouts from the stumps of trees cut during the construction and maintenance of the ROW are a persistent problem for ROW managers. ROW naturalization is an effort to use native plants to establish a community of low-growing (<20 feet) vegetation under powerlines to help reduce the frequency of cutting or herbicide application needed to control tall-growing tree species.

Rights-of-Way Naturalization Considerations

Utility ROW pose an interesting challenge for naturalization. Due to the existence of utility lines, anything planted in or near a ROW must meet certain criteria. Plant height at maturity is particularly important along with the water, soil, and light requirements of the plant.



Recommended Native Grass Species for Planting in Rights-of-Way in the Tennessee Valley

KEY						
Height (inches)	Soil Moisture	Light	Soil pH	Comments		
S = <15" M = 15-40" T = > 40"	W = wet, hydric M = moist, mesic D = dry, xeric	F = full sun P = part sun S = full shade				
Common Name	Scientific Name	Ht.	Moisture	Light	Soil pH	Comments
River oats	<i>Chasmanthium latifolium</i>	S	W, M, D	P, S	5.8-6.8	Ideal for stream side planting
Virginia wild-rye	<i>Elymus virginicus</i>	T	M, D	P, S	5.5-7.5	Annual cool season grass useful as a cover for establishing native grass stands.
Switchgrass	<i>Panicum virgatum</i>	S	W, M, D	F	4.9-7.6	Resistant to snow and ice, excellent nesting for game and song birds.
Indian grass	<i>Sorghastrum nutans</i>	T	M, D	F, P	4.5-7.5	Excellent for wildlife and cattle, copper-colored plumes
Big bluestem	<i>Andropogon gerardii</i>	S	W, M	F, P	4.5-7.6	Slow growing, good drought tolerance
Little bluestem	<i>Schizachyrium scoparium</i>	M	M	F, P, S	4.5-7.1	Blue to green leaves accented by silvery-white seed heads
Eastern gamagrass	<i>Tripsacum dactyloides</i>	T	W, M	F	5.5-7.5	Excellent source of forage during the period when cool season grasses are dormant
Side-oats grama	<i>Bouteloua curtipendula</i>	M	W, M, D	F, P, S	5.6-7.8	Remains green late into the fall, not suitable for lowlands.
Broomseede	<i>Andropogon virginicus</i>	T	W, M, D	F, P	4.9-7.0	Naturally occurring throughout the Tennessee Valley area. Thrives in low fertility conditions. Will establish itself in abandoned fields. Not commercially available.
Tall Beardgrass	<i>Eriarthus giganteus</i>	T	W, M, D	F	3.5-7.0	Adapts easily to ROW conditions. Can grow 10-12' tall, easily propagated. Commercial availability limited.

Why Naturalize Rights-of-Way?

- Naturalized ROW are more aesthetically pleasing than ROW treated regularly using herbicides and/or tree cutting.
- Naturalized ROW enhance wildlife habitat and forage resources.
- Naturalized ROW can benefit and promote biodiversity.
- Naturalized ROW need less maintenance which reduces costs and the need for frequent intrusion.

Why Use Native Plants vs. Non-native Plants?

- Species native to the Tennessee Valley have evolved over geologic time and are adapted to the conditions that exist in this area.
- Native plants promote biodiversity and provide food and shelter for native wildlife.
- Non-native plants can escape cultivation and displace native plants, threatening biodiversity.
- Non-native plants can be vectors for disease and exotic pests.

Why Landscape with Native Grasses?

- Native warm season grasses once inhabited open areas known as barrens in the southern region of the United States. Today, due to development, afforestation, and the use of non-native forage grasses, only a fraction of this grassland remains. Native warm season grasses provide habitat for wildlife, forage for cattle, and help prevent soil erosion.
- Native warm season grasses differ from many non-native grasses in that they grow during the summer as opposed to spring. Because of their summer growth habit native warm season grasses are more drought tolerant than non-native cool season grasses such as Tall fescue.

The low height growth nature of native grasses make them an ideal choice for ROW naturalization under suitable soil and light conditions. Landscaping with native grasses benefits the ecosystem, while their beauty and diversity provide charm year-round.

Native Grass Recommendations

More than one thousand species of grasses grow in the continental United States. Because many of these are relatively obscure or occupy very unique places in the environment, only a small handful of native grasses are available commercially.

The following table lists species of native grasses that are suitable to conditions in the Tennessee Valley and are readily available from seed suppliers or nurseries.

Planting Native Grasses

The planting and care of native grasses is different from that of cool season grasses. Native grass seed suppliers along with the resources listed on the back of this brochure can provide information on establishing and caring for native grasses.

Some pre-packaged prairie mixes contain non-native invasive grasses and wildflowers. It is important to check to insure that only native species are included.

