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PUBLIC HEARING

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ON

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CROWDER APPLICATION FOR 26a PERMIT

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OCTOBER 16, 2007

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5:00 P.M.

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15

MARSHALL COUNTY COURTHOUSE

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GUNTERSVILLE, ALABAMA

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HEARING OFFICER: DON ANDERSON

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National Reporting Agency
1255 Market Street
Chattanooga, Tennessee 37402
(423) 267-8059

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1 PUBLIC HEARING

18:33:16 2 DON ANDERSON: Good evening, ladies
18:33:18 3 and gentlemen. I would like to call this
18:33:20 4 meeting to order. My name is Don Anderson
18:33:24 5 and I'm the TVA designated hearing officer
18:33:26 6 for today's hearing. The hearing regards
18:33:30 7 a proposal by Mr. Lewis Crowder to
18:33:32 8 construct water use facilities in Jagger
18:33:34 9 Branch in association with development of
18:33:36 10 residential properties. The only pending
18:33:40 11 action is the 26a permit for water use
18:33:40 12 facilities. The project does not involve
18:33:44 13 disposal of any TVA land or land rights.
18:33:46 14 The scope of the hearing tonight is
18:33:48 15 the Lewis Crowder application only. As
18:33:50 16 many of you know, there's another proposal
18:33:52 17 pending in the same vicinity, that of
18:33:56 18 Mr. Wes Long. It's our intention to hold
18:33:58 19 another hearing in a few weeks on that

18:34:00 20 specific application.

18:34:02 21 Now, some housekeeping. When you

18:34:04 22 came in, there was a hallway to this side

18:34:06 23 with a fire exit and a hallway to the

18:34:08 24 other side with a fire exit. There are

18:34:10 25 rest rooms to your right as you exit this

18:34:12 1 room. Take care of that now. Also at
18:34:16 2 this time, I would like to ask you to take
18:34:16 3 this little thing out of your pocket and
18:34:20 4 silence it in some way. Tonight we're
18:34:22 5 going to be on a public record. We have a
18:34:26 6 court reporter here to receive our
18:34:28 7 comments and develop a transcript, so we'd
18:34:30 8 like to do that with as few interruptions
18:34:34 9 from our cell phones, pagers and other
18:34:36 10 devices as possible.

18:34:36 11 This meeting has been designated as
18:34:38 12 a TVA Section 26a hearing, within the
18:34:42 13 meaning of TVA's 26a regulation. It
18:34:44 14 differs from meetings that you may have
18:34:48 15 attended at TVA functions before in a very
18:34:48 16 important way. This hearing offers you
18:34:52 17 participants the opportunity to become
18:34:54 18 parties of record to any decisions
18:34:56 19 regarding the disposition of this permit

18:34:58 20 application. A party of record has

18:35:02 21 certain appeal rights when TVA decides to

18:35:04 22 grant or to deny the permit to the

18:35:06 23 applicant.

18:35:08 24 To be a party of record, you need

18:35:10 25 only identify yourself to us and indicate

18:35:12 1 that you wish to be considered a party of
18:35:14 2 record. Most of you did that when you
18:35:16 3 entered and filed the registration card
18:35:18 4 and marked the box.

18:35:20 5 It's important that on that
18:35:22 6 registration form you've given us correct
18:35:24 7 identification information, specifically
18:35:26 8 your mailing address. From time to time
18:35:30 9 we will have a house address where people
18:35:32 10 don't necessarily receive mail. Perhaps
18:35:34 11 it's a second home or a part-time
18:35:36 12 residence. We do need an accurate,
18:35:38 13 current mailing address for you to
18:35:40 14 effectively exercise your rights as a
18:35:44 15 party of record.

18:35:46 16 I would now like to introduce
18:35:48 17 Mr. Gil Francis from TVA Communications.
18:35:50 18 Gil is going to serve as a moderator for
18:35:52 19 the remainder of the meeting. He'll help

18:35:54 20 us stay on topic and within the allotted

21 time.

18:35:58 22 Our agenda will be very simple.

18:36:00 23 The applicant, Mr. Lewis Crowder, will

18:36:02 24 provide an overview of the proposal, after

18:36:04 25 which any of you who have indicated a wish

18:36:08 1 to, will be able to come forward and speak
18:36:10 2 to the record and to the hearing officer
18:36:12 3 with your opinions. You'll be limited to
18:36:16 4 a maximum of 5 minutes. Only verbal
18:36:18 5 statements can be presented.

18:36:20 6 Neither TVA nor the applicant will
18:36:20 7 be answering questions on the record
18:36:24 8 tonight. If you have questions of a
18:36:26 9 general nature or that you would like to
18:36:28 10 entertain with us later, you can leave the
18:36:28 11 question at the back desk and we will get
18:36:32 12 back in touch with you on that. Tonight
18:36:34 13 we want to keep the information on the
18:36:36 14 hearing record focussed specifically to
18:36:38 15 this application and its disposition as
18:36:40 16 possible.

18:36:44 17 We mentioned that written material
18:36:46 18 and information of computer media will
18:36:48 19 also be accepted and that will be made a

18:36:50 20 part of the record just along with the
18:36:54 21 verbal comment. There's a basket between
18:36:54 22 the two doors outside to receive those
18:36:58 23 comments. You were also given the
18:37:00 24 opportunity out front to have a pen and a
18:37:02 25 piece of paper so you could record

18:37:04 1 comments tonight during the course of the
18:37:06 2 meeting, if you wish, and add those to the
18:37:08 3 record. Please deposit that material
18:37:12 4 there for us.

18:37:14 5 When we've heard from all of those
18:37:16 6 who wish to speak, we'll adjourn the
18:37:20 7 hearing. Now, we have an agenda that
18:37:22 8 indicates 8:00 o'clock as an adjournment
18:37:24 9 time, but we will not turn away anyone
18:37:28 10 from speaking. Hopefully we can do this
11 in a concise way and get everybody on the
12 record efficiently.

18:37:32 13 Following the hearing a transcript
18:37:34 14 of the verbal comments will be combined
18:37:36 15 with the written comments to become part
18:37:38 16 of the official hearing record made
18:37:40 17 available to all parties of record.
18:37:42 18 Information obtained during the hearing
18:37:44 19 process and in previous opportunities

18:37:48 20 where public comments were solicited will
18:37:50 21 be incorporated in TVA's Environmental and
18:37:54 22 Programmatic Review and then a decision on
18:37:54 23 the permit will be made. All of those of
18:37:56 24 you who are parties of record will be
18:37:58 25 notified of the TVA decision and advised

18:38:02 1 of specific procedures for appealing that

18:38:04 2 decision if you so wish.

18:38:08 3 Now I'll turn the proceedings over

18:38:10 4 to Gil.

18:38:12 5 GIL FRANCIS: Thank you. We're

18:38:12 6 going to begin with the project being

18:38:14 7 described by the applicant, Lewis Crowder.

18:38:20 8 Once he's done, I'll call each of you to

18:38:20 9 speak. What I'll do is as you get toward

18:38:26 10 the 4-minute mark, I'll just say, you've

18:38:26 11 got 1 minute left so you'll know your 5

18:38:30 12 minutes are about to be up.

18:38:30 13 We've got over 30 people registered

18:38:32 14 to speak and more people are probably

18:38:34 15 going to come, so our goal here today is

18:38:38 16 to hear everyone. So, please, adhere to

18:38:40 17 the 5-minute rule. Lewis Crowder.

18:38:46 18 LEWIS CROWDER: Thank you,

18:38:50 19 Mr. Francis. I'm Lewis Crowder. I'm

18:38:52 20 proposing a 20-slip boathouse here as a

18:38:56 21 community facility. Most of y'all I've

18:38:58 22 spoke to before. Y'all held a public

18:39:02 23 meeting which y'all held yourself and I

18:39:06 24 came out and spoke to y'all.

18:39:06 25 What we're looking at -- I'll go

18:39:10 1 over it again. We're looking at a 20-slip
18:39:12 2 boathouse that has nothing to do with the
18:39:14 3 other facility that's being proposed.
18:39:18 4 Along with that we have approximately 20
18:39:20 5 acres of land across the street. That
18:39:22 6 will be lots and the lots will be tied to
18:39:24 7 the individual boat slips.
18:39:26 8 I've done a couple of things to try
18:39:28 9 to make this as good as possible. One,
18:39:32 10 I've reduced the roof from a certain pitch
18:39:34 11 down to a lower pitch as far as distorting
18:39:38 12 the view and so forth. I've tried to do
18:39:40 13 everything that I can do as far as -- I
18:39:42 14 know it's hard to appease everyone as far
18:39:46 15 as a 20-slip boathouse sitting there, but
18:39:48 16 I also realize that a lot of people cannot
18:39:50 17 afford the lot that I've got for sale down
18:39:52 18 the street for 500,000. It has a
18:39:56 19 boathouse on it.

18:39:56 20 But these slips will be -- the
18:40:00 21 houses and the slips will probably not
18:40:02 22 exceed that. They would probably be less
18:40:04 23 money than that. It gives a lot of people
18:40:06 24 to have access to the water that would not
18:40:08 25 have access maybe in other circumstances.

18:40:14 1 I've got a few notes here. This
18:40:20 2 has no boat ramp. It's just a 20-slip
18:40:24 3 facility. As I say, it's not related to
18:40:26 4 any other developments that have been
18:40:28 5 proposed in the area. I talked about the
18:40:32 6 lots across the street. The houses will
18:40:34 7 have restricted covenants, the residents
18:40:40 8 will.

18:40:40 9 We will use the best management
18:40:42 10 plan to work with TVA on this facility for
18:40:46 11 the drainage as far as your getting the
18:40:50 12 grounds back to where TVA would like to
18:40:52 13 see their property as far as vegetation
18:40:54 14 and so forth. We want to minimize the
18:41:00 15 environmental impact as far as the timing
18:41:02 16 on the boathouse and so forth like that.
18:41:06 17 That's pretty much as far as speaking to
18:41:08 18 the public here.

18:41:10 19 As far as TVA, I would like to say

18:41:14 20 that I went over and above to try to do
18:41:16 21 what I'm supposed to do as far as getting
18:41:20 22 this either approved or not approved.
18:41:22 23 I've done pretty much everything I've been
18:41:24 24 asked to do. I've been -- you know, I've
18:41:28 25 been kind of -- I feel like I've been very

18:41:32 1 patient for the answer and now it's came

18:41:34 2 down to this.

18:41:36 3 I would like to -- I would like to

18:41:38 4 get on with it, either if it's a yes or a

18:41:40 5 no or an appeal process or whatever. The

18:41:44 6 Court has approved this facility and from

18:41:48 7 what I have gathered within so many --

18:41:54 8 within a short amount of time that TVA

18:41:56 9 would have already approved this. They

18:41:58 10 have not approved it. But the Court has

18:42:00 11 approved it and I have that in writing.

18:42:02 12 For some reason TVA has chose to proceed

18:42:04 13 on with the hearings or whatever. But at

18:42:10 14 this time I have approval from the Court

18:42:12 15 and I'm waiting on approval from TVA to

18:42:14 16 proceed on with the facility. That's

18:42:26 17 about it.

18:42:30 18 GIL FRANCIS: Thank you. As you

18:42:32 19 speak, please talk in this direction

18:42:34 20 because the court reporter needs to get
18:42:36 21 down everything you say. Amy Epps.
18:42:54 22 AMY EPPS: I would like to thank
18:42:54 23 TVA for holding this hearing tonight. My
18:42:56 24 name is Amy Epps. I live at 650 Honeycomb
18:43:02 25 Road in Grant, Alabama. I'm here tonight

18:43:02 1 to protest this application. I have four
18:43:06 2 events in which to participate tonight and
18:43:08 3 I have chosen this event to be a priority.
18:43:10 4 It is very important to my family and me.

18:43:12 5 I think I am safe in saying that
18:43:14 6 none of the property owners in the Jagger
18:43:16 7 Branch area are opposed to the development
18:43:18 8 of single family dwellings with
18:43:20 9 traditional boathouses built to the
18:43:22 10 policies that have already been
18:43:24 11 established in this area in the past by
18:43:26 12 TVA. All of the existing homes and
18:43:30 13 boathouses have had to conform to
18:43:32 14 established requirements for this area.

18:43:34 15 The policies applied to this
18:43:36 16 neighborhood are very suitable for an area
18:43:38 17 that is bound on three sides, shallow, and
18:43:40 18 because of the restrictive size, these
18:43:42 19 standards have served the area very well.

18:43:44 20 I believe I can also speak for most of the
18:43:46 21 residents that we are opposed to
18:43:48 22 overdevelopment of these resources and
18:43:50 23 relaxing of the policies that have been in
18:43:54 24 place all these years.
18:43:54 25 Safety and pollution issues will

18:43:56 1 surely follow if this application is
18:43:58 2 approved. Why would TVA even consider
18:44:02 3 waiving their own watershed team shoreline
18:44:04 4 management policy for one or two
18:44:06 5 individuals to profit? The new TVA
18:44:08 6 regulations that have been published for
18:44:10 7 new subdivisions indicate a downward trend
18:44:14 8 on boathouse footprints of no more than
9 1,000 square feet.

18:44:18 10 This neighborhood is grandfathered
18:44:18 11 in for a larger boathouse allowing
18:44:20 12 generally two boat slips because it is in
18:44:22 13 an existing neighborhood. However, the
18:44:24 14 community boathouse that is proposed is
18:44:26 15 much larger than any other residents have
18:44:28 16 been allowed in the area.

18:44:30 17 This developer has asked for
18:44:32 18 special dispensation and it seems that TVA
18:44:34 19 is considering allowing this special

18:44:36 20 treatment for just one development. TVA

18:44:40 21 has already established with their new

18:44:40 22 policy that larger boathouses are not

18:44:44 23 desirable. Why are you considering one

18:44:48 24 that dwarfs all other boathouses in this

18:44:48 25 area?

18:44:48 1 What if all boathouse owners
18:44:50 2 suddenly asked permission to build such
18:44:52 3 larger boathouses and rent the slips or
18:44:54 4 sell them? Would TVA then allow 30
18:44:56 5 community boathouses with a possibility of
18:44:58 6 up to 600 boat slips? Of course not.
18:45:02 7 That's ridiculous. No. We have just one
18:45:04 8 or two developers who have asked
18:45:06 9 permission to do what no one else would be
18:45:08 10 allowed.

18:45:10 11 The property owners and current
18:45:12 12 users of this area are asking TVA to
18:45:14 13 provide balanced and reasonable use of the
18:45:18 14 Jagger Branch area. Allowing 20 new boat
18:45:20 15 slips on one lot that would normally house
18:45:22 16 no more than two boat slips is an order of
18:45:26 17 magnitude of overdevelopment for the area.
18:45:28 18 TVA has a responsibility given to them by
18:45:30 19 the taxpayers of the country to protect

18:45:32 20 our natural resources, while at the same

18:45:34 21 time allowing a balanced use of those

18:45:36 22 resources.

18:45:38 23 We strongly support the development

18:45:40 24 of the restricted sized boathouses that

18:45:42 25 have been TVA policy in the past and

18:45:44 1 applied to all other boathouses previously
18:45:46 2 approved in Jagger Branch. But in this
18:45:50 3 small slew with limited resources, it is a
18:45:54 4 travesty to allow anyone to implement the
18:45:58 5 massive development such as the ones that
18:46:00 6 are proposed and may very likely ruin the
18:46:02 7 slew for everyone. It is not
18:46:04 8 environmentally responsible or physically
18:46:04 9 safe to divide resources beyond reasonable
18:46:08 10 levels of use.
18:46:08 11 Marine motors can dump so much
18:46:12 12 byproduct into the water, up to 30 percent
18:46:12 13 of fuel usage for some engines, that they
18:46:16 14 significantly impact the ecosystem. While
18:46:18 15 most ecosystems can tolerate reasonable
18:46:20 16 use, overdevelopment of a small area such
18:46:22 17 as the Jagger Branch estuary is sure to
18:46:24 18 have adverse effects on the wildlife and
18:46:28 19 ecosystem that exists there today.

18:46:30 20 According to the Department of
18:46:30 21 Planning and Natural Resources' Division
18:46:32 22 of Fish and Wildlife, the high level of
18:46:34 23 oil and fuel released from vessels with
18:46:38 24 two-stroke motors pose a serious threat to
18:46:42 25 aquatic ecosystems and fish populations.

18:46:44 1 Boating isn't the only environmental
18:46:46 2 damaging effect with these developments.
18:46:46 3 Run-off is considered to be the
18:46:48 4 number one source of water pollution,
18:46:50 5 according to the San Mateo County ReNews,
18:46:54 6 a newsletter published with information
18:46:56 7 about recycling, pollution prevention and
18:46:58 8 less toxic products. Shady Acres will
18:47:00 9 have a much higher percentage of run-off
18:47:02 10 than the single family developments around
18:47:06 11 them because of the nature of the
18:47:06 12 building, parking lots and easy access for
18:47:10 13 too many people in too small of an area.
18:47:14 14 Safety is a very important issue
18:47:16 15 and this increases the number of boats
18:47:18 16 that will be living in the area by more
18:47:20 17 than 20 percent. This area is only
18:47:24 18 approximately 362 acres large. I spoke
18:47:28 19 with the marine police last week about

18:47:30 20 safety issues and while they do not oppose

18:47:34 21 the development, they will have to

18:47:34 22 consider and reassess whether no ski or no

18:47:38 23 wake zones are appropriate.

18:47:40 24 In summation I would like to

18:47:40 25 protest any and all community boathouses

18:47:46 1 in this limited area. I boldly and
18:47:46 2 vehemently request that TVA disapprove
18:47:48 3 this application on the grounds that it is
18:47:50 4 an overdevelopment of the Jagger Branch
18:47:52 5 area and violates policies previously
18:47:54 6 established by TVA and adhered to by all
18:47:56 7 current residents.

18:47:58 8 Not only will this area face a
18:48:00 9 huge, adverse environmental impact, but it
18:48:04 10 will be a hazard to the citizens that
18:48:06 11 already boat in this area, property owners
18:48:08 12 or not. The geography of the area is not
13 conducive to safe boating traffic for that
14 many boats in such a small area with no
15 more egress than is available.

18:48:14 16 The results of community boat-
18:48:16 17 houses in Jagger Branch will be a slew
18:48:18 18 that no one wants to use because of
18:48:20 19 overpopulation, safety issues and polluted

18:48:24 20 water. Thank you.

18:48:30 21 GIL FRANCIS: Sterling Phillips.

18:48:44 22 STERLING PHILLIPS: My name is

18:48:46 23 Sterling Phillips. I live at 885

18:48:50 24 Honeycomb Road. I want to thank TVA for

18:48:52 25 responding to our request for a public

18:48:54 1 hearing. However, not to consider the
18:48:56 2 combined environmental effects of both of
18:48:58 3 these projects together is like ignoring a
18:49:02 4 6,000-pound elephant in the room.

18:49:04 5 We would not be here tonight if TVA
18:49:08 6 had a comprehensive, consistent and
18:49:08 7 equally applied shoreline development
18:49:12 8 policy such as they have proposed. Shady
18:49:14 9 Acres development should have been denied
18:49:16 10 originally because it did not meet TVA's
18:49:18 11 own policies and procedures. This permit,
18:49:22 12 if allowed to proceed, violates all common
18:49:26 13 sense and will only set a precedent for
18:49:28 14 more and more development.

18:49:28 15 I'm not against community
18:49:30 16 boathouses where the developer owns the
18:49:32 17 shoreline and conforms to TVA policies,
18:49:34 18 but this development does not fit that
18:49:38 19 description. To allow anybody who has

18:49:40 20 off-lake property to build boathouses to

18:49:44 21 enhance the value of that property is a

18:49:46 22 very dangerous precedent. It would appear

18:49:48 23 that it's in violation of TVA's own

18:49:50 24 policies. It's also a slap in the face to

18:49:52 25 those people who through the years had to

18:49:54 1 go through the rigors of TVA's
18:49:58 2 requirements even for a single boathouse.
18:50:00 3 Where does this policy end? Should
18:50:02 4 all 56 off-lake owners in Honeycomb be
18:50:06 5 allowed to build three 20-slip boathouses
18:50:08 6 on their community lots just because they
18:50:10 7 want to enhance the value of their
18:50:12 8 property? TVA has to enforce their own
18:50:14 9 regulations before our lakes end up being
18:50:18 10 blighted.
18:50:18 11 The development of Shady Acres,
18:50:20 12 unlike those at St. Christopher's Point or
18:50:22 13 Goose Pond, has not to this day platted
18:50:24 14 the subdivision, unlike the previously
18:50:26 15 mentioned developments. It has not
18:50:28 16 provided the information required by TVA
18:50:30 17 as to a publicly incorporated homeowners'
18:50:34 18 association. There are vague promises of
18:50:36 19 a homeowners' association to maintain this

18:50:38 20 boathouse. But it's obvious the only
18:50:40 21 reason this permit exists is to increase
18:50:44 22 the value of the property which is off-
18:50:46 23 lake and meets not one other standard of
18:50:48 24 TVA or recreational and community needs.
18:50:52 25 There is absolutely no fire

18:50:54 1 jurisdiction on White Elephant Road. I
18:50:56 2 have provided TVA with maps of the
18:50:58 3 districts. The Grant Department
18:51:00 4 jurisdiction ends at the TVA line on
18:51:04 5 Cathedral Caverns, the Hebron Department
18:51:08 6 at Honeycomb Baptist Church. This is a
18:51:10 7 real and definite concern to the safety of
18:51:12 8 the whole area and it has not been
9 addressed.
18:51:14 10 It is not just a land use issue.
18:51:16 11 This permit has not adequately addressed
18:51:18 12 the issue of run-off and parking to
18:51:20 13 substantiate a permit. The lot is so
18:51:22 14 small, it couldn't possibly handle the
18:51:24 15 parking for 20 boathouses. The subject of
18:51:26 16 run-off from parking and other uses above
18:51:28 17 and below the TVA line has been so
18:51:32 18 ardently applied in other situations but
18:51:34 19 hardly addressed in this one.

18:51:36 20 Finally, a development of this
18:51:40 21 magnitude with so many unanswered
18:51:42 22 questions should and must be subjected to
18:51:44 23 an environmental impact study. The
18:51:46 24 combined effects of two developments
18:51:46 25 should at least require a 404 mitigation

18:51:50 1 statement as required by the Wetlands
18:51:52 2 Protection Act. That would be a minimum.
18:51:54 3 For TVA to say this is not a
18:51:58 4 jurisdictional wetlands is incorrect. As
18:52:00 5 a matter of fact, TVA disallowed a permit
18:52:02 6 for riprap across the street because there
18:52:02 7 was a stand of cattails at the shore, but
18:52:06 8 then they want to ignore a huge area of
18:52:10 9 obvious wetlands just upstream. If TVA
18:52:12 10 and EPA will not require the mitigation
18:52:14 11 statements from the developer, then we
18:52:16 12 must, as is allowed under 404, bring suit
18:52:18 13 as individuals to insure that Federal law
18:52:22 14 is followed.

18:52:22 15 Finally, this permit has been
18:52:24 16 amended and changed so many times, it
18:52:26 17 barely resembles the original and should
18:52:30 18 be resubmitted or denied. For this and
18:52:32 19 all the other reasons you hear tonight, I

18:52:36 20 urge that this permit be denied. Thank

18:52:38 21 you.

18:52:38 22 GIL FRANCIS: Jimmy Lou Horton.

23 JIMMY LOU HORTON: Hi. I'm Jimmy

18:52:50 24 Lou Horton. We have a lake house on White

18:52:52 25 Elephant Road. Why we do not need any

18:52:54 1 more boats on the lake. My family has
18:52:56 2 been on the lake property on White
18:52:58 3 Elephant Road since the mid 1950s. We
18:53:00 4 have seen a lot of changes. A lake is
18:53:04 5 like a pond for ducks. It can only hold
18:53:06 6 so many ducks. The lake can only hold so
18:53:08 7 many boats. With all the lake houses on
18:53:10 8 the lake and boathouses, the lake has
18:53:14 9 enough boats for the lake.
18:53:14 10 Also, the people who use the public
18:53:18 11 pier across from our lot lake, some bring
18:53:22 12 their boats and increase more boats.
18:53:24 13 During the 1980s there were so many boats
18:53:26 14 on the lake during the summer weekend, we
18:53:30 15 decided to take our children and water-ski
18:53:32 16 during the weekday. Too many boats can
18:53:36 17 cause danger to swimmers, boaters and
18:53:38 18 water-skiers. Swimmers and water-skiers
18:53:40 19 can get hit and cause serious injuries or

18:53:42 20 death to the skiers.

18:53:42 21 It is hard sometimes to get a boat

18:53:44 22 out of the boathouse due to the

18:53:46 23 fast-moving boats coming too close to the

18:53:50 24 lake house. We had a platform in the

18:53:52 25 water between the 1950s and the 1980s to

18:53:54 1 dive on. TVA told us we had to tear the
18:53:58 2 boat platform down for safety reasons. It
18:54:02 3 was only 6 feet from the main pier. We
18:54:04 4 did as TVA said. We tore it down.

18:54:08 5 If you look in the pictures here --
18:54:10 6 a lot of y'all already known it -- in 1988
18:54:14 7 a boat went through our boathouse. We
18:54:16 8 were lucky. Nobody was sitting on the
18:54:18 9 pier that day or they would have gotten
18:54:18 10 killed. The only reason the people in the
18:54:22 11 boat did not get killed is because the
18:54:24 12 boat -- our boat was still down and the
18:54:28 13 propeller was down and the boat hit the
18:54:30 14 canoe and caused them not to flip over.

18:54:34 15 The people got several citations.
18:54:36 16 The guy was 42 years old. One citation,
18:54:40 17 it was lightening, the second one, there
18:54:42 18 were two skiers. Like I said, the only
18:54:44 19 reason they did not die and flip over is

18:54:48 20 because our boat got suck in it and the
18:54:52 21 canoe causing them not to get killed.
18:54:54 22 Only one person got injured. That was
18:54:58 23 very lucky. Also, the man was drunk and
18:55:00 24 there wasn't enough life jackets in the
18:55:02 25 boat.

18:55:04 1 The people who own lake property
18:55:06 2 want safety first. More boats will create
18:55:08 3 a safety factor and hopefully not like
18:55:12 4 this one in the pictures. Why it is
18:55:14 5 important, safety. It's like a duck pond.
18:55:18 6 You can only have so many ducks in the
18:55:20 7 pond and that's the same with boats on the
18:55:22 8 lake. We do not want and we do not need
18:55:24 9 any more boats on the lake. Thank you.

18:55:26 10 GIL FRANCIS: Bruce Epps.

18:55:42 11 BRUCE EPPS: I would like to thank
18:55:42 12 TVA for holding this hearing tonight. I
18:55:46 13 just now scribbled down some comments to
18:55:48 14 prepare. I guess I've been part of this
18:55:50 15 lake community for over 40 years now,
18:55:54 16 since I was 5 years old, so I've spent a
18:55:58 17 lot of time out there and I'm aware of the
18:56:00 18 boating regulations and safety issues.
18:56:02 19 I've been a part of two previous

18:56:04 20 boathouse permits, one previously with my

18:56:08 21 father years ago and then one as recently

18:56:12 22 as five years ago. I've spent a lot of

18:56:14 23 time reading the shoreline management

18:56:16 24 policy that TVA has put out and I'm aware

18:56:20 25 of the new regulations. At the time that

18:56:22 1 we built our most recent boathouse, we
18:56:26 2 were afforded the benefit of the previous
18:56:28 3 set of rules because we were grandfathered
18:56:30 4 in for that area.

18:56:30 5 But it seemed to be a very rigorous
18:56:34 6 process at the time. And Mr. Thrasher who
18:56:34 7 we spoke with said that there were a
18:56:38 8 number of things that are required via TVA
18:56:42 9 policy, among them, no more than 700
18:56:44 10 square feet of boat slip space, the
18:56:46 11 walkways can't be any wider than 4 feet,
18:56:50 12 the open deck area can't be any larger
18:56:52 13 than 400 square feet. Generally speaking,
18:56:56 14 it should fit in with the character and
18:56:58 15 size of the other adjoining boathouses.
18:57:02 16 We complied with all of those. We went
18:57:04 17 through hoops, resubmitted several
18:57:06 18 drawings. Eventually it was approved and
18:57:10 19 we built our boathouse according to the

18:57:12 20 plans.

18:57:12 21 It's not clear to me, either in the

18:57:14 22 new or the old regulations, where this

18:57:16 23 particular boathouse fits any of those

18:57:20 24 regulations. They may be out there, but

18:57:22 25 I've done a lot of wading through the

18:57:24 1 website and it's not clear to me where
18:57:26 2 they are.
18:57:30 3 This has often been described as a,
18:57:32 4 quote, community boathouse, but it's not
18:57:34 5 clear to me who the community is. The
18:57:36 6 developer already mentioned only minutes
18:57:38 7 ago that each of these slips is to be
18:57:40 8 deeded to lots that he owns that he
18:57:42 9 intends to sell along with the boat slips.
18:57:48 10 I fail to see where that's a community
18:57:50 11 boat slip to help the community at large.
18:57:54 12 It seems only to benefit the developer
18:57:58 13 himself in order to market otherwise
18:58:02 14 unmarketable property across the street.
18:58:04 15 I strongly encourage TVA to take a
18:58:08 16 long, hard look at this and consider
18:58:10 17 safety issues foremost, in addition to the
18:58:12 18 other issues that have been raised
18:58:14 19 tonight, environmental and otherwise.

18:58:18 20 I've got two children that love to
18:58:20 21 boat. They got their licenses as soon as
18:58:22 22 they could. They were anxious to do it.
18:58:24 23 They are aware of the rules of the
18:58:26 24 waterway and I hope that I've raised
18:58:28 25 polite boating operators. But we both

18:58:32 1 know that everyone out there doesn't
18:58:36 2 necessarily see it the same way. So that
18:58:40 3 -- particularly on holiday weekends, that
18:58:42 4 particular slew being as small as it is is
18:58:44 5 very crowded, very dangerous. In fact, we
18:58:48 6 seldom leave the dock, to be honest, on
18:58:50 7 peak traffic days for that reason.

18:58:54 8 Once again, please consider and
18:58:56 9 reconsider and take a look at your own
18:58:58 10 regulations before deciding. Thank you.

18:59:02 11 GIL FRANCIS: A. P. Leberte.

18:59:20 12 A. P. LEPERTE: My name is Pete
18:59:22 13 Leberte. I'm a resident of 450 Honeycomb
18:59:26 14 Road on Jagger Branch of the Guntersville
18:59:28 15 reservoir. I'm speaking in opposition to
18:59:30 16 the proposed construction project,
18:59:32 17 including the 20-slip boathouse and
18:59:34 18 associated subdivision as described in
18:59:38 19 Joint Public Notice No. 0665 dated

18:59:42 20 June 15, 2006.

18:59:44 21 I want to point out five items that

18:59:46 22 I'm particularly concerned about. One is

18:59:48 23 that the proposal fails to meet TVA

18:59:52 24 regulations, two, there's no need for

18:59:54 25 additional boat slips in the area and that

18:59:58 1 additional boats slips increase safety
19:00:00 2 concerns, additional boats in the area
19:00:02 3 will increase pollution and a project of
19:00:06 4 this type is a deviation from area use of
19:00:08 5 TVA managed lands.

19:00:12 6 With regard to the regulations,
19:00:12 7 the proposed boathouse fails to comply
19:00:14 8 with TVA regulations limiting the size
19:00:18 9 and length of water use facilities. The
19:00:22 10 boathouse footprint of approximately
19:00:26 11 8,775 square feet far exceeds the TVA
19:00:28 12 requirement of 1,000 square feet.

19:00:32 13 Although regulations do provide
19:00:34 14 that TVA may approve facilities that are
19:00:36 15 greater than the 1,000 square feet, the
19:00:40 16 same section also cautions that in narrow
19:00:42 17 coves or other situations where shoreline
19:00:44 18 frontage is limited, shoreline development
19:00:50 19 may be limited to the 1,000 square foot

19:00:54 20 requirement. Deviation from the standard

19:00:56 21 requirement should consider whether the

19:00:58 22 proposed structure would adversely impact

19:01:00 23 navigation, flood control, environment, or

19:01:04 24 sensitive environmental resources or would

19:01:06 25 be incompatible with surrounding uses.

19:01:10 1 Clearly several of these concerns are
19:01:12 2 present in this proposal.

19:01:14 3 There is no provision in the TVA
19:01:16 4 regulations, however, that allows a
19:01:18 5 deviation above the 150-foot maximum
19:01:22 6 length from the shoreline. The proposed
19:01:24 7 boathouse in this case extends 158 feet
19:01:28 8 from the shoreline. The single lot for
19:01:30 9 this proposed 20-slip boathouse contains
19:01:34 10 approximately one-third of an acre of land
19:01:38 11 that is above the 600-foot contour line.
19:01:42 12 This appears totally inadequate to provide
19:01:46 13 parking, access, and other necessary
19:01:48 14 facilities.

19:01:50 15 As far as the need goes, the Corps
19:01:52 16 of Engineers and TVA should weigh the need
19:01:56 17 for such a facility against the impact to
19:01:58 18 so many sensitive and natural resources.
19:02:02 19 Available and vacant boathouse access and

19:02:04 20 storage options in the vicinity to the
19:02:06 21 proposed facility suggest that there's no
19:02:08 22 need for the additional boat slips. There
19:02:10 23 are two boat ramps within 2 miles of the
19:02:12 24 proposed development and dry storage is
19:02:16 25 also available in the area.

19:02:18 1 With regard to safety, water safety
19:02:20 2 is presently a concern due to the number
19:02:24 3 of boats that frequent Jagger Branch by
19:02:26 4 local residents and non-residents that use
19:02:28 5 the area for fishing and water sports.
19:02:32 6 Boat density for safe recreational boating
19:02:36 7 established by TVA in 2002 allows 10 acres
19:02:40 8 per boat maximum. Of the 166 total acres
19:02:46 9 of Jagger Branch, approximately 63 acres
19:02:48 10 are usable for boating due to the water
19:02:52 11 depths, aquatic weeds and other things.

19:02:56 12 Based on the usable acreage, more
19:02:56 13 than six boats at any one time would
19:03:00 14 present a safety concern. There are
19:03:04 15 presently 65 boat slips on the eastern
19:03:06 16 shoreline and 42 on the western shoreline
19:03:10 17 for a total of 107 slips. 11 more are
19:03:14 18 presently under construction. With just
19:03:20 19 5.6 percent of the existing boats on the

19:03:22 20 water, safety becomes a concern. This
19:03:24 21 does not count the numerous boats in the
19:03:26 22 area from the public boat ramps on
19:03:30 23 Honeycomb Creek.
19:03:32 24 An additional 20 boat slips on
19:03:34 25 Jagger Branch would significantly increase

19:03:36 1 the already existing water safety problem.

19:03:40 2 In addition, the Snug Harbor Retreat

19:03:44 3 development presently under construction

19:03:44 4 will further increase the number of boats

19:03:46 5 in the area at any given time.

19:03:50 6 Roadway access to the proposed site

19:03:52 7 is a narrow, winding, dead-ending road.

19:03:56 8 This road is currently dangerous for

19:03:58 9 residential and school bus traffic. The

19:04:02 10 proposed development could more than

19:04:04 11 double the traffic and significantly

19:04:06 12 increase the chances of a severe accident.

19:04:12 13 Motorized watercraft can be a

19:04:14 14 source of numerous pollutants into the

19:04:16 15 environment. Marine engines emit

19:04:20 16 petroleum hydrocarbons and oxides of

19:04:22 17 nitrogen adversely affecting air and water

19:04:26 18 quality. Outboard motors discharge their

19:04:28 19 exhaust directly into the water and

19:04:30 20 inboard motors discharge their exhaust
19:04:34 21 below or at the water line, thus polluting
19:04:38 22 the air and the water.
19:04:40 23 North Marshall Utilities draws
24 water for use in providing potable water
19:04:42 25 for residents in this area. Additional

19:04:44 1 boats in the area created by the added
19:04:46 2 boat slips will increase the existing
19:04:50 3 pollution by adding toxins from operation
19:04:52 4 and gasoline and/or oil spills. These
19:04:56 5 additional boating activities have a
19:04:58 6 potential to further degrade the water
19:05:00 7 quality by increasing the main pollutants
19:05:04 8 that have for years continued to plague
19:05:06 9 the reservoir.
19:05:08 10 Sewage pollutants from septic
19:05:10 11 tanks or packaged water waste treatment
19:05:12 12 associated with the proposed development
19:05:14 13 of 100 plus town homes can create
19:05:16 14 additional concerns. Almost every
19:05:20 15 boathouse and dock currently located in
19:05:22 16 Jagger Branch abayment is either a single
19:05:26 17 or double slip structure. Permitting a
19:05:28 18 20-slip boathouse in this unique abayment
19:05:30 19 would be wholly contrary to the prevailing

19:05:34 20 permitted practices and thus destroy the

19:05:36 21 character of the community.

19:05:36 22 The boathouse and planned

19:05:38 23 subdivision, boats, roads and parking lots

19:05:42 24 will degrade the visual aesthetics of the

19:05:44 25 abayment. A marina-type boathouse in a

19:05:48 1 residential community would be
19:05:50 2 incompatible with surroundings and
19:05:52 3 inconsistent within an improved TVA
19:05:54 4 reservoir land management plan. Thank
19:05:56 5 you.

19:05:58 6 GIL FRANCIS: Juergen Paetz.

19:06:22 7 JUERGEN PAETZ: I want to thank TVA
19:06:22 8 for holding a public hearing. My name is
19:06:26 9 Juergen Paetz and I live at 560 Honeycomb
19:06:30 10 Road in Honeycomb Subdivision. I share
19:06:30 11 the concerns of most of the people in the
19:06:32 12 room concerning the environment and risk
19:06:34 13 to the lake itself, safety, wildlife and
19:06:36 14 so on and so forth about the proposed
19:06:38 15 construction that the community boathouse
19:06:40 16 presents.

19:06:40 17 However, I would like to discuss
19:06:42 18 something that has particular concern to
19:06:44 19 me. Each organization responsible for

19:06:46 20 approving these plans are by necessity

19:06:48 21 looking at the proposal through myopic

19:06:52 22 lenses. The Corps considers the physical

19:06:54 23 aspects of the development. The County

19:06:56 24 doesn't worry about infrastructure until

19:07:00 25 the development is brought about by the

19:07:00 1 building of the boathouse is done, things
19:07:00 2 like electric, water, fire protection and
19:07:04 3 roads. Water patrol only worries about
19:07:06 4 safety after it becomes a problem and then
19:07:08 5 it controls access like no wake zones. I
19:07:10 6 understand its relationship.

19:07:12 7 The problem is that nobody is
19:07:14 8 responsible for the big picture. In the
19:07:16 9 city there's a planning commission and
19:07:20 10 city council to oversee the impact to the
19:07:20 11 city. There is nothing here in the county
19:07:24 12 that is ultimately responsible for
19:07:24 13 protecting the use and development of the
19:07:26 14 lake. Unfortunately or fortunately, that
19:07:28 15 puts the responsibility on TVA to protect
19:07:30 16 the overall impact of both long term and
19:07:34 17 short term for the well-being of the area
19:07:38 18 that you, TVA, has been entrusted with.

19:07:40 19 I realize this meeting addresses

19:07:42 20 one proposal and the Shady Oaks

19:07:44 21 development is -- but I'm asking for you

19:07:44 22 to consider the long-term cumulative

19:07:48 23 impact on the lake of the four planned

19:07:50 24 developments in the Honeycomb area, Shady

19:07:52 25 Oaks, Jagger Branch, Erwin Marine and Snug

19:07:56 1 Harbor Retreat. They impact the county
2 infrastructure and the beautiful lake you
19:08:00 3 have been tasked with protecting.
19:08:02 4 Developers are interested in the
19:08:04 5 Honeycomb area because it's so close to
19:08:06 6 Huntsville. I understand that. But the
19:08:06 7 long-term impact is that in 10 years it is
19:08:10 8 not safe to participate in water sports
19:08:12 9 because of the traffic or swim because of
19:08:14 10 the degradation of the water quality from
19:08:16 11 overdevelopment or to put out a house fire
19:08:20 12 or keep it from spreading because there's
19:08:20 13 no fire production and even if people are
19:08:22 14 killed on a little two-lane road because
19:08:24 15 there's no way or money to widen it. It
19:08:28 16 can be all of those. TVA, the general
19:08:30 17 public, the people living there today and
19:08:30 18 also those living in the area, don't
19:08:32 19 realize the issues.

19:08:34 20 By limiting the community boathouse

19:08:36 21 in areas more appropriate than the Jagger

19:08:38 22 Branch area, you can control and protect

19:08:40 23 the lake itself. Thank you.

19:08:46 24 GIL FRANCIS: Caroline Brummitte.

19:09:02 25 CAROLINE BRUMMITTE: I'm Caroline

19:09:04 1 Brummitte and thanks to the TVA for
19:09:08 2 allowing us this forum to express our
19:09:10 3 concerns. I can speak mostly from what
19:09:14 4 I've seen. We have a second home on
19:09:20 5 Honeycomb Road and there used to be a blue
19:09:24 6 heron there and ducks and geese that were
19:09:26 7 there every time that we went to our
19:09:28 8 property. Since the construction started,
19:09:30 9 I have not seen a bird there. So I think
19:09:34 10 that speaks for the impact, the
19:09:38 11 environmental impact that we're already
19:09:40 12 seeing.

19:09:40 13 Many of us are not going to be
19:09:42 14 around 10 or 20 years from now, but what
19:09:46 15 we're trying to do is have people look at
19:09:48 16 the safety and the environmental impact
19:09:52 17 that this will have on the wildlife and
19:09:54 18 the people and our grandchildren. The
19:09:58 19 depth of the water there, the narrowness

19:10:00 20 of the water, somebody needs to go out on

19:10:04 21 a holiday and take a real long, hard look

19:10:08 22 at what's going on.

19:10:08 23 I'm a nurse and I know that you've

19:10:12 24 got that golden hour that if something is

19:10:14 25 not done then -- and we're almost probably

19:10:18 1 within over an hour by the time we can get
19:10:22 2 emergency resources out if there were a
19:10:26 3 horrible accident of some sort to get
19:10:28 4 these people to some sort of facility to
19:10:32 5 get the care that they need.

19:10:34 6 I only knew about the meeting as of
19:10:36 7 noon today, so I don't have a prepared
19:10:38 8 statement for you. But I do hope that
19:10:40 9 these things are taken into consideration
19:10:42 10 and I thank you for your time.

19:10:44 11 GIL FRANCIS: Roger Whitaker.

19:10:50 12 ROGER WHITAKER: My name is Roger
19:11:06 13 Whitaker. I live at 114 Regent Court in
19:11:10 14 Madison and I own the property that is
19:11:12 15 adjacent to and north of the proposed 20
19:11:18 16 boat slip property. I'd like to make two
19:11:22 17 points, address two points this evening.

19:11:24 18 First, the overcrowding of the
19:11:26 19 Jagger Branch. I grew up in Grant. I

19:11:30 20 grew up swimming in the area that we've
19:11:32 21 been discussing tonight. Back then there
19:11:36 22 weren't many boats around. In fact, there
19:11:38 23 was practically no boat traffic. It's
19:11:40 24 much different today. You go out on any
19:11:42 25 Saturday or Sunday or any holiday and

19:11:44 1 you'll see a slew that is packed with

19:11:48 2 boats.

19:11:50 3 We are fortunate, though, in one

19:11:52 4 way and that is we have had an inherent

19:11:58 5 limit on our slew that has kept the slew

19:12:00 6 from being greatly overcrowded more than

19:12:04 7 it is now and that is the link between the

19:12:10 8 number of boat slips and the number of

19:12:14 9 shoreline lots. Now we are looking at

19:12:18 10 destroying that link for the first time.

19:12:22 11 What has held down unlimited, uncontrolled

19:12:26 12 growth before will be available no more to

19:12:28 13 us.

19:12:28 14 In the past we've had this

19:12:30 15 relationship of one lot to two or so boat

19:12:38 16 slips. In the future it's going to be one

19:12:40 17 to 20 or one possibly even to 40. The

19:12:46 18 residents of this area and the people who

19:12:48 19 own second homes are very concerned about

19:12:50 20 this and that's why you see this reaction

19:12:52 21 tonight.

19:12:54 22 I'd like to clarify one thing,

19:12:56 23 though. We are not opposed to single

19:12:58 24 family growth in the area. We are not

19:13:00 25 opposed to single family boathouses. What

19:13:04 1 we are opposed to is uncontrolled growth.

19:13:08 2 It appears that that is what we're looking

19:13:10 3 at if the developer's project is approved.

19:13:14 4 The second point I'd like to make

19:13:16 5 this evening is the potential pollution or

19:13:20 6 polluting of this valuable public resource

19:13:22 7 that we have. Our slew is fairly unique

19:13:26 8 by Guntersville backwater standards. It's

19:13:30 9 unique because it's fairly long. Based on

19:13:36 10 the interactive map tool at the

19:13:42 11 marshallcounty.org website, our slew is

19:13:44 12 about 4500 feet long, but it's narrow. At

19:13:48 13 the end of the slew, it's about 800 feet

19:13:50 14 wide. At the middle of the slew, it's

19:13:52 15 about 900 feet. Then if you come up to

19:13:54 16 the mouth, it's about 1200 to 1400 feet

19:13:58 17 wide depending on where you measure.

19:14:04 18 Now, you do the math, and I've

19:14:04 19 heard some acreages thrown around, I get

19:14:08 20 about 70, 75 acres. I heard 63. The

19:14:10 21 point is, it is a small surface area for

19:14:16 22 a slew, particularly when you get to the

19:14:18 23 usable part of the slew for boating.

19:14:22 24 That's not all. It's a very

19:14:24 25 shallow area of the water. Based on the

19:14:28 1 Tennessee River navigation maps or charts
19:14:34 2 published by the Corps of Engineers, all
19:14:36 3 of the property that is north and east of
19:14:38 4 431 is less than 9 feet deep. Now, it's
19:14:44 5 less than 9 feet deep because that's as
19:14:46 6 low as the Corps of Engineers actually
19:14:48 7 reports on it because it's a navigational
19:14:52 8 chart. Out in front of my boathouse, the
19:14:54 9 water ranges from 4 to 5 feet deep. Out
19:14:56 10 in the middle I estimate it ranges from 6
19:15:00 11 to 7 feet deep. So it's a very shallow
19:15:04 12 area.
19:15:06 13 Take the combination of these, that
19:15:08 14 makes our slew very vulnerable to
19:15:12 15 pollutants, gasoline, oil, run-off of lawn
19:15:16 16 fertilizer, particularly run-off from a
19:15:18 17 construction project. The other problem
19:15:22 18 is that these pollutants remain in the
19:15:28 19 water area because there's not enough

19:15:30 20 inflow -- because of the unique
19:15:32 21 characteristics that I just mentioned,
19:15:34 22 there's not enough inflow and outflow of
19:15:36 23 water to clear out the contaminants, so
19:15:38 24 what you have is kind of a caldron.
19:15:44 25 To summarize, we believe that TVA

19:15:46 1 now, after tonight, and with all the
19:15:48 2 information that our consultants have
19:15:50 3 provided has enough information to make an
19:15:52 4 informed decision on this. We feel that
19:15:56 5 this decision should be to deny the
19:15:58 6 applicant their application.

19:16:02 7 Again, I would like to thank TVA
19:16:04 8 for allowing this forum and allowing us to
19:16:08 9 express our thoughts tonight. Thank you.

19:16:12 10 GIL FRANCIS: Kathy Leberte.

19:16:32 11 KATHY LEBERTE: My name is Kathy
19:16:34 12 Leberte. I'm president of the Honeycomb
19:16:38 13 Homeowners' Association. I live at
19:16:40 14 450 Honeycomb Road, Grant, Alabama, in the
19:16:42 15 Jagger Branch slew of Honeycomb Creek.
19:16:44 16 I'd like to thank TVA for holding this
19:16:46 17 public hearing so that we might voice our
19:16:48 18 concerns regarding the proposed community
19:16:50 19 boathouse.

19:16:52 20 I am concerned about this
19:16:54 21 development from an environmental and
19:16:54 22 safety point of view. On Honeycomb Road
19:16:58 23 there are 34 boathouses with 65 slips and
19:17:00 24 one boathouse with three slips under
19:17:04 25 construction. White Elephant Road has 26

19:17:08 1 boathouses with 42 slips with an
19:17:08 2 additional four boathouses with eight
19:17:12 3 slips under construction. Then the
19:17:12 4 neighboring area of Snug Harbor has 57
19:17:18 5 boat slips.

19:17:18 6 TVA Regulation 26a 18 CFR, Part
19:17:24 7 1304 states that docks cannot extend more
19:17:26 8 than 150 feet from shoreline or be more
19:17:30 9 than one-third the distance to opposite
19:17:32 10 shoreline, whichever is less. Docks and
19:17:34 11 boathouses greater than 1,000 square feet
19:17:34 12 are not generally allowed, especially when
19:17:36 13 considering the unique characteristics,
19:17:40 14 shallow depth and sensitive environment.

19:17:44 15 In August 2001, TVA prepared a
19:17:46 16 final environmental impact statement
19:17:50 17 including 14 parcels in the Jagger Branch
19:17:52 18 slew. Nine of these parcels were
19:17:54 19 designated as natural resource

19:17:56 20 conservation and sensitive resource
19:18:00 21 management areas because of their
19:18:00 22 uniqueness. The Shady Oaks boathouse
19:18:02 23 would extend 158 feet from the shoreline
19:18:06 24 and would be approximately 8,755 square
25 feet.

19:18:12 1 The original maps that were used to
19:18:14 2 plot the proposed boathouses were outdated
19:18:16 3 and they do not show that there are less
19:18:18 4 usable water acres. Approximately 63 of
19:18:22 5 the 106 acres due to depth are now usable.
19:18:28 6 This information came from Global Green
19:18:30 7 environmental comments submitted to TVA
19:18:32 8 and Corps of Engineers for the Shady Oaks
19:18:34 9 and the Jagger Branch applications.
10 The water often has sediment and a
19:18:40 11 film on the top that may be caused by the
19:18:40 12 fact that there is only one small opening
19:18:42 13 into the area that would keep the water
19:18:44 14 from flowing out as much as would be
19:18:46 15 needed to refresh it. The addition of
19:18:48 16 20 boats for Shady Oaks, 44 for Jagger
17 Branch, and 14 for the individual lots in
18 the Jagger Branch development would be a
19 total of 78 new boats.

19:18:58 20 A recreational boating study was
19:19:00 21 performed by TVA in 2002 at Tims Ford
19:19:04 22 Reservoir which they also manage. They
19:19:06 23 used a 10 acres per boat density standard.
19:19:08 24 The results from the Tims Ford study
19:19:10 25 identified several impacts that would

19:19:12 1 likely result in serious environmental

19:19:14 2 impacts due to increased boat traffic.

19:19:20 3 Number one, increased shoreline

19:19:20 4 erosion and decreased water clarity due to

19:19:22 5 suspended sediments, and, number two,

19:19:24 6 discharge of petroleum products. The only

19:19:28 7 opening into this area is 5 feet, 6 inches

19:19:32 8 at full pool. Number three, pathogens

19:19:40 9 associated with septic discharges. If

19:19:40 10 allowed, this will affect the wildlife and

19:19:44 11 quality of the water.

19:19:44 12 On April 20, 2007, at 249 Honeycomb

19:19:50 13 Road at about 6:15 p.m., a beautiful eagle

19:19:54 14 was perched in a tree along the shoreline.

19:19:54 15 It stayed in the tree for about 30 minutes

19:19:58 16 and then flew across Jagger Branch to

19:20:02 17 White Elephant Road, met another eagle,

19:20:04 18 most likely its mate, and glided along the

19:20:08 19 water's edge going north. This was truly

19:20:08 20 a beautiful sight. I would hate if this
19:20:10 21 never happened again due to overcrowding
19:20:14 22 and lack of food caused by not being good
19:20:16 23 stewards to the environment. The
19:20:16 24 downlisting to threaten does not change
19:20:18 25 its protected status. Keith Hudson of the

19:20:22 1 Alabama Department of Conservation and
19:20:24 2 Natural Resources has stated that this
19:20:26 3 area is a hotspot for roosting.

19:20:28 4 There is a question of need for two
19:20:30 5 more community boathouse developments in
19:20:32 6 this area due to existing, available boat
19:20:36 7 storage facilities. Erwin Marine,
19:20:38 8 originally Sunrise Marina, has 225 dry
19:20:42 9 storage slips with a proposed 169 wet
19:20:44 10 slips. They also have a public boat
19:20:46 11 launch. Snug Harbor Retreat will have an
19:20:52 12 additional dry storage and there exists a
19:20:54 13 public boat launch on Jagger Branch.
19:20:54 14 Thank you for consideration in this
19:20:56 15 matter.

19:20:58 16 GIL FRANCIS: Michael Wisner.

19:21:08 17 MICHAEL WISNER: My name is Michael
19:21:22 18 Wisner. My wife's family has a cabin on
19:21:24 19 White Elephant Road. I don't have any

19:21:26 20 prepared statements, but I did, in
19:21:30 21 listening to the comments of some of the
19:21:32 22 earlier presenters, pick up on something
19:21:34 23 and I wanted to expand on that and make a
19:21:38 24 point.
19:21:38 25 Mr. Leberte mentioned a number of

19:21:40 1 slips or the number of existing boathouses
19:21:42 2 with the ones being constructed right now
19:21:46 3 being in the 120 range. Mr. Whitaker
19:21:50 4 mentioned 4500 feet of frontage. If you
19:21:52 5 do the math, essentially you've got a
19:21:54 6 boathouse about every 100 feet or so.
19:21:56 7 I've boated on that lake for 50 years
19:22:00 8 starting out when I was at Camp Chalakee
19:22:04 9 as a kid. That slew is about as crowded
19:22:06 10 as any slew that I am aware of. There
19:22:10 11 might be some maybe towards Scottsboro
19:22:12 12 that are more crowded.
19:22:14 13 But the point I'd like to make is I
19:22:16 14 know TVA, one of their charges is balance
19:22:18 15 on the lake. I don't think it's balanced
19:22:22 16 to jam 20 slips into a single family
19:22:26 17 residential area, especially in light of
19:22:28 18 the fact that the Snug Harbor development
19:22:32 19 is going to happen apparently and also

19:22:36 20 Sunrise is expanding their facilities. I

19:22:38 21 just don't think it's balanced at all.

19:22:40 22 To me it's like if in the

19:22:44 23 residential subdivision you live in,

19:22:46 24 somebody coming right smack dab in the

19:22:48 25 middle of it and putting in a highrise

19:22:52 1 condominium or highrise apartment

19:22:54 2 building. Thank you.

19:22:58 3 GIL FRANCIS: Lawrence Harmon.

19:23:10 4 LAWRENCE HARMON: There's two

19:23:14 5 copies for the record, please. I'm

19:23:16 6 Lawrence Harmon. I live at 1160 Honeycomb

19:23:18 7 Road which is about a half a mile north of

19:23:22 8 where this development is going in.

19:23:24 9 The first photo on there is to show

19:23:26 10 the immense size of this boathouse

19:23:30 11 compared to the rest that are on the lake

19:23:32 12 in that area. The second one shows that

19:23:40 13 the area they are going to build on is a

19:23:44 14 marsh. That property was not sold when

19:23:46 15 the rest of Shady Acres was sold in the

19:23:48 16 late '50s, early '60s because it was land

19:23:52 17 that was not buildable on. It was too

19:23:54 18 low.

19:23:54 19 That particular piece of land above

19:23:56 20 the 600-foot contour line has .38 acres.

19:24:02 21 The overall development that they are

19:24:04 22 going to use I believe is in excess of 2

19:24:08 23 acres. So basically they own little or

19:24:10 24 none of what they are building on.

19:24:16 25 The third is a county contour map.

19:24:22 1 You can see the 600-foot contour line,
19:24:26 2 which is here. This here of what they
19:24:34 3 plan to build, if they place this on top
19:24:38 4 of this contour map, it means TVA is
19:24:42 5 allowing them to change the 600-foot
19:24:44 6 contour line and the 595 contour line
19:24:50 7 which has been the biggest no-no forever
19:24:52 8 with TVA. You can do a lot of things, but
19:24:54 9 you do not change a contour line. Okay.

19:25:06 10 Basically if they only own a third
19:25:08 11 of it, less than a third of it, it's a big
19:25:10 12 land giveaway. They don't own enough
19:25:12 13 property to put their parking lot on. The
19:25:16 14 rest of it above the 600 foot belongs to
19:25:18 15 the public. It's ours. I totally
19:25:24 16 disagree.

19:25:24 17 The biggest thing with this is you
19:25:28 18 have a residential -- you have a
19:25:30 19 commercial structure in a residential

19:25:34 20 area. We've lived here since '82 and the
19:25:36 21 only thing you could even consider in that
19:25:38 22 area -- you had to fight to get a second
19:25:42 23 slip in a boathouse earlier on. We've
19:25:44 24 made progress with time that they'll now
19:25:46 25 allow two slips and one for a jet ski, but

19:25:48 1 that's the way life is today.

19:25:52 2 I would have never in my wildest
19:25:52 3 imagination thought that TVA would even
19:25:54 4 consider allowing a 40-slip boathouse in
19:26:00 5 that area. That particular boathouse,
19:26:04 6 their first slips at normal pool will have
19:26:08 7 probably less than 2 feet of water. At
19:26:10 8 low water, the boats will not be able to
19:26:12 9 get out.

19:26:18 10 The drainage for that whole area on
19:26:20 11 this side of the mountain currently goes
19:26:22 12 through the middle of this lot. This lot
19:26:28 13 that they call Lot 9 that they kind of
19:26:32 14 state is -- imply that it's theirs, there
19:26:36 15 are actually five owners on Lot 9. But
19:26:42 16 that's another thing. On Lot 9 there's
19:26:48 17 Neyhaus, there's Whitakers, there's the
19:26:50 18 Gillilands, Crowders, and the Keiths. But
19:26:54 19 if you look at everything they presented

19:26:58 20 on all their paperwork, they own Lot 9,

19:27:00 21 which they do not.

19:27:06 22 The other thing was, again, this

19:27:10 23 right there will not fit on this without

19:27:18 24 changing all contour lines. That's my

19:27:20 25 biggest point.

19:27:22 1 The last point I have to make is if
19:27:26 2 this boathouse application is approved, it
19:27:30 3 doesn't end with us. It doesn't even
19:27:32 4 start with us. It's the precedent that it
19:27:34 5 will set through all the TVA reservoirs.
19:27:38 6 It will open up every little -- every
19:27:40 7 little branch, stream. They did it in
19:27:46 8 Guntersville, we can do it here. We know
19:27:48 9 that happens all the time. We hear it
19:27:50 10 here. We get the backlash.

19:27:50 11 When they start something in
19:27:54 12 Chattanooga they've been allowing down
19:27:54 13 here, then we have to correct it. They
19:27:58 14 take it out here. This permit being
19:28:00 15 approved will just be a start of something
19:28:02 16 I don't think is manageable. That's what
19:28:06 17 I have to say. Thank you.

19:28:18 18 GIL FRANCIS: Lee Nast.

19:28:28 19 LEE NAST: Hey. Good evening. I'm

19:28:30 20 Lee Nast speaking on behalf of my family,

19:28:34 21 David my husband and my four children,

19:28:36 22 Ryan, Grant, Clay and Bower, and of course

19:28:38 23 our dog, Suzie, who loves to swim

19:28:40 24 especially in front of our lake house and

19:28:44 25 out through the middle of the lake. We

19:28:46 1 are opposed to the 20-slip community

19:28:48 2 boathouse at Shady Acres for the following

19:28:52 3 reasons.

19:28:52 4 Safety, number one. There are too

19:28:54 5 many boats in this small area already.

19:28:58 6 The shallow slew and the addition of this

19:29:02 7 commercial facility will add to the danger

19:29:04 8 already present. We also have concern

19:29:08 9 about the traffic that will be on White

19:29:12 10 Elephant Road. The road is not wide

19:29:14 11 enough already and with the additional

19:29:16 12 traffic, not to mention the friends and

19:29:18 13 the guests that these people will have, I

19:29:22 14 mean the road just does not allow for that

19:29:26 15 in this community.

19:29:28 16 The aesthetic enjoyment. Our

19:29:30 17 neighborhood is filled with single family

19:29:32 18 residents with one or two boat slip

19:29:36 19 boathouses. Home owners have followed the

19:29:38 20 TVA guidelines for size of boathouse
19:29:42 21 facilities and the proximities to the
19:29:48 22 neighbors. The proposed boathouse does
19:29:48 23 not follow TVA guidelines and should not
19:29:50 24 be allowed in our neighborhood. Any
19:29:52 25 structure allowed on the lot should follow

19:29:56 1 strict TVA guidelines just like all other

19:30:00 2 property owners must follow.

19:30:02 3 We had to build a boathouse about a

19:30:04 4 year ago when we built our house. We were

19:30:06 5 not allowed to build a two-slip boathouse

19:30:10 6 for our lot, therefore, our second boat

19:30:14 7 has to sit out in our driveway. So I just

19:30:18 8 can't see how this can be allowed.

19:30:20 9 Environmentally we are concerned

19:30:22 10 about the water quality issues, additional

19:30:26 11 churning of the lake floor that will be

19:30:28 12 caused by introductions of so many

19:30:30 13 watercraft in a single facility of this

19:30:34 14 type. The water depth at this site is

19:30:38 15 extremely shallow and will no doubt cause

19:30:42 16 excessive churning of the lake floor.

19:30:44 17 Danger to the water fowl and

19:30:46 18 habitat. The proposed boathouse site is

19:30:50 19 home to water fowl, turtles and other

19:30:52 20 habitat. Each year there are water fowl,
19:30:54 21 typically Mallards, that nest, roost and
19:30:58 22 feed on the shoreline at this site. There
19:31:02 23 are currently a group of six Mallards
19:31:04 24 using this site to nest and feed and more
19:31:08 25 will locate with the coming migration. I

19:31:12 1 know this because I have fed these babies

19:31:12 2 and have seen these babies grow up and

19:31:14 3 they are still there. My husband says

19:31:16 4 there's six. There's not. There's nine.

19:31:20 5 Anyway. They come out every day, you

19:31:22 6 know, when they see all of us there.

19:31:26 7 Water drainage issues. This site

19:31:28 8 is a natural run-off area for rainwater

19:31:32 9 and surface water coming from the road and

19:31:34 10 the mountain. Any changes to this site

19:31:36 11 will cause flooding to the neighbors and

19:31:40 12 surrounding area. This site was never

19:31:42 13 meant to be built on and TVA's own contour

19:31:46 14 line runs near the road on the property.

19:31:50 15 We question, what purpose does this

19:31:52 16 commercial facility serve? There are

19:31:54 17 numerous boat ramps and storage facilities

19:31:58 18 in the area now with more in the works.

19:32:00 19 There is simply no need for this facility.

19:32:06 20 Why allow a facility that does not meet

19:32:08 21 TVA guideline, is not needed, and could

19:32:12 22 potentially create danger to people and

19:32:14 23 the natural habitat?

19:32:20 24 Cumulatively, the impact of all

19:32:22 25 facilities proposed. This facility is not

19:32:24 1 needed and does not meet TVA guidelines.

19:32:28 2 However, it cannot be considered without

19:32:30 3 discussing the impact it will have on the

19:32:34 4 environment when combined with all other

19:32:36 5 proposed developments for this area.

19:32:40 6 Currently the shoreline is essentially

19:32:44 7 fully developed by single family home

19:32:46 8 owners. We are not opposed to families

19:32:48 9 who build on the shoreline as long as TVA

19:32:52 10 rules are followed. We followed them.

19:32:56 11 Everybody that lives there have followed

19:32:58 12 them. Why are we going to go out of the

19:33:02 13 box?

19:33:04 14 We have two boat ramps close by, a

19:33:08 15 vibrant campground, and more than enough

19:33:08 16 dry storage units in the area. However,

19:33:10 17 when you combine this proposed commercial

19:33:14 18 boathouse with three other major proposed

19:33:16 19 developments, the impact on water quality,

19:33:18 20 environment, and natural beauty of the

19:33:20 21 neighborhood is far too great.

19:33:22 22 Someone has to speak for the lake

19:33:24 23 and protect it from the rampant

19:33:26 24 development. Someone has to enforce laws

19:33:30 25 and guidelines to protect against

19:33:30 1 inappropriate structures being built on
19:33:34 2 the shoreline. We are asking TVA to
19:33:36 3 enforce its own guidelines, protect the
19:33:40 4 lake, and deny this permit.

19:33:42 5 Thank you for your time. Please do
19:33:44 6 not -- please do the right thing and send
19:33:46 7 a message that will not allow the lake to
19:33:50 8 be damaged forever. Please use your power
19:33:54 9 to protect this. Thank you.

19:33:58 10 GIL FRANCIS: Irene Wisner.

19:34:18 11 IRENE WISNER: I'm Irene Wisner,
19:34:18 12 property owner on White Elephant Road. We
19:34:20 13 are approximately 10 lots to the south of
19:34:22 14 the proposed community boathouse. I also
19:34:26 15 am opposed to, as the previous speakers
19:34:28 16 have said, on environmental and safety
19:34:30 17 concerns to the community boathouse. Not
19:34:34 18 to duplicate everything everyone else has
19:34:40 19 said, but as far as the safety issue, it

19:34:42 20 is an issue because with the increased

19:34:42 21 number of boats and more importantly that

19:34:46 22 this community boathouse will stick out

19:34:48 23 twice as far as neighboring boathouses or

19:34:54 24 piers, approximately 75 feet or so.

19:34:54 25 Which, of course, according to the picture

19:34:58 1 of the boathouse that had been run into,
19:35:00 2 it's kind of obvious why that would be a
19:35:02 3 safety issue because that could happen
19:35:04 4 again.

19:35:06 5 TVA has been entrusted with the
19:35:08 6 responsibility to manage and protect our
19:35:10 7 public waters. It is a huge
19:35:14 8 responsibility and decisions made by you,
19:35:16 9 the TVA, will have a permanent impact on
19:35:18 10 our waterways. It is with this in mind
19:35:22 11 that I request that the TVA turn down this
19:35:24 12 proposal as it is also -- as it also may
19:35:30 13 set a precedence for future boathouses in
19:35:34 14 our area. Thank you.

19:35:36 15 GIL FRANCIS: Roger Schlittler.

19:35:48 16 ROGER SCHLITTLER: My name is Roger
19:35:58 17 Schlittler and we have a lake place at
19:36:00 18 1749 White Elephant Road. I want to thank
19:36:04 19 TVA for the opportunity to hold a public

19:36:06 20 hearing so we could speak and say some of

19:36:10 21 our concerns. I want to go on record as

19:36:12 22 being adamantly opposed to the Shady Oaks

19:36:16 23 project for the community boathouse.

19:36:18 24 I'm opposed for quite a few

19:36:22 25 reasons. One, I guess, would be the

19:36:24 1 location of the boathouse on such a small
19:36:28 2 body of water. This is not a resort area
19:36:32 3 where people come down two or three times
19:36:34 4 a year. These are our homes. A lot of
19:36:36 5 these people live here year round. For
19:36:40 6 TVA to allow a commercial for-profit
19:36:46 7 venture to be put in the middle of a
19:36:48 8 community, I just can't understand
19:36:50 9 whatsoever. That would be like a gas
19:36:52 10 station being built in my neighborhood.

19:36:56 11 The second issue would be on
19:36:58 12 environmental issues. I have done a lot
19:37:02 13 of fishing right in that area where the
19:37:04 14 boathouse is proposed for. I can't get
19:37:06 15 within 40 yards of the bank with a
19:37:10 16 troweling motor, so I'm sure that's going
19:37:14 17 to mean dredging. I don't know a lot
19:37:16 18 about dredging, but if you dredge once,
19:37:18 19 especially in shallow water, you're going

19:37:20 20 to have to dredge again and again.

19:37:22 21 And what is going to happen? If

19:37:26 22 it's a for-profit venture, if something

19:37:28 23 happens and they don't sell lots or the

19:37:32 24 boathouses don't sell, what's going to

19:37:32 25 happen to the property? Who is going to

19:37:34 1 keep the property up? Is there going to
19:37:36 2 be porta-potties in between people's
19:37:40 3 homes? I can't understand that
19:37:42 4 whatsoever.

19:37:44 5 Third, I guess, is going to be the
19:37:46 6 safety reasons. If anybody on the TVA
19:37:48 7 Board would ever be down on that branch of
19:37:50 8 the water on a weekend or a holiday, they
19:37:56 9 would have to scratch their head of even
19:37:58 10 thinking of putting more boats or more
19:38:00 11 watercraft in that area. I have three
19:38:02 12 grandchildren that are from the age of 8
19:38:06 13 to 4 who love the water, love the swim,
19:38:10 14 bounce on a trampoline. They won't be
19:38:12 15 able to do this because I won't let them
19:38:14 16 out in that area.

19:38:16 17 If I understand, the marine police
19:38:18 18 said if a problem does develop and there's
19:38:26 19 too many boats, they'll put a no-wake zone

19:38:28 20 through the entire slew. I think that is

19:38:30 21 awful for the people who live there

19:38:30 22 because, once again, a private venture

19:38:32 23 could stop the enjoyment of everybody in

19:38:36 24 that area.

19:38:36 25 I guess last, but not least, if

19:38:38 1 this is approved, it is not if somebody is
19:38:40 2 going to get killed, it's when. I hope
19:38:44 3 that this would never happen, but if this
19:38:48 4 is approved, I hope every member of that
19:38:50 5 Board can look in the mirror and say, I
19:38:54 6 wonder if I could have stopped this from
19:38:56 7 happening.

19:38:58 8 I thank TVA for the public hearing
19:38:58 9 and I want to be on record to being
19:39:04 10 adamantly opposed to the boathouse.

19:39:06 11 GIL FRANCIS: Robert Epps.

19:39:18 12 ROBERT EPPS: I'm Robert Epps of
19:39:20 13 650 Honeycomb Road. I guess I want to
19:39:24 14 share an experience I had last Fourth of
19:39:26 15 July, or just this past Fourth of July, a
19:39:30 16 near collision in that area. Anybody
19:39:32 17 that's been in there knows that on the
19:39:34 18 Fourth of July it's not a very good time
19:39:36 19 to be out there. I watched a Ski-Nautique

19:39:40 20 come down towing two tubes with several

19:39:42 21 young children in the tubes. Naturally

19:39:44 22 one of the kids fell off and there was a

19:39:46 23 boat behind him that didn't see the kid

19:39:50 24 and when the ski boat came back around, he

19:39:54 25 had to accelerate to get between himself

19:39:56 1 and the boat that was approaching his kid

19:39:58 2 fixing to hit him. Fortunately they all

19:40:00 3 veered off and missed each other. But

19:40:02 4 that's not all that unusual in that area.

19:40:04 5 It's probably -- I don't know that

19:40:04 6 there's a higher density area on Lake

19:40:08 7 Guntersville as far as a small area and

19:40:10 8 lots of boats. Then Fourth of July of '06

19:40:16 9 I actually -- I guess it was my lucky day.

19:40:18 10 Maybe I shouldn't go on the Fourth. I

19:40:20 11 actually witnessed another boat run into a

19:40:22 12 jet ski out there. Same thing. Too many

19:40:24 13 boats and not enough water.

19:40:26 14 This is a single area -- single

19:40:32 15 entry slew. There just -- simply when you

19:40:36 16 extend large boathouses out from the slew,

19:40:38 17 the turning radius of a ski boat and

19:40:40 18 tubes, there's just not enough room to

19:40:44 19 work in there. I'm not against a

19:40:46 20 development in as far as in the right

19:40:48 21 place, but this is a residential area.

19:40:50 22 It's been well established for the past

19:40:52 23 50 years. Single family boathouses.

19:40:56 24 I've heard several examples of

19:40:58 25 this. I guess my example is this is the

19:41:02 1 same thing as you live in a little
19:41:04 2 cul-de-sac -- that's what this is is a
19:41:06 3 single entry -- and then you've been in
19:41:06 4 there for 40 or 50 years, but now you've
19:41:10 5 got a Super Walmart next to you. That's
19:41:12 6 what this is all about. You have a
19:41:12 7 commercial development in a residential
19:41:14 8 area. TVA needs to think about
19:41:18 9 jurisdictions for this. This is a well-
19:41:20 10 established residential area and you are
19:41:24 11 injecting commercial developments.
19:41:26 12 You can't just consider this. I
19:41:28 13 know you said earlier we couldn't talk
19:41:30 14 about the other one. You know, there's
19:41:30 15 two developments in the area. You've got
19:41:32 16 to look at the combined force of those two
19:41:36 17 developments. This area is well less than
19:41:38 18 100 acres of surface water area in this
19:41:40 19 area. Both developments are within about

19:41:42 20 a half a mile of each other. When you
19:41:46 21 throw in a total of another, what, 20 plus
19:41:52 22 -- 24 plus 20, about another 60 some odd
19:41:56 23 boat slips in there -- and keep in mind,
19:41:56 24 each boat slip, for anybody renting a boat
19:42:00 25 slip, you've got the ski boat there and

19:42:02 1 then what have they got in the rental,
19:42:04 2 too? Jet skis, of course. They all have
19:42:06 3 their sailboats. So it's not just a one
19:42:08 4 for one. Just because it's one slip, you
19:42:12 5 usually have several boats in one slip.

19:42:16 6 The bottom line is this is a
19:42:18 7 tremendous increase to an already very
19:42:20 8 dense area. It's just like the gentleman
19:42:22 9 said a minute ago, it's not if, it's when.
19:42:24 10 It's going to happen. I've already seen
19:42:26 11 it a couple of times.

19:42:34 12 Again, there's nothing community
19:42:36 13 about this community boathouse. This is
19:42:38 14 strictly for the developer. If it was for
19:42:40 15 the residents in the area, that might be
19:42:42 16 something that would need thinking about,
19:42:44 17 but this is strictly for the development
19:42:44 18 of the area. Thank you.

19:42:46 19 GIL FRANCIS: Will League.

19:43:14 20 WILL LEAGUE: Don, when have you

19:43:14 21 had more fun? Did you draw the short

19:43:18 22 straw to come listen to us tonight?

19:43:18 23 DON ANDERSON: No. It's a

19:43:20 24 privilege to be here tonight.

19:43:22 25 WILL LEE: I'm supposed to be

19:43:24 1 coaching an 8-eight-year-old boys soccer
19:43:26 2 team and I'm here tonight on behalf of my
19:43:28 3 family. We are on White Elephant Road.
19:43:30 4 We're talking about Jagger Branch, this
19:43:34 5 little area right here.
19:43:36 6 You see it's a calm, relatively
19:43:38 7 narrow, quite little slew and the proposed
19:43:42 8 20- or 40-slip boathouse is going to come
19:43:44 9 out almost a third of the way out choking
19:43:48 10 off the rest of the lake, which will make
19:43:52 11 it almost useless for what we use it for
19:43:54 12 now as boating recreation.
19:43:56 13 There's about 60 boathouses in
19:43:58 14 there now with another 11 on the way. As
19:44:02 15 far as access to the lake -- Mr. Crowder
19:44:04 16 mentioned in his presentation about access
19:44:06 17 to the lake and people who can't afford.
19:44:10 18 You know, we're not a bunch of carpet-
19:44:12 19 baggers. I've been coming to Guntersville

19:44:16 20 Lake since I was born. We all grew up

19:44:18 21 using this waterway.

19:44:18 22 With regard to access to the lake,

19:44:20 23 there's two boat ramps. As you know,

19:44:22 24 Erwin Marina just purchased Sunrise

19:43:18 25 Marina. They're adding a bunch of slips.

19:44:28 1 Also the old Honeycomb storage facility,
19:44:30 2 they are building a new, nice condominium
19:44:34 3 development there. So really, if this one
19:44:36 4 goes through and the Jagger Branch --
19:44:40 5 what's the other one called -- Jagger
19:44:42 6 Branch, we're going to be crushed anyway
19:44:44 7 with all the new development. So we're
19:44:48 8 just trying to limit the damage.

19:44:50 9 Any real rational and true boating
19:44:52 10 study, if you go out there on any weekend
19:44:56 11 in the summer -- I mean I won't let my
19:44:58 12 kids go off the end of the dock and I
19:45:00 13 won't pull them just because it's
19:45:02 14 craziness. There's just so many people
19:45:04 15 out there that any real look at it would
19:45:06 16 let anyone who took a look at it know it's
19:45:10 17 insane to compound the problem like it
19:45:12 18 will with these two new developments.

19:45:14 19 TVA. You know, you hear about

19:45:18 20 there's a new TVA Board in there. The old

19:45:22 21 guard were stewards of the land and they

19:45:22 22 are going to hold on to it and watch after

19:45:24 23 it for generations to come. I guess

19:45:28 24 people are moving up from Florida, people

19:45:30 25 that don't want to pay hurricane

19:45:32 1 insurance, so a lot of people are moving
19:45:32 2 into this area and there's a big land
19:45:36 3 grab. It's about money. I understand
19:45:38 4 that people want to make money and I don't
19:45:40 5 have a problem with Mr. Crowder making
19:45:42 6 money on his land. But at what cost?
19:45:46 7 When you really weigh what it's
19:45:46 8 going to cost these folks and the folks
19:45:48 9 who live in this area, it's really a no
19:45:52 10 brainer. And I don't see the new Board
19:45:56 11 selling out to the developers on such a
19:46:00 12 large scale. It's madness. I don't think
19:46:02 13 y'all are going to -- I pray that y'all
19:46:04 14 don't approve these things, with all the
19:46:06 15 other developments going on.
19:46:12 16 With growth there's got to be some
19:46:12 17 responsibility and to grow this area in
19:46:14 18 the right way. So this area here and over
19:46:16 19 in Erwin Marina, it's just going to be

19:46:20 20 packed with boats. A boating study in and

19:46:24 21 of itself would defeat the development.

19:46:26 22 TVA has to consider the direct and

19:46:30 23 indirect and cumulative effect of the

19:46:32 24 habitat and of the safety of the folks

19:46:34 25 there using it now.

19:46:34 1 So we're not sitting here arguing,
19:46:36 2 let's not let other people enjoy the
19:46:38 3 lake. We want more people to come to
19:46:42 4 Guntersville, but if you concentrate them
19:46:44 5 in a small area, bad things are going to
19:46:46 6 happen. It's just a matter of time.

19:46:48 7 Don, you and TVA have a
19:46:56 8 responsibility to be stewards of this
19:47:00 9 land. Is it being a steward to allow the
19:47:02 10 unbridled development that's proposed
19:47:04 11 here? Are you being a steward of the land
19:47:08 12 -- you know, a lot of people come before
19:47:08 13 you have protected this land. Is it being
19:47:10 14 a steward of the land to entice and
19:47:14 15 encourage other developments?

19:47:16 16 One person has one lot. You know,
19:47:18 17 if you approve it, maybe I'll want to tear
19:47:20 18 mine down and build a 20-slip and rent
19:47:24 19 mine out because the place is going to be

19:47:26 20 worthless anyway for safety and I can't
19:47:28 21 let my kids out there. Is it truly being
19:47:30 22 a steward of the land to allow development
19:47:32 23 like this and like Jagger Branch in a
19:47:34 24 condensed area? I just don't see how you
19:47:38 25 can say yes.

19:47:38 1 I do appreciate you letting us come
19:47:42 2 and whine about our concerns and you did
19:47:44 3 draw the short straw and I appreciate you
19:47:48 4 coming. But we are serious about
19:47:50 5 defeating this and we just hope that you
19:47:52 6 and TVA will take a hard look at the
19:47:54 7 direction that allowing development like
19:47:56 8 this will take. Thank you.

19:48:04 9 GIL FRANCIS: David Butler.

19:48:14 10 DAVID BUTLER: Good evening. I'm
19:48:14 11 Dave Butler. I have a place at 1144
19:48:18 12 Honeycomb. My children grew up there. My
19:48:20 13 grandchildren enjoy the place. I, too,
19:48:26 14 appreciate this opportunity. You'll be
19:48:26 15 relieved I haven't prepared a text.

19:48:28 16 I do have a confusion, though, and
19:48:28 17 I would like to express it. I'm not
19:48:32 18 opposed to development. I'm not opposed
19:48:34 19 to progress. But my grandfather told me

19:48:38 20 when you don't understand something, you

19:48:38 21 just follow the money. Well, I can follow

19:48:42 22 the money for the developer. I can see

19:48:44 23 where it would be a tremendous advantage

19:48:46 24 to him financially to be able to sell lake

19:48:50 25 front property, proposed lake front

19:48:54 1 property.

19:48:54 2 What I don't understand is where

19:48:56 3 the connection to the Authority is, the

19:49:02 4 TVA Authority for following the money.

19:49:04 5 It's of no value that I can perceive to

19:49:08 6 the Authority to allow this kind of

19:49:10 7 commercial development. So I applaud all

19:49:16 8 my previous speakers, the other speakers

19:49:18 9 that are going to come up. I agree with

19:49:20 10 all of their comments. I thank you again

19:49:24 11 for your time. Please don't make it a

19:49:28 12 follow the money scenario. It doesn't

19:49:30 13 make sense.

19:49:36 14 GIL FRANCIS: Lisa Jones.

19:49:42 15 LISA JONES: Good evening. I'm

19:49:42 16 Lisa Pelham Jones, 400 Honeycomb Road. My

19:49:48 17 family has had that property for 44 years.

19:49:50 18 The lake was much bigger then. The boats

19:49:54 19 were much smaller and a 16-foot runabout

19:49:58 20 with a 35 horsepower motor on it just

19:50:02 21 didn't take up a lot of space and we could

19:50:02 22 do a lot of skiing on that lake and we

19:50:02 23 did. The water was beautiful and the

19:50:08 24 environment was preserved. We had

19:50:10 25 tadpoles and frogs and a lot of things

19:50:12 1 that you don't see there today.

19:50:14 2 I don't have a lot of prepared

19:50:16 3 comments because, quite frankly, when I

19:50:16 4 wrote the letter I did several months ago,

19:50:18 5 I thought surely this will not happen and

19:50:20 6 we wouldn't even come to this. But I do

19:50:24 7 appreciate TVA having this opportunity for

19:50:26 8 us to be able to say what we think.

19:50:28 9 I do want to just go on record as

19:50:30 10 to say that this -- that I'm completely

19:50:32 11 opposed to this proposed community

19:50:36 12 boathouse. I just stand here and support

19:50:42 13 the other comments that have been made by

19:50:42 14 my neighbors. Please don't do this

19:50:46 15 because of the safety of the children, now

19:50:50 16 our grandchildren, that are using that

19:50:52 17 water. It's not the right thing to do.

19:50:54 18 Thank you for hearing us out.

19:50:58 19 GIL FRANCIS: Sam Greenwood.

19:51:06 20 SAM GREENWOOD: My name is Sam

19:51:12 21 Greenwood. I live over in Lindsey Lane

19:51:16 22 over in Guntersville. Wow. Wow. I mean

19:51:20 23 I have watched these TVA hearings one

19:51:22 24 after another. I've come back and forth

19:51:26 25 and been involved in the community

19:51:28 1 boathouse over at a development we did at
19:51:30 2 Lake Guntersville Estates. We've got 12
19:51:34 3 to 13 boat slips out there. You might
19:51:36 4 have one person a week use them.
19:51:38 5 Anybody can look. The community
19:51:40 6 boat slips are very seldom used. We've
19:51:44 7 approved them there and we've approved
19:51:44 8 them in different places. But what I've
19:51:46 9 got to say is seeing a group of such
19:51:50 10 highly educated people come in and stand
19:51:52 11 up for what TVA is doing is the right
19:51:54 12 thing to do because what's being done here
19:51:56 13 with TVA is we're not setting a precedent
19:52:00 14 right now by approving this plan, we set a
19:52:02 15 precedent when we approved Lindsey Harbor.
19:52:06 16 When we took a development and 23
19:52:08 17 acres and approved 160 boathouses, how can
19:52:12 18 you tell a man doing 20 little community
19:52:14 19 boat slips that are never going to be used

19:52:16 20 he can't do it? But we approved in a
19:52:20 21 23-acre development 160 with a 40-foot
19:52:22 22 slew entering it. It doesn't make sense
19:52:22 23 to me. TVA has got to be fair with what
19:52:26 24 they do.
19:52:26 25 If they are going to do it, then

19:52:28 1 the Corps of Engineers -- we've got to do
19:52:30 2 the same for everybody. If we're going to
19:52:32 3 protect the lake and the Board is going to
19:52:34 4 decide to protect it, let's protect it
19:52:36 5 completely.

19:52:36 6 I mean these people took a lot of
19:52:38 7 time and a lot energy to say what we've
19:52:40 8 got to say and it's right. I've got no
19:52:42 9 point to make on the 20 boat slips because
19:52:46 10 I don't live in the neighborhood. But
19:52:48 11 what I do have to say is TVA as a Board
19:52:52 12 cannot not approve this after they've
19:52:52 13 approved these other developments.

19:52:54 14 Another point I need to make is I
19:52:58 15 believe that development should be
19:53:00 16 condensed on the lake. We shouldn't open
19:53:00 17 up more areas of TVA land to development.
19:53:04 18 So if people are going to enjoy it, we're
19:53:04 19 going to see these condominium

19:53:06 20 developments come in and we're going to
19:53:08 21 see these community boathouses come in,
19:53:10 22 we're going to group the people together
19:53:10 23 and we need to do that. We need to keep
19:53:14 24 it in an area. We can't be all spread out
19:53:16 25 in the urban sprawl. We need to put these

19:53:18 1 communities together in a tight area and

2 we need to regulate them right.

19:53:22 3 The safety issue I believe

19:53:22 4 shouldn't come up here. That should be --

19:53:24 5 if a drunk driver is out there, that's

19:53:26 6 nobody's fault. That's the marine police.

19:53:28 7 The safety issue of that slew sounds to me

19:53:30 8 like if you've got boathouses out

19:53:34 9 150 feet, then 158 doesn't make a

19:53:36 10 difference. Maybe if there's that many

19:53:36 11 accidents in there it's because there is

19:53:38 12 two jet skis to every boathouse. Maybe we

19:53:42 13 better put a no wake like we did at the

19:53:42 14 other slews in there and say no wake after

19:53:44 15 this bridge.

19:53:46 16 In addition to the run-off coming

19:53:48 17 down in that slew, just like Lindsey Lane,

19:53:50 18 we've got a blocked bridge down there.

19:53:52 19 That water comes off that mountain like

19:53:54 20 crazy, it doesn't flush through there.

19:53:56 21 You're going to have an environmental

19:53:58 22 impact on a slew that's closed up. A very

19:54:00 23 serious environmental impact.

19:54:02 24 But 20 boat slips in a community

19:54:04 25 like that to me seems like that's not the

19:54:06 1 real picture TVA needs to look at. What
19:54:08 2 are these big condominiums doing when
3 you're putting hundreds of them in or
19:54:12 4 these new boats slips with Honeycomb with
19:54:12 5 the marinas that are mixed in there, too?
19:54:16 6 I think TVA needs to take a real good look
19:54:18 7 at how they're approving these
19:54:20 8 developments completely.
19:54:22 9 So I would say that I want to go on
19:54:22 10 the record as I would approve this plan
19:54:24 11 just because the point is it would be the
19:54:26 12 only fair thing to do after approving
19:54:30 13 these other plans. And with due respect
19:54:32 14 to everybody that's here, you don't know
19:54:34 15 what I saw through some of the
19:54:34 16 developments. I respect what you're all
19:54:38 17 saying, but this 20 boat slip is just the
19:54:40 18 beginning of what's really going to happen
19:54:42 19 in the years to come.

19:54:42 20 Maybe it's time to make a
19:54:44 21 precedent. If you do, though, in denying
19:54:44 22 this, you need to deny the rest of them
19:54:46 23 and stop right now before it gets out of
19:54:50 24 hand. But if you don't, then there's no
19:54:50 25 reason to stop a guy doing 20 community

19:54:54 1 boat slips. I've got a boat slip in
19:54:58 2 community one, nobody uses it. The people
19:55:00 3 that use the boat ramps, they are the ones
19:55:02 4 that live out of town and they put their
19:55:04 5 boat on the trailer and they use it every
19:55:04 6 week. But the people that live there, me
19:55:06 7 and probably half the people out here
19:55:08 8 didn't use our boats except for the Fourth
19:55:10 9 of July and three or four times. Maybe
19:55:12 10 the other half use them every weekend.
19:55:14 11 You know, that's where I'm going to
19:55:16 12 leave it. I really think TVA needs to
19:55:18 13 think about these developments that are
19:55:20 14 going to come. It's a good plan to put
19:55:22 15 them together if they're planned
19:55:24 16 correctly. I just can't see holding one
19:55:26 17 person hostage because we all get together
19:55:30 18 on that. I want to get down to TVA on
19:55:32 19 everything that we're doing and make sure

19:55:34 20 that we do it right for our children and

19:55:36 21 everybody else. Thank you.

19:55:38 22 GIL FRANCIS: Hein Paetz.

19:55:42 23 HEIN PAETZ: My name is Hein Paetz.

19:55:50 24 I just have a couple of comments. I'm

19:55:54 25 opposed to the new community boathouse.

19:55:54 1 My family has owned lake lots on Honeycomb
19:55:56 2 Lake for almost 50 years. My wife and I
19:56:00 3 have just returned from Florida to retire
19:56:02 4 and live on the lake, nice quiet Honeycomb
19:56:04 5 Lake, and then I found out they're going
19:56:06 6 to build a new 20-boat community boathouse
19:56:08 7 across the lake and they're planning
19:56:10 8 another 40 at the end of the lake. If I
19:56:12 9 had known it was going to be this crowded,
19:56:12 10 I could have just stayed in Miami.
19:56:16 11 They only have one lot over there
19:56:18 12 and you're telling them they can build a
19:56:22 13 9,000 square foot boathouse when everybody
19:56:22 14 has always been limited to 1800 square
19:56:24 15 foot. For the past 30 years that's been
19:56:28 16 the regulations. Like the people said,
19:56:30 17 the boathouse sticks out in the lake
19:56:32 18 almost 70 feet or more than the adjacent
19:56:34 19 boathouses. They're trying to cram this

19:56:36 20 thing in between two existing small
19:56:38 21 boathouses. Like the lady said, I
19:56:40 22 remember that guy that took his boat into
19:56:40 23 the boathouse over there years ago. I
19:56:44 24 still remember that.
19:56:48 25 This will set a bad precedent. The

19:56:50 1 guy was saying, you know, allowing a large
19:56:52 2 community boathouse in an old existing
19:56:54 3 community is a bad precedent. Community
19:56:58 4 boathouses should be part of a planned
19:57:00 5 community such as Goose Pond and St.
19:57:02 6 Christopher's Pointe, where everybody
19:57:04 7 knows going on that this is what you've
19:57:06 8 got and this is how it's going to look.
19:57:08 9 Don't try to cram a big boathouse in an
19:57:10 10 existing neighborhood.
19:57:12 11 Safety is also the prime
19:57:16 12 consideration that everybody has talked
19:57:16 13 about. The number of boats and Wave
19:57:18 14 Runners has increased significantly over
19:57:20 15 the past years with the boathouses and
19:57:22 16 stuff we have now. Now you're talking
19:57:24 17 about adding another 20 boats and possibly
19:57:28 18 another 40 at the back end of the lake.
19:57:28 19 Somebody is going to get hurt or killed

20 because there's just too many boats on

19:57:32 21 that lake. The shallowness of that lake

19:57:34 22 limits how much of that lake you actually

19:57:36 23 have available for water-skiing, Wave

19:57:40 24 Runners and everything else. Some kid is

19:57:40 25 going to get back there at 50 miles an

19:57:42 1 hour and fall off that thing and break
19:57:44 2 their neck in 2 feet of water. Thank you.
19:57:48 3 GIL FRANCIS: Ed walker.
19:57:54 4 ED WALKER: I'm Ed Walker. My wife
19:58:06 5 and I have a lake house, a home, on
19:58:10 6 Honeycomb Road almost directly across the
19:58:14 7 slew from where this proposed development
19:58:16 8 is going to be or is proposed. I would
19:58:26 9 like to second everything I've heard
19:58:28 10 tonight except for one speaker. You know,
19:58:32 11 I haven't heard them all, but the ones I
19:58:36 12 have, I second all of them.
19:58:40 13 There are several reasons that I'm
19:58:42 14 opposed to this. Some of the same as
19:58:46 15 other people, public safety, environmental
19:58:48 16 impact, local facilities. I have
19:58:54 17 witnessed two boats collide in the same
19:58:56 18 area. Another boat ran through a
19:59:00 19 boathouse. I don't know how many people

19:59:00 20 know this, probably a lot of folks on that
19:59:02 21 slew. One ran through a boathouse, across
19:59:04 22 two boats and the nose was sticking out of
19:59:08 23 the other side of the boathouse. This
19:59:10 24 boathouse was in line with the other
19:59:12 25 boathouses. As a matter of fact, if it

19:59:14 1 wasn't first, it was one of the first
19:59:16 2 built there. Now we're talking about
19:59:18 3 building way out into the slew. That's
19:59:20 4 going to be hazard to navigation. I think
19:59:24 5 that's something that really really is
19:59:26 6 important.

19:59:32 7 Just to state a few other things
19:59:36 8 and not get into too much detail because I
19:59:38 9 want everybody to get to talk.

19:59:38 10 Detrimental effects would include
19:59:42 11 aesthetics, environmental concerns,
19:59:46 12 wetlands. As a matter of fact, that
19:59:48 13 brings up -- we were building a sea wall
19:59:52 14 because we were losing land pretty fast
19:59:56 15 and we were not able to extend it over
19:59:58 16 towards some reeds about 10 feet from our
20:00:00 17 property line because it was wetlands. So
20:00:06 18 comparatively speaking, that just doesn't
20:00:08 19 make any sense.

20:00:10 20 Anyway, wetlands, safety. One

20:00:14 21 gentleman mentioned that some people only

20:00:16 22 use their boats a time or two a year.

20:00:18 23 Well, the problem is everybody uses them

20:00:20 24 on the same day. So Fourth of July,

20:00:24 25 everybody is out there. So if you're

20:00:26 1 going to have more boathouses and more
20:00:26 2 slips, you're going to have more people on
20:00:28 3 the lake on certain days and those are the
20:00:32 4 most dangerous ones.

20:00:36 5 Navigation I mentioned. Silting
20:00:38 6 into the creek, recreation, water quality
20:00:42 7 due to pollution from boats and very
20:00:46 8 little, if any, water flow unless it
20:00:50 9 rains. Consideration of property
20:00:50 10 ownership and welfare of the people. I
20:00:54 11 don't think this is going to help
20:00:54 12 anybody's property value if this the
20:00:58 13 built. I think we bought ours in '76.
20:01:02 14 I'm still glad we did. I hope to be in a
20:01:10 15 year.

20:01:14 16 Lastly, I feel like this project
20:01:16 17 would be contrary to the public interest.
20:01:18 18 I feel like that's one of the big things
20:01:20 19 that TVA needs to consider. That's

20:01:24 20 something that they are supposed to

20:01:26 21 consider, from what I've heard. So thank

20:01:32 22 you for this opportunity.

20:01:32 23 GIL FRANCIS: The last speaker is

20:01:38 24 Eddie Bradley. If there's anyone else who

20:01:42 25 hasn't spoken and wishes to speak, we need

20:01:44 1 to know who you are so you can have an
20:01:48 2 opportunity. A couple of other things.
20:01:50 3 If you have any material you want to leave
20:01:50 4 here, materials that you have or comments
20:01:52 5 that you want to leave, there's a basket
20:01:56 6 out front. Please leave your comments
20:01:58 7 there.

20:01:58 8 Finally, as you exit you must go to
20:02:00 9 the ground floor because all the other
20:02:02 10 exits are locked. Final speaker is Eddie
20:02:06 11 Bradley.

20:02:08 12 EDDIE BRADLEY: I'm not going to
20:02:10 13 speak.

20:02:10 14 GIL FRANCIS: Is there anyone here
20:02:12 15 who wants to speak who hasn't had an
20:02:14 16 opportunity?

20:02:18 17 DON ANDERSON: Thank you for your
20:02:18 18 attention and your interest in this issue.
20:02:22 19 This proceeding is adjourned.

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3 REPORTER'S CERTIFICATE

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6 STATE OF TENNESSEE:
7 COUNTY OF HAMILTON:

7

8 I, Tracy A. Beamon, Certified Court Reporter and
9 Notary Public, do hereby certify that I reported in
10 machine shorthand the October 16, 2007, Hearing in the
11 above-styled cause; that the foregoing pages, numbered
12 from 1 to 79, inclusive, were typed under my personal
13 supervision and constitute a true record of said
14 proceedings.

12 I further certify that I am not an attorney or
13 counsel of any of the parties, nor a relative or
14 employee of any attorney of counsel connected with the
15 action, nor financially interested in the outcome of the
16 action.

15 Witness my hand in the City of Chattanooga,
16 County of Hamilton, State of Tennessee, this 22nd day
17 of October, 2007.

17

18 Tracy A. Beamon, CCR-1003
19 My Commission Expires on the
12th day of February, 2011.

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