

## DRAFT ENVIRONMENTAL ASSESSMENT

File No. 200100835

### PROPOSED ROLLISON MARINA AT SHOAL CREEK

Mile 1.4, Right Bank, Shoal Creek, Opposite Tennessee River Mile 264.4, Right Bank,  
Wilson Reservoir, Lauderdale County, Alabama

U.S. ARMY CORPS OF ENGINEERS  
Nashville District, Regulatory Branch

In cooperation with  
TENNESSEE VALLEY AUTHORITY

Prepared by:

Richard D. Graham  
Regulatory Specialist  
U.S. Army Corps of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, Tennessee 37214  
Phone: (615) 369-7507

Stanford E. Davis  
Senior NEPA Specialist  
Tennessee Valley Authority  
400 West Summit Hill Drive  
WT 11D  
Knoxville, Tennessee 37902-1499  
Phone: (865) 632-2915  
Fax: (865) 632-3451  
E-mail: [sedavis2@tva.gov](mailto:sedavis2@tva.gov)

September 2008

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## Chapter 1.0 Purpose and Need for Project

**1.1 Background.** On November 29, 2007, a joint Department of the Army (DA) and Tennessee Valley Authority (TVA) permit application was received from Randy Rollison, 174 Maury Lane, Florence, Alabama 35634, for the proposed construction of a commercial marina and loading dock on Wilson Reservoir. On December 6, 2007, additional information was requested from the applicant. The application was considered complete on December 28, 2007, after receipt of the requested information.

The proposed work would involve constructing a commercial marina within a 300-foot by 321-foot area adjacent to an existing concrete seawall on Mr. Rollison's property that fronts on Shoal Creek. The proposed construction would consist of one 24-foot-wide access walkway paralleling the seawall; one 12-foot by 262-foot dock with seven boatslips, each measuring 25 feet by 28 feet, 4 inches; one 100-foot by 128-foot-8-inch fuel and pump-out dock containing four slips; and one 14-foot by 124-foot walkway adjacent to a fixed 40-foot by 40-foot boat launching/loading platform. The platform would be constructed by driving sheet steel pilings from a barge into a 40-foot by 40-foot square, filling the square with washed gravel and capping with concrete. About 623 cubic yards of fill material would be required. Floor elevation of the platform would be 2.5 feet above normal summer pool elevation of 507.5-foot mean sea level. The proposed facilities would be protected within an L-configured breakwater measuring 10 feet wide and 300 feet by 250 feet on each side. Surfaces of the floating walkways, docks, and breakwater would be approximately 18 inches above the water, and all floating structures would be secured with telescoping spud poles or anchored cables. Land-based activities would include construction of a 300-slip dry stack storage building, ship store, restaurant, and retail space. The marina and associated amenities would serve the boating public on Wilson Reservoir.

The loading dock meets the criteria for authorization under DA Section 404 Nationwide Permit (NWP) #25, dated March 19, 2007, which permits the discharge of material such as concrete and rock into tightly sealed forms or cells where the material will be used as a structural member for standard pile-supported structures. The State of Alabama issued a water quality certification for NWP #25 on May 30, 2007.

Joint Public Notice No. 07-100 (Appendix A) was issued on January 9, 2008, to advertise the proposal. During the week that the comment period was to expire, it was revealed that adjoining property owners of the applicant had not been advised of the notice. In order to allow them an opportunity to comment, they were provided a copy of the notice, and the comment period was extended for them until March 14, 2008. Of the 35 written responses, 19 requested that a public hearing be held, 26 stated they were opposed, and three were in favor of the proposed work. Copies of all responses (Appendix B) were sent to the applicant for his rebuttal, and he responded by e-mail on April 18, 2008 (Appendix C).

TVA staff met on site with Mr. Rollison on March 5, 2008, and discussed his proposal. On March 12, 2008, Richard Graham, U.S. Army Corps of Engineers (Corps), met on site with the applicant. Bordering the site to the south were high-tension aerial power lines, the historic U.S. Highway (US) 72 bridge, and a new four-lane bridge recently constructed by the Alabama Department of Transportation (ALDOT). The Marina Mar commercial marina was located just south of the new bridge, and Mr. Graham noted a rather long breakwater extending lakeward. This was of particular interest, because one public notice comment stated that the applicant's proposed breakwater would extend lakeward so far that it would become an obstruction to navigation. A subsequent phone call to the manager of the Marina Mar Marina revealed that the breakwater is 320 feet long, which is shorter than the one the applicant proposes to construct. Shoal Creek at this location is approximately 800-900 feet wide. On this afternoon, there was little boating activity within Shoal Creek. The proposed land-based activities would be located within an open area on the applicant's property on Maury Lane. There are a couple of commercial businesses across the lane from the applicant's property. Maury Lane dead-ends into a residential community. See inspection report (Appendix D).

**1.2 Decision Required.** The proposed location is a water of the United States (U.S.) as defined by 33 Code of Federal Regulations (CFR) Part 328 and a navigable water of the U.S. as defined by 33 CFR Part 329.

- **Section 10 of the Rivers and Harbors Act of 1899** prohibits the alteration or obstruction of any navigable water of the U.S. unless authorized by the Secretary of the Army acting through the Chief of Engineers.

DA and TVA permits are required; therefore, the agencies must decide on one of the following:

- Issuance of permits for the proposed work
- Issuance of permits with modifications or conditions
- Denial of the permits

**1.3 Other Approvals Required.** Other federal, state, and/or local approvals may be required for the work.

- **Section 26a of the TVA Act** requires that no dam, appurtenant work, or other obstruction affecting navigation, flood control, or public lands or reservations be constructed and thereafter operated or maintained across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by TVA. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices (BMPs) to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts. TVA is reviewing this application for a Section 26a permit. TVA is a cooperating agency in the preparation of this environmental assessment.

## Chapter 2.0 Public Involvement Process

On January 9, 2008, Joint Public Notice No. 07-100 (Appendix A) was issued to advertise the proposed work. All responses to the notice are included in Appendix B. The applicant's rebuttal to the responses is included in Appendix C. A summary of the responses is as follows:

- By letter dated January 28, 2008, the Alabama Department of Conservation and Natural Resources advised (1) that the applicant should be made aware of the potential for adverse impacts to state- or federally protected species; (2) that no net loss of stream or wetland functions should occur as a result of the project; (3) that the applicant be encouraged to use BMPs to minimize shoreline erosion and adherence to state water quality standards; and (4) that the applicant coordinate with the Marine Police Division regarding navigational safety aspects of the project.
- By letter dated January 29, 2008, the Alabama Historical Commission (AHC) advised that it would complete its review upon receipt of comments from the Corps' cultural resources staff regarding this undertaking's potential to affect historic properties. After receiving these comments, AHC concurred by letter dated February 29, 2008, that there are no National Register of Historic Places (NRHP) listed or eligible properties affected by this undertaking.
- Of the 35 comments received as a result of the joint public notice (33 individuals and two state agencies), 26 individuals opposed the proposed work, three were in favor of it, and 19 requested a public hearing be held to discuss the issues.

### Issues Supporting the Proposal

- There is a significant shortage of available boat slips for rent on Wilson Reservoir, and new mooring facilities would be welcome and needed as the area grows.
- A need exists for extra fueling facility, boat launch, and loading area.
- Previous proposals for similar facilities have been halted by small interest groups.
- The project would provide a greater good for the public.
- Marina would entice new residents/businesses, lower jobless rate, and encourage tourism.
- Other area marinas need updating and, therefore, a new facility would be very welcome.
- Applicant is of unquestionable character, lives on site, keeps home and surrounding area clean, and would do the same for the proposed facilities.

### Issues Opposing the Proposal

- There would be impacts to river ecology, fishery, and wildlife from fuel runoff, noise, air quality, and trash.
- Increased crime and introduction of alcohol at marina are concerns.
- The proposed wave-break would cause an obstruction to navigation.
- The process for how to monitor the marina for impacts to pollution, water quality, and boating safety is unclear.
- Over-crowding of the lake with more boats will decrease public safety.
- Current area dock facilities are already adequate.
- There would be adverse financial effects on the other two nearby marinas.
- Financial risk incurred by the applicant and the possibility of the business failing, requiring the applicant to post bond and the dock being removed, are troubling issues.
- Shoreline erosion due to boat wakes is a concern.
- Dry dock might block the view of the lake or bridge from people driving on Maury Lane.
- Traffic issues include increased vehicular traffic on Maury Lane and trouble turning onto US 72.
- There would be a negative effect on property values.
- Marina would detract from the beauty of the area.
- The placement of another marina at this location would be improper because of low clearance of the US 72 bridge.
- Existing problems with area septic systems would be increased because of the proposed dock.
- New facility would detract from the serenity of the residential neighborhood.
- The new facility could be washed away in a flash flood.

## Chapter 3.0 Environmental and Public Interest Factors Considered

**3.1 Introduction.** 33 CFR 320.4(a) states the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Public Notice 07-100 listed factors that may be relevant to the proposal and must be considered. The following sections discuss those factors identified as relevant through the public interest review process and provide a concise description of the anticipated impacts. The relevant blocks are checked with a description of the impacts.



### **3.2 Physical/Chemical Characteristics and Anticipated Changes.**

( x ) substrate – The reservoir bottom substrate in Shoal Creek in the vicinity of the proposed marina consists of clay soil with some scattered shale and other loose rocks. This common bottom structure provides habitat for benthic macroorganisms and foraging areas for some species of common abundant fish. A small 40-foot by 40-foot area of this substrate would be filled in for construction of the dry dock's launching platform. Benthic macroorganisms within the launching platform area would be destroyed, but the overall effects on benthic life in this area would be insignificant. Some areas of substrate under the proposed facility's walkways would be left in partial to total shade from the sun. However, these areas of habitat would continue to function as habitat for aquatic life.

( ) currents, circulation, or drainage patterns

( x ) suspended particulates, turbidity – During construction of the proposed launching platform, some small amount of localized turbidity is likely to result from the sheet steel pilings being driven into the substrate. However, effects on water quality and aquatic life are expected to be both minor and temporary in nature.

( ) baseflow

( x ) storm, wave and erosion – Construction of the marina, as proposed, would involve the use of a spud pole and cabled anchoring system. This should securely anchor the facility and would be expected to perform as designed and hold the marina in place. In the event that it failed, the applicant would likely be allowed to rebuild the marina facilities according to the original plans. Additionally, if the permits are issued, they would be conditioned to advise the applicant of the possibility that the structures proposed to be constructed would be located in recreational waters and would be subject to wave wash or potential collision damage from passing vessels. Issuance of the permits would not relieve the applicant from taking all proper steps to ensure the integrity of the structures and the safety of any boats moored thereto from damage by wave wash. The applicant could not hold the U.S. liable for any such damage.

( x ) water quality – *Alabama's Water Quality Assessment and Listing Methodology* (Alabama Department of Environmental Management 2008) identifies Shoal Creek from its confluence with Indian Camp Creek (near Shoal Creek Mile 10) to Wilson Reservoir as supporting swimming and other whole-body water-contact sports, as well as fish and wildlife. Water quality would be temporarily affected by construction activities in association with implementation of this proposal. Corps and TVA permits would be conditioned so that the applicant must employ BMPs during, and for an appropriate time following, construction phases. The proposed facility operations would include a fueling area where the accidental discharge of petroleum products into the water could occur. Negligible amounts of spillages, which are likely to occur during fueling, would be dissipated rather quickly by evaporation and normal water circulation in Shoal Creek. Proper operating, safety, and good housekeeping procedures, outlined

in a Spill Prevention, Control, and Countermeasures Plan to comply with federal regulations, are expected to be followed at the marina, and therefore, water quality impacts related to spillage of petroleum substances would be minor. In accordance with such plans the marina operator would, among other things, have a spill kit with absorption pads to catch or promptly clean up accidental oil or gas spillage.

All freshwater lakes, reservoirs, and rivers not capable of interstate vessel traffic are defined by the Clean Water Act as “no discharge areas (NDA).” The proposed marina would also include a marine sewage pump-out station for vessels with holding tanks. Having such a facility on the Wilson Reservoir, an NDA, would benefit water quality by allowing boaters an environmentally preferable alternative to dumping their untreated effluent into the reservoir. The applicant has also advised the Corps and TVA that effluent from this facility would be pumped into the Florence city sewer system; therefore, no water quality impacts from sewage disposal on Shoal Creek are anticipated.

( ) flood control functions

( x ) – shore erosion and accretion patterns. There are many variables that contribute to shore erosion. However, there are no measurable means of determining erosion as a direct result of recreational boating in the area that might originate from the proposed marina site. The shoreline fronting the applicant’s property has an existing concrete seawall that would eliminate the possibility for shoreline erosion at the marina site. Much of the nearby shoreline both upstream and downstream in the vicinity of the US 72 bridge and Marina Mar Marina has also been stabilized with riprap minimizing the effects of wave erosion.

As previously mentioned, use of BMPs during and following construction would minimize sediment in runoff from the site and into Shoal Creek.

### **3.3 Biological Characteristics and Anticipated Changes.**

( ) special aquatic sites (wetlands, pool and riffle areas, sanctuaries and refuges)

( x ) endangered or threatened species – No response to the joint public notice was received from the U.S. Fish and Wildlife Service.

The following federally listed species have been identified within Lauderdale County, Alabama: one bird (*Haliaeetus leucocephalus*), three fish (*Etheostoma boschungii*, *E. wapiti*, and *Speoplatyrhinus poulsoni*), two mammals (*Myotis grisescens* and *M. sodalis*), 25 mussels (*Cyprogenia stegaria*, *Dromus dromas*, *Epioblasma brevidens*, *E. capsaeformis*, *E. f. florentina*, *E. o. obliquata*, *E. t. torulosa*, *E. turgidula*, *Fusconaia cor*, *F. cuneolus*, *Hemistena lata*, *Lampsilis abrupta*, *L. virescens*, *Lemiox rimosus*, *Leptodea leptodon*, *Lexingtonia dolabelloides*, *Obovaria retusa*, *Plethobasus cooperianus*, *P. cyphus*, *Pleurobema clava*, *P. plenum*, *Ptychobranhus subtentum*, *Quadrula*

*intermedia*, *Toxolasma cylindrellus*, and *Villosa fabalis*), one snail (*Athearnia anthonyi*), and two plants (*Arabis georgiana* and *Leavenworthia crassa*). There are several federally listed mussel species known to occur within the vicinity of the proposed project. These populations have been extirpated (i.e., no longer occur) from the vicinity since the construction of Wilson Dam. There is a federally listed as endangered fish, boulder darter (*Etheostoma wapiti*), known to occur within the Shoals Creek watershed some distance upstream of the proposed project site. This species, in the vicinity of this proposal, has also been extirpated since the construction of Wilson Dam. Nonessential experimental populations of spotfin chubs (*Cyprinella monacha*) and boulder darters occur upstream of the proposed marina location, near the influx zone of the river and reservoir. These populations would not be impacted with the development of the marina, due to the location and distance from the construction.

There is one endangered mammal, gray bat (*Myotis grisescens*), known to occur in the vicinity of the project. No caves are known to occur within a 4-mile radius, and no suitable gray bat habitat occurs at the proposed marina site. No state-listed as rare, threatened, or unusual plant or animal species occurs at the project site. Therefore, DA and TVA have concluded that this project would have no effect on any state- or federally listed plants or animals.

( x ) habitat for fish and other aquatic organisms – Physical habitat at the project site is generally suitable to support the type of fish species common in Wilson Reservoir. Typical fish species expected to occur at the site include largemouth bass, smallmouth bass, bluegill, redear sunfish, freshwater drum, and catfish. As previously mentioned, a small amount of shallow water habitat would be eliminated when the 40-foot by 40-foot area is filled in for construction of the dry dock's launching platform. These impacts are expected to be minimal since these types of aquatic fish and benthic macroinvertebrate species known to occur along the project site are typical of impounded conditions. Outside of the launching platform area, preexisting conditions suitable to these aquatic species would return following construction. The proposed marina's walkway and associated water use facilities would provide habitat structure as well as cooler, shaded sites for aquatic fauna and areas for attachment by sedentary species.

( x ) wildlife habitat – The proposed project would transform the upland area to commercial operation with dry stack boat storage, restaurant, and retail sales. The project site, on the private land, is bordered on the north by residential homes, on the south by US 72, with Maury Lane to the east. This property is kept mowed as a lawn and has only a few very large trees on it. Maury Lane is a two-lane, paved, dead-end road that is the only entrance to a small residential area. Because such habitat is of poor to marginal quality, populations and diversity of resident wildlife in the area are low. Thus, only limited numbers of small wildlife such as rabbit, opossum, skunk, rodents, amphibians, and reptiles would likely frequent the area. The proposed facility would likely cause wildlife to alter their feeding, nesting, and migrating patterns in order to avoid this area both during and after construction and to relocate to more desirable, wooded locations within the vicinity. These small, displaced wildlife populations would

compete with others of their species for available suitable habitat and eventually reach equilibrium in their new environment.

- ( ) biological availability of possible contaminants in dredged or fill material

### **3.4 Human Use Characteristics and Anticipated Impacts.**

- ( ) existing and potential water supplies; water conservation

( x ) water-related recreation – The applicant has indicated that there are available customers waiting for docking services in other marinas on Wilson Reservoir. This proposed marina would provide typical marina services such as fuel, sewage pump-out, ship/convenience store, restaurant, and public restrooms. Marina Mar Marina, presently located immediately downstream of US 72 and the proposed Randy Rollison project, is being operated at maximum capacity; it does not currently have the opportunity to expand its operations. Emerald Beach Marina is also located approximately a mile upstream and on the opposite bank of this proposed development. The ownership of Emerald Beach was recently transferred, and it is currently not accepting new renters. It is anticipated that the new owners of Emerald Beach would likely be applying to modify and expand their operations. At this time, however, predicting the changes at Emerald Beach and the number of future boaters that would use this facility would be speculative and not reasonably foreseeable.

The proposed marina would provide safe moorage facilities for area boaters and enhance recreational boating opportunities within this area of Shoal Creek and Wilson Reservoir. It is also designed to provide transient boater short-term dock moorage. The project would provide 300 dry dock slips with 11 transient wet slips for area boaters; these wet slips would accommodate 22 medium-sized boats. At build-out and if maximum capacity were attained, permanent storage for 322 boats would provide immediate access for water-related recreation for prospective boat storage clients. However, it is not expected that all of these boats would be on Shoal Creek or the Tennessee River (Wilson Reservoir) at the same time. During the recreation season, a slight increase in boating activity and usage would occur. Based on observations in the vicinity of the proposed project and on other TVA reservoirs, recreational boaters maintain similar patterns. As a result, TVA assumes that only about 25 percent of boats stored at community facilities are likely to be in use during a typical summer weekend day and 35 percent on a peak-use holiday weekend. Therefore, the proposed facility could likely result in up to 81 additional boats on the reservoir on a typical weekend day during the boating season and 113 additional boats during a holiday weekend. Impacts from recreation would not significantly affect overall reservoir (water-related) recreation, and increased use within this area would not jeopardize carrying capacity of Wilson Reservoir. Taking into account the maximum permissible length the docks would extend onto the reservoir (see navigation and safety section below), the width of the channel would still provide ample room for boats in slips to maneuver in and out of the channel without interfering with other boat traffic. The increase in boating traffic would likely be gradual. The contribution of boats from these slips is not expected to

significantly reduce safety for the boating public on this reach of Shoal Creek and Wilson Reservoir, as long as recreational boaters follow safe boating practices and the Coast Guard-recommended safety zones around commercial boat and barge traffic on the river.

( x ) aesthetics – The presence of the proposed marina and loading dock would result in a permanent change and somewhat alter the visual characteristics of the shoreline at this location. As previously mentioned, the project site, located on the private land, is bordered on the north by residential homes, on the south by US 72, with Maury Lane to the east. There are several commercial businesses along US 72 on the east side of Maury Lane. Two commercial marinas are located nearby, Emerald Beach about a mile upstream on the opposite bank of Shoal Creek, and Marina Mar Marina downstream on the same bank as the Randy Rollison proposal and south of the US 72 bridge. The proposed dry dock facility would be located within the applicant's mowed yard where there is ample area for this development. Maury Lane is a two-lane paved road that dead-ends within a somewhat secluded, moderately upscale residential neighborhood. Opposite the proposed site on the other side of Maury Lane are two commercial buildings, a row of three small rental houses, a mobile home rental lot, and a vacant house.

To reduce the overall height of the facility, the applicant has designed the dry dock so that the entire first floor would be located below the current existing grade (i.e., ground elevation). Numerous existing water use facilities and associated structures have been permitted within 0.5 mile on either side of the proposed project location along Shoal Creek. This proposal is consistent with current land uses near the highway and along the Shoal Creek shoreline, and the overall visual integrity of the area would not be significantly impacted. The existing types of residential and commercial developments in this area have existed for many years and viewers from the highway and waterway have come to accept these views as normal. Because of these current land uses, the existing commercial harbor downstream, recently completed US 72 bridge, and the increasing commercial development along the highway in this part of Florence, area aesthetics are not expected to be greatly diminished by the proposed facility.

( x ) traffic/transportation patterns – As indicated above, the increase in boating traffic would likely be gradual and the contribution of boats from the proposed project is not expected to significantly reduce safety for the boating public on this reach of Shoal Creek and Wilson Reservoir (see navigation and safety section below).

The proposed facility would likely increase vehicular traffic on Maury Lane and potentially raise safety concerns associated with access to and from US 72. Some additional traffic would be expected as a result of building the proposed marina. However, any traffic increase to the marina would likely be seasonal during the peak summer recreation months and decline in volume during inclement weather and cooler months. The proposed land-based restaurant would likely generate a low to moderate amount of year-round traffic.

TVA staff inspected the area in the vicinity of US 72 and Maury Lane on August 5, 2008, to evaluate potential impacts associated with the proposed development on local traffic and safety. Primary access to the marina is via Maury Lane from US 72. Maury Lane intersects US 72 approximately 0.25 mile west of the new US 72 bridge across Shoal Creek. Maury Lane is a two-lane road that provides access to the small residential area. The segment of Maury Lane that would provide access to the proposed marina is a high- to mid-quality roadway with adequate shoulders and good sight distance.

US 72 is a four-lane, divided highway running east-west across northern Alabama. At the intersection of US 72 and Maury Lane, the highway has three travel lanes running in each direction, and the divided median contains left-turn lanes for each direction. There is also a right-turn lane for traffic heading west and turning onto Maury Lane. All turn lanes are of adequate size and length to allow vehicles to execute intended turns. Therefore, vehicles executing such turns are not expected to cause any significant delays to the traffic flow or decrease safety.

The assessment of traffic impacts for this proposed action is based on the transportation planning and engineering concept of Level of Service (LOS) found in the *Highway Capacity Manual* (Transportation Research Board 2000). The LOS concept addresses the quality of service, or operating conditions, provided by the roadway network, as perceived by motorists. LOS is a qualitative measure, expressed as one of six levels, which is described in terms of travel time, comfort, safety, and maneuvering freedom and incorporates various measurable factors associated with a particular segment of a roadway into the analysis. The six levels of service (A through F) are defined as differing qualities of service provided by a roadway.

- LOS A is defined as the highest quality of service that a particular class of highway can provide. It is a condition of free flow in which there is little or no restriction on speed or maneuverability caused by the presence of other vehicles.
- LOS B is a zone of stable flow. The restriction on maneuverability is negligible, and there is little probability of major reduction in speed or flow.
- LOS C is a zone of stable flow, but at this volume and density level, most drivers are becoming restricted in their freedom to select speed, change lanes, or pass.
- LOS D approaches unstable flow. Tolerable average operating speeds are maintained, but could be subject to considerable and sudden variation. This condition is tolerable for short periods.
- LOS E is unstable with lower operating speeds and some momentary stoppages. There is little independence of speed selection and maneuverability. The upper limit of this level is the capacity of the facility.
- LOS F indicates forced-flow operations at low speeds. The level of density increases to the effect of a traffic "jam."

Based on current traffic data, US 72 and Maury Lane have LOS as characterized in B and A above, respectively. Even with the addition of the proposed marina and future traffic projections, the LOS for US 72 and Maury Lane would remain unchanged. Any minor changes in traffic flow or patterns attributable to the proposed marina, shoreline, and other associated land-based development would not significantly decrease safety in the vicinity of this project.

( ) energy consumption or generation

( ) conservation

( x ) air quality – Given the nature of the activity, air quality during performance of the work would not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR part 93.153. After project completion, levels of pollutants normally associated with combustion engines would be slightly higher due to increased traffic within the commercially developing area.

( x ) historic properties and cultural values – Following the Corps providing additional information and by letter dated February 29, 2008, AHC concurred that there are no NRHP listed or eligible properties that would be affected by this undertaking (see Appendix B).

By letters dated May 6, 2008, and May 7, 2008, TVA consulted with the AHC and federally recognized tribal representatives that may have an interest in the project. This consultation conveyed TVA's determination that no historic properties, including archaeological resources and the nearby historic Shoal Creek Bridge, would be affected by this undertaking. This historic bridge remains as a remnant of an ALDOT replacement project and was previously determined to be NRHP eligible. TVA's determination that the historic bridge would not be affected was due to previous development in the area. The viewshed of the historic bridge has already been compromised by the recent construction of the adjacent four-lane US 72 bridge spanning Shoal Creek just south of the historic bridge. The AHC concurred with these findings in a letter dated May 15, 2008. The Choctaw Nation of Oklahoma, in a letter dated June 25, 2008, also concurred that the project would have no adverse effect on any historic properties in the project's area of potential effect (Appendix E).

( x ) navigation and safety – Shoal Creek is not a commercial waterway, but is commonly used recreational waters. With a couple of exceptions, the recreational boating channel is essentially bank-to-bank on Shoal Creek to about Mile 6, well upstream of the proposed marina. TVA marks the right-ascending channel line at the mouth of Shoal Creek (Tennessee River Mile 265, right bank) and also at Shoal Creek Mile 3.2, left bank, where natural shoaling occurs. As proposed, this marina's breakwater would extend 321 feet into the recreational channel, greater than 1/3 the distance across the 850-foot-wide creek channel.

Therefore, to comply with TVA Section 26a regulatory requirements, the applicant would be required to do the following:

1. Reduce the lakeward extension of the facility by 37 feet to meet 1/3 rule to allow for safe passage for through boaters.
2. Attach lights and reflectors around the perimeter of the facility to enhance its visibility.
3. Designate harbor limits to the limits of the structure only, i.e., 284 feet long by 300 feet wide.
4. Delineate a no-wake zone within marina confines only.
5. Recognize that the proposed facilities would be located in recreational waters where they would be subject to wave wash or potential collision damage.

See storm, wave and erosion in Section 3.2 for a discussion of the applicant taking all proper steps to ensure the integrity of the structures and the safety of any boats moored thereto from damage by wave wash. In addition, see water-related recreation and traffic/transportation patterns in Section 3.4 for an analysis of effects of the proposed development on boating safety and a discussion of US 72 traffic and safety, respectively.

( x ) noise – Additional noise would be generated during project construction. However, it is expected that construction would be performed during daylight hours, be temporary, and be within normal ranges for construction equipment. No construction-related blasting is expected to occur. Existing traffic on the nearby highway, commercial operations at adjoining businesses, as well as current boating and related recreation activities create occasional moderate background noise. Construction noise from this project is expected to increase background noise levels slightly, while nighttime noise levels would not increase because of this project. After project completion, however, the normal noise associated with occasional boat traffic at a commercial marina would be present. Because of the existing level of background noise and the slight increase expected in daytime noise levels during construction, impacts from noise on residents in the community are expected to be insignificant.

( x ) land use classification – The property is located in Lauderdale County, Alabama, approximately 0.25 mile outside the city of Florence. The land use would change from its current use, vacant residential lots, to commercial. The city does not currently exercise its zoning regulations within the extraterritorial territorial zoning jurisdiction; therefore, the property would not be subject to government approval to change the use to commercial. However, since the property does fall within the city's extraterritorial zoning, it would be subject to certain city ordinances, such as construction codes. Provided that the applicant meets the city's codes, this would be a compatible use of this property.

( x ) economics – Contractors, the workforce, and the material suppliers would positively benefit economically from the proposed work. The applicant would benefit



economically from dry dock rental fees, restaurant, store and retail sales, and other means that he may decide to include in the future. The Lauderdale County area would benefit from property taxes, as well as from having a new attraction for the city. The proposed facility is not expected to have an adverse financial effect on other area marinas or the value of real property in the nearby community. The presence of an additional marina could stimulate other marinas to improve their existing facilities or offer more services in order to attract more customers.

( ) food and fiber production

( ) mineral needs

( x ) consideration of private property – The applicant, Randy Rollison, proposes to construct the marina, dry stack, restaurant, and other associated facilities on property he owns fronting Shoal Creek. He owns a home on Maury Lane on an adjoining lot in the adjacent subdivision and other commercial and business developments nearby and along US 72. These properties lie between and within one river mile of the two existing marinas previously discussed. This proposed additional commercial use is consistent with current uses of nearby property and local zoning and applicable land use and development plans (see land use classification above).

( x ) environmental justice – There is no concentration of minority or low-income persons living within the vicinity of the proposed project. It is anticipated that workers would be hired from within the Florence community, and economic benefits would be dispersed throughout the area. The facility would be open to the public. Therefore, it has been determined that there would be no disproportionate effect on minority populations or low-income persons from approval and implementation of the project at this site. There would be no residential relocations caused by the proposed action.

**3.5 Cumulative and Secondary Impacts.** One of the most important aspects of cumulative effect assessment is that it requires consideration of how actions by others (including those actions completely unrelated to the action) have and will affect the same resources. Cumulative environmental effects for the proposed facilities were assessed in accordance with guidance provided by the President’s Council on Environmental Quality (U.S. Environmental Protection Agency 1999). This guidance provides a process for identifying and evaluating cumulative effects in the National Environmental Policy Act (NEPA). For purposes of cumulative impact assessment, the spatial boundary has been broadened to consider effects of the work and its effects to others. In this case, reasonably foreseeable future actions include:

- Increased real estate value for the applicant’s property and other properties within the area.
- Improved recreational boating due to additional moorage, gas, and pump-out facilities.
- Increased boating effects on crowding, navigation and safety, and water quality.

- Probability that other marinas would improve their facilities to compete with this facility.

Future associated work that may be proposed in the vicinity of the site can be identified as cumulative or secondary impacts; however, determining the magnitude and significance of cumulative effects; modifying to avoid, minimize, or mitigate significant cumulative effects; and planning for monitoring and adaptive management would have to be addressed on a case-by-case basis. The current quality of the environment in the vicinity on this proposal is good, and mitigation required to reduce effects of this proposal are expected to make its effects minor. It is unforeseeable whether services at other nearby marinas would expand their future operations. The increase in boating traffic would likely be gradual (a maximum of 322 boats at build-out). The contribution of boats from these slips is not expected to significantly reduce safety for the boating public on Wilson Reservoir, as long as recreational boaters follow safe boating practices and the Coast Guard-recommended safety zones around commercial boat and barge traffic on the river. Negligible amounts of gas and oil spillages would be dissipated rather quickly by evaporation and normal water circulation in Shoal Creek. A Spill Prevention, Control, and Countermeasures Plan, in compliance with federal regulations, is expected to be followed at the marina. Future projects requiring state and federal permits would also likely require incorporation of measures to reduce their effects similarly. See Sections 3.2, 3.3, and 3.4 for discussions of likely effects of this development on water quality, aquatic and terrestrial wildlife habitat, water-related recreation, traffic/transportation patterns, navigation and safety, and land use and consideration of private property. Overall, while there would be permanent impacts on the tract, given the relatively small area of impact and the relatively low physical and biological functions present in the impact area, the proposal is not anticipated to have a substantial cumulative or secondary effect upon the existing environment, and the sustainability of important resources would not be adversely affected.

## Chapter 4.0 Alternatives

**4.1 Introduction.** This section discusses alternatives as required by 33 CFR 320.4(a)(2). The relevant environmental issues identified in Chapter 3.0 were used to formulate the alternatives. The alternatives that were given detailed consideration are listed below.

**4.2 Description of Alternatives.** Only reasonable alternatives have been considered in detail, as specified in 40 CFR 1508.14(a).

a. No Action. No action may be brought about by either of the following: (1) that the applicant elects to eliminate the proposed work currently under jurisdiction of the Corps and TVA or (2) that the permit be denied.

b. The Applicant's Proposed Action. This would consist of permitting the proposed commercial marina and loading dock as described in the public notice.

c. Applicant's Action With Special Conditions. In accordance with CFR 320.4(r), review of the proposed action has revealed mitigation measures typical for activities of this nature, which would reduce environmental impacts of the proposed action. The recommended conditions (listed in Section 4.4) were discussed with the applicant, who verbally agreed to those conditions.

d. Other Alternative. The applicant could reduce the size of the loading dock and/or breakwater area in order to minimize impacts to aesthetics. However, this alternative would not meet the applicant's needs or purpose and, therefore, will not receive further consideration.

### **4.3 Comparison of Alternatives.**

a. No Action. With this alternative, the applicant would not be allowed to construct the marina and loading dock. No economic or recreational benefits would be derived from this alternative, and the applicant's needs would not be met.

b. The Applicant's Proposed Action. This alternative would authorize the construction of the proposed marina and loading dock according to plans outlined in the public notice. No properties listed in or eligible for the NRHP would be affected, and no federally listed species would be impacted. Some aquatic fauna and shallow water habitat would be destroyed; however, other colonies would eventually replace those lost, and the modified substrate would continue to function as habitat for aquatic life. Water quality parameters, such as turbidity, would be affected when the sheet steel pilings are driven into the substrate during construction of the loading dock. Accidental discharge of fuel into the water is likely to occur when boats refuel at the gas dock; however, this would be dissipated rather quickly by evaporation and normal water circulation in Shoal Creek. Additional moorage facilities and enhanced recreational opportunities would be realized. The proposed action is consistent with current land uses, and the area's overall aesthetics would not be significantly impacted. A gradual increase in boating traffic in Shoal Creek and vehicular traffic on Maury Lane would likely result. After project completion, levels of pollutants normally associated with combustion engines would be higher due to increased traffic within the area. There would be some increase in noise due to the additional boating and vehicular traffic. The proposed work is consistent with current uses of nearby property and local zoning and applicable land use and development plans. It has been determined that there would be no disproportionate effect on minority populations or low-income persons from approval and implementation of the project. Contractors, the workforce, and material suppliers would benefit economically from the proposed work, as would the city of Florence through property taxes. The applicant would benefit economically from rental fees and concessions sales, and his needs would be met.

c. Applicant's Action With Special Conditions. The impact of this action would be similar to the description in "b" above. Special conditions, listed in Section 4.4, have been reviewed and accepted by the applicant. This alternative would have

the least adverse impacts of the options under consideration. Negative impacts to the environment would be minimized.

**4.4 Recommended Special Permit Conditions.** The following recommended special permit conditions, when applicable, are typically included in most DA permits, and are necessary to comply with federal law, while affording appropriate and practicable environmental protection.

1. The work shall be in accordance with any plans attached to this permit. You must have a copy of this permit available on the site and ensure all contractors are aware of its conditions and abide by them. *Justification: Recommended at 33 CFR 325, Appendix A.*
2. A preconstruction meeting with you, your contractors, and representatives from this office and the Tennessee Valley Authority (TVA) shall be held on site prior to any work in jurisdictional waters. The contractors shall present their method of operation for the work at this meeting. You should contact this office at least one week prior to construction to arrange the required meeting (telephone 615-369-7500). *Justification: To minimize permit noncompliance.*
3. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S. *Justification: Recommended at 33 CFR 325, Appendix A.*
4. The disturbance to riparian vegetation must be kept to a minimum during construction. *Justification: To minimize the amount of disturbance in the work area.*
5. All disturbed areas shall be stabilized by straw and seeding as soon as practicable after construction. You must institute and maintain a strict erosion and sediment control program for the life of the project. *Justification: To minimize impacts on water quality.*
6. All activities associated with the project must be conducted in a way that will minimize or avoid impacts to fish and wildlife resources located in Shoal Creek and the Tennessee River. Employ best management practices prior to and throughout the duration of the project to avoid or minimize sedimentation into Shoal Creek. *Justification: To minimize impacts to fish and wildlife.*
7. You must install and maintain, at your expense, adequate safety lights, reflectors, and/or signals that would allow the boating public to recognize the marina's water-based structures between dusk and dawn. This shall be coordinated with the Alabama Marine Police Division. *Justification: To minimize impacts to navigation and safety.*

8. You must recognize that the structures being constructed are located in recreational waters and will be subject to wave wash or collision damage from passing vessels. You must take all proper steps to ensure the integrity of the structure and the safety of boats moored thereto. *Justification: To minimize impacts to safety.*
9. You must reduce the lakeward extension of the facility by 37 feet to extend into the channel no further than 1/3 of the distance to the opposite shoreline to allow for safe passage for through boaters. The harbor limits will be granted to the limits of the structure only, i.e., 284 feet long by 300 feet wide. You must also attach lights and reflectors around the perimeter of the facility to enhance its visibility. *Justification: To minimize impacts to safety.*
10. You will be responsible for installing and maintaining no-wake signs, including maintaining proper placement. They must remain legible to the boating public and located within marina confines only. *Justification: To minimize impacts to safety.*
11. Any fixed structures should have a floor elevation at least 1.5 feet above normal summer pool elevation of 507.5-foot shoreline contour. *Justification: To minimize impacts to safety.*
12. You must develop and implement a Spill Prevention, Control, and Countermeasures Plan to comply with U.S. Environmental Protection Agency's regulations. Copies of the plan will be provided to the permitting agencies. *Justification: To minimize potential post-construction water quality impacts.*

## Chapter 5.0 References

Alabama Department of Environmental Management. 2008. *Alabama's Water Quality Assessment and Listing Methodology*. Available at <<http://www.adem.state.al.us/WaterDivision/WQuality/303d/WaterAssessmentMethodology2008final.pdf>>.

Transportation Research Board. 2000. *Highway Capacity Manual*. ISBN: 0309067464.

U.S. Environmental Protection Agency (USEPA). 1999. Consideration of Cumulative Impacts in EPA Review of NEPA Documents. USEPA, Office of Federal Activities (2252A). EPA 315-R-99-002/May 1999. Available at <<http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>>.

**Appendix A**

**Public Notice 07-100**

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**US Army Corps  
of Engineers.**

Nashville District

# Public Notice

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Public Notice No. 07-100      Date: January 9, 2008

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Application No. 2001-00835      Expires: February 9, 2008

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214  
Attn: Richard D. Graham

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**JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY**

**SUBJECT:** Proposed Commercial Marina and Loading Dock at Mile 1.4R, Shoal Creek, Opposite Tennessee River Mile 264.4R, Wilson Lake, Lauderdale County, Alabama

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act (RHA) of 1899**, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. The proposed loading dock/launching platform meets the criteria for authorization under Nationwide Permit (NWP) #25, dated March 19, 2007, which permits the discharge of material such as concrete and rock into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures. The State of Alabama issued a water quality certification for NWP #25 on May 30, 2007.

**APPLICANT:** Randy Rollison  
174 Maury Lane  
Florence, Alabama 35634

**LOCATION:** Mile 1.4, Right Bank, Shoal Creek, Opposite Tennessee River Mile 264.4R, Wilson Lake, Lauderdale County, AL (USGS Quad: Killen, AL; Latitude 34.852; Longitude -87.571).

**DESCRIPTION:** The applicant proposes to construct a commercial marina within a 300'x321' area adjacent to an existing concrete seawall at the subject location. The proposed construction would consist of one 24'-wide access walkway paralleling the seawall; one 12'x262' dock with seven boatslips, each measuring 25'x28'4";

**CELRN-OP-F 07-100**

one 100'x128'8" fuel and pump-out dock containing four slips; and one 14'x124' walkway adjacent to a fixed 40'x40' boat launching/loading platform. The platform would be constructed by driving sheet steel pilings from a barge into a 40'x40' square, filling the square with washed gravel and capping with concrete. About 623 cubic yards of fill material would be required. Floor elevation of the platform would be 2.5 feet above normal summer pool elevation of 507.5 MSL. The proposed facilities would be protected within an L-configured breakwater measuring 10' wide and 300'x 250' on each side. Surfaces of the floating walkways, docks, and breakwater would be approximately 18" above the water, and all floating structures would be secured with telescoping spud poles or anchored cables. Land based activities include the construction of a 300-slip dry stack storage building, ship store, restaurant and retail space. The marina and associated amenities would serve the boating public on Wilson Lake. Plans of the proposed work are attached.

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

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

**CELRN-OP-F 07-100**

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

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

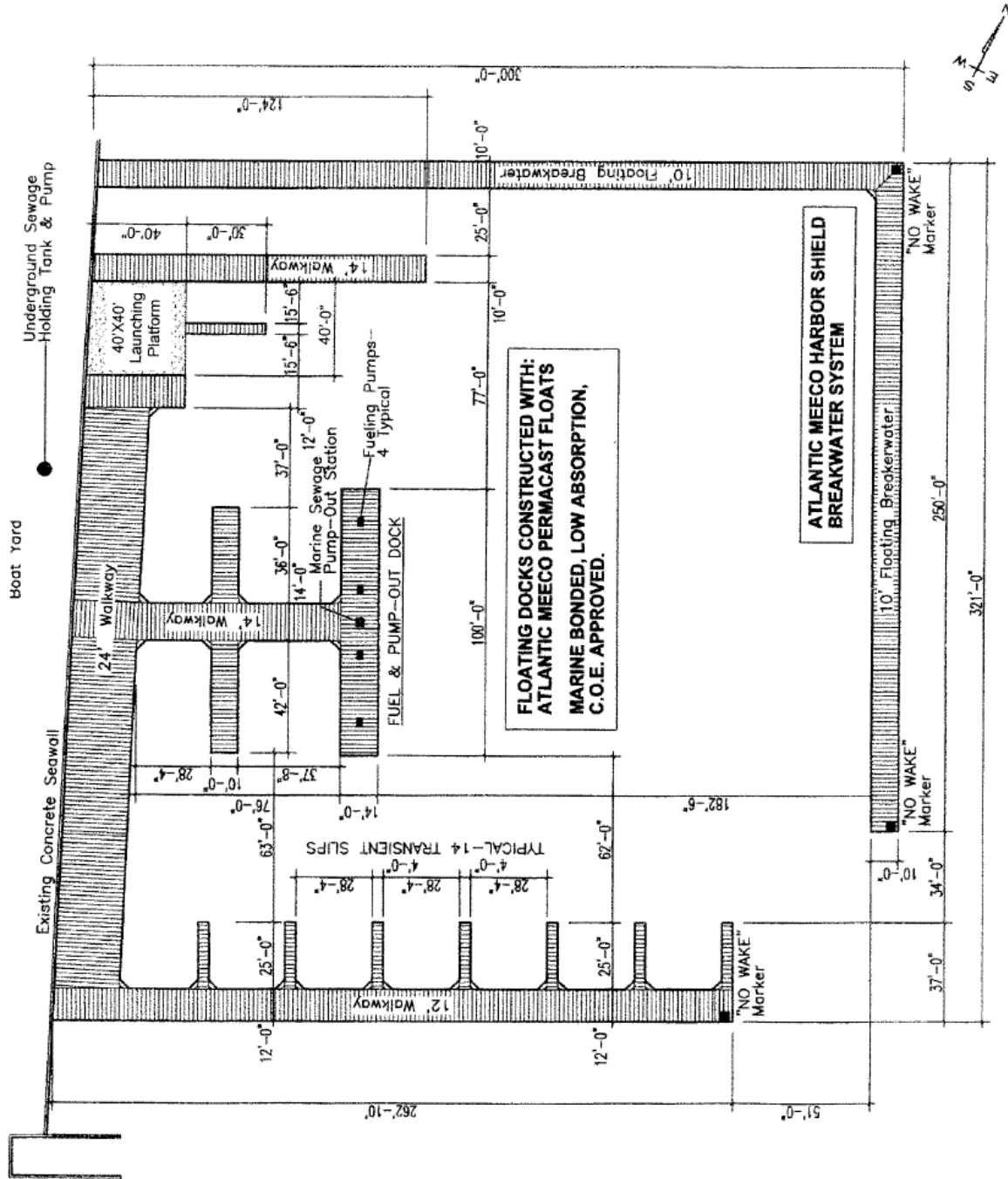
Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service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

Other federal, state, and/or local approvals for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **February 9, 2008**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501, or e-mail at [richard.d.graham@lrn02.usace.army.mil](mailto:richard.d.graham@lrn02.usace.army.mil).





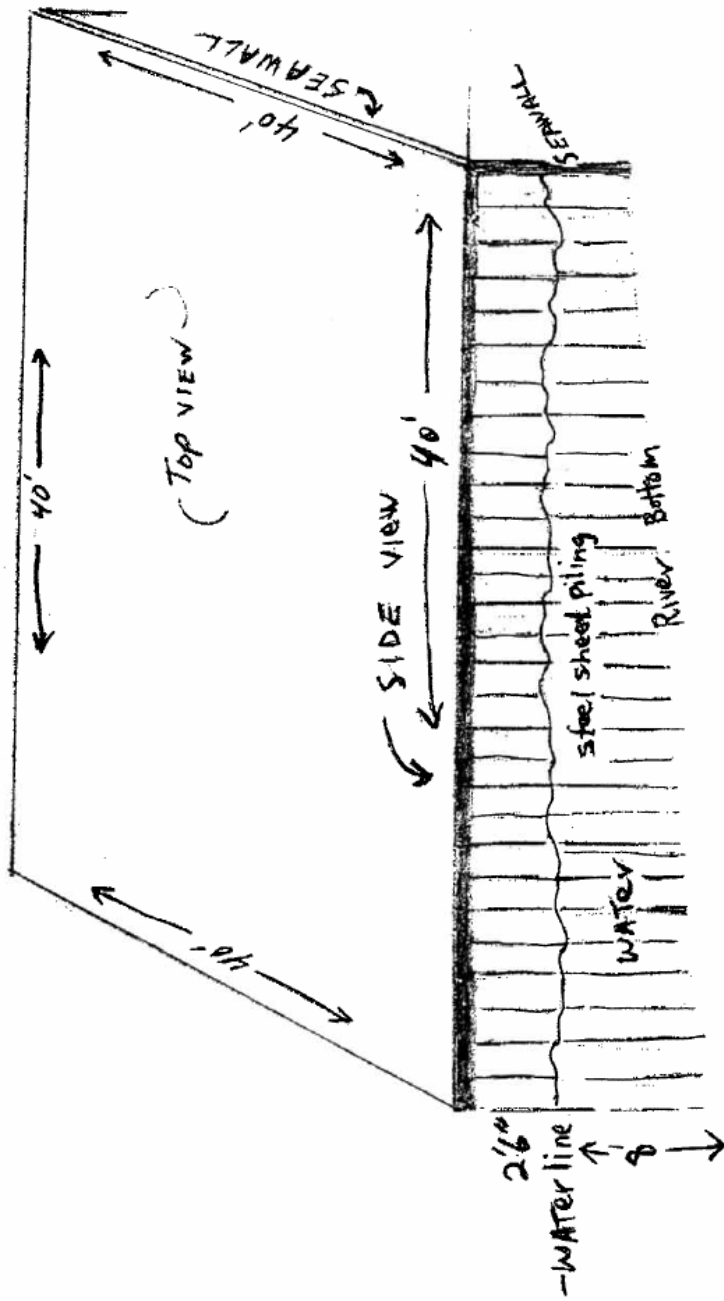
RANDY ROLLISON  
 FILE NO 200100835  
 PUBLIC NOTICE NO. 07-100  
 EXHIBIT B

**FUEL & PUMP-OUT DOCK**  
 SCALE : 1"=50'-0"

SHOAL CREEK  
 WILSON RESERVOIR

FLOATING DOCKS CONSTRUCTED WITH:  
 ATLANTIC MEECO PERMACAST FLOATS  
 MARINE BONDED, LOW ABSORPTION,  
 C.O.E. APPROVED.

ATLANTIC MEECO HARBOR SHIELD  
 BREAKWATER SYSTEM



Launching platform would require approximately 623 cubic yards of fill.

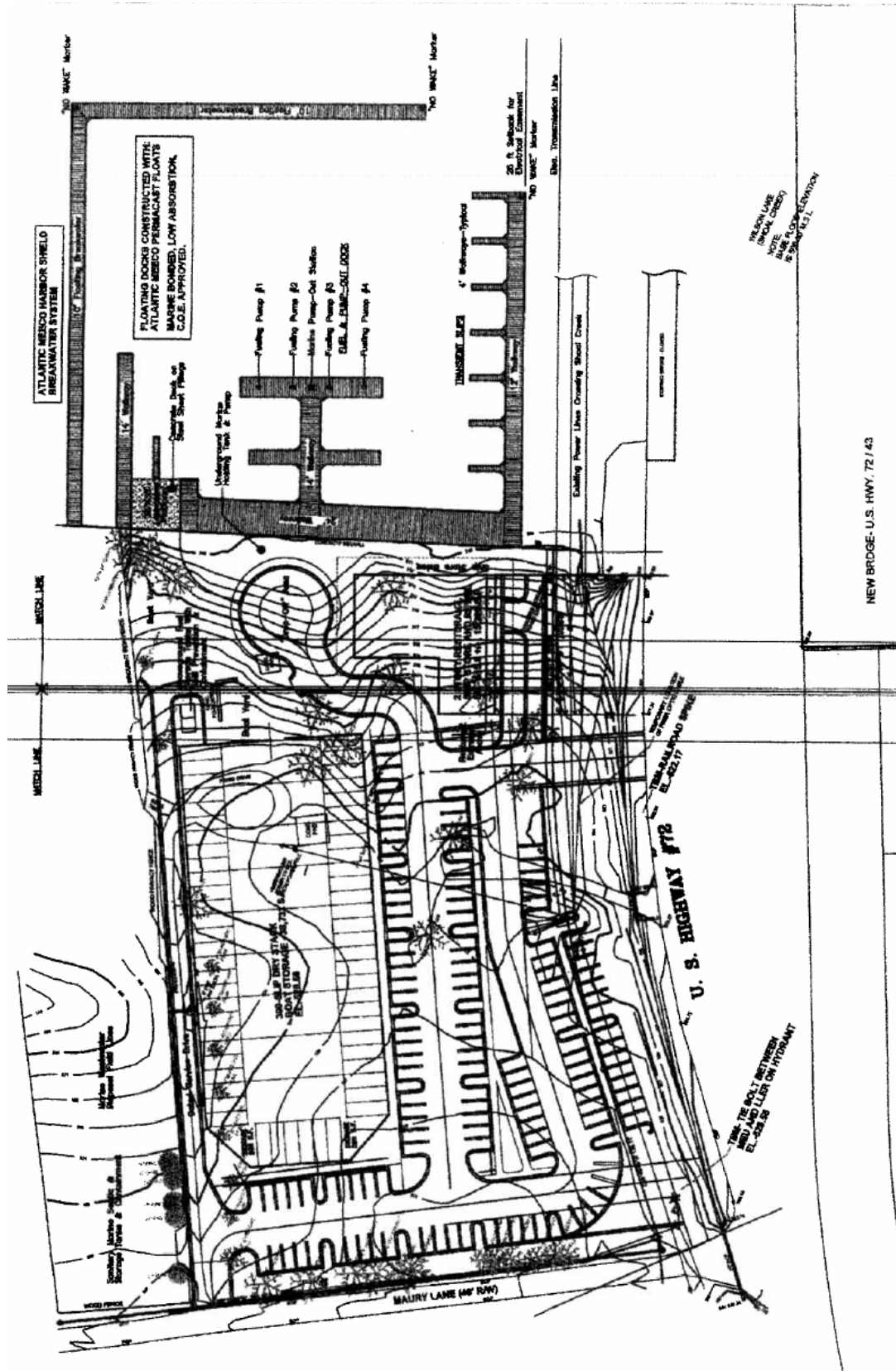
Steel sheet piling driven from BARGE into a 40'x40' SQUARE Filled with washed gravel AND CAPPED WITH concrete

2'6" Freeboard AT NORMAL POOL

8' deep at east edge

Bulk head FOR Launching boats

RANDY ROLLISON  
FILE NO. 200100835  
PUBLIC NOTICE NO. 07-100  
EXHIBIT C



PROPOSED MARINA AND LAND-BASED  
 ACTIVITIES (300-SLIP DRY STACK STORAGE BUILDING,  
 SHIP STORE, RESTAURANT AND RETAIL SPACE)

RANDY ROLLISON  
 FILE NO. 200100835  
 PUBLIC NOTICE NO. 07-100  
 EXHIBIT D

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## **Appendix B**

### **Public Notice Responses**

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BOB RILEY  
GOVERNOR

M. BARNETT LAWLEY  
COMMISSIONER

HOBBIE SEALY  
ASSISTANT COMMISSIONER

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

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

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

January 28, 2008

Nashville District Corps of Engineers  
Regulatory Branch,  
Mr. Richard D. Graham  
3701 Bell Road  
Nashville, TN 37214

Re: Public Notice No. 07-100, Proposed commercial marina and loading dock  
with seven boat slips on Shoal Creek located in Lauderdale County, AL.

Dear Mr. Graham

Based on our initial review of information provided in Public Notice 07-100, ADCNR  
submits the following comments and recommendations regarding implementation of the  
proposed project:

- The Natural Heritage Section of the State Lands Division should be contacted to determine if there is a potential for adverse impacts to either state- or federally-protected species (Ms. Jo Lewis, 334-353-3051, jo.lewis@dcnr.alabama.gov). It is also necessary to coordinate with the U. S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally-protected species, but please note that USFWS does not provide information on state-protected species. If protected species are adversely impacted by the project, additional coordination with the Department of Conservation and Natural Resources (334-242-3851) and/or with USFWS (251-441-5181) will be required.
- No net loss of stream or wetland functions should occur as a result of the project. Adverse functional impacts may result from physical impacts to a stream or wetland, or from the alteration of a stream's natural flow regime or the impairment of wetland hydrology. Adverse stream impacts requiring mitigation may include accelerated siltation resulting from improper construction or erosion control practices, stream realignment, flow diversion or interruption, the placement of riprap or other fill in the streambed in such a way that habitat functions are impaired or fish movement is impeded under low flow conditions, and other modifications of habitat or hydrology which reduce the density or diversity of aquatic species.

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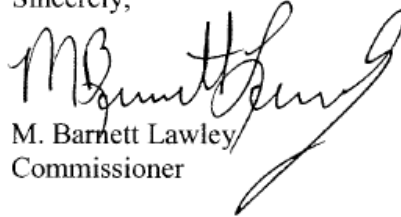
The Department of Conservation and Natural Resources does not discriminate on the basis of race, color, religion, age, gender, national origin, or disability in its hiring or employment practices nor in admission to, access to, or operations of its programs, services or activities.



- We encourage the utilization of BMPs in order to minimize shoreline erosion. Appropriate siltation barriers such as: green zones, sod strips, silt fences, or a superior means of erosion control should be used to minimize siltation downstream of the project site.
- We recommend the use of rip rap rather than sea walls to protect the shoreline from erosion. Rip rap better protects shallow water spawning, rearing and feeding habitat for fish and other aquatic species. We recommend that the larger rocks be replaced with smaller rocky structure (smaller rip rap) in order to provide some usable fish habitat. However, if seawall/bulkheading is authorized, we recommend rip-rap be placed at the tow of the structure in order to provide more suitable fish habitat.
- State water quality standards (particularly those related to erosion control, water turbidity, and dissolved oxygen) are strictly adhered to.
- Additional coordination with the Marine Police Division (256-582-1099) regarding navigational safety aspects associated with the project is also required.

We appreciate the opportunity to comment on this project. If we may be of further assistance please do not hesitate to contact this office (334-242-3851).

Sincerely,



M. Barnett Lawley  
Commissioner

Cc: Wildlife and Freshwater Fisheries,  
ADEM

161 Kensington Drive  
Florence, Al. 35633

February 2, 2008

Mr. Richard Graham  
Nashville District Corp of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, Tennessee 37214

Dear Mr. Graham,

I read about the marina being looked at in Shoals Creek. I have just a few questions. One is whether this proposed marina will close the existing public boat ramp behind the current marina called Marina Mar? If it does I have a problem with that. The new site offers little protection for boaters who launch alone. Even with protection from the main creek traffic the added traffic from the marina will make it difficult for individuals to launch, park their vehicles, and get back to their boats before damage can be done to them. A large boat with no wake is still going to produce a wake for a small boat. The second question is will this marina result in that part of Shoals Creek becoming a no wake zone permanently? It should, however I can't tell you how many people don't even know what a wake is. Especially the younger jet skiers. Then you've got the bass tournaments where everyone comes flying into Shoals Creek to get to their fishing spot first. They don't abide by the no wake rules right now. When there's money on the line some people don't think rules apply. Will the marine police be out there patrolling? I'm not talking about at 9:00 AM, I'm talking about 5:30 AM or 6:00 AM when these tournaments take off. We both know that answer.

I wish you luck on this. However, I think with all the traffic already in this creek, this marina could create some major problems. I'll be following this one closely.

Sincerely,



Bob Gundersen

04 FEB 2008

**Victor P. Dura**

P.O. Box 509  
Rogersville, AL 35652  
256-247-1431 vp dura@Hiwaay.net

#3

February 4, 2008



Nashville District Corps of Engineers  
Regulatory Branch,  
3701 Bell Road  
Nashville, TN 37214  
Attn: Richard D. Graham  
via FAX to (615) 369-7501

Dear Mr. Graham:

Ref: Proposed Shoal Creek Marina, Public Notice: 07-100, Application No. 2001-00835

Area residents are only now finding out about the proposed marina. We have not had sufficient time to review the proposal so as to be able to comment intelligently. Consequently I would like to request a public hearing be held.

Sincerely,

*Victor P Dura*



#4

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

January 29, 2008

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

Richard Graham  
USACE Nashville District  
3701 Bell Road  
Nashville, Tennessee 37214

Re: AHC 08-0348  
COE-T 07-100  
Commercial Marina & Loading Dock  
Mile 1.4R of Shoal Creek  
Lauderdale County, Alabama

Dear Mr. Graham:

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

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

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

Truly yours,

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/GCR/gcr

04 FEB 2008



#200100835

#4-A

R6

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

February 29, 2008

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

Richard Graham  
USACE Nashville District  
3701 Bell Road  
Nashville, Tennessee 37214

Re: AHC 08-348  
COE-T 07-100  
Commercial Marina & Loading Dock  
Mile 1.4R of Shoal Creek  
Lauderdale County, Alabama

Dear Mr. Graham:

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

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

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

Truly yours,

Stacy Mathorn  
State Archaeologist for:

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/SGH/GCR/gcr

10 MAR 2008

cc: Randy Rollinson  
174 Maury Lane, Florence, AL 35643



GIL SELF  
CHRIS SMITH  
GREG BURDINE



#5-1

sga

OF COUNSEL  
HANK SELF  
ROBERT BURDINE  
(1938-2003)  
GARY SMITH  
(1933-1991)

LAW OFFICES OF  
**SELF, SMITH & BURDINE**

408 WEST DR. HICKS BOULEVARD • FLORENCE, ALABAMA 35630  
(256) 767-2570 • (800) 336-2574 • FAX: (256) 767-2632

February 5, 2008

**VIA OVERNIGHT MAIL & EMAIL** [richard.d.graham@lrm02.usace.army.mil](mailto:richard.d.graham@lrm02.usace.army.mil)  
Nashville District Corps of Engineers  
Regulatory Branch  
Attn: Richard D. Graham  
3701 Bell Road  
Nashville, Tennessee 37214

Dear Mr. Graham:

**Re:** *Application No.:* 2001-00835/ *Expires:* February 9, 2008  
*Applicant:* Randy Rollison  
174 Maury Lane  
Florence, AL 35634  
*Public Notice No.:* 07-100  
*Date:* January 9, 2008

Not only do I represent, but I am one of many residents of Maury Lane that are quite concerned over the "Proposed Commercial Marina and Loading Dock at Mile 1.4R, Shoal Creek, Opposite Tennessee River Mile 264.4R, Wilson Lake, Lauderdale County, Alabama." **Why wouldn't we be concerned?** Every time circumstances arise that increase the risk of injury to family, children, pets and property value, most reasonable people are concerned. I suspect that other than those who plan to profit from this venture, none of the residents of this area are desirous of seeing this project go through.

More specifically, our concerns are as follows:

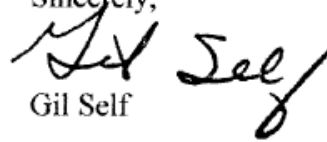
1. **An unavoidable increase in car traffic and accompanying risks.** Maury Lane, which is contiguous to this proposal, is a tranquil, narrow and unmarked dead end roadway that is not capable of safely handling the increase in car traffic. Even when the drivers are sober, which most are not after a summer day on the river, the increase in risks to personal injury is unavoidable. At

06 FEB 2008

present, there is no traffic light at this intersection, which would be needed given the vulnerability of people pulling boats, for instance. There is already a traffic light on the east side of the bridge less than 500 yards away, not to mention another traffic light to the west approximately 1,000 yards away. Alternatively, to place the egress and ingress to this proposal from Highway 72 would inevitably mean its placement would be right after crossing the bridge, which is also not a safe alternative. It is also my understanding that the State of Alabama has proposed a public boat ramp on its easement that is adjacent to Mr. Rollison's property, which would also serve to complicate matters.

2. **An unavoidable increase in boat traffic and accompanying risks.** As I'm sure you are aware, this area of Shoal Creek is already heavily used by the boaters who moor at Marina Mar, Emerald Beach and other locals. Likewise, this proposal would mean the third marina within a 1½-mile stretch of Shoal Creek. If you have ever observed the boat traffic in this area during the boating months, you would see that the width of the river can hardly accommodate it, and to add the 300-feet of a floating breakwater will narrow the river by approximately ¼ or greater. As residents of and observers of this river, we've all witnessed the carelessness and foolishness of boaters, both sober and not, especially those young people behind the wheel of boats and atop the seats of jet skies. There was a time in the not so distance past when many of us enjoyed fishing Shoal Creek, but to attempt to do so now, especially during the weekend, means to take your life into your own hands. All of this segues into the following concern:
3. **The environmental impact.** Most of us in this area have lived on Shoal Creek for decades, mainly because our love for the river and our desires to be good stewards of its health. The fact that there is no way the river can benefit, health wise, from this proposal causes many of its residents concern. Though I am not a scientist, I would venture to guess that the ecological balance between man and the river is fragile at best. From a personal standpoint, I have lived on Shoal Creek on and off for 45 years and I have witnessed a steady decline of the strip, crappie, crawfish, etc. and the introduction of zebra mussels and whatever weed it is that is taking over Pickwick Lake. I mention this only to illustrate the potential for harm from another insult to the river, such as this marina. What I do know is that more boats mean more petroleum spills and more boaters mean more plastic bottles and cans deposited in the river as well. Additionally, this 300-foot breakwater pier will undoubtedly impede the natural flow of the river resulting in a backup or accumulation of driftwood, leaves and other natural deposits.

For the above reasons, my clients and myself are requesting that a public hearing be held to consider the application.

Sincerely,  
  
Gil Self

GPS/jlw

**Graham, Richard D LRN**

---

**From:** Graham, Richard D LRN  
**Sent:** Tuesday, February 12, 2008 2:05 PM  
**To:** 'Gil Self'  
**Subject:** RE: Proposed Marina at Shoal Creek

Thank you for the additional information. I plan to extend the comment period for a few weeks.  
rg

-----Original Message-----

**From:** Gil Self [mailto:gself333@comcast.net]  
**Sent:** Tuesday, February 12, 2008 2:01 PM  
**To:** Graham, Richard D LRN  
**Subject:** Proposed Marina at Shoal Creek

Dear Richard,

You'll recall that I wrote you on February 5th regarding the proposed marina on Shoal Creek. In the letter that was overnighted to you and in my email, we requested that a public hearing be held. Since that time it has become even more evident that a public hearing be held, with one of the prevailing reasons being that very few people even knew about the "Public Notice." What is disturbing to the many people who are now concerned about this marina is that it appears to us is that there was an attempt to "keep this under the radar" or slip it through without those concerned being made aware. I have now learned that the Florence Planning Commission have now voiced their concern because there is no city sewage in that area and that there is not adequate land for a septic tank for a proposed marina this large. Likewise, I am reiterating our request for a public hearing. Thanks for your cooperation.

Sincerely,

Gil Self

Roger L. Babcock  
2421 Chickasaw Drive  
Florence, AL 35630

February 02, 2008

Nashville District Corps of Engineers  
Regulatory Branch Attn: Richard D. Graham  
3701 Bell Road  
Nashville, TN 37214

**RE: Shoals Creek Marina**

**Dear: Mr. Graham**

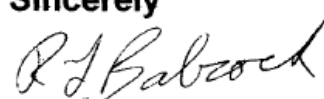
**It is disturbing to find out about your and Mr. Rollison's plans, just 4 days before the cut off comment date, to construct a LARGE facility that further congests a creek already chock full of summer season traffic.**

**I have my summer camp on Shoals Creek not far from what might be your proposed location. I tell you this to give creditability to my next request.**

**I respectfully request a plot plan of this proposed marina with a benchmark so I can identify where it is and how it will effect traffic and how large the "wake" restrictions will be beyond the 300' / 321'.**

**My second request is that you extend this comment period, at least for me, to give time to look at your plans and mail you my response.**

**Sincerely**



**Roger L. Babcock**

**File: Marina**

Roger L. Babcock  
2421 Chickasaw Drive  
Florence, AL 35630

March 01, 2008

Phone  
(256) 764-770

Nashville District Corps of Engineers  
Regulatory Branch Attn: Richard D. Graham  
3701 Bell Road  
Nashville, TN 37214

**RE: Shoals Creek Marina**

**Dear: Mr. Graham**

**What good does it do to have a comment period related to a proposed marina facility on Shoals Creek if you blatantly ignore the feedback you get.**

**Attached you will find a copy of my original letter filed within the time frame specified. Please respond.**

**Is this already a done deal and this process is just for show? Show me something Mr. Graham.**

**Sincerely**



**Roger L. Babcock**

**File: Marina 2**

**Attach: Original Letter**

05 MAR 2008

**Roger L. Babcock  
2421 Chickasaw Drive  
Florence, AL 35630**

**March 05, 2008**

**Nashville District Corps of Engineers  
Regulatory Branch  
Attn: Richard D. Graham  
3701 Bell Road  
Nashville, TN 37214**

**RE: Mr. Rollison's Shoals Creek Marina**

**Dear: Mr. Graham**

**After our discussion today and your conformation of the proposed marina location and your confirmation that hard construction would protrude across the water 300+ feet in one of the busiest areas of Shoals Creek I must protest that this facility is way too large for the proposed site.**

**The Marina owners, The Corps, TVA, or the Coast Guard will further restrict the creek by posting of "NO WAKE" markers until well over 1/2 of the waterway is restricted by this commercial endeavor.**

**Pleasure boat and personal watercraft traffic in this critical area is "extreme" during the June, July, & August summer season. All of us property owners in Shoals Creek must pass this facility going and coming from the Tennessee River each time we use our equipment. There is also a growing and annoying over use of the creek by those who trail there craft and "come in out of the wind" when the Mighty Tennessee gets rough.**

**Thank you for providing the detail information about where this facility is proposed and for taking the time to discuss the "wake" issue that further complicates this project.**

**Sincerely**

A handwritten signature in cursive script, appearing to read "R. L. Babcock".

**Roger L. Babcock**

**File: Marina 3**

**Attach: None**



February 6, 2008

(#7)

o:

Regulatory Branch,  
3701 Bell Road  
Nashville, TN 37214

Dear Mr. Graham:

We reside on the banks of Sugar Creek, a tributary of Elk River. We have a great many friends living up and down Elk River who we visit often. We treasure the many natural resources of this watershed.

We believe that the current marina developments are fully sufficient for the needs of the community living around the Highway 72 area. We oppose any further marina development in this already pressured and fragile environment.

We specifically oppose Mr. Rollison's permit application for marina construction and request a public hearing be scheduled to allow open community review and comment on this application.

Sincerely,



Woodfin and Carla Gregg  
PO Box 184  
Athens, AL 35612

**CLOVERDALE ROAD FAMILY MEDICAL CENTER**

3502 CLOVERDALE ROAD  
FLORENCE, ALABAMA 35633

TELEPHONE: (256) 764-1263

#8

EDWARD F. CROCKETT, III, M.D.

DIPLOMATE OF THE AMERICAN  
BOARD OF FAMILY MEDICINE

FELLOW OF THE AMERICAN ACADEMY  
OF FAMILY PHYSICIANS

Nashville District Corps of Engineers  
Regulatory Branch  
Mr. R. D. Graham  
3701 Bell Road  
Nashville, TN. 37214

February 7, 2008

Dear Mr. Richard D. Graham;

I am writing to provide input on the proposed marina to be built on Shoal Creek in the Florence, Alabama area. I am a resident on Wilson Lake, and have a strong interest in any such projects. We have a very great need for additional marina facilities that would service Wilson Lake. I think there is a significant shortage of boat slips. We also need the extra fueling facility as well as the boat launch and loading area. It would be very nice if this facility also offered a restaurant or at least provided snack foods for the boating public. The proposed facility will be well received by the general boating public.

In the past similar proposed facilities have been blocked by a small number of people who had only their self-interest at heart. I hope that the regulatory agency will consider the greater good in this matter and approve this facility.

Dr. Ed Crockett  
  
265 Indian Springs Drive  
Florence, AL 35634

**11 FEB 2008**

**Graham, Richard D LRN**

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*my reply to him*

**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:25 PM  
**To:** 'chuckrivers@comcast.net'  
**Subject:** RE: Comments, Re: Proposed Shoal Creek Marina, Lauderdale County, AL

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: chuckrivers@comcast.net [mailto:chuckrivers@comcast.net]  
Sent: Saturday, February 09, 2008 8:01 PM  
To: Graham, Richard D LRN  
Subject: Comments, Re: Proposed Shoal Creek Marina, Lauderdale County, AL

**Graham, Richard D LRN**

#9-1

**From:** chuckdrivers@comcast.net  
**Sent:** Saturday, February 09, 2008 8:00 PM  
**To:** Graham, Richard D LRN  
**Subject:** Comments, Re: Proposed Shoal Creek Marina, Lauderdale County, AL

as comment

TO:  
Nashville District Corps of Engineers  
Regulatory Branch,  
3701 Bell Road  
Nashville, TN 37214  
Attn: Richard D. Graham

FROM:  
Charles L. Rose  
President  
Shoals Environmental Alliance  
1206 N. Montgomery Ave.  
Sheffield, AL 35660  
H. (256) 381-2826  
C. (256) 366-1937  
chuckdrivers@comcast.net

Mr. Graham,  
I am writing in regard to Application No. 2001-00835, a proposal by Mr. Randy Rollison to construct a commercial marina and loading dock at mile 1.4R, Shoal Creek, Lauderdale County AL.

I am opposed to the construction of this marina for several reasons. Additionally, I feel that the comment period should be extended and a public hearing should be held in consideration of this application.

#### Lack of Public Notice

No one even knew of this application until the last several days. The public comment period should be extended, so people have time to assess the application and complete comments.

Why doesn't the Corps of Engineers send out a Press Release when these applications are made? I assume a legal notice ran in a local paper, but no one saw it. A resident of Maury Lane told me he only found out about Mr. Rollison's application on Friday, Feb. 1.

The local paper, The TimesDaily ran a brief blurb about the application and comment period the next day, Saturday Feb. 2. I called the reporter, Dennis Sherer, and he told me he only found out because you, or someone else in your office, called him, asking for information about local historic society contacts.

I guess running a legal notice no one sees legally satisfies NEPA, but it certainly doesn't satisfy the spirit of the law, in my opinion.

#### Need for a Public Hearing

The Corps should hold a public hearing on this application. The public needs more information and they have a right to voice their concerns about this proposed marina project. Large developments that affect our shorelines and waterways shouldn't be snuck in under the public's radar.

If this marina has merit and will benefit the public, why cram it down the public's throat? Extend the comment period, hold a public meeting, let everyone be heard, and make the choice that is best in the public's interest.

Car Traffic

#9-2

There is no traffic light at the entrance to Maury Lane. Maury Lane is a narrow unmarked roadway. Will the egress and ingress be on Highway 72 unavoidably near the bridge or onto Maury Lane (from the drawings it appears to be on Maury Lane)? Maury Lane is a dead end. Will this increased traffic use create a safety hazard? Will there need to be yet another stop-light on this stretch of the highway?

Boat Traffic

This would be the 3rd marina within a one and a half mile stretch of the already heavily used Shoals Creek. The length of the proposed floating breakwater will extend 300 feet or roughly one-third of the width of Shoals Creek at this point. Will this create a hazard for boaters?

Environmental Impact

A new marina will invariably bring pollution (fuel run off, air quality, noise etc.) not only to its immediate location but it will also negatively

impact the downstream ecology and environment. There will be the potential for unexpected spills.

Will the Marina adversely affect the immediate neighborhood?

The proposed marina features a 300-slip dry stack storage building. Judging from drawings submitted by the developer, this structure might be 5-stories high. Will this tall building obstruct local residents' view of the creek? Their view of the bridge? Will it affect their property values? Will the increased traffic and noise keep them up at night?

Is this marina necessary?

This section of Shoal Creek is already well served by two existing marina, Marina Mar, on the west bank, just downstream of the US-72 bridge, and Emerald Beach Marina, about a mile upstream from the US-72 bridge, on the east bank. Is a third facility even needed? Will it have a negative economic impact on the two existing marina, which are not currently being used at full capacity?

Operating a marina can be a risky venture.

Many of the area's marinas are currently losing money. Why will this one be any different? It's often hard for marinas to be profitable. Like golf courses, they are "attractors" of more development, such as vacation homes and condos, but they're often perennial money losers and can depreciate in value over time. This is illustrated by the large turn-over

of owners and operators at the nearby Florence Harbor Marina on Pickwick Lake. #9-3

Does the developer have the proper financial resources to complete this project?

Furthermore, does he have enough additional funds to operate the marina at a loss until it starts to produce a profit? Has the property been assessed? Is Mr. Rollison bonded? If he goes bankrupt, will local residents stare for decades at an empty, rotting 5-story dry storage building a few doors up the street from them, because there was no money left to tear it down?

Something similar happened just east of Shoal Creek on the Elk River, when a granary business went bankrupt, leaving a huge grain silo and loading dock. Local residents told me the loading dock was eventually removed, but the silo is still there. When a developer proposed a marina on the Elk River a few years ago, TVA officials required him to be bonded so the facility could be removed if he went out of business. Will this be the case for Mr. Rollison?

#### Visual Impact

Wilson Lake and Shoal Creek are way overdeveloped already. Will this marina with its large dry storage building have a negative effect on the boaters view shed? Motorists' view shed? The local residents' view shed?

#### Safety Concerns

Shoal Creek is already heavily used. Folks who live along the creek have been complaining for several years now about how much boat traffic there is. Fishermen, boaters, swimmers & canoers have expressed safety concerns. Parents have expressed concerns for their children's safety. A marina with storage capacity for 300 plus more boats will certainly not help this situation.

#### Water Quality

Water quality might suffer from more than just fuel & oil spills from boats and leaky boat toilets. Judging by the developer's drawings, most of the marina site will be taken up by the dry storage building and the rather large parking lot. With all this impervious surface (asphalt parking lot, building roof) so close to the water, there should be a lot of run-off into Shoal Creek. Parking lot run-off is especially noxious, often containing trash falling or blowing out of car doors and splotches of motor oil, axle grease and transmission fluid leaking from cars.

The drawings in the application were hard for me to read, but I thought field lines for a septic system were indicated. I called the phone number listed in the public notice, (615) 369-7507, to find out if this was correct, but it seemed to be an incorrect number. Is there, in fact, a septic system? Wouldn't it have to be quite large to service the pump out station and marina restrooms? Has the site been tested?

Noise & Lights

#9-4

How much will noise from the marina affect nearby residents? The sound of boats & jet skis entering and leaving the marina, traffic going in and out, cars and trucks idling, the machinery that move the boats in and out of their slips in the dry storage building and into the water, the hum of industrial air-conditioners. Large numbers of people talking, shouting & laughing late at night. Parking lot lights, lights on the docks, etc., shining all night.

Local Residents

I know from telephone calls I have received that a large group of residents in the Maury lane neighborhood are not very happy about having this marina down the street from them. Large developments such as this one shouldn't be forced on folks without adequate public notice, an extended comment period and a public hearing to let them voice their opinions and concerns.

Thank you for letting me comment.

Regards,

Charles L. Rose  
President  
Shoals Environmental Alliance  
1206 N. Montgomery Ave.  
Sheffield, AL 35660  
H. (256) 381-2826  
C. (256) 366-1937  
chuckrivers@comcast.net

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 1:53 PM  
**To:** 'Margmick271@aol.com'  
**Subject:** RE: Proposed Marina on Shoal Creek.

*09 am*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Margmick271@aol.com [mailto:Margmick271@aol.com]  
Sent: Sunday, February 03, 2008 6:09 PM  
To: Graham, Richard D LRN  
Subject: Proposed Marina on Shoal Creek.

Mr. Graham, if you check out the traffic on this particular spot on Shoal Creek you would realize that a marina here would be a disaster! My daughter lives just up the creek and I am constantly holding my breath for these kids that are pulled on rafts and such here. The boats are just bow to motor in both directions every weekend during the summer! I just know some kid is going to get run over soon! Please let the Corp of Engineers check out this area before they approve this because if they do I am sure they will realize that they is just not enough room to accommodate another marina.

Margie Anderton  
271 CR 68  
Killen, Al 35645  
256-757-7064



**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 1:55 PM  
**To:** 'Caw2566@aol.com'  
**Subject:** RE: another shoals marina, not a good idea!



Thank you for your comment. We will add it to our file. Please provide me with your mailing address. Thanks again.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** Caw2566@aol.com [mailto:Caw2566@aol.com]  
**Sent:** Sunday, February 03, 2008 7:00 PM  
**To:** Graham, Richard D LRN  
**Subject:** another shoals marina, not a good idea!

dear mr. graham,

due to increased traffic on an already over-congested area of shoals creek, i am against the new project.  
the quality of life in the area will suffer, as will the creek from additional pollution, noise, and the wakes of speeding boats and water-jets that already make it impossible to enjoy a quiet evening on the creek.  
we are kayakers and canoeists, some of us like to fish in shoals creek, too.  
some folks only care about the commercial value of our waterways and access to them.  
well, to them we must say' "enough is enough".

sincerely,

robert highfield

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 1:56 PM  
**To:** 'nancymusesea@aol.com'  
**Subject:** RE: Proposed Shoal Creek Marina

ay<sup>o</sup>

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: nancymusesea@aol.com [mailto:nancymusesea@aol.com]  
Sent: Sunday, February 03, 2008 10:37 PM  
To: Graham, Richard D LRN  
Subject: Proposed Shoal Creek Marina

Dear Mr. Graham,

I am alarmed and dismayed that are plans in motion to build a marina on Shoal Creek. I have serious doubts that this creek can stand any more development and boating activity not only for environmental reasons but for safety reasons. Many days there is already too much boating and other motorized recreational traffic which poses an obvious hazard to all involved.

I wish to request that a public meeting be held and advertised in a prominent place in the local newspaper the Times Daily (Florence, AL) about this with public comment and questions in the near future before any further action is allowed concerning the development of this marina.

I will look forward to hearing from you and hope you can provide a time and place where this meeting will be held.

Sincerely,

Nancy Muse  
246 Robinhood Dr.  
Florence, Alabama 35633

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 1:57 PM  
**To:** 'gloverg@uah.edu'  
**Subject:** RE:

*glover*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: gloverg@uah.edu [mailto:gloverg@uah.edu]  
Sent: Monday, February 04, 2008 11:27 AM  
To: Graham, Richard D LRN  
Cc: chuckrivers@comcast.net; janice@wildsouth.org  
Subject:

Mr. Richard D. Graham,

I am writing to voice my concerns and objections to the proposed Shoal Creek marina. A new marina will invariably bring pollution ( fuel run off, air quality, noise etc. ) not only to its immediate location but will also negatively impact the downstream ecology and environment.

I believe there should be a public hearing and debate on this matter. There are a great many North Alabama residents who are opposed to the rampant development ( and its attendant environmental, ecological and esthetic degradation ) of our waterways solely for the profit and benefit of a few politically well connected businessmen and developers.

I strongly encourage you to reject the Shoal Creek marina proposal.

Sincerely,

Gary Glover  
335 S Old Six Mile Rd  
Somerville, AL 35670

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 1:59 PM  
**To:** 'robin burchfield'  
**Subject:** RE: Public Notice No 07-100

*Agreement*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: robin burchfield [mailto:rockinrob35652@yahoo.com]  
Sent: Tuesday, February 05, 2008 4:09 AM  
To: Graham, Richard D LRN  
Subject: Public Notice No 07-100

Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Rd  
Nashville, Tn. 37214

Attn: Richard D. Graham

My name is Robin Burchfield and I live in Lauderdale Co. I have several concerns about building a new marina on Shoals Creek. Most are environmental/ecological effects this marina will have on our Creek. I have listed a few of my concerns below.

Negative Environmental/Ecological Impact:

Fuel leakage from boats; direct human waste (urine, feces, trash into river at Marina. IF 50 Boat slips are to be added to new marina starting out and say 25 boats a day get gas and spill an average of 1/2 TO 1 GALLON of fuel. THAT'S 25 TO 50 GALLONS IN THE RIVER. POLLUTION Kills! WHERE WILL FUEL TANKS BE? IN WATER OR ON SHORE?

Fuel prices are OUTRAGEOUS now. No one will be able to afford gas at the marina. Will the builder be responsible for returning the area on the water back if he goes belly up or will everyone else have to deal with an abandoned floating dock? What will happen when the flash flooding comes down the creek and destroys the docks and damages the new Hy 72 bridge? I hope this is being considered. I have seen the damage done on Shoals Creek flooding. Homes and docks have been destroyed over and over thru the years.

Boat trash (just look at the shoreline now; it\*s a disgrace).

Too much boat traffic on Shoals Creek(IE Numerous residences/boathouses;Marinas) There is no room now, especially on weekends and holidays. This leads to erosion of our shorelines because of the wakes from boats and personal water craft and damages docks, seawalls, washes out rip rap.

Negative impact on fish population. (Shoals Creek already in danger from too much sediment runoff, flooding, bottom life is rated poor, much pressure from fishermen, and general abuse by the public)

Trash and abuse to area between Hwy 72 and "marina" area will increase.

Negative impact on wildlife -

Increased criminal activity

This will be a privately owned business that will rent to anyone.

Theft of property from local boathouses and homes will increase.

Lauderdale County is a "dry" county.  
A marina will certainly bring in alcohol and the related crimes. (DUI in both cars and boats, and all the related criminal activity that comes with alcohol)

If boat rentals and personal watercraft rentals are allowed marina should be responsible for the checking of Al. boating license.

There will be absolutely no police protection.  
there is only one Alabama Marine Policeman for the whole area of Wilson and Wheeler Lakes)

This business will struggle to make money ( For example, the restaurant/Marina in McFarland Park has struggled from the beginning. The Harbor has changed hands; the Restaurant has failed under numerous different owners/renters.

The marina and wave-break will cause a navigation obstruction. 300 foot protruding out into the creek will differently cause problems.

None of the numerous residents that I have talked to want this and will not support it (IE use the marina, restaurant, boats etc). There are only a handful of people that think this is a good idea.. They have obviously not thought this thru. Any good it would do (selling a few hamburgers, gasoline, and picnic supplies) will certainly be offset by the many, many problems it will cause.

" WE CAN LEAVE NO GREATER GIFT FOR OUR CHILDREN THAN TO LEAVE THE WATERSHEDS ENTRUSTED TO OUR CARE HEALTHIER AND MORE DIVERSE."

I would like to request a public hearing.

Sincerely,

Robin Burchfield  
1194 Barnett Rd.  
Rogersville,Al.35652  
256-247-1549  
E-mail rockinrob35652@yahoo.com

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:00 PM  
**To:** 'jim&irene'  
**Subject:** RE:

*copy*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** jim&irene [mailto:2fowlers@wildblue.net]  
**Sent:** Tuesday, February 05, 2008 9:06 AM  
**To:** Graham, Richard D LRN  
**Subject:**

We would like to submit our objections to the proposed marina and 300-slip dry stack storage building on Shoals creek near Florence Alabama.

1. Boat traffic is already quite heavy on the creek.
2. There is a marina just downstream of the US-72 bridge and another about a mile upstream.
3. The large scale of the marina would adversely impact the amount of pollution in an already polluted waterway.

James Fowler  
Irene Fowler  
106 Gillis Drive  
Lexington Al. 35648  
2fowlers@wildblue.net

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:02 PM  
**To:** 'Lou Parbery'  
**Subject:** RE: Shoals Creek additional Marina

*agm*

Thank you for your comment. We will add it to our file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** Lou Parbery [mailto:blp@hiwaay.net]  
**Sent:** Wednesday, February 06, 2008 8:19 AM  
**To:** Graham, Richard D LRN  
**Subject:** Shoals Creek additional Marina

Please do your job and have a public hearing with proper notice for this request from local developer to add yet another Marina to Shoals Creek.

I'm concerned about pollution, water safety, added traffic, real need for another Marina among other issues that need to be discussed at a public hearing.

Concerned citizen!

Lu Parbery

**Graham, Richard D LRN**

---

**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:05 PM  
**To:** 'wpmurrey3@bellsouth.net'  
**Subject:** RE: Shoal Creek

*against*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** wpmurrey3@bellsouth.net [mailto:wpmurrey3@bellsouth.net]  
**Sent:** Wednesday, February 06, 2008 5:09 PM  
**To:** Graham, Richard D LRN  
**Subject:** Shoal Creek

Dear Mr. Graham,

I have been going to the Tennessee River, the Elk River, and Shoal Creek all of my life. I own property and a home on the Elk River. I understand that there has been an application made for a marina to be put on the Shoal Creek. We have several friends that live on the Shoal Creek, and we go from our place on the Elk River by boat to Shoal Creek. There are already two marinas on Shoal Creek. I feel that these two are adequate enough. I feel that Shoal Creek is on the very brink of being over-crowded..

I urge you to consider this before making a decision to allow this to happen. I also urge you to hold a public meeting, and get some input from the local residents.

Sincerely,

W. Preston Murrey III  
400 Jennifer Circle  
Rogersville, AL



**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:10 PM  
**To:** 'hallieamu@comcast.net'  
**Subject:** RE: Shoals Creek Marina Proposal

*Agenda*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: hallieamu@comcast.net [mailto:hallieamu@comcast.net]  
Sent: Thursday, February 07, 2008 10:30 PM  
To: Graham, Richard D LRN  
Subject: Shoals Creek Marina Proposal

Mr. Graham:

As a citizen who has lived on the Shoals Creek segment of Wilson Lake for over 60 years and has seen what the boating traffic has done to the lake environment in recent years, it is definitely my feeling that the Corps of Engineers should hold a public hearing on the application made by Randy Rollison to build another marina just upstream from U. S. 72. I might add that a large marina is already on the opposite side of the bridge crossing U. S. 72.

Prior to my retirement, I worked 19 years for the Tennessee Valley Authority Environmental Engineers and therefore I feel that I have some good knowledge relative to what excessive boating can do to our lakes.

Please, extend the comment period; hold a Public Meeting; let everyone interested be heard; and make the choice that is best in the public interest.

R. C. Underwood, jr.  
400 Hillside Drive  
Florence, Alabama 35634

Phone 256-757-4014

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:27 PM  
**To:** 'Sue Roessel Dura'  
**Subject:** RE: Shoals Creek Marina

*ag comment*

Thank you for your comment. We will add it to our file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Sue Roessel Dura [mailto:srdura@hiwaay.net]  
Sent: Saturday, February 09, 2008 11:59 AM  
To: Graham, Richard D LRN  
Subject: Shoals Creek Marina

Dear Richard D. Graham,

Apparently, a legal notice was run in the Times Daily on Jan. 9 regarding this new marina, but I just found out about it today.

I understand that the marina's docks, walkways, beakwaters, etc. would be contained in a 300' x 321' area of the creek. The proposed marina would also feature a 300-slip dry stack storage building.

It is apparent that boat traffic is already quite heavy on the creek; there is a marina just downstream of the US-72 bridge and another about a mile upstream.

I would like to voice my opposition to this project and request that the public comment period be extended. Our waterways are already degraded by over use and should be preserved and improved by limiting impacts such as this marina.

All the best,

Susan Roessel  
PO Box 509  
Rogersville, AL 35652  
256-247-1431  
SRDura@hiwaay.net

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:09 PM  
**To:** 'whistlerc42@aim.com'  
**Subject:** RE: proposed Shoal Creek marina

Again, thank you for your second comment. We will add it to our file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: whistlerc42@aim.com [mailto:whistlerc42@aim.com]  
Sent: Wednesday, February 06, 2008 5:52 PM  
To: Graham, Richard D LRN  
Subject: proposed Shoal Creek marina

A new marina is being proposed for Shoal Creek adjacent to the US 43/72 highway bridge. I believe that a public hearing should be scheduled and the comment period extended before this project progresses.

With another large marina just across the highway the traffic congestion will be a major problem and the boat traffic on this narrow reach of creek will be horrible.

A new marina is the last thing needed at this locality.

Sincerely,

Charles Harlan

**Graham, Richard D LRN**

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**From:** whistlerc42@aim.com  
**Sent:** Monday, February 11, 2008 5:08 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: proposed marina on shoals creek,killen al.

Mr Richard Graham,

Thank you for your reply. My mailing address is:

Charles Harlan  
2108 Berry Circle  
Florence,Al. 35630

-----Original Message-----

**From:** Graham, Richard D LRN <Richard.D.Graham@usace.army.mil>  
**To:** whistlerc42@aim.com  
**Sent:** Mon, 11 Feb 2008 2:01 pm  
**Subject:** RE: proposed marina on shoals creek,killen al.

Thank you for your comment. We will add it to our file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** whistlerc42@aim.com [mailto:whistlerc42@aim.com <mailto:whistlerc42@aim.com?> ]  
**Sent:** Tuesday, February 05, 2008 3:21 PM  
**To:** Graham, Richard D LRN  
**Subject:** proposed marina on shoals creek,killen al.

Mr. Graham,

there are already two marinas in the vicinity of the proposed marina,one immediately accross the highway, the other about 3/4 mi upstream. there are numerous residences and a large volume of boat traffic and other water sport uses in this locality. the addition of another marina would create such a congestion and to make the waterway virtually unusable and would seriously impact the property values of those nearby. i am a boater,owning a pontoon boat and a large runabout, but i urge you to prevent this marina project from moving forward.

Thank you,

Charles Harlan

**Graham, Richard D LRN**

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**From:** clhdoss@aol.com  
**Sent:** Monday, February 11, 2008 8:39 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: Proposed Marina - Shoal Creek

*again*

Mr. Graham:

My mailing address is: Linda Doss  
164 Robbins Beach Road  
Killen, AL 35645  
(Phone: 256-757-2500)  
( cell: 256-335-2398)

Thank you again for your help and consideration.

**From:** Graham, Richard D LRN  
**Sent:** Monday, February 11, 2008 2:04 PM  
**To:** 'clhdoss@aol.com'  
**Subject:** RE: Proposed Marina - Shoal Creek

Thank you for your comment. We will add it to our file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** clhdoss@aol.com [mailto:clhdoss@aol.com]  
**Sent:** Wednesday, February 06, 2008 9:47 AM  
**To:** Graham, Richard D LRN  
**Subject:** Proposed Marina - Shoal Creek

Dear Mr. Graham:

I am writing regarding the proposed Marina on the West side of Shoal Creek near Highway 72, in Lauderdale County, Alabama. The gentleman requesting the permit to build the marina is Randy Rollison.

I am respectfully requesting a public hearing regarding this venture, prior to permission being granted for the start of construction.

As a longtime resident of Shoal Creek, I am deeply concerned about the impact this marina will have on an already severely congested area of the creek. The summer boat traffic in this small area is already out of control, and another marina with additional slips could prove catastrophic, not only from a safety standpoint, but also from the aspect of environmental concerns.

Having spent my entire life living in this area, I have watched the creek change from a beautiful, safe recreation area used by local boaters and fishermen to a litter-lined "interstate". We haul at least 2 pickup truckloads (full!) of plastic and garbage from boats to the landfill every year. We do not allow our teenager on the lake on the weekends, because of the danger now created by speeding "ocean-going" cigar boats and overzealous bass fishermen racing to their "spots".

This part of the creek is narrow and VERY CONGESTED. We have relied on the Army Corps of Engineers to help keep our lake clean and safe for many years. I feel that the local citizens deserve the respect of a Public Hearing prior to this decision being made.

I anxiously await your reply. Thank you for your consideration in this matter.

Sincerely,

Linda Doss  
256-335-2398 (cell)  
clhdoss@aol.com <mailto:clhdoss@aol.com>

**Graham, Richard D LRN**

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**From:** Harriet Johnston [gennej@msn.com]  
**Sent:** Monday, February 11, 2008 10:54 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: Shoal Creek Marina

*against*

Mr. Graham,  
My mailing address is as follows:

Harriet Johnston  
P.O. Box 1064  
Athens, AL 35612

Thank you,  
Harriet Johnston

----- Original Message -----

From: Graham, Richard D LRN <mailto:Richard.D.Graham@usace.army.mil>  
To: Harriet Johnston <mailto:gennej@msn.com>  
Sent: Monday, February 11, 2008 2:18 PM  
Subject: RE: Shoal Creek Marina

Thank you for your comment. We will add it to our file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Harriet Johnston [mailto:gennej@msn.com]  
Sent: Saturday, February 09, 2008 11:58 PM  
To: Graham, Richard D LRN; Vic Dura  
Subject: Shoal Creek Marina

Nashville District Corps of Engineers  
Regulator Branch  
Attn: Richard D. Graham

Dear Sir,

Concerning the proposed Shoal Creek Marina application, please allow for a public meeting to allow the people to voice and discuss their opinions about this development. Our waterways are under attack with the rapid development, massive sprawl and abuse of the ecological and environmental balance between man and nature. Water (the lack of quality, clean water) has become one of the most valuable and rapidly extinct resources that man and all species on earth must have to live. Just consider the recent fight with Georgia, Florida and Alabama over water resources. The Tennessee Valley waterways have been so abused and trashed through the years that the rapid over-development must be wisely controlled or everyone of us will suffer.

Issues that need to be investigated are:

1. Environmental impact. Our waterways are already polluted, trashed and contaminated with chemicals.

What if areas have to posted because of pollution and contamination?  
2. Safety: There is very little monitoring of boat traffic and unsafe drivers. Does the increased traffic present a problem? With the addition of 300 plus boats has the area been surveyed for the safety of those who use the waterways?

3. Construction impact on the land and water. Proper landscaping with minimum impact on water banks.

4. Monitoring the operations of the marina for impact of pollution, water quality and boat safety.

5. Channels along the tributaries, channels and slews of the Tennessee are becoming very narrow and dangerous with debris, logs and drift wood.

Thank you for your consideration of the issues. We must no longer sacrifice our waterways for economic purposes. The quality of water and the existing beautiful waterways are not endless. Continuing to ignore this fact will be disastrous for life of all species in and along the entire Tennessee River and its tributaries. This is our lesson for the future.

Regards,  
Harriet Johnston  
Athens, AL

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Thursday, February 14, 2008 2:35 PM  
**To:** 'mary wakefield'  
**Subject:** RE: marina at Shoal Creek Bridge



Thank you for your comment. It will be added to the file.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: mary wakefield [mailto:marywake35653@yahoo.com]  
Sent: Thursday, February 14, 2008 2:11 PM  
To: Graham, Richard D LRN  
Subject: marina at Shoal Creek Bridge

Dear Sir:

I am writing to tell you that I am very opposed to premitting a new marina to be located on Shoal Creek near hwy 72 in Florence, AL.

I grew up being able to swim, canoe, water ski and go boating on Shoal Creek. I lived in North Alabama for 60 years. I now live in Brandon, MS, so I have no property interest on Shoal Creek but I often tell people what a beautiful place the Tennessee River and the Shoal Creek area is.

Since many people share my opinion, Shoal Creek is a very heavily used place. I believe adding another marina there would make it too crowded and possibly dangerous, as well as adding polution and taking away from the beauty that we love.

So please, don't let another marina locate there. When I visit in N. Alabama I want to see the beautiful place I remember.

Thank you for your attention.

Mary Wakefield  
13 Timber Ridge Dr.  
Brandon, MS 39042



**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Monday, February 25, 2008 7:53 AM  
**To:** Graham, Richard D LRN  
**Subject:** FW: Marina on Shoal Creek

*against*

My home address is 1973 Lingerlost Road, Killen, Alabama, 35645. Thanks for your interest in my concerns. Len Maguire

-----Original Message-----

From: Graham, Richard D LRN  
Sent: Wednesday, February 20, 2008 3:33 PM  
To: 'leonardmaguire@bellsouth.net'  
Subject: FW: Marina on Shoal Creek

Please provide me with your mailing address and you will be sent a letter regarding any public hearing that might be held. Thanks.

Richard Graham

-----Original Message-----

From: Graham, Richard D LRN  
Sent: Friday, February 15, 2008 9:24 AM  
To: 'Leonard Maguire'  
Subject: RE: Marina on Shoal Creek

Thank you for your comment. We will add it to the file. Please provide me with your mailing address. I will send you a letter regarding any public hearing that might be held. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Leonard Maguire [mailto:leonardmaguire@bellsouth.net]  
Sent: Friday, February 15, 2008 9:07 AM  
To: Graham, Richard D LRN  
Subject: Marina on Shoal Creek

I live on Wilson Lake near the entrance to Shoal Creek and I am concerned about the impact this proposed marina will have on the lake environment. I had recently read in the paper about another marina development project that is proposed on Wilson Lake. From what I read is that they plan to build a 360 boat marina at the old Point Restaurant area near Wheeler Dam. They also plan to have a Hotel and restaurant and a large number of Condominiums. It seems to make more sense to build a marina at that end of the Lake which dose not have much development than at the Shoals creek area which already has two marinas. Also at the Point site there is an existing restaurant and development which had been abandoned which would benefit by renewal. In addition there would be no traffic problems or disruptions since there is very little development in that area. Has the overall proposed development of the lake shore been taken into consideration? I hope there will be a public hearing on these matters. Do I have to write a formal letter to request that a public hearing be held? Yours Leonard Maguire

**Graham, Richard D LRN**

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**From:** Paige B Gray [paige.b.gray.i0ic@statefarm.com]  
**Sent:** Friday, February 15, 2008 9:38 AM  
**To:** Graham, Richard D LRN  
**Subject:** RE: Comments regarding the proposed marina on shoals creek

fo

333 Crestwood drive in Florence, al 35633 thanks!

-----Original Message-----

**From:** Graham, Richard D LRN [mailto:Richard.D.Graham@usace.army.mil]  
**Sent:** Friday, February 15, 2008 9:27 AM  
**To:** Paige B Gray  
**Subject:** RE: Comments regarding the proposed marina on shoals creek

Thank you for your comment. We will add it to the file. Please provide me with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

**From:** Paige B Gray [mailto:paige.b.gray.i0ic@statefarm.com]  
**Sent:** Friday, February 15, 2008 9:00 AM  
**To:** Graham, Richard D LRN  
**Subject:** Comments regarding the proposed marina on shoals creek

We are avid boaters on the TN River and Wilson Lake.

We would support a new marina due to the fact yes, we do have emerald beach and marina mar BUT both are in desperate need of updates.  
We do not see this happening in the near future.  
We are in full support of a nice marina with possible gas pumps and a clean area to use while on The water.

We do keep our boat at Turtle Point currently which is in great condition so I do believe another nice Marina would only benefit this area.  
Thanks, Paige Gray

**Graham, Richard D LRN**

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**From:** Gail Johnson [ggjohn@yahoo.com]  
**Sent:** Wednesday, February 20, 2008 3:58 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: Rollison Public Notice, File No. 200100835

Thank you: My mailing address is: Gail Johnson, 110 Karley Lane, Florence, AL. 35630

"Graham, Richard D LRN" <Richard.D.Graham@usace.army.mil> wrote:

Please provide us with your mailing address and you will be provided a letter regarding any public hearing that might be held. Thanks.

Richard Graham

-----Original Message-----

From: Graham, Richard D LRN  
Sent: Tuesday, February 19, 2008 4:07 PM  
To: 'Gail Johnson'  
Subject: Rollison Public Notice, File No. 200100835

Attached is a copy of the public notice for the proposed work, and it should answer most, if not all, of your questions. Feel free to call me at (615) 369-7507 if I can be of further assistance. Thanks for your interest.

Richard Graham  
Regulatory Branch

Dear Sir:

I have just learned of the proposed marina project on Shoals Creek located on Maury Lane upstream from the highway 72 bridge. As property owners on Shoals Creek, my husband and I have some questions and concerns about the proposal. First, can you tell me exactly what the location is of the proposed marina? Who is the developer? Whose property is it?

Given the brief period of time that this information has been known, could there be a public meeting held in regard to this with questions and answers from concerned residents? Only last summer, I was told of an ongoing renovation/addition of the Emerald Beach marina property; how can we possibly need another marina if this one is being expanded and upgraded?

Thank you for your attention to this matter--We value highly our property on Shoals Creek and would like to see things done for the best interest of maintaining the beauty and appeal of this area.

Sincerely,  
Gail Johnson

**Graham, Richard D LRN**

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**From:** albernauer@aol.com  
**Sent:** Thursday, February 21, 2008 1:24 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: Proposed Marina @ Shoal Creek

*again*

My mailing address is Anne Bernauer  
305 Perritt Cove  
Florence, AL 35634

Actually to be "just hearing about this" from what you sent on Jan. 9 is pretty good - almost a month - not bad... thank you for the response...

-----Original Message-----

From: Graham, Richard D LRN <Richard.D.Graham@usace.army.mil>  
To: albernauer@aol.com  
Sent: Tue, 19 Feb 2008 5:21 pm  
Subject: RE: Proposed Marina @ Shoal Creek

Thank you for your comment. We will add it to our file. I don't know why you are just hearing about this, as I sent a copy of the public notice to your local newspaper (The Times Daily) and to others (mayor, county judge, radio station, TV station, state representatives, postmaster) on January 9, 2008. Please provide us with your mailing address. Thanks.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: albernauer@aol.com [mailto:albernauer@aol.com <mailto:albernauer@aol.com?> ]  
Sent: Monday, February 18, 2008 10:33 AM  
To: Graham, Richard D LRN  
Subject: Proposed Marina @ Shoal Creek

Thank you for letting me voice my opinion re: the proposed marina.

1. Why are we just now hearing about this? I think the public should be able to voice their concerns.
2. The proposed site is very difficult to access from Hwy. 72 - no light, small road entrance.
3. The waterway area will become a nightmare of water traffic and congestion - this really needs to be considered...we have already had several deaths from boating accidents in congested areas on our lake/creek - do we really NEED this marina?

I think NOT!!!

Anne Bernauer  
256-757-9008  
305 Perritt Cove  
Florence, AL 35634

**Graham, Richard D LRN**

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**From:** tlittrell@bellsouth.net  
**Sent:** Thursday, February 21, 2008 1:15 PM  
**To:** Graham, Richard D LRN  
**Subject:** RE: address

Terry Littrell 68 Smith Lane, Killen, AL. 35645

----- Original message -----

From: "Graham, Richard D LRN" <Richard.D.Graham@usace.army.mil>

>

> Thank you for your comment. We will add it to the file. Please provide  
> me with your mailing address.

>

> Richard Graham  
> Regulatory Branch  
> (615) 369-7507

>

> -----Original Message-----

> From: Terry [mailto:tlittrell@bellsouth.net]

> Sent: Monday, February 18, 2008 12:43 PM

> To: Graham, Richard D LRN

> Subject: MARINA AT SHOAL CREEK

>

> low clearance of old bridge would be a negative for putting marina  
> north of old bridge. the old bridge needs to be removed. it is an  
> eyesore for the area. thanks

> Terry Littrell, KILLEN AL..

**Graham, Richard D LRN**

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**From:** Graham, Richard D LRN  
**Sent:** Wednesday, February 20, 2008 8:26 AM  
**To:** 'qlang@bellsouth.net'  
**Subject:** Rollison proposed marina on Shoal Creek: Public Notice No. 07-100

*against*

Thank you for your comment. We will add it to our file. I had sent a copy of the public notice to your local newspaper (The Times Daily) and to others (mayor, county judge, radio station, TV station, state representatives, postmaster) on January 9, 2008. From what I have gathered, we did not start receiving comments until after I had called the Times Daily to get some information from Mr. Dennis Sherer about the town's historic preservation group. Only during our conversation did he request that I send another copy of the public notice to the newspaper. Were it not for that freak call (I hardly ever call newspapers - they usually call us) and the subsequent news article in the paper, you likely would still not know about this. So I am glad to receive your comment concerning this matter. If you want, we can add your email address to our database and you will be contacted when we publish each future public notice.

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Quint Langstaff [mailto:qlang@bellsouth.net]  
Sent: Monday, February 18, 2008 1:13 PM  
To: Graham, Richard D LRN  
Subject: marina

To whom it may concern,

I have been a resident of the Shoals area since 1959. I have been a licensed Realtor since 1984 and a broker since 1989. I also grew up on the lake and own a lake home at Kilburn Beach. My concerns regarding the marina being proposed at Shoal Creek Bridge are many. Not the least of which is, do we really need it? I also fear that the neighbors on Maury Lane will suffer a hit in their property values. I rarely have to wait for very long when filling my gas tank at either Emerald Beach or Marina Mar and about the only time it gets a little hectic is on a holiday weekend, such as July 4th. While the bridge was being built the no wake zone was in effect and I would assume that with where the marina is being proposed would reinstate a large portion of that which really slows down the traffic. Ingress and egress, I believe will become a car traffic nightmare as traffic is zooming westward only to have to come to a screeching halt as a big boat on a trailer in trying to get in or out. I am against this proposal and in closing would like to add one item or question. I, only recently heard the first word about this. I am unaware of neighbors being notified that this was a proposal. Please, in the future, make sure it is clear to everyone, what is being considered. Open communication really does make such a difference to all concerned. Thank you for your attention and time.

Sincerely,

Quint Langstaff  
2015 County Road 41  
Florence, Al. 35633  
1-256-764-8869

SUBJECT: File No. 2001-00835; Proposed Commercial Marina and Loading Dock @ Mile 1.4R, Shoal Creek, Opposite Tennessee River Mile 264.4R, Wilson Lake, Lauderdale County, AL

Mr. Richard D. Graham,

Being the closest property owners in the proximity of the proposed Marina and Loading dock, We feel the need to express our opinion. For several reasons, we think that this would be an asset to us and to many others.

As for us and the other residents near the proposed site, we know that Mr. Randy Rollison has lived @ his current residence for many, many years. We know that he has kept a beautiful home and a clean landscaped yard throughout that time. Therefore, we have no doubt that he would do the same with this business. If for any reason we, or any other resident living near the business has a problem or a concern, We know that Mr. Rollison would do everything possible to rectify the problem and/or deal with our concern in a timely manner.

As for the other residents of The Shoals area (which consists of Florence, Muscle Shoals, Sheffield, and Tuscumbia), we feel that this proposed Marina would be very welcomed by them, as well. Being that we have an overwhelming amount of boating enthusiast in the area and the few marinas w/ boat storage that we have are near full, we know that a new boat storage facility is much needed.

Also, The Shoals area is growing as our leaders of the cities and also the State of Alabama are enticing new residents and businesses, lowering the jobless rate, and very much encouraging tourism in our area. We feel that this business would be a step in the same direction that our leaders are working so hard to accomplish.

We very much appreciate your time and hope that you will consider our opinion in any decisions that may still have to be made. If you have any questions, please do not hesitate to contact us @ (256) 767-2937.

Sincerely,  
Robert and Angela Hendrix  
Property owners of:  
182 Maury Lane & 200 Maury Lane  
Florence, AL 35634

**Graham, Richard D LRN**

---

**From:** Noel and Robert Beck [noelmbrobwb@comcast.net]  
**Sent:** Monday, February 25, 2008 11:20 PM  
**To:** Graham, Richard D LRN  
**Subject:** Re: Shoals Creek Marina

*against*

It is in the public interest to consider environmental concerns raised by this proposal.  
Noel M. Beck

----- Original Message -----

From: "Graham, Richard D LRN" <Richard.D.Graham@usace.army.mil>  
To: "Noel and Robert Beck" <noelmbrobwb@comcast.net>  
Sent: Monday, February 25, 2008 2:32 PM  
Subject: RE: Shoals Creek Marina

Why would you like to request a public hearing?

Richard Graham  
Regulatory Branch  
(615) 369-7507

-----Original Message-----

From: Noel and Robert Beck [mailto:noelmbrobwb@comcast.net]  
Sent: Monday, February 25, 2008 2:26 PM  
To: Graham, Richard D LRN  
Subject: Shoals Creek Marina

I would like to request a public hearing on the proposed marina on Shoals Creek, Florence, Alabama. Thank you, Noel M. Beck, 229 West Lelia Street, Florence, Alabama 35630



BONNIE (ROGERS) WADDELL  
145 MAURY LANE  
FLORENCE, AL. 35634

February 21, 2008

Regulatory Branch  
Department of the Army  
Nashville District, Corps of Engineers  
3701 Bell Road  
Nashville, Tn. 37214

ATTN: Richard D. Graham

Dear Mr. Graham

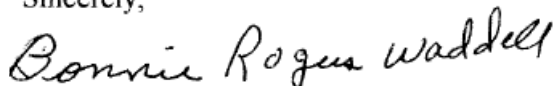
RE: File No. 2001-00835, Proposed Commercial Marina

The marina proposed in your notice is located directly across Maury Lane from my home. Maury Lane is a very small neighborhood of homes with no commercial establishment other than one small restaurant that facts U.S. Highway 72 and corners on Maury Lane. I have been a resident of this neighborhood for 51 years and I cannot understand how a commercial establishment of this size can be placed in an area of private homes like we have on Maury Lane.

There are many things that I am very concerned about. I am concerned about the added traffic right in my front door on a road that is narrow and only has one outlet. I am concerned about the size of the proposed building and parking lot, added noise at all hours as well as commercial lighting of a very large parking lot. We already have two marinas in this area only a short distance from this proposed location. Even if we could handle all of the inconveniences what will this do to the value of our homes?

I respectfully request a public hearing on this proposal so that our entire neighborhood can ask many questions that greatly concern us.

Sincerely,



Bonnie (Rogers) Waddell  
256 757 4559

25 FEB 2008

BONITA ROGERS ERWIN  
4023 DOE CREEK DRIVE  
FLOYDS KNOBS, IN. 47119

February 21, 2008

Regulatory Branch  
Department of the Army  
Nashville District, Corps of Engineers  
3701 Bell Road  
Nashville, Tn. 37214

ATTN: Richard D. Graham

Dear Mr. Graham

RE: File No. 2001-00835, Proposed Commercial Marina

I own two houses just across the street from the proposed commercial marina. The addresses are 193 Maury Lane and 195 Maury Lane.

I am greatly concerned about this proposed business in our neighborhood. Our little area was not designed for the magnitude of traffic, noise and general disruption that this will bring to our small area of homes.

I respectfully request a public hearing on this proposal so that the questions of the property owners can be presented.

Sincerely,



Bonita (Rogers) Erwin  
256 757 4559

11325 Cabriolet Run  
Fort Wayne, IN 46845  
March 4, 2008

o.j.

Mr. Richard D. Graham  
Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Dear Mr. Graham:

Subject: File # 2001-00835

Thank you for the notice regarding the proposed marina and loading dock at Shoal Creek in Florence, Alabama. The map attached to the notice indicates that a restaurant and other retail buildings are also included in the proposal. I am strongly opposed to this project.

My sister and I are joint owners of property at 4407, 4409, and 4411 Florence Boulevard, Florence, Alabama. Our property is adjacent to Maury Lane and directly across Maury Lane from the proposed marina and loading dock. I have a strong, direct interest in maintaining the serenity of the residential neighborhood along Maury Lane.

The proposed project appears to be a very large one. I understand that there would be a boat storage facility which would be a metal building about three stories tall and that it would be located next to Maury Lane and across the street from residential property on Maury Lane. Such a large facility would negatively impact the aesthetics of the area and would be detrimental to the residential nature of the neighborhood along the Lane.

The entrance to the proposed marina appears to be on Maury Lane. This narrow, two-lane road is not equipped to handle the heavy traffic which would be generated by such a large facility as the proposed marina, loading dock, restaurant, and retail stores. In addition, Highway 72 is an extremely busy thoroughfare. Trying to enter and exit it across traffic via Maury Lane is already difficult and tricky.

The wastewater and sewage disposal facilities planned for the project would border Maury Lane and would be directly across the street from residential properties. This would be very unappealing, to say the least. In addition, whether it be because the water table in this area is so high, or because the ground will not readily absorb water, or both, this area has a history of problems with septic tanks and field lines. A drainage problem with such a large facility as the proposed marina could cause sewage to drain directly into Shoal Creek, thereby negatively affecting the water quality.

07 MAR 2008

07 MAR 2008

Mr. Richard D. Graham  
Page 2  
March 4, 2008

In summary, I am opposed to the project because the aesthetics and serenity of the residential neighborhood would be negatively impacted; the extra traffic generated from such a facility would be more than Maury Lane could handle, given the current conditions; and the wastewater and sewage disposal facility would be detrimental to the aesthetics of the neighborhood, as well as to the water quality of Shoal Creek.

Thank you for your consideration of the above points which outline my reasons for opposing this project.

Sincerely yours,

*Glenda K. Richter*

Glenda K. Richter

689 Brewer Drive  
Nashville, TN 37211  
March 10, 2008

Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Attention: Richard D. Graham

Subject: File # 2001-00835

Dear Mr. Graham:

My sister and I own property at 4407, 4409, and 4411 Florence Boulevard, Florence Alabama, which is directly across Maury Lane from the proposed marina and loading dock on Shoal Creek. I understand that a restaurant and other retail facilities are also planned for this project. I am opposed to this project for several reasons.

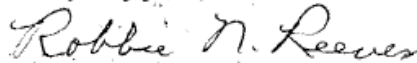
From looking at the maps furnished, this will apparently be a massive project, with a large boat storage facility, which will be next to and directly across the street from residential property on Maury Lane. You stated that the boat storage facility would probably be a metal building and might be as much as three stories tall. That kind of building would not fit in with the residential properties along Maury Lane. I do not know the zoning regulations for the property, but do feel that this large a facility would be a detriment to the residential neighborhood, and should not be allowed.

I understand there will be a sewage pump out station on the dock and an underground holding tank next to the edge of the water. "Sanitary marine septic and storage tanks" are planned on the property bordering on Maury Lane. There will be wastewater disposal field lines between the septic tank and the creek. I do not believe that a septic tank and field lines will work in this location for such a large facility. Before her death, my Mother owned property at 191, 193 and 195 Maury Lane. These were small rental houses, and she constantly had trouble with the septic tanks and field lines at each of the houses, even though she added extra field lines to the properties. If there is any problem with the drainage, it will run directly into Shoal Creek.

It appears that the entrance to this marina will be on Maury Lane. Maury Lane is a very narrow two-lane road, and was not designed to handle the extra traffic of a development of this size. There is also the problem of extra traffic entering and exiting Florence Boulevard (Highway 72) at Maury Lane. It is always difficult to enter Florence Boulevard from Maury Lane if you want to turn left. Most of the time, my husband and I just turn right and go to the first crossover and make a U-turn because it seems safer than trying to cross the traffic.

Thank you for your consideration of my objections to this project.

Very truly yours,

  
Robbie N. Reeves

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## **Appendix C**

### **Applicant's Rebuttal to the Public Notice Responses**

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**Graham, Richard D LRN**

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**From:** Randy Rollison [randyrollison@yahoo.com]  
**Sent:** Friday, April 18, 2008 4:22 PM  
**To:** Graham, Richard D LRN  
**Subject:** File#2001-00835 Randy Rollison / Marina

&nb sp; Randy Rollison  
&n bsp; 174 Maury Lane  
&n bsp; Florence Alabama 35634  
&n bsp; April 14, 2008

Dear Richard,

Please find enclosed my response to the possible issues the writers put forth. Although the negative comments were few given the large population and number of responders. I feel it necessary to provide information to help satisfy their opinions and concerns. Thank You for this opportunity.

Concerns - Boat traffic on Shoal Creek

This marina will largely service boaters who are already here. There could be a slight increase in boaters attracted here from other regions. But, considering if these " new boaters travel to Florence , stay in Florence, eat in Florence, possibly purchase vacation or second homes in Florence , they probably have enough sense to handle themselves and their boats properly.

The proper placement of 'no-wake or idle zone' signs will manage wake and speed increasing safety in immediate area.

The Marina's location is within a short distance of the main lake , patrons and visitors do not travel far into Shoal Creek to access it.

Marina's typically have only a very small percentage of slip customers out at any given time. Marina's harbor will not extend out into water any further than the existing breakwater at Marina Mar to the South, and the natural contours and docks to it's north. It does not extend into any established channel. Shoal Creek is not that congested. Most of the time there are very few boats on the water. On weekends there's several more, but not as bad as described in a few of the letters received. The authors must be referring to special Holidays , Labor day or Memorial Day. Even the parks are "Congested " on these Days. Wilson Lake is huge, with plenty of room providing ample area for many , many boaters.

Environmental Impact

One of the important services a marina should provide is a good example by offering easy access to litter disposal and a pump-out station. This marina has a reduced impact overall due to the fact that the boats are taken out of the water. The docking provided is there to accommodate visitors . Don Price civil engineer is preparing a plan for waste water. Sewage will be pumped into Florence City sewer system. A more than adequate septic system has also been planned with more than enough space to accommodate it. There are no septic system problems in this area. The net affect will be positive for the environment.

" Two Other Marina's in Area"

Neither are Dry Storage Facilities, neither have food available, Marina Mar is full and turning people away. Marinas draw people and commerce to the entire community. This will be an attractive, landscaped, well designed facility the community will be proud of.

Visual Impact

I'm working with the very best suppliers, builders and planners in the Marina business today. These companies have been fitting marinas into neighborhoods and communities all over the US and other countries for decades, satisfying residents and adding value to surrounding properties. The height of the " Dry Stack" building will be less than typical due to it being dug into ground 10' or more.

Immediate Neighbors

Letter # 32 from Bonnie Rogers Waddell , letter # 33 from Bonita Rogers Erwin from Indiana, letter # 34 from Glenda K. Richter from Indiana, letter # 35 from Robbie N. Reeves who lives in Nashville Tn. own together the property across the Road . Aside from Bonnie Waddell , none of these people live here . The property they own collectively is all commercial property, seldom maintained and never managed. These properties are truly the only eyesore on this street. They have on these lots , all of which are rentals, one vacant house, two commercial buildings, a row of three small rental houses, a mobile home rental lot, and over grown brush. If they've ever had problems with their septic system it's most likely, due to age, design, and a lack of maintenance. I feel their comments are unfair coming from hundreds of miles away, with no personal involvement in this community. Bonnie Waddell, letter # 32 does live across the street, and I've talked with her son Tony , who lives on the property in a house behind her house. Tony says his mother Bonnie Rogers Waddell is "O.K"with plans now.  
Gil Self letter # 5 a neighbor, a few houses down , is in favor of project now.

Sincerely  
Randy Rollison

## **Appendix D**

### **Inspection Required for Permit Processing**

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ONSITE INSPECTION


FILE NO.: 200100835

NAME: Randy Rollison (174 Maury Lane, Florence, AL 35634, telephone 256-740-9035)

WORK: Proposed commercial marina and loading dock

LOCATION: Mile 1.4R, Shoal Creek, opposite Tennessee River Mile 264.4R, Wilson Lake, Lauderdale County, Alabama

1. On March 12, 2008, I met Randy Rollison onsite. Bordering the site to the south were high-tension aerial powerlines, the historic Highway 72 bridge, and a new four-lane bridge recently constructed by the Alabama Department of Transportation. Mr. Rollison advised me that the breakwater for the Marina Mar Marina located just south of the new bridge extended further lakeward than the one he is proposing to construct. This was of particular interest, because one public notice comment stated that the applicant's proposed breakwater would extend lakeward so far that it would become an obstruction to navigation. A subsequent phone call to the marina manager confirmed that the breakwater is 320' long, which is shorter than the one proposed. Shoal Creek at this location is approximately 800-900 feet wide. On this afternoon, there was little boating activity within Shoal Creek. The proposed land-based activities would be located within an open area on the applicant's property on Maury Lane. There are a couple of commercial businesses across the lane from the applicant's property. Maury Lane deadends into a residential community.

  
Richard D. Graham  
Regulatory Specialist  
Operations Division



The historic Highway 72 bridge located immediately downstream from proposed site.



View from applicant's yard facing toward Shoal Creek and proposed marina site.



View from yard (site of proposed drydock) facing toward Highway 72.

## **Appendix E**

### **Additional National Historic Preservation Act Consultation**

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

May 6, 2008

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

Dear Ms. Hathorn:

TVA, AHC 08-348, PROPOSED 26A PERMIT FOR COMMERCIAL MARINA,  
ROLLISON, WILSON RESERVOIR, LAUDERDALE COUNTY, ALABAMA

The Tennessee Valley Authority (TVA) has received a permit request for a commercial marina facility along Shoal Creek on Wilson Reservoir in Lauderdale County, Alabama. Facilities include boat slips, dry storage stacks, restaurant and store, boat yard, and associated parking. TVA has determined the area of potential effects (APE) to be the entire proposed development consisting of approximately 10 acres.

TVA concurs with your offices' letter dated February 29, 2008, that existing disturbance has impacted this property and that no archaeological resources will be affected by this undertaking. The project is located in close proximity to the Shoal Creek Bridge, a structure previously determined to be eligible for listing in the National Register of Historic Places (NRHP). However, due to the presence of other visual obstructions (such as the newly constructed bridge spanning Shoal Creek), TVA finds that the proposed action will have no visual impacts to this resource.

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

Pursuant to 36CFR Part 800.4(a), TVA is seeking your concurrence with these findings. Please contact Erin Pritchard at 865.632.2463 (or by email at [eepritchard@tva.gov](mailto:eepritchard@tva.gov)) if you have any questions regarding this determination.

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Maher".

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

EEP:IKS  
Enclosure

cc: Stan Davis, SB 1H-M  
Samantha Strickland, WT 11D-K  
EDMS, WT 11D-K



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

May 7, 2008

To those listed:

**TVA, PROPOSED 26A PERMIT FOR COMMERCIAL MARINA, ROLLISON, WILSON RESERVOIR, LAUDERDALE COUNTY, ALABAMA**

The Tennessee Valley Authority (TVA) has received a permit request for a commercial marina facility along Shoal Creek on Wilson Reservoir in Lauderdale County, Alabama. Facilities include boat slips, dry storage stacks, a restaurant and store, boat yard, and associated parking. TVA has determined the area of potential effects (APE) to be the entire proposed development consisting of approximately 10 acres (see enclosed map).

TVA conducted a field review to assess the existing disturbances within the project's APE. This field review indicated that previous construction has impacted this property and that no archaeological resources would be impacted by this undertaking. The project is located in close proximity to the Shoal Creek Bridge, a structure previously determined to be eligible for listing in the National Register of Historic Places (NRHP). However, due to the presence of other visual obstructions (such as the newly constructed bridge spanning Shoal Creek), TVA finds that the proposed action will have no visual impacts to this resource.

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

Pursuant to 36CFR Part 800.4(a), TVA is seeking your comments on these findings. Please contact me (865.632.6441 or by email at [pbezzell@tva.gov](mailto:pbezzell@tva.gov)) if you have any questions regarding this determination.

Sincerely,

A handwritten signature in black ink that reads "Pat Bernard Ezzell". The signature is written in a cursive, flowing style.

Pat Bernard Ezzell  
Historian/Native American Liaison

Enclosure

**IDENTICAL LETTER SENT TO:**

Dr. Richard Allen  
Policy Analyst  
Cherokee Nation  
Post Office Box 948  
Tahlequah, Oklahoma 74465

Ms. Augustine Asbury  
Cultural Preservation Coordinator  
Alabama-Quassarte Tribal Town  
Post Office Box 187  
Wetumka, Oklahoma 74883

Ms. Joyce Bear  
Historic Preservation Officer  
Muscogee (Creek) Nation of Oklahoma  
Post Office Box 580  
Okmulgee, Oklahoma 74447

Ms. Lillie Berryman  
Environmental Director  
Jena Band of Choctaw Indians  
Post Office Box 14  
Jena, Louisiana 71342

Mr. Bryant Celestine  
Tribal Historic Preservation Officer  
Alabama-Coushatta Tribe of Texas  
571 State Park Rd. 56  
Livingston, Texas 77351

Mr. Terry Cole  
Cultural Resources Director  
Choctaw Nation of Oklahoma  
Post Office Drawer 1210  
Durant, Oklahoma 74702

cc: Ms. Caren Johnson  
Cultural Resources Office  
Choctaw Nation of Oklahoma  
Post Office Drawer 1210  
Durant, Oklahoma 74702

cc: Chief Gregory E. Pyle  
Choctaw Nation of Oklahoma  
Post Office Drawer 1210  
Durant, Oklahoma 74702

Mr. Charles Coleman  
NAGPRA Representative  
Thlopthlocco Tribal Town  
Route 1, Box 190-A  
Weleetka, Oklahoma 74880

Ms. Robin DuShane  
Cultural Preservation Director  
Eastern Shawnee Tribe of Oklahoma  
127 West Oneida  
Seneca, Missouri 64865

Mr. Tyler Howe  
Historic Preservation Specialist  
Eastern Band of the Cherokee Indians  
Post Office Box 455  
Cherokee, North Carolina 28719

cc: Mr. Russ Townsend  
Tribal Historic Preservation Officer  
Eastern Band of the Cherokee Indians  
Post Office Box 455  
Cherokee, North Carolina 28719

Ms. Karen Kaniatobe  
Tribal Historic Preservation Officer  
Absentee Shawnee Tribe of Oklahoma  
2025 S. Gordon Cooper  
Shawnee, Oklahoma 74801

Mrs. Jemmie Lillard  
Tribal Town King  
Kialegee tribal Town  
Post Office Box 332  
Wetumka, Oklahoma 74883

Ms. Virginia (Gingy) Nail  
Tribal Historic Preservation Officer  
The Chickasaw Nation  
Cultural Resources Department  
Post Office Box 1548  
Ada, Oklahoma 74821

Mr. Kirk Perry  
Administrator of Policy and Standards  
Cultural Resources  
The Chickasaw Nation  
Cultural Resources Department  
Post Office Box 1548  
Ada, Oklahoma 74821

Dr. Marion F. Smith  
Compliance Review Supervisor  
Seminole Tribe of Florida  
Ah-Tah-Thi-Ki Museum  
HC-61, Box 21-A  
Clewiston, Florida 33440

cc: Mr. Willard Steele  
Tribal Historic Preservation Officer  
Seminole Tribe of Florida  
Ah-Tah-Thi-Ki Museum  
HC-61, Box 21-A  
Clewiston, Florida 33440

Mr. Ron Sparkman  
Chairman  
Shawnee Tribe  
Post Office Box 189  
Miami, Oklahoma 74355

cc: Ms. Belinda Pryor  
Assistant Tribal Historic Preservation Officer  
Shawnee Tribe  
Post Office Box 189  
Miami, Oklahoma 74355

Ms. Lisa Stopp  
Interim Director, Language, History and Culture &  
Acting Tribal Historic Preservation Officer  
United Keetoowah Band  
of Cherokee Indians in Oklahoma  
Post Office Box 746  
Tahlequah, Oklahoma 74464

Mr. Robert Thrower  
Tribal Historic Preservation Officer  
Poarch Band of Creek Indians  
5811 Jack Springs Road  
Atmore, Alabama 36502

Chief Glenna J. Wallace  
Eastern Shawnee Tribe of Oklahoma  
127 West Oneida  
Seneca, Missouri 64865



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

May 15, 2008

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

Thomas O. Maher, Ph.D.  
TVA  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1499

Re: AHC 08-0348  
Commercial Marina  
Shoal Creek  
Lauderdale County, Alabama

Dear ~~Dr. Maher~~: *TOM*:

Upon review of the above referenced project, we have determined that we previously concurred with this project. We continue to concur with project activities provided the scope of work remains the same. However, if the scope of work changes, further consultation with our office will be necessary.

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

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

Truly Yours,

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/GCR/gcr



**Choctaw Nation of Oklahoma**

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

**Gregory E. Pyle**  
Chief

**Gary Batton**  
Assistant Chief

June 25, 2008

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

Dear Pat Bernard-Ezzell:

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

Project Description: Permit for Commercial Marina


Project Location: Rollison, Wilson Reservoir

County-State: Lauderdale County, Alabama

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

Sincerely,

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

By:   
Caren A. Johnson  
Administrative Assistant

CAJ: vr

*A Nation of healthy, successful, and productive Choctaws*