

ENVIRONMENTAL ASSESSMENT  
STATEMENT OF FINDINGS  
AND  
FINDINGS OF NO SIGNIFICANT IMPACT

(File No. 200600321)

Breeze Pointe & Home Owners Association

Application for Community Floating Boat Slips at Upper Anderson Branch Mile 0.4, Right Bank,  
Tennessee River Mile 208.5, Right Bank, Pickwick Lake, Hardin County, Tennessee

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

Prepared By:

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Date

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## 1.0. Proposed Activity

**1.1. Background.** On November 14, 2007, Breeze Pointe & Home Owners Association submitted an application to the Tennessee Valley Authority (TVA) for a 26a permit. TVA forwarded the application to the Corps of Engineers on December 10, 2007, for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Additional information was requested on December 11, 2007, concerning the proposed community floating boat slips. The additional information was received on January 7, 2008. On January 11, 2008, Public Notice 08-01, was issued advertising the proposed work, see Appendix A.

On July 10, 2006, the previous owner, New Port Land Company, was issued a DA Permit pursuant to Section 10 for dredging approximately 4,000 cubic yards of material for a boat access channel and the construction of a community floating dock measuring 144' x 30'. The authorized community floating dock is able to accommodate 12 boats.

The new owners, Breeze Pointe & Home Owners Association, propose to construct two additional community floating boat slips immediately upstream from the previously permitted community floating dock. The first community floating boat slip would extend approximately 26' lakeward from normal summer pool (NSP) elevation. Elevation 414.0 is the NSP elevation for Pickwick Lake. This facility would parallel the shoreline approximately 72' and would be able to accommodate 6 boats and would be connected to the previously permitted community floating dock by a 10' x 3' floating gangway. The second community floating boat slip would extend approximately 20' lakeward from NSP elevation. This facility would parallel the shoreline approximately 96' and would be able to accommodate 8 boats. Both community floating boat slips would be connected to each other by a 20' x 4' floating gangway. The applicant proposes to access the second community floating boat slip by a 90' x 4' gangway of which 60' would be floating.

Both community floating boat slips would be constructed of aluminum frame with PVC decking. The structures would be supported by telescoping spud poles. Floatation would consist of encased foam. The applicant would not sell fuel or provide a pump out facility at the proposed community floating boat slips.

**1.2. Decision Required.** Section 10 of the Rivers and Harbors Act of 1899 prohibits the alteration or obstruction of any navigable waters of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. Upper Anderson Branch at mile 0.4, right bank, Tennessee River mile 208.5, right bank, Pickwick Lake, is a navigable water of the United States as defined by 33 CFR Part 329. A Section 10 permit is required for the work; therefore, the Corps of Engineers must decide on one of the following:

- a. issuance of a permit for the proposal
- b. issuance of a permit with modifications or conditions

- c. deny the permit

**1.3. Other Approvals Required.** Other federal, state, and local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. TVA was a cooperating agency in preparing this document.

**2.0. Public Involvement Process.** On January 11, 2008, Public Notice 08-01 was issued to advertise the proposed work. All responses are included in Appendix B. A summary of the responses are as follows:

- a. The Tennessee Historical Commission (Commission) responded to the public notice by letter dated January 16, 2008. The Commission states there are no National Register of Historic Places listed or eligible properties affected by this undertaking. The Commission has no objections to the project.

- b. The US Fish and Wildlife Service (Service) responded to the public notice by letter dated February 11, 2008. The Service states that based on their records and the best information available at this time, it is their belief that there are no federally-listed or proposed endangered or threatened plant or animal species in the impact area of the project, and that requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. The Service goes on to state that the work would only have minimal impacts to the fish and wildlife and their habitats and has no objection to the work.

### **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. All factors that may be relevant to the proposal must be considered. Public Notice 08-01 listed factors that may be relevant to the proposal. The following sections show which factors that are relevant in this proposal, and if relevant, provide a concise description of the impacts.

**3.2. Physical/Chemical Characteristics and Anticipated Changes.** The relevant blocks are checked with a description of the impacts.

( ) Substrate. No Issues

Currents, circulation or drainage patterns. No Issues

Suspended particulates, turbidity. No Issues

Water quality (temperature, color, odor, nutrients, etc). Construction of the community floating boat slips could degrade water quality through the inadvertent spillage of petroleum products associated with refueling operations and boat moorage. If operating safely and normal housekeeping procedures are followed, adverse water quality impacts related to spillage of petroleum substances would be minor. In addition, the river currents in the vicinity of the community floating boat slips would quickly disperse any spillage that may occur. The applicant would not sell fuel or provide a pump out facilities at the community floating boat slips. The Tennessee Department of Environment and Conservation (TDEC) has classified Pickwick Lake for uses for domestic water supply, industrial water supply, fish and aquatic life, recreation, livestock watering and wildlife, irrigation and navigation. Upper Anderson Branch has been classified for uses for fish and aquatic life, recreation, livestock watering and wildlife and irrigation. No streams in the project area are listed on TDEC's 2006 303(d) list as impaired waters. There are no swimming or fish consumption advisories for Pickwick Lake.

Flood control functions. No Issues

Storm, wave and erosion buffers. With the presence of the community floating boat slips, boat traffic would increase on this portion of Pickwick Lake from those using the facilities for boat moorage or seeking refuge. Regardless if the community floating boat slips are constructed, the area would still be subject to wakes and wave action from boats and other watercraft utilizing this portion of Pickwick Lake. The increase in wakes and waves from additional users of the facilities would be minor.

Shore erosion and accretion patterns. The presence of the proposed community floating boat slips would provide some protection to the adjacent bank from wakes and wave wash erosion.

Baseflow. No Issues.

**3.3. Biological Characteristics and Anticipated Changes.** The relevant blocks are checked with a description of the impacts.

Special aquatic sites (wetlands, mudflats, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45). No Issues.

( X ) Habitat for fish and other aquatic organisms. The construction of the community floating boat slips would likely increase fish and other aquatic habitat in the area. The community floating boat slips would provide shade and cover for fish and aquatic invertebrates, and would also provide attachment surfaces for algae and small aquatic organisms.

( X ) Wildlife habitat. The location of the proposed work is currently being transformed from a rural river setting to a residential river setting with the construction of houses. The presence of construction workers and construction equipment from the other residential developments in the vicinity has already frightened most of the wildlife from the area. The presence of additional construction workers and equipment would not have an impact on the remaining wildlife, since they have become acclimated to the people and the noise. After the work has been completed on the residential and water use facilities, some of the wildlife should return to the area. The wildlife could utilize the community floating boat slips as perches to rest and to pursue prey.

( X ) Endangered or threatened species. The Service states that according to their records there are no Threatened and Endangered Species located in or adjacent to the proposed activities. The Service goes on to state that the work would only have minimal impacts to the fish and wildlife and their habitats and has no objection to the work.

( ) Biological availability of possible contaminants in dredged or fill material. No Issues

**3.4. Human Use Characteristics and Anticipated Impacts.** The relevant blocks are checked with a description of the impacts.

( ) Existing and potential water supplies; water conservation. No Issues.

( X ) Water related recreation. The proposed community floating boat slips would provide additional facilities for the homeowners of Breeze Pointe Subdivision to moor their boats. With the presence of the community floating boat slips, boat traffic would likely increase from those using the community floating boat slips for boat moorage or seeking refuge. Current usage of the river at this location includes pleasure/recreation boating, fishing and commercial navigation. Fourteen additional slips, on average, would provide for 10-25 percent of stored boats to be in use at any given time. This number of users totals from 1.4 to 3.5 additional recreational boats in use. Given the width of Pickwick Lake at this location, the additional users would result in an insignificant increase to boat traffic in the area.

( X ) Aesthetics. The location of the proposed work is currently being transformed from a rural river setting to a residential river setting with the construction of houses for Breeze Pointe Subdivision and adjoining residential developments. Work on the proposed community floating boat slips would have a temporary impact upon the aesthetics of the site caused by the appearance of the construction workers and equipment. However, the work on the community floating boat slips would be temporary. The long-term visible impacts would result from the presence of additional community floating boat slips at the site. The proposed community floating boat slips may be viewed as visually intrusive to some adjacent property owners in the vicinity. However, community floating boat slips structures have become an integral part of the landscape of TVA lakes, especially within this section of Pickwick Lake. Since the proposed community floating boat slips would be tucked into Upper Anderson Branch, they would not likely be visually or physically obtrusive to the majority of lake users.

( X ) Traffic/transportation patterns. The construction of the community floating boat slips would increase boat and watercraft traffic along this portion of Pickwick Lake. The increase in boating traffic would be seasonal and would likely increase during the summer months, especially on weekends and holidays. Because the main channel of Pickwick Lake is 1 to 1.5 miles wide in the vicinity of Upper Anderson Branch, interference with other recreational or commercial boats or tows is expected. The potential for reduced safety or increased accident risk is insignificant.

( ) Energy consumption or generation. No Issues.

( X ) Navigation. The proposed work would occur at Upper Anderson Branch Mile 0.4, right bank, Tennessee River Mile 208.5, right bank, Pickwick Lake. The site of the proposed facility is located approximately 1.5 miles upstream of Pickwick Dam and the navigation channel follows the right descending bank. The impacts, if any, would be minor since the community floating boat slips would be located in Upper Anderson Branch which is off of the main navigation channel. With the construction of the community floating boat slips, recreational use of this portion of Pickwick Lake would likely increase due to the additional boat moorage that would be available.

( X ) Safety. The construction of the community floating boat slips would likely increase watercraft traffic along this section of the Tennessee River. The location of the community floating boat slips, Upper Anderson Branch Mile 0.4, right bank, Tennessee River Mile 208.5, right bank, is a navigable water of the United States. Being a navigable water of the United States, the public has a right to free navigation on this waterway. While boating, the public must obey all State of Tennessee boating laws and regulations. Boat and other watercraft traffic would be seasonal and would increase during the summer months, especially on weekend and holidays.

Air quality. No Issues.

Noise. Construction activities on the community floating boat slips would create some noise impacts. Work on the facilities would be performed during the daylight hours. Equipment would be expected to operate within normal ranges for construction equipment. Construction activities would be short-term. There would be long-term noise associated with the normal use of the community floating boat slips; however, due to the other docking facilities in the area, the additional noise from the proposed facilities would be negligible. The noise from boats and other watercraft attributable to these facilities would slightly increase on weekends and summer holidays.

Historic properties and cultural values. The Commission responded to the public notice by stating that no National Register of Historic Places listed or eligible properties would be affected by this undertaking.

Land use classification. No Issues.

Conservation. No Issues.

Economics. During construction of the community floating boat slips, the economic welfare of this immediate area of Hardin County, Tennessee would be improved by the presence of construction workers spending money in the area. There would be a benefit to the contractor and sub-contractors performing the work. The construction of the facilities would pump revenue into the local economy through purchasing building supplies from local merchants and would likely increase the applicants' property values by enhancing the lake benefits of the property. Hardin County would likely see an addition to the property tax base. The applicant would be able to lease out the slips for boat moorage to the residents of Breezy Pointe Subdivision. The construction of the community floating boat slips in the area could affect the value of riverfront property immediately adjacent to or close to the community floating boat slips.

Food and fiber production. No Issues.

General environmental concerns. No Issues.

Mineral needs. No Issues.

Consideration of private property. The applicants own the property where the proposed work would occur. 33 CFR 320.4(g)(1) states that " an inherent aspect of property

ownership is a right to reasonable private use.” The right of property owners to a reasonable use of their property has been fully considered in our permit evaluation.

( ) Floodplain values. No Issues.

**3.5. Cumulative and Secondary Impacts.** One of the most important aspects of cumulative effects assessment is that it requires consideration of how actions by others have and will affect the same resources. In assessing cumulative effects, the key determinant of importance or significance is whether the incremental effect of the proposed action will alter the sustainability of the resource in light of other effects that resource has experienced up until the present and/or will experience in the future.

Cumulative environmental effect for the proposed activity was assessed in accordance with guidance provided by the President’s Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999).

In this case, the spatial boundary for the assessment has been broadened to consider effects within the corridor of the proposed community floating boat slips. The community floating boat slips would not be undertaken if not for the need for adequate boat moorage for the residential landward development, Breeze Pointe Subdivision, at Upper Anderson Branch Mile 0.4, right bank, Tennessee River Mile 208.5, right bank.

Projecting the reasonably foreseeable future actions is difficult at best. Clearly, the proposed action is reasonably foreseeable. However, the actions by others that may affect the same resources are not as clear. Projections of those actions must rely on judgment as to what is reasonable, based on existing trends, and where available, projections from qualified sources. Reasonably foreseeable does not include unfounded or speculative projections. In this case, reasonably foreseeable future actions include:

- Population growth in the area
- Additional growth in residential development in the area
- Change in economic conditions
- Change of existing land use patterns in the area
- Increase in traffic generated from increased use due to the action
- Maintenance and/or improvement to areas roads
- Construction and maintenance of infrastructure in the area
- Increase of public services such as police and fire protection
- Implementation of various programs to deal with non-point sources of water pollution and to restore degraded environments, and
- Continued application of environmental requirements such as those under

NPDES and/or NEPA

Additional structures and/or future associated work that may be proposed in the vicinity of the site can be identified as cumulative and/or secondary impacts; however, determining the magnitude of cumulative effects; modifying to avoid, minimize or mitigate the cumulative effects, and planning for monitoring and adaptive management would have to be addressed on a case-by-case basis.

Overall, the community floating boat slips would permanently impact the site. The proposal could have cumulative or secondary effects upon the existing environment with the additional use of the area as a mooring site for boaters of Breeze Pointe Subdivision and a site for boaters on this portion of Pickwick Lake to seek refuge. There would be a benefit to the contractor and sub-contractors constructing the community floating boat slips. The applicant would benefit by being able to enhance the viability of Breeze Pointe Subdivision.

#### **4.0. Alternatives**

**4.1. Introduction.** This section discusses alternatives as required by 33 CFR 320.4(a)(2) and 40 CFR 230.10. The relevant environmental issues identified in Chapter 3.0 were used to formulate the alternatives. The alternatives that were given detailed consideration are listed in the following section.

#### **4.2. Description of Alternatives.**

a. No Action. This alternative equates to denial of the DA permit or the withdrawal of the applicant's request to construct the community floating boat slips. This alternative would result in the applicant not being able to meet their needs to construct the community floating boat slips for Breeze Pointe Subdivision.

b. The Proposed Action. This alternative consists of approving the construction of the community floating boat slips. See Appendix A (Public Notice) for a description of the applicant's proposed action.

c. The Proposed Action with Special Conditions. This alternative would be composed of the applicant's proposal as described in section b. above with the inclusion of additional special conditions that would minimize unavoidable adverse impacts.

**4.3. Appropriate Mitigation Included in the Proposed Action.** Mitigation measures that would minimize impacts to the environment include performing the work during winter pool drawdown. Additionally, instituting and maintaining erosion and sediment control measures for the

life of the project and ensure that all disturbed riparian areas are properly seeded, or otherwise stabilized as soon as practicable to prevent erosion and associated runoff from entering the waterway.

#### **4.4. Comparison of Alternatives.**

a. No Action. This alternative equates to denial of the DA and TVA permits or the applicant withdrawing the request to perform the proposed work, or modifying the proposal such that a DA or a TVA permit is not required. The proposed community floating boat slips would not be constructed. This alternative would result in no impacts to the aquatic life and habitat. In addition, there would not be any visual impacts since the community floating boat slips would not be constructed. This alternative would not meet the needs of the applicant. In addition, this alternative would result in an economic loss in time and planning to the applicant.

b. The Proposed Action. This alternative would allow the construction of two community floating boat slips in addition to the previously authorized floating boat slip. The first community floating boat slip would extend approximately 26' lakeward from NSP elevation. Elevation 414.0 is the NSP elevation for Pickwick Lake. This facility would parallel the shoreline approximately 72' and would be able to accommodate 6 boats and would be connected to the previously authorized community floating boat slip by a 10' x 3' floating gangway. The second community floating boat slip would extend approximately 20' lakeward from NSP elevation. This facility would parallel the shoreline approximately 96' and would be able to accommodate 8 boats. Both community floating boat slips would be connected to each other by a 20' x 4' floating gangway. The applicant proposes to access the second community floating boat slip by a 90' x 4' gangway of which 60' would be floating. The width of the channel where the community floating boat slips would be located varies in width from approximately 98' to 110'. The community floating boat slips would be constructed of aluminum frame and composite decking and anchored by spud poles. Floatation would consist of encased foam. The applicant would not sell fuel or provide a pump out facility at the community floating boat slips. The community floating boat slips may be viewed as visually intrusive to some adjacent property owners in the vicinity. This alternative would likely increase the number of boats using this portion of Pickwick Lake and in turn increase boat noise in the area. The construction of the community floating boat slips would likely increase the applicants' property values by enhancing the lake benefits of the property and Hardin County would likely see additional revenues from an increase in the property tax base

c. The Proposed Action with Special Conditions. The impact of this alternative would be similar to the description in c. above. The addition of special conditions to the DA permit would require that the work be constructed in a manner that would minimize adverse impacts to the environment.

## 5.0. Findings

**5.1. Consideration of Public Comments.** The comments received in response to the public notice have been considered and addressed in this Environmental Assessment and in the decision making process for a permit. Ample opportunity was provided to the general public to comment on the proposal through the public notice process. The Commission stated that no National Register of Historic Places listed or eligible properties would be affected by this undertaking. The Service stated there are no Threatened and Endangered Species located in or adjacent to the proposed activities and the work would only have minimal impacts to the fish and wildlife and their habitats and has no objection to the work. All comments received from the commenting agencies during the public notice period have been given full consideration in the evaluation of this permit. No comments were received from the general public concerning the proposed work and there were no requests for a public hearing.

**5.2. Findings of No Significant Impact.** Based on a full consideration of the EA, information obtained from cooperating federal/state agencies, and comments received from the interested public, I have concluded that issuance or denial of the requested permit would not constitute a major federal action that would significantly affect the quality of the human environment. This constitutes a Findings of No Significant Impact (FONSI); therefore, the preparation of an Environmental Impact Statement is not required. This FONSI was prepared in accordance with paragraph 7a of Appendix B, 33 CFR 325 dated February 3, 1988 (effective March 4, 1988).

**5.3. Clean Air Act General Conformity Rule Review.** The proposed project has been analyzed for conformity applicability, pursuant to regulations implementing Section 176(c) of the Clean Air Act and it has been determined that the activities proposed under this permit will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility, and cannot be practicably controlled by the Corps, and, for these reasons, a conformity determination is not required for a permit.

**5.4. Environmental Justice Review.** Executive Order No. 12898 (February 11, 1994) directs certain federal agencies, including the Department of the Defense, to consider environmental justice, as defined in the order, in the environmental reviews of their programs and activities. Environmental justice refers to the idea that no segment of the population should bear a disproportionate burden of health and environmental impacts of society's activities. Environmental justice concerns relate to the potential effects proposed actions might have on minority communities and low-income communities, and whether or not impacts are likely to fall disproportionately on minority and/or low-income people living in the vicinity of the proposed action.

Such disproportionate impacts, if they would be caused by the proposed project, would most likely affect persons living within the immediate vicinity of the project site, generally, the southern portion of Hardin County, Tennessee.

The proposed project would not disproportionately impact minority or low-income populations. There are no minorities or low-income communities adjacent to the proposed project area. Therefore, the proposed work would not affect minority or low-income populations at any higher rate than others in the project area.

**5.5. Recommended Special Conditions.** With the applicant's compliance with these special conditions and the implementation of the proposed mitigation, adverse environmental impacts associated with the construction of the community floating boat slips would be minimal. This would include the following recommended special conditions:

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them. Justification: This would ensure that all of the contractors are aware of the work that is going to be performed and conforms to the approved plans.
2. The work must be performed in accordance with the plans attached to this permit. Justification: The work being approved is based upon the plans submitted to this office.
3. Siltation and erosion control methods must be maintained for the life of the project. Siltation and erosion control methods shall include but are not limited to entrenched silt fences, check dams and hay bales. Justification: So that unconsolidated material will not enter the waterway and increase sedimentation.
4. The maximum lakeward extent of the floating facilities should not exceed 26-feet from the normal summer pool elevation of 414 feet. The 26-foot lakeward extension includes 20' for the floating dock and 4' for the gangway and 2' to the existing shoreline. Justification: To ensure that the floating boat slip remains close to the shoreline as to not impact navigation in Upper Anderson Branch.
5. The permittee will be advised that the community floating boat slips and any moored boats would be vulnerable to possible collision damage from passing vessels. Justification: This would ensure that the permittee is fully aware that passing vessels could affect the facility and moored boats.
6. The permitted activity must not interfere with the public's right to free navigation on

all navigable waters of the US. Justification: To ensure that the public has free access to the navigable waters of the United States.

7. The permittee will be advised that all floating facilities must be securely anchored to prevent them from floating free during major floods. Justification: To ensure that the floating dock are securely anchored and would not become dislodged during floods and become navigation hazards.

8. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, New Orleans, LA 70130. Telephone (504) 671-2328. Justification: To ensure that watercraft in the area are aware of the presence of the facilities.

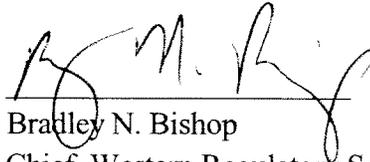
9. The permittee shall notify this office in writing two weeks before work commences. Justification: To give this office an indication that work is about to commence so that this office can perform compliance inspections while the work is taking place.

**5.6. Public Interest Determination.** I have reviewed the application, responses to the Public Notice, and the EA. No comments were received from the general public concerning the proposed work and there were no requests for a public hearing. Comments from the Commission and the Service were taken into full consideration during the public's interest review of this permit decision. Neither the Commission nor the Service had any objections to the proposed work. With adherence to the permit conditions, impact to waters of the United States would be minimal. The special conditions required by this permit address the adverse impacts to aquatic life and are fully justified and reasonable. The proposed work would result in only minor impacts to the environment. The construction of the community floating boat slips would likely increase the applicants' property values by enhancing the lake benefits of the property and would benefit the contractor and sub contractor performing the work. Hardin County would likely see an addition to the property tax base. The construction of the community floating boat slips could affect the value of riverfront property immediately adjacent to or close to the proposed community floating boat slips. There would be long-term visible impacts to the site with the presence of the community floating boat slips and they may be viewed as visually intrusive to some adjacent property owners in the vicinity. Having weighed these potential benefits that may be accrued against the reasonably foreseeable detrimental effects, I conclude that permit issuance would not be contrary to the public interest.

FOR THE COMMANDER:

2/25/08

Date



Bradley N. Bishop  
Chief, Western Regulatory Section  
Operations Division

## Appendix A



**US Army Corps  
of Engineers.**

Nashville District

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# Public Notice

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Public Notice No. 08-01

Date: January 11, 2008

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Application No. 200600321

Expires: February 11, 2008

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214  
Attn: Floyd M. Carnes

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

**SUBJECT:** Proposed Community Floating Boat Slips at Upper Anderson Branch Mile 0.4, Right Bank, Tennessee River Mile 208.5, Right Bank, Pickwick Lake, Hardin County, Tennessee.

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (Section 10)**, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**.

**APPLICANT:** Breeze Pointe & Home Owners Association  
9195 Highway 57 South  
Counce, Tennessee 38326

**LOCATION:** Upper Anderson Branch Mile 0.4, Right Bank, Tennessee River Mile 208.5, Right Bank, Pickwick Lake, Hardin County, Tennessee.

**USGS PICKWICK, TENN.** Quadrangle Longitude: 86-13-6.2; Latitude: 35-5-4.6

**BACKGROUND:** The previous owner was issued a DA Permit pursuant to Section 10 for dredging approximately 4,000 cubic yards of material for a boat access channel and a community floating dock measuring 144' x 30'. The community floating dock is able to accommodate 12 boats.

**DESCRIPTION:** The new owners propose to construct two additional community floating boat slips. The first structure (Dock A) would extend approximately 26' lakeward from normal summer pool (NSP) elevation. Elevation 414.0 is the NSP elevation for

Pickwick Lake. The structure would extend parallel the shoreline approximately 72' and would be able to accommodate 6 boats. This structure would be connected to the existing floating dock by a 10' x 3' floating gangway. The second structure (Dock B) would also extend approximately 26' lakeward from NSP elevation. The structure would extend parallel the shoreline approximately 96' and would be able to accommodate 8 boats. Dock B would be connected to Dock A by a 20' x 4' floating gangway. The applicant proposes to access the Dock B by a 90' x 4' gangway of which 60' would be floating.

Both facilities would be constructed of aluminum frame with PVC decking. The structures would be supported by telescoping spud poles. Plans of the proposed work are attached to this notice.

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

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

The Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TNDOA). Based on the file search at the TNDOA, and the Tennessee Historical Commission's June 2006 review of work at the same site, the Corps has determined that the project, as proposed, has no potential to affect historic properties eligible for listing in the National Register of Historic Places. 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.

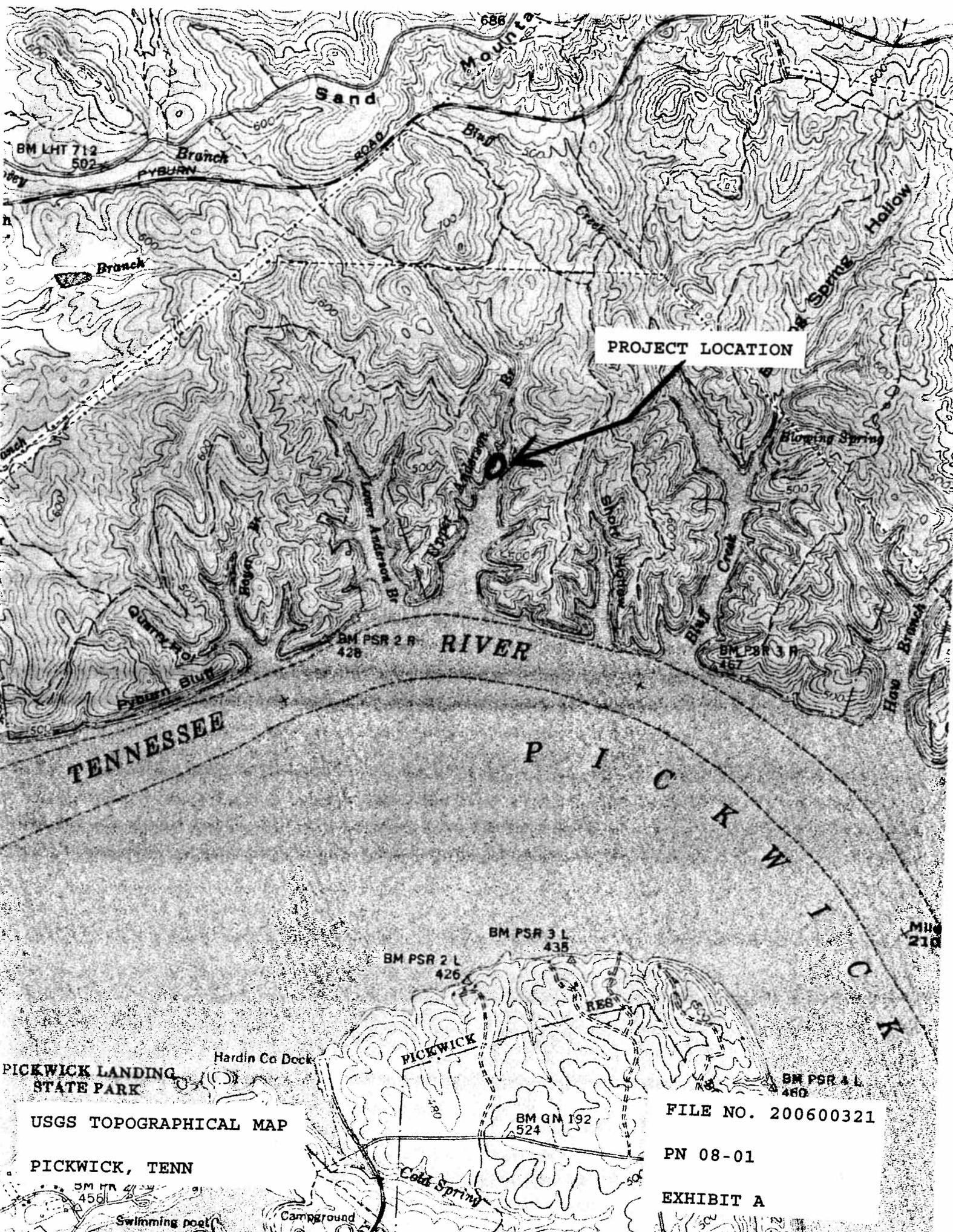
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work.

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 public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before February 11, 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, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Kenley Austin, Pickwick Lake Reservation, P.O. Box 1010, Muscle Shoals, Alabama 35662

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:  
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.



PROJECT LOCATION

TENNESSEE

PICKWICK

PICKWICK LANDING STATE PARK  
USGS TOPOGRAPHICAL MAP

PICKWICK, TENN

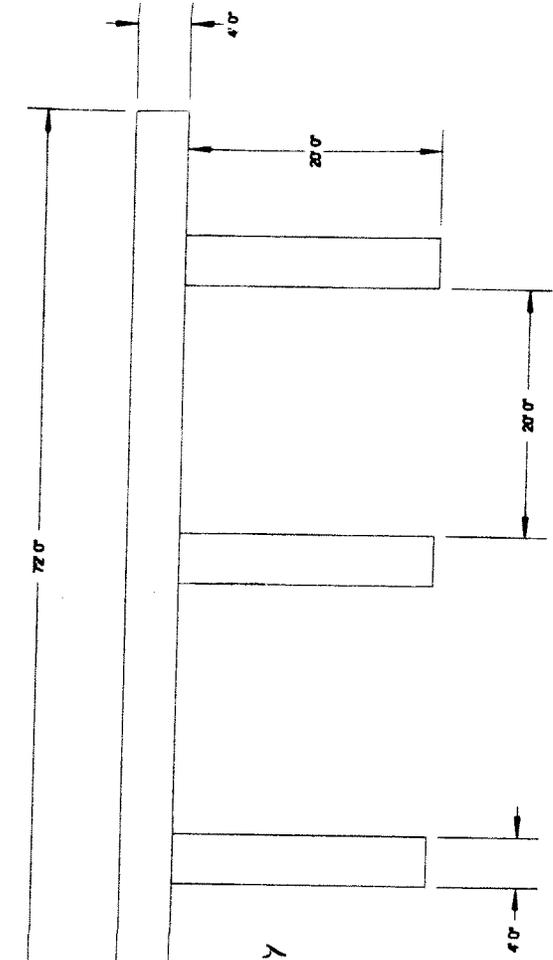
FILE NO. 200600321

PN 08-01

EXHIBIT A

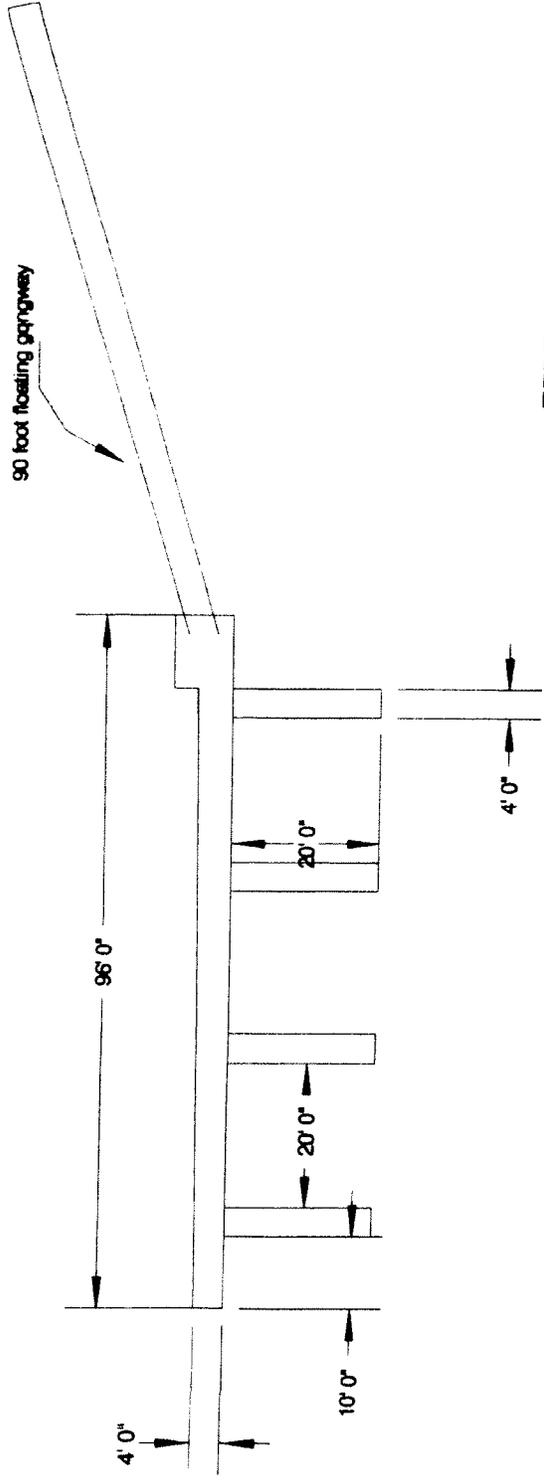
Swimming pool  
Campground

# Dock A



10' x 3' CONNECTION GANGWAY  
TO EXISTING FLOATING DOCK

90 foot floating gangway

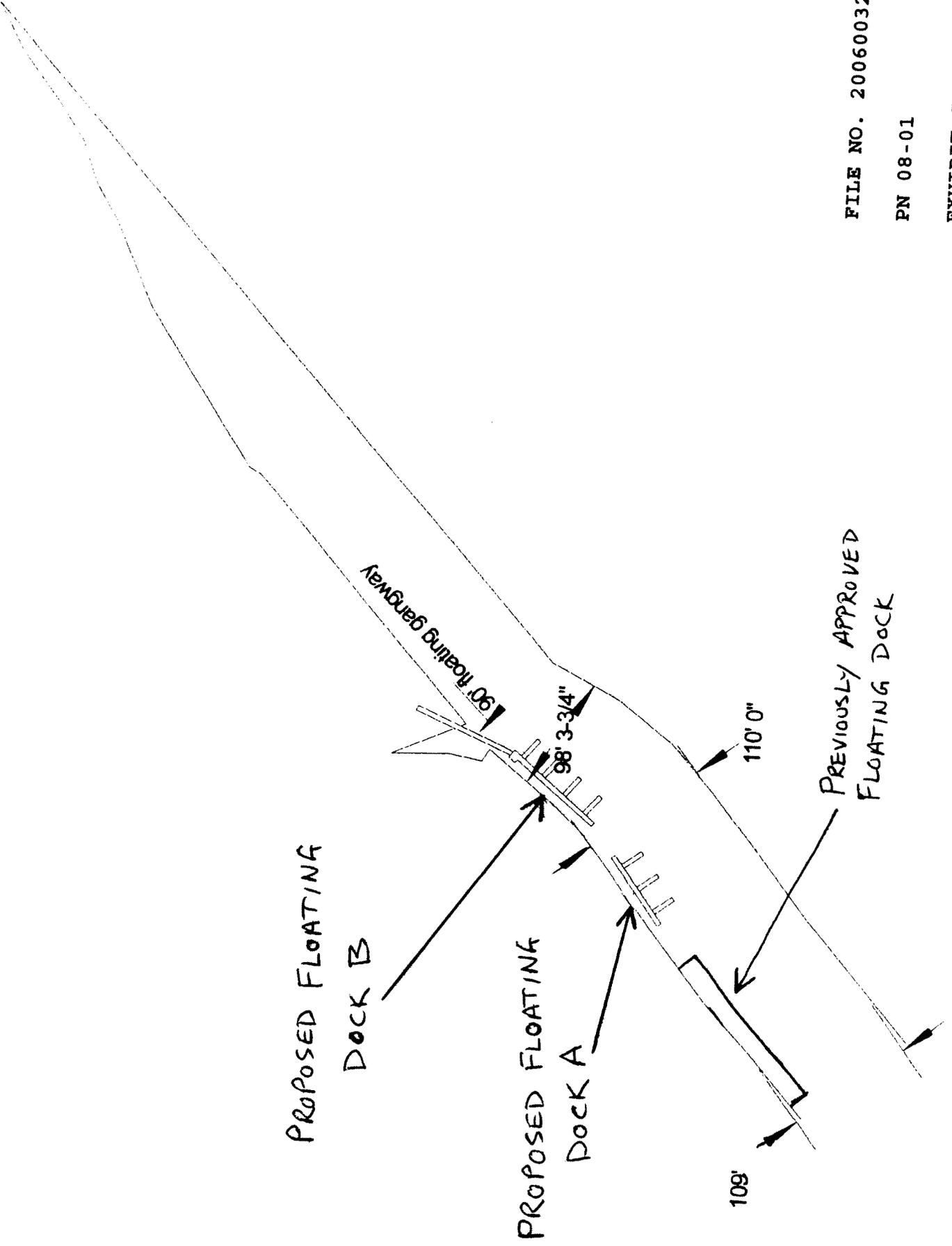


# Dock B

FILE NO. 200600321

PN 08-01

EXHIBIT B



FILE NO. 200600321

PN 08-01

EXHIBIT C

## Appendix B



**TENNESSEE HISTORICAL COMMISSION**  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

January 16, 2008

Mr. Floyd Carnes  
U.S. Army Corps of Engineers, Nashville District  
Regulatory Branch  
3701 Bell Road  
Nashville, Tennessee 37214

RE: COE-N, PN# 08-01/BOAT SLIPS/TRM 208.5R, UNINCORPORATED, HARDIN COUNTY

Dear Mr. Carnes:

The Tennessee State Historic Preservation Office has reviewed the above-referenced undertaking received on Tuesday, January 15, 2008 for compliance by the participating federal agency or applicant for federal assistance with Section 106 of the National Historic Preservation Act. The Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

After considering the documentation submitted, we concur that there are no National Register of Historic Places listed or eligible properties affected by this undertaking. This determination is made either because of the location, scope and/or nature of the undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, this office has no objections to your proceeding with the project.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may direct questions or comments to Jennifer M. Barnett (615) 741-1588, ext. 105. This office appreciates your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.  
Executive Director and  
State Historic Preservation Officer

EPM/jmb



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

February 11, 2008

Lt. Col. Bernard R. Lindstrom  
District Engineer  
U.S. Army Corps of Engineers  
3701 Bell Road  
Nashville, Tennessee 37214

Attention: Mark Carnes, Regulatory Branch

Subject: Public Notice No. 08-01, Application No. 200600321. Breeze Pointe & Home Owners Association, proposed addition to floating boat slips, Tennessee River Mile 208.5, Pickwick Lake, Hardin County, Tennessee.

Dear Colonel Lindstrom:

Fish and Wildlife Service (Service) personnel have reviewed the subject public notice. The project would involve the installation of two boat slip structures, which would be attached to existing slips. Please consider the following comments.

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitats and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Only minimal net impacts to fish and wildlife and their habitats generally are expected to result from the proposed activity. Therefore, the Service has no objection to authorization of the work.

Thank you for this opportunity to review the subject notice. Please contact David Pelren of my staff at 931/528-6481 (ext. 204) if you have questions about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. Barclay". The signature is written in a cursive style with a large initial "L".

Lee A. Barclay, Ph.D.  
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN  
Dan Eagar, TDEC, Nashville, TN  
Darryl Williams, EPA, Atlanta, GA  
Kenley Austin, TVA, Muscle Shoals, AL

## Appendix C

## SPECIAL CONDITIONS

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them.
2. The work must be performed in accordance with the plans attached to this permit.
3. Siltation and erosion control methods must be maintained for the life of the project. Siltation and erosion control methods shall include but are not limited to entrenched silt fences, check dams and hay bales.
4. The maximum lakeward extent of the floating facilities should not exceed 26-feet from the normal summer pool elevation of 414 feet. The 26-foot lakeward extension includes 20' for the floating dock and 4' for the gangway and 2' to the existing shoreline.
5. The permittee will be advised that the community floating boat slips and any moored boats would be vulnerable to possible collision damage from passing vessels.
6. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the US.
7. The permittee will be advised that all floating facilities must be securely anchored to prevent them from floating free during major floods.
8. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, New Orleans, LA 70130. Telephone (504) 671-2328.
9. The permittee shall notify this office in writing two weeks before work commences.