

Appendix G – Comments on the Draft Environmental Assessment

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Comments on the Draft Environmental Assessment**Victor Dura****Rogersville, Alabama**

7/31/09 Online Comment: These proposed facilities will increase boat traffic on the Elk River and Wheeler Reservoir which are already over-used. The additional traffic and wave action will increase shoreline erosion, sedimentation, and turbidity.

Victor Dura**Rogersville, Alabama**

08/02/09 Online Comment: The following comments are in addition to a previous comment that I submitted. A "best practices" plan to mitigate construction environmental impact should be produced, examined and approved "prior" to easement award, not "after" the award. After award, what authority does anyone have if the "best practices" are inadequate? In the Wheeler Reservoir Land Management Plan (Dec. 1995 P.149) TVA indicates for the parcel that is the site of the proposed marina, that "Removal of under-story vegetation or tree canopy could have an impact on the erosion prone soils. Approved methods for checking soil erosion must be implemented if major development is considered on this tract." I believe that a full environmental impact study is needed to determine what will erode and where it will erode to. At the very least, a long term base-line turbidity study needs to be performed so as to be able to identify future project impacts. According to an E.P.A. data base, the lower Elk River "section is habitat for two federally listed fish species: the Snail Darter (*Percina Tanasi*) and the Boulder Darter (*Etheostoma Wapiti*). If their habitat is in the vicinity of the proposed project, it is likely to be harmed. The proposed development will bring a concentration of boating activities to the area. Many of these boats will be high-powered under-muffled "bass boats" that are likely to increase the ambient noise level significantly. Has the ambient noise impact on neighboring private property in the area of the proposed development been studied by a qualified engineer? If so, what were the results of the study? Also, shoreline areas outside the proposed project area will be subject to increased wake effects from the increased boating activities in the immediate area of the project when it becomes commercial. These areas are likely to suffer increased erosion and deterioration from those increased wake effects. There is too much boat traffic on Elk River now (i.e. numerous residences/boathouses; 3 public boat ramps and a State Park from Hwy 72 Bridge to mouth of Elk River; Lucy's Branch Marina; State Park, campsites, marina, motel, and a huge boat ramp on 1st Creek; State Park, cabins, and boat ramp above Wheeler Dam. There is no room now, especially on weekends and holidays. From outside the local neighborhoods, people come here from Tennessee, Athens, and Huntsville. They have 3 boat ramps and a State Park already at on the North side of Hwy 72 Bridge over Elk River. There is a boat ramp on Anderson Creek. There is a boat ramp at Barnett's Landing, just north of the proposed marina. What used to be called Lucy's Branch has a huge Marina, townhouses, etc. The State Park at 1st Creek is within 5 minutes of the Elk River. They have a huge motel, marina, campsites, and there is a huge boat ramp and parking area. Sooner or later, they all ride in Elk River. Then there is the State Park with numerous cabins just above Wheeler Dam.

Susan Roessel**Rogersville, Alabama**

08/03/09 Online Comment: Mr. Christopher's rebuttal to the objections to his project is ludicrous. With the many specific concerns about the environmental impact, all he can come up with is that there will be no impact! Where does he get that? A "best practices" plan to mitigate construction environmental impact should be produced, examined and approved prior

to easement award, not after the award. After award, what authority does anyone have if the "best practices" are inadequate? In the Wheeler Reservoir Land Management Plan (Dec. 1995 P.149) TVA indicates for the parcel that is the site of the proposed marina, that Removal of under-story vegetation or tree canopy could have an impact on the erosion prone soils. Approved methods for checking soil erosion must be implemented if major development is considered on this tract." I believe that a full environmental impact study is needed to determine what will erode and where it will erode to. At the very least, a long term base-line turbidity study needs to be performed so as to be able to identify future project impacts. According to an E.P.A. data base, the lower Elk River "section is habitat for two federally listed fish species: the Snail Darter (*Percina Tanasi*) and the Boulder Darter (*Etheostoma Wapiti*). If there habitat is in the vicinity of the proposed project, it is likely to be harmed. The proposed development will bring a concentration of boating activities to the area. Many of these boats will be high-powered under-muffled "bass boats" that are likely to increase the ambient noise level significantly. Has the ambient noise impact on neighboring private property in the area of the proposed development been studied by a qualified engineer? If so, what were the results of the study? Also, shoreline areas outside the proposed project area will be subject to increased wake effects from the increased boating activities in the immediate area of the project when it become commercial. These areas are likely suffered increased erosion and deterioration from those increased wake effects. There is too much boat traffic on Elk River now (i.e. numerous residences/boathouses; 3 public boat ramps and a State Park from Hwy 72 Bridge to mouth of Elk River; Lucy's Branch Marina; State Park, campsites, marina, motel, and a huge boat ramp on 1st Creek; State Park, cabins, and boat ramp above Wheeler Dam. There is no room now, especially on weekends and holidays. From outside the local neighborhoods, people come here from Tennessee, Athens, and Huntsville. They have 3 boat ramps and a State Park already at on the North side of Hwy 72 Bridge over Elk River. There is a boat ramp on Anderson Creek. There is a boat ramp at Barnett's Landing, just north of the proposed marina. What used to be called Lucy's Branch has a huge Marina, townhouses, etc. The State Park at 1st Creek is within 5 minutes of the Elk River. They have a huge motel, marina, campsites, and there is a huge boat ramp and parking area. Sooner or later, they all ride in Elk River. Then there is the State Park with numerous cabins just above Wheeler Dam.

Beth Miller
Athens, Alabama

08/03/09 Online Comment: We have our vacation home located on Elk River and we strongly oppose any further developments along the river that would add additional river traffic to the area. The area is already too congested for the amount of traffic. The additional traffic to the rural roads as well as the waterway would pose a safety hazard to our family as well as other families in the area. We pay the additional expense to upkeep this home in order to escape all of the traffic and congestion in the more populated areas. Let Mr. Christopher develop his area on the Tennessee River and stay OUT of the Elk River area. Once he develops the area residents that have boated in the area for years will no longer be welcomed in the area of Mr. Christopher's development, the same way you are not welcome at his other development "The Point." Please do not allow this development to proceed.

Barbara Adams
Athens, Alabama

08/08/09 Online Comment: I have great concern if the Riverfront Development LLC-Elk River is approved. I would like for you to consider these concerns before approving such a destructive project. This cove is a natural, peaceful location for Egrets, Blue Herons, Canada Geese, ducks and turtles to nest and feed. Also bald eagles come and feed there. If this

development is approved, it will destroy the natural habit for all these beautiful creatures!!!! Another concern of mine is the safety factor of this location. The river is narrow in this area and is very busy on the weekends and holidays. The main channel is where the cove would enter. Bass boat, jet skies, and pleasure boats come down the channel very fast and I think it would be a safety issue for the boaters entering the river from the cove because of limited vision. Only a few 100 yards across from the entrance of the cove is a sand bar where dread tree and loges are piling up. This limits the space that boaters have in this area. I bought on Elk River because of its natural and peaceful beauty. Please do not allow anymore more it to be destroyed.

Bonnie Matheny
Athens, Alabama

08/10/09 Letter Comment: I am concerned about environmental and safety. In my opinion, TVA would have to dredge the river and move channel markers. The slough in question is narrow with steep bluffs on either side. The channel is narrow, the visibility coming out of the slough is nil. It's an accident waiting to happen - If the river was dredged and channel markers moved away from the entrance of the slough maybe! What size watercraft will be allowed to dry dock? Will there be warning signs and wake buoys - Will the bats and buzzards landmarks be affected?

Paul Hargrove
Athens, Alabama

08/12/09 E-mail Comment: There are many, many, reasons to have concerns about this development. First, is the stated purpose of this development--"...to provide water access and enhanced recreation opportunity for residents of the planned adjoining community as well as access and commercial boat storage to the public." While we do not have objections to the lots being developed and individual boat houses being built, we do strongly object to the proposed cove dredging, storage facility, community dock, boat ramp, boat slips, and courtesy dock. Because of the size of Elk River and the many existing public access facilities, there is simply no public need for this shoreline destruction. There are already over 50 recorded objections to the development with no comments in favor of the marina. Also, there was a petition of over 1600 signatures asking for no further developments of this kind on Elk River. Next, because of the numerous people that were not contacted regarding the comment deadline of August 31, 2009, it is requested that this date be extended. Also, the notice of public comment should appear in local newspapers, and a public hearing should be scheduled to get this proposal to the public. Specific objections to this development have been recorded in the Draft Environmental Assessment, File No. 200702182. My letter is written to respectfully ask for a response from you regarding the above requests. Please consider the large number of people who are objecting to this disturbance of our small, peaceful river.

Eddie Craig
Athens, Alabama

08/13/09 Online Comment: I would like to add to my previous letter on this matter. What type of sewer system is planned for the marina and development? It is my understanding that Limestone County Water and Sewer Authority (LCWSA) take water from the Elk River just south of the proposed development. How will the development maintain the clean water if boats are allowed to be docked and/or stored? Since the proposed homes will be built high above the river on the Limestone rock base, where will the sewage go? As you know, neither the Alabama Water Patrol nor Coast Guard has authority to go into a boat for sewer inspection without the

owner's permission. Any boat with a bathroom can just dump the sewage into the water. If anyone wants proof, just go to one of the existing marinas on a Saturday or Sunday morning and look at what is floating on the surface. In Mr. Christopher's letter dated Nov. 11, 2008, in response to the public's responses, he makes a statement "Limestone County Commission regulates all development in this area." This is a false statement, for the Commission does not have any authority in regulating development. Just ask the Bay Hill area residences that have tried many times to get the Commission to help out. They were told, too late, that the Commission does not control what a Developer can do. The only permit required in the county is a permit for a septic tank. They do not have control on how a developer builds a building, drainage nor the roads within the property. I noticed that River Front Development, LLC, register as a Limited Liability Corporation (LLC). As you may know, a LLC can easily walk away from a project and not be legally held responsible for completion or problems. Is there a plan by TVA or Corps of Engineers to have a large legal bond in place if the development is approved? If so, how many years will it be active after the developer leaves? Mr. Christopher is a Co-Manager of this LLC. Who are the other partners?

Carol Copeland
Athens, Alabama

08/15/09 Online Comment: As noted in previous comments on this proposal, I am a 35 year resident of Elk River. My husband and I chose Elk River because of the lack of industrial development, commercial traffic and most especially because of its rustic beauty. Once about 32 years ago, the Corps of Engineers came through and removed logs and large debris from the river channel. Nothing of that nature has been done since that time. Thus, it has gradually filled with huge trees, submerged logs and because of runoff from farms and development, it has become more and more shallow. On the 4th of July weekend when once a year boaters arrive, it is hazardous to be on the water because people unfamiliar with the territory go too fast and are a danger to other boaters when last minute maneuvers are made to avoid collision with debris. A large development such as the proposed project would similarly be hazardous to fishermen and recreational users who have already saturated the River's capacity. Single family residential use for the remaining waterfront is surely all that waterfowl, fish and the entire river ecological system can tolerate. I object to this proposal.

Susan Roessel
Rogersville, Alabama

08/16/09 Online Comment: Please do not approve this project! 1. Far too much traffic in this small, narrow part of Elk River already. Will increase boating accidents. 2. Any dredging would be detrimental; this is a spawning area and should not be disturbed. 3. Have you fined this developer for violating dredging rules? If true, what did he do and why would you allow him any further dredging rights? 4. Elk River and Anderson Creek are overcrowded now. Pollution is bad now; any more people will kill the Elk River. 5. There are 3 public ramps in close proximity of the developer's planned housing. There is no need to destroy the shoreline. It is just as convenient for the public to use existing ramps that have ample parking and good ramps. 6. Don't ruin this fishing hole. 7. In an 85 page audit, in June 2009, your own Inspector General stated the following: TVA managed its program "selectively and arbitrarily" often to the benefit of "the wealthy, the influential, or both". This developer has already ruined enough of Elk River shoreline for personal gain and should not be given any further contracts. Especially, when there is ample public access to Elk River. 8. The vast majority of people in the area oppose this project. TVA should adhere to the wishes of the public.

Stephen Wren

Mt. Juliet, Tennessee

08/17/09 Online Comment: I am a Tennessee resident and I am opposed to the further commercial development on the Elk River area. I have seen the pollution, destruction of natural fish/other wildlife habitat and the increased crowding of the rivers/lakes around Nashville, TN caused by commercial development. I travel to Alabama to spend my money, fishing and enjoying the relatively undisturbed Elk River and Tennessee River in North Alabama. This developer has proven he cannot be trusted and will do whatever he can get away with to steal the natural resources for his monetary gain. Please do allow this development to proceed.

Glen Jones

Huntsville, Alabama

08/17/09 Online Comment: I would like to register the following comments against further development of the Elk River as detailed in the request provided online here. 1. There are 3 public ramps in close proximity of the developer's planned housing. It is just as convenient for the public to use existing ramps that have ample parking and good ramps. There is no need to destroy the shoreline & fish habitat with additional boat ramps. 2. Dredging of the river will permanently alter fish spawning areas contributing to already noticeable decline in fish habitat (fishing is not what it used to be). This type of activity should be avoided. 3. The Elk River (especially the Anderson Creek area and farther downstream) is extremely populated now with housing and river traffic. Additional boat traffic from a large public dock/marina will have negative impact on wildlife, increase boating hazards for the recreational fisherman and pleasure boaters.

Melissa Beasley

Athens, Alabama

08/19/09 E-mail Comment: I have lived on the Elk River since 1997, but grew up fishing and boating on its shores my whole life. I love the Elk River and the main reason I do is for its undeveloped parts, still untouched by the typical over development I see along the Tennessee River. We want to keep the Elk rustic, not crowded by overuse and large vessels. Its shallow draft and low winter pool does not allow for big boats, so why would anyone want to add a place like River Front Development at Buzzard's Roost? They won't be able to get their boats out in the winter up here. We have bald eagles, blue herons, green herons, owls, muskrat, wild turkey, bobcats, and river otter up here that should be left undisturbed and preserved for future generations. So what if a few people want another place to buy gas on the river, I buy mine in town and haul it down to my dock for my small boat and jet ski. It's not too hard for me, and I'm an old lady. I work for the government too and I know budgets are tight, but let's not allow commercial development spoil the places we are working to protect. I believe that this proposal should at least be put on hold until the new TVA Land Policy is in place. Please let me know when the next public meeting on this proposal is being held and I will attend in person.

Robert F. Freeman

Rogersville, Alabama

08/19/09 Letter Comment: I am writing to you to voice my opposition to the dredging, boat dock, and boat launch proposed by River Front Development LLC on Wheeler Reservoir. I have reviewed the proposal and visited the site where the proposed actions would take place. I oppose any further shoreline development on Elk River and this project in particular. I request a public hearing before any decisions are made on this proposal. I am a 30 year resident of Elk River and an avid fisherman. My family has helplessly observed Elk River in process of

destruction, especially over the last 10 to 15 years. When we first came here, you could catch pan fish of all kinds and in abundance. Gradually, human abuse and greed have been killing the fish and wildlife that use the river. We've watched in dismay as greedy developers destroyed the shoreline and spawning areas making it uninhabitable for most fish and wildlife. A case in point is that this same developer was allowed to dredge a slough close to mouth of Elk River. Before dredging, this was a prime spawning area for fish. Duck, Geese, and other birds used the shoreline for nesting. After dredging and a huge public boat dock were allowed, there are no fish and no nesting birds in the area.

It was explained to us by a local TVA Representative that since the developer owned both sides of the slough, he was allowed to dredge and construct a huge boat dock that runs over half way across the slough. The local TVA Representative said that since the developer owned both sides, the oversized dock was also allowed. The boat dock impedes public access, especially during low water levels. The end result of dredging and shoreline destruction is no fish, no wildlife, just people.

A local resident close to The Pointe indicated that the developer was fined for improper dredging at The Pointe. I previously asked TVA, in writing, to confirm or deny the accusation. Thus far, TVA has not replied to my request. I have no knowledge of whether TVA has confirmed or denied the accusation. Please confirm or deny if it is a fact. Please supply a complete list of any and all fines levied upon the developer in prior developments for improper dredging and any other violations. If this is true, why then would TVA issue any other permits to this developer?

Before dredging is allowed, the developer should have to pay for an outside, disinterested party to study the effects of dredging. This would include an underwater survey, affects on spawning, and affects on nesting areas for birds and other wildlife. It appears that the Corp and TVA allowed this same developer to dredge at The Pointe with no study as to the environmental impact. In addition, input from the people who live in the area was minimally allowed and/or ignored. TVA and The Corp should not allow this to happen again.

There is one more very important aspect as to dredging in this particular proposed project. As previously stated, the developer owned both sides of the slough at The Pointe. This IS NOT THE CASE on this proposal. The developer owns the north side of the slough. Other individuals own the other side of the slough. Have other land owners been consulted as to the dredging issue? In this particular case, it is imperative that all owners of property adjacent to that slough approve any change by dredging. In addition, allow any change to the bottom of the shoreline of that slough without the approval of all adjacent land owners. The only exception would be if the developer was allowed ONE NORMAL SIZED BOAT DOCK like virtually every other land owner on Elk River. As I understand it, the excess number of boat docks is desired so that the developer can sell homes and/or condos in the surrounding area. THERE IS NO NEED FOR NEW BOAT DOCKS AT ALL. There are three public boat ramps already in close proximity to this area. Only 2.2 miles from the slough are the public ramps at Highway 72 and Elk River. There are two ramps and more than adequate parking. Only 2.1 miles away is a public ramp with adequate parking at Anderson Creek. And just 1.6 miles north of the slough is another public ramp. Although the parking is limited here, it is usable. I suggest that TVA, The Corp, and the developer come together with a plan to improve this already existing ramp and improve the parking situation. This would help to alleviate the need to dredge and to destroy the shoreline in that slough. He could still have the ONE NORMAL SIZED BOAT DOCK. This is clearly a case of the wants of one developer verses what is actually needed. The slough and Elk River channel in this area is minimal. Boat traffic is already dangerous. There will be

entirely too many boats for such a small channel. It will substantially increase the prospects for boating accidents. The financial aspects of this proposal are not clear at all. As I understand it, all the developer has to do is pay a fee which ostensibly covers the cost of TVA and The Corp in reviewing and approving or not approving the project. After that, a cursory review is done to make sure the developer builds according to plan. Is this going to be similar to The Pointe? The developer get's complete control of an entire slough, the homes sites go up in price in his subdivision because of free access to Elk River, and the public gets nothing?

I request a complete accounting to the public on all financial aspects of this project. It is our river and our slough. The developer should pay for TVA and The Corp to hire a qualified, outside, disinterested accounting firm to assess the value of the land now verses the value of the land once free access to Elk River is allowed.

The public should gain at least ½ of the profits from the increased land value. There has to be a way for the public to get their fair share. One way would be for the developer to pay ½ the increased value of the lots to the government as the lots are sold. The accounting firm could oversee the sales for a small percentage of the proceeds. Another suggestion would be a yearly fee for access to the boat slips, either paid by the developer or the owners in the proposed subdivision. There is a way for the government/public to get their fair share. After all, it is our river that makes the surrounding land and proposed subdivision so valuable. In an 85 page audit of TVA land management, released in June, 2009, TVA's own Inspector General, Richard Moore, reports the following: TVA managed it's program "selectively and arbitrarily" often to the benefit of "the wealthy, the influential, or both". It is imperative that some sort of oversight be instituted in shoreline development for private gain of a few developers. It appears that all aspects of this type development should be reviewed and some sort of compensatory program should be started for access to the public's resources. This has been an errant practice for far too long. I have discussed the financial aspects of development of lands adjacent to the Tennessee River with numerous employees of The Corp and TVA. Many of them have privately voiced their opposition to private developers benefiting from shoreline development. Hopefully, the committee working with the TVA Board to develop a new Land Policy will correct the situation and find a way to protect the few remaining public resources. I have talked too many of my Elk River neighbors. I have yet to find one who is in favor of any more shoreline development on Elk River. Elk River is in process of dying. Please listen to the overwhelming majority of the public and stop this madness before Elk River is completely dead.

Barbara Beck
Athens, Alabama

08/21/09 Online Comment: I am not in favor of the proposed River Front Development for the Elk River. As a resident there we enjoy the natural beauty & aspect of the river - there is too much boat traffic now. This development will only add to increase boat traffic and noise. My main concern is for the animals/birds that reside in that area. This development would disrupt their natural habitat.

Timothy Martin
Sheffield, Alabama

08/21/09 Online Comment: I agree with the following concerns and think that the River Front Development LLC – Elk River should NOT be approved. 1. Far too much traffic in this small, narrow part of Elk River already. Will increase boating accidents. 2. Protest any and all dredging; this is a spawning area and should not be disturbed. 3. A local resident at The Pointe said TVA fined this developer for violating dredging rules. TVA has not denied nor confirmed;

ask TVA to confirm or deny and, if true, what did he do and why would they allow him any further dredging rights? 4. Elk River and Anderson Creek are overcrowded now. Pollution is bad now; any more people will kill Elk River. 5. There are 3 public ramps in close proximity of the developer's planned housing. There is no need to destroy the shoreline. It is just as convenient for the public to use existing ramps that have ample parking and good ramps. 6. Don't ruin this fishing hole. 7. In an 85 page audit, in June 2009, TVA's own Inspector General stated the following: TVA managed its program "selectively and arbitrarily" often to the benefit of "the wealthy, the influential, or both". This developer has already ruined enough of Elk River shoreline for personal gain and should not be given any further contracts. Especially, when there is ample public access to Elk River. 8. There are many reasons to oppose this project. The only support is the developer to make money off access to public land and public water. 9. The vast majority of people in the area oppose this project. TVA should adhere to the wishes of the public.

Kim Gordon
Portland, Oregon

08/21/09 E-mail Comment: I am writing to you to tell you how much I deeply from the bottom of my heart hope that you will deny the development of the River Front at Buzzard's Roost on the Elk River. As you know, that slough is only 300' wide and the construction of sixteen 20X30' boat slips, dredging the river, and building a 200-boat commercial dry storage would destroy the shore line (not to mention the many other walks, ramps, etc.).

Having grown up on that river, it holds a deep place in my HEART (along with my entire family and basically everyone else that grew up in that area). We have all fished it, swam in it, boated on it, cried and laughed to it and the list goes on and on. I have personally owned property in that area, as well as lived in other properties through the years. I just can't begin to tell you what it means to go down there now and just sit on the river bank when I am back in Limestone County (my husband and I, both Athens natives now live in Portland, OR). It is a sacred place.

Allowing the development of this precious property would be devastating to the river and the entire ecosystem. I sincerely hope that money doesn't win out on this one. As an environmentalist for over 20 years, I have seen so many other areas negatively impacted and just hope that you will deny any opportunity for anyone to do that kind of modification to the shoreline and surrounding area.

You are the stewards of that remarkable land and the power to protect it. Please do the right thing for generations to come. I want my daughter's daughter to experience that river the way her great-great Grandfather did.

Susan Roessel Dura
Rogersville, Alabama

08/21/09 E-mail Comment: I urge you to deny the proposed River Front Development on the Elk River which will be in a slough at Buzzard's Roost. This is a small slough that is only 300 ft. wide that empties directly into the channel. The requested plans are for the construction of one 10' X 30' dock; sixteen 20' X 30' covered, floating slips; one 6' X 910' boardwalk; and 18' X 80' ramp, with attached 8' X 43' floating courtesy dock; 150 years of fill for the launch; 600' of riprap stone; and dredging of 20,000 cubic yards of lake bottom. There are also plans for a commercial 200-slip dry storage facility. There is already an existing 100 ft. boat house and dock for a family that owns the other side of the slough. Please consider the following impacts:

*This is way too much construction and dredging for this tiny slough. Shouldn't this developer adhere to the same rules as the homeowners on the river? There will be negative impacts to area fish and wildlife, in particular, species such as wild turkeys, bald eagles, bats, and Alabama snow-wreath

*Proposed facility would cause a decline in wildlife, waterfowl and fish diversity

*Not in the best interest of the people who choose to live and fish in the Elk River

*Concerns regarding large vessels on the Elk River and their perceived threat to jet skiers and small water craft

*Dredging the slough may adversely affect fish spawning and waterfowl nest patterns, and any work in the slough should be approved by all property owners within the slough

*The entrance to the slough has low visibility from the river because of the bluffs on either side, and boats coming out of the slough will cause a dangerous situation when they merge with boats running the narrow river channel.

*Slough is too small for a marina

*There are already enough boat ramps, boat docks, and residential homes on Elk River

*The proposal would overtax the existing potable water supply and jeopardize the continued habitability and quality of life of existing Richter Road homes

*The proposal would necessitate improvements to Richter Road, which the county cannot afford

*The public notice did not address how the disposal of sanitary waste would be handled

*The proposal should be placed on hold until the new TVA Land Policy is in place

*The local fire department could not handle a gasoline-fueled fire if one were to occur at the dock

*Constructing facilities within the shore management zone may be in violation of TVA's land use policy

*There is not enough police patrol of Elk River to serve this new development.

John Peck
Florence, Alabama

08/22/09 Online Comment: I ask you to stop this thing on the Elk River. Any more developments will hasten the day when the grand Elk River will be just another drainage ditch. When I moved to Alabama in 1961, I thought the Elk River was the prettiest thing I had ever seen. Please put a stop to these ventures.

Gerald Howard
Rogersville, Alabama

08/22/09 Online Comment: I disapprove any large scale development on the Elk River. Just look at the Wheeler grainery problem, which caused a large eye sore on the elk. Also, we have too much traffic already in that area.

Sharon Bridges
Athens, Alabama

08/22/09 Online Comment: The Elk River does not need any further development insofar as more commercial boat piers/ramps and dredging of the river to interfere with the natural environment of the water creatures. I cleaned glass from the banks of my home in early spring. I was shocked at the excess of people's trash; never walk the banks without shoes on. I live at the mouth of the Elk and there are four TVA ramps within a few minutes from Anderson Creek. It's hard enough now to ski the Elk on the weekends due to excessive traffic. There are approximately one dozen homes at the Point, plus the condos, once the development is filled to full capacity, meaning homes built on every lot it will be a large community with more traffic on the Elk. There continues to be many empty lots ready for construction. Let the people of the Elk River continue to enjoy the relaxing and stress free environment of the Elk, plus the home of the air, water, and land creatures needs to remain untouched.

Joe Estes
Madison, Alabama

08/23/09 Online Comment: The impact of the proposed development on the Elk River would be devastating given the already busy traffic level. The Elk is one of the few pristine rivers left in our state. Why we want to drop that status by allowing unnecessary development is confusing at best. If the developer wants to create a planned-gated residential community let him do so, but let the residents use the water access that the public uses now. The Elk River should not be allowed to deteriorate simply to accommodate a few people, when those who have been on the river for years have taken care to maintain a healthy eco-system respectful of a natural habitat. Please do not allow this alteration of the river front that can only add increased pollution in a concentrated area.

Steven Davis

08/23/09 E-mail Comment: Please consider this as a letter of opposition to the plans for the proposed marina for many different reasons on many different levels.

Jeffrey Field

08/23/09 E-mail Comment: Please refrain from developing this beautiful stretch of river. I lived (and my ex-wife and her father still live) across from Buzzard's Roost. I kayaked there many many times. I don't have the fancy words, only my heartfelt desire that the Elk be kept free of development as much as is possible.

Gary Glover
Somerville, Alabama

08/24/09 Online Comment: The Elk River is one of the natural and scenic treasures of North Alabama. I am adamantly opposed to the Elk River Marina proposal. Furthermore, I deeply resent the cavalier manner in which the TVA parcels out the scenic and natural wonders of North Alabama to be butchered and exploited by wealthy, politically well-connected developers. The proposed marina is an affront to all of us who love the natural beauty of Alabama.

Joe Estes

Athens, Alabama

08/24/09 Online Comment: When we look out on our section of the Elk River, just across from the proposed development, we see wild life in abundance--Geese by the flocks, some migrating, some staying around; herons, egrets, kingfishers, and swallows. We see turtles on the logs around the islands by the dozens. Fishermen cruise slowly through a treasured fishing area. All these things happen because we have a river that is alive and whose water is clean. Our fear is that dredging the bottom of the river and bulldozing on the banks for construction purposes will only be the beginning of loss to the cleanliness of the river to the habitat of the wild life. If the residents of the planned community under the proposal want to use the public access to the river that the rest of us use, we have no objection. We do object that, simply to accommodate a few people, we lose so much of the natural beauty of this river. We know that pollution will occur in spite of the assurances we are given. Please disallow the river part of this project.

Joe Estes

Athens, Alabama

08/24/09 Online Comment: Please disallow the river portion of the proposed development project. The Elk River does not need the pollution that will occur with the dredging and concentration of boat traffic and storage in this location. Let the people who will live in the planned residential community in this project use the public facilities that are readily available. The convenience of a few people should not outweigh the harm that will be done to the purity and cleanliness of the river if the docking and storage proposal is allowed. The threat to the abundant wild life on this portion of the river should be a consideration for denying river alteration. Others have told of the loss on the river with other projects that have been allowed even with assurances it wouldn't happen. It did happen and we know it will happen if this goes forward. The river portion of this project should be stopped.

Woodfin and Carla Gregg

Hamilton, Alabama

08/24/09 Online Comment: As owners of a home on the Sugar Creek Embayment and citizens interested in the Elk River natural environment, we respectfully object that TVA and the US Army Corps of Engineers cannot possibly have adequately assessed the extensive implications of the proposed Riverfront Development LLC to both wildlife and human populace of and visitors to the Elk River. Two days, one in midsummer and one at the end of October, are not sufficient for an ample evaluation of the wildlife and botanical species that inhabit the area. The proposed site should be visited during each season as a minimum requirement for proper assessment. A visit in April to see the abundance of wildflowers that will be eradicated and the number of locals quietly fishing in small boats, along with a visit to see the waterfowl that winter in the area, would be entirely necessary for valid assessment. We are also concerned with the environmental report (ER) itself, particularly the number of areas that are not addressed and the vague or misleading language with which objections to the proposal are addressed.

According to the published environmental report, there have been no studies of the proposed development's effects on the following: base flow, biological availability of possible contaminants in dredged or fill material, energy consumption or generation, conservation, food and fiber production, and mineral needs. We request studies in all of these areas, and we require that the outcome be related in measurable terminology. To say that there will be minimal (an example of vague language) damage or change is not sufficient. We need to know what the change will be and how it will affect the river ecology.

The environmental report is written as if the area of the proposed development existed in isolation and would have little to no impact on the surrounding wildlife, homeowners, and regular river users. For instance, the deposit of riprap is the sole listed preventative of erosion. That solution is unacceptable because, as geologists and environmentalists agree, depositing riprap along the shoreline of the development, aside from destroying the natural appearance of the riverbank, will protect only that section of the shoreline where it will exist while escalating erosion of the surrounding riverbank, most seriously, the emergent wetland. The vague terminology of the report states that the riprap "could help," which is not at all the same as saying that it "will prevent" erosion. "Minimizing" the effect is not helpful if the actual result will be that the wetland will be destroyed.

In Section 3.2, we learn the following: "It is likely that the increased volume of boating traffic in the cove could contribute to shoreline erosion. However, there are no studies currently available that address this issue at the proposed site." In view of the likelihood of increased erosion and because there has been no study on the effect of boat activity on this area, we request such a study providing this critical information before construction on this site is approved. Along with the adverse impact on this fragile ecology, the noise and destruction of increased boat activity is a major objection by the river community.

The Elk is not a commercial river and will not safely support approximately 82 additional boats on peak weekends and holidays. In section 3.4, the ER states the following: "Not all 233 boats from these community and dry storage facilities are expected on the reservoir at the same time. However, during the recreation season, an increase in boating activity and usage would likely occur. Based on observations of boating use patterns across the Tennessee River system and on Wheeler Reservoir, TVA estimates that about 25 percent of boats stored at marinas and private water access facilities are likely to be in use during a typical summer weekend day and 35 percent on a peak use summer holiday weekend. Therefore, the proposed facilities would result in up to 58 additional boats on the reservoir on a typical weekend day during the boating season and an estimated 82 additional boats during a holiday weekend." Along with causing an immeasurable increase of erosion, 58 would be an enormous addition to the number of boats on this small river which is already dangerously overcrowded on summer weekends. Eighty-two additional boats coming into and out of this narrow area to buy gas at the marina or to launch or dock boats will block traffic flow and will have a detrimental effect on the safety of the river. Also, we understand that the numbers in the report are only an estimate and that no report can promise that the numbers will not be higher. We cannot be assured that an even larger percentage of the 233 possible extra boats in the dry docks and the new subdivision will not take advantage of the opportunity to enjoy a holiday on the river. Even assuming that the ER's statistics could possibly be correct, on a regular Saturday morning, local fishermen will have to contend with the waves from at least 58 more boats, with many competing for the declining number of game fish.

Also in section 3.2, the ER states that "[t]he proposed community dock would allow for the mooring of boats that may discharge small amounts of petroleum products into the water. How is a small amount measured? Is the idea of a small amount the same for the writer of the ER as it is for local river conservationists? Can any amount multiplied by 233 additional boats be considered small? The ER writers further state that such leaking is not expected to occur frequently--another example of a statement that cannot be measured. Would the developer consider frequent leakage to be the same amount that river conservationists would consider it? Another example of an immeasurable statement is that if "good and proper operating, safety, and housekeeping procedures are followed at the dock, adverse water quality impacts related to spillage of petroleum substances would be minor." We submit that first, "minor" is not measurable, and secondly, NO amount of spillage is minor or acceptable. What are good and

proper operating and housekeeping procedures, and who exactly will be teaching these procedures to 233 new boat owners? Who will enforce these practices? We need measurable terminology in the ER. There is not one provable piece of information in this section.

Section 3.3, addresses wildlife habitat. Here, the report admits the following: "The proposed facilities would cause most wildlife to alter their feeding, nesting, and movement patterns in order to avoid the area, both during and after construction. These animals would likely relocate to undeveloped habitats within the area. These displaced wildlife populations, although small in number, would compete with individuals of their kind for available suitable habitat and eventually reach population equilibrium. "To paraphrase the above statement, the displaced wildlife in the area of the new development would either die out or be required to compete for similar habitat which would cause crowding and the death of an equivalent number of wildlife in the new area as the population equilibrium is reached. To say that "[t]here is a potential for a slight reduction in overall population numbers within their new habitats [and that] impacts on terrestrial wildlife are expected to be minor is true only if we place no value on individual lives. A life is a life, and starvation is a fact. Not all wildlife can cross a highway or swim a river to find and compete in a new suitable habitat. The ER states that "the displacement of the small amount of waterfowl [that] use [this] area and suitable habitat associated with this site would . . . result in a minor and insignificant effect." Again, the effect is not minor, and it is not insignificant to the wildlife that will lose their homes if not their lives, and we object to the reduction of this loss of life and habitat to "insignificance." Every life and the quality of it is significant.

In addition, the TVA assessment does not take into consideration that the River Front Development project will result in an unusually large concentration of human residence and associated activities in close proximity to the Elk River. This impacts a number of environmental and cultural concerns: The TVA environmental assessment fails to consider the sanitary impact of the 33 planned residences, each of which will require a septic tank and field lines. The large public facility will certainly require a public restroom, which will include an additional septic system. This proposed development appears to require a congested and unsafe arrangement of septic systems, considering its proximity to Elk River and the steep descent to the river. There is no mention of any study of the residential site's soil composition and whether this site is geologically capable of safely absorbing the sanitary sewage discharge from 33 homes and a public restroom. There appears to be a distinct risk of untreated sewage runoff into the river from this development.

There is no mention of the potential for runoff of lawn fertilizer, herbicides, and pesticides generated by the establishment and maintenance of 33 lawns and landscaping projects. There is no mention of whether erosion control/best practice will be observed during the development's build out phase. The Elk River community, heretofore, has been comprised almost exclusively of single family occupancy homes constructed and situated along the river shore or in close proximity to the river. These homes have been cited as the river's topography and TVA regulations permitted. The sale of lots and homes has been controlled by the law of supply and demand. Until now, the supply has been limited with the result that nearly every available shoreline lot has been developed. This process appears to have met with the approval of those who chose to invest the time, money, and energy necessary to enjoy a residence with river access. Given the above, it is posited that Elk River inhabitants made their investments with the implicit assurance that the TVA would continue to regulate access and development in the same manner as they had experienced during the purchase and development of their properties. The River Front Development project application has legal standing but it is without cultural precedent in the experience of the Elk River community. As such, this project threatens to violate the faith and trust of the Elk River community in TVA regulation. This address to

Riverfront Development LLC should in no way be interpreted as an attack on the developer but as a protest against the development itself.

Robert J. Illing
Rogersville, Alabama

08/25/09 Letter Comment: I am vehemently opposed to the proposed marina and development of property owned by Mr. Billy Christopher, River Front Development LLC, located on and near the Elk River. I retired five years ago and live full time in my home on Anderson Creek which is just South of the proposed marina. I thoroughly enjoy the fishing, boating, swimming and the peace and serenity of living in such a place. Adding another marina brings more housing and not to mention, more cars to this serene area would certainly make it appear like another city. Take a look at the Bay Hill Marina area in Limestone County which Mr. Christopher help developed, but did NOT turn over the existing roads to the County and refuses to update or repair them. When Mr. Christopher gets his authorization to begin a proposed development and then when things do not go his way, he walks away from the project. Bay Hill has been in existence now for numerous years and still the Christopher roads are in shabby condition. Also, check out the residents' complaints in the Goose Pond area of Scottsboro. Mr. Christopher is now trying to sell 15 acres to industry right near their homes. The RICH get RICHER! I believe more roads and utilities would need to be built to accommodate Mr. Christopher's proposed development. What are the plans for sewage treatment and fire safety at the proposed marina and homes? Limestone County and Lauderdale County uses water from the Elk River. Does that mean increased taxes for the people of Lauderdale and Limestone County?

Berthanne Norton
No Address Given

08/25/09 E-mail Comment: Regarding the proposed River Front Development at Buzzard's Roost. I have concerns about overcrowding, environmental issues, shore-line destruction, safety, etc. Please consider my objection to this development.

Cass Smith
Rogersville, Alabama

08/25/09 E-mail Comment: It has been brought to my attention that TVA has not received response from myself as the landowner across from the proposed development. I would like to reference several correspondences that were sent to Mr. Graham in Nashville and were supposed to be forwarded to TVA. Just to make sure my position is clear I submit the following: 1. My family is STRONGLY opposed to the whole project, ESPECIALLY the dry storage facility, boat ramp, and boardwalk. There are several ramps already in existence just a short distance from the area. A boardwalk over the water literally takes away shoreline from everyone. It should be located on the shore above the 560' contour like everyone else has to do, no exception! The slough and channel are entirely too small for the marina operations. All one has to do is visit the spot in person and that fact is easy to see. 2. TVA's land use policy has been criticized strongly for allowing exceptions for projects that seem to show favoritism to proposals exactly like this one. The appearance is one person's financial gain is given priority over the general public and TVA's own policies and practices. This should never be allowed. You are a servant of the public, not one developer. 3. There is definitely a problem with infrastructure and local government support. The funds are not available to change this and contacts with our representatives have confirmed this. 4. The quality of Elk River has been in decline for some time according to your own studies. I am certain this proposed increase will not have a positive

impact or make it better. Along with that is the dredging factor. What pollutants and ill effects will it have on the system? What about spawning patterns and indigenous species? 5. The area proposed for development is primarily limestone strata with steep slope towards the water in all areas. When I had my house built I used a professional environmental engineering company to draw up my sewage system. Of particular importance was the limestone porosity and it's habit of allowing pollutants to enter the water. If there is concern for only one house, how can a multitude of dwellings be dealt with without compromising the water quality? 6. I have read the developer's comments to complaints that have been raised in the initial phase. I find them to be very general, and quite frankly almost flippant in nature. There are many complex issues here. Based on his replies, it does not appear that he feels the same way. 7. I formally request a public hearing on this issue. 8. I am not aware of even one positive comment on this project. That speaks volumes. In closing, I submit my family has been a good steward of Elk River for over 40 years and would like TVA to be the same and lead by example.

Steve Hargrove
Athens, Alabama

08/26/09 Online Comment: I am writing this to you in regards to the proposal by the River Front Development to develop a residential area that this development will include a huge public dock with up to 200 boat slips, boat ramps, a courtesy dock, dry boat storage, and ultimately the dredging of several thousand cubic yards of lake bottom. While I certainly appreciate a developer trying to better themselves, I have several objections to this project and would like to see this permit denied. My greatest concern is the area of Elk River that is involved in this project. This spot of Elk River has extremely narrow channel that runs directly in front of this proposed development. This area has hardly enough room for the existing residents and this development would greatly increase an overcrowded channel. Because of how narrow the channel already is, one can only imagine the safety concerns of anyone trying to use this area for pleasure, boating, or fishing. This does not even include the developed lot owners and eventual dry storage boats that would be added to the already narrow channel. My second big concern is the environmental impact of this proposal. What will happen to the wildlife that already exists in this area now? We have seen deer, all types of birds, raccoons, herons, otters, ducks, and even eagles in this area. What will happen to a great fishing area? This development would only add pollution, more litter, and create a disruptive influence on the river habitat of wildlife and humans. In addition, how will the dredging alter the existing bottom, vegetation, and wildlife? Will the dredging be stabilized and maintained by appropriate measures if the developer were to violate dredging rules? A third objection to this project is that I know of no resident in this area who supports this proposed development. Other property owners near this area are very upset over the plan because it will drastically alter the landscape and eventually harm this beautiful part of Elk River. This developer has already developed enough of Elk River shoreline for personal gain and should not be given any further contracts, especially when there are already plenty of public ramps and access nearby to the proposed area. I have never objected to residential homes in this area. This development, however, is too large and would have an adverse impact on Elk River and its usage. Safety issues, overcrowding, environmental concerns, and the rights of existing property owners are just a few areas of concern about this development. Therefore as a long time resident of Elk River please consider all the negative aspects of the proposal of the River Front Development, and deny this permit.

Billy Hall

Athens, Alabama

08/26/09 E-mail Comment: I live in a small house on a waterfront lot on Elk River located in Elk Estates subdivision at 9690 Sgt. Holden Lane in Limestone County. I am again frustrated by the insistent commercialization of the Elk River by Mr. Christopher for his own personal gain. This little river has been a quiet and peaceful habitat for man, waterfowl, fish, and mammals since the lake were created by TVA. While I understand that the river will be developed further as time progresses, I believe its commercial use should be halted to preserve the natural environment and abundance of wildlife. Mr. Christopher's request for permission to build a 200-slot commercial dry storage facility indicates to me that Mr. Christopher plans another condominium to sit atop the beautiful cliffs of Buzzard's Roost. The development furthermore destroys the value of the land across the slough which is privately owned. Please help us to preserve the Elk River by thwarting plans for this Marina.

Genne Johnston

Athens, Alabama

08/26/09 E-mail Comment: The proposed development at a slough called Buzzard's Roost is another advance step in the deterioration of Elk River both for the fish, wildlife and the beauty of the area. This river has been greatly abused with trash, debris, run off, pollutants and dredging. There needs to be a testing of the water quality for recreational use, stringent requirements for a sewer system and an evaluation of the impact of this large development in such a small slough and an assessment generally of life on the Elk and the effects of continuing massive sprawl on this river. The area of concern is quite crowded with another boat ramp and boardwalk. Since the Corps of Engineers does not remove debris from the sloughs and the river there is a great danger to boats in hitting logs, branches and tree trunks. Yes, I said tree trunks and also fence rails with nails. I have personally found this type of debris especially in the area of the proposed development. Elk River is promoted as a kayak and paddling river by Limestone pamphlets. What will this sprawl do to the pleasure of this activity? This area does not need the extra burden of docks, covered slips; a boardwalk, ramp and a commercial 200 slip dry storage. All of this sprawl will add to the crowded boating conditions that presently exist. Many boaters have to time when they will launch in the river because of overcrowding in the river. In addition, the marine police are rarely seen on the Elk. The Elk River should not be used as a profit sprawl for some. The river, the recreation, the beauty and the aquatic life on the river is being smothered by overuse and massive development.

Diann Copeland

Athens, Alabama

08/26/09 Online Comment: Yes, I do have concerns with River Front Development LLC - Elk River's plan to develop a public dock, public ramp and dry storage on Elk River. I am a resident and property owner at Elk River and have been for many years. The area of Elk River that is planned for development is not large enough for this type of development, even if dredged. With more and more boaters on the Elk River, it has become more dangerous to be on the water. An additional public dock and dry storage will only add to the pollution and danger. PLEASE DO NOT ALLOW THIS DEVELOPMENT TO PROCEED.

Thomas Smith

Rogersville, Alabama

08/26/09 Online Comment: I have been told that my previous comments opposing this project were not received. It was my understanding that the correspondence sent to the Corps of

Engineers would also be included in the TVA public record. Since this is apparently not the case I will include the following comments AGAINST this proposed project: 1. As one of the owners of the adjacent property in this slough I am against the over-development of the area as it is proposed. The slough is simply not large enough to support the number of boat houses, piers, boardwalk, and 200 slip dry dock! One only has to look at what was done to Lucy's Branch to know how a once scenic part of the river can be destroyed by too many slips/boat houses and over development. 2. The proposed board walk would extend the along the shoreline for virtually the entire length of the slough on one side, essentially taking "public" use of that shoreline away. 3. There are already several public access boat ramps in the local area with much easier access than the one proposed in this project. 4. TVA has stated that the natural beauty of this region should be preserved and has taken steps to restrict development in several areas as a result. In fact, part of the land adjacent to us is now restricted from development as a result of this plan. How can you allow a commercial development and restrict others at the same time. It appears that TVA is granting preferential treatment to these types of developments for the financial gain of a few to the detriment of the general public and your own "master plan". In closing, I believe that a public hearing should be held to allow for an open discussion on this subject.

John Peck
Florence, Alabama

08/26/09 E-mail Comment: I protest this development. The applicant is the same person who developed the POINT. His permit for dredging at the Point stipulated XX FEET...He dredged XXXXXXX FEET...Violating his permit. Of course, he paid a fine for this illegal move. Next, he violated his building permit by building Condos, when he was supposed to build single dwellings. This, obviously, is his plan for the Elk River site. The number of boat slips and 200 dry dock slips would require more people with boats than single dwelling houses could provide. Large Condos on the bank of the Elk River is what he will build to solve that problem. No one up and down the Elk River wants this person there. Do not give him permission to ruin a beautiful site.

Paul Hargrove
Athens, Alabama

08/26/09 E-mail Comment: While the extension of comment deadline to September 14 is appreciated, I respectfully request that we have an additional two weeks until September 30. The comments received by the Corps of Engineers totaled 50 against the proposed development. It is our understanding that only these 50 people were sent postcards notifying them of the deadline. The petition of 1600 names against further developments on Elk River encompasses people from the Shoals area to Tennessee. We were told by a TVA employee that these names would be allowed as a petition for this development. You have stated that these names were not considered. However, these people and many others do have an interest in saving our small river from this shore-line destruction and totally unsafe location. We should be allowed to have time to contact all people concerned. Again, this notice has not appeared in local newspapers, nor have we had a public hearing. This leaves personal contact as the means of notifying residents and concerned citizens. We learn every day that people are not aware of the comment period. For example, just last night the Shoals Environmental Alliance met and started their campaign to stop this development. The people we know in Giles County, Tennessee, have just learned of this comment period. It could not possibly matter to TVA whether it is two weeks or a month. The citizens need time to be heard. Please consider the final date for comments as September 30. Thank you for all the attention you have given those opposing this development thus far.

Victor Dura
Rogersville, Alabama

08/27/09 Online Comment: In view of the opposition and controversy relating to this project, I would like to request a local public hearing.

Susan Roessel
Rogersville, Alabama

08/27/09 Online Comment: I have commented earlier about my opposition to this project and now I would like to formally ask for a public meeting. Thank you for extending the deadline for written comments until September 14th.

Max Cox
Athens, Alabama

08/28/09 Online Comment: I would like to comment to the proposed development on the Elk River by River Front Development, developers, Billy and Jimmy Christopher. As a builder myself, I think this development will help the continuing growth of Limestone County. It will bring in tax revenue base that is much needed in the county. It will also bring in an increase in sales for many businesses. The Christopher's have two river developments, The Pointe S/D and Two Rivers Condominiums, that are luxurious waterfront communities and has brought a lot to Limestone County. Their utmost concern for the water; habitat, traffic, etc...has never been a question. Their personal vision always produces first class projects and I see this project to be the same. Please consider this development for future growth in Limestone County.

Timothy W. Hudson
Rogersville, Alabama

08/29/09 E-mail Comment: I am very concerned and opposed to the proposed development. My family lives on Anderson Creek which has seen a large increase in boating activity particularly wake board boats that bring loud music and large waves that damage my dock, boats, and eroding the shoreline. I spend much of my time on Sunday afternoons picking up trash (beer bottles and cans) dumped by these weekend boaters. I've seen the Marine Police only once this year.

We love to take afternoon pontoon rides with friends up the Elk River and pass the proposed development. Just the other day we paused to watch a bald eagle as it floated gracefully over the very slough under consideration. The undeveloped cliffs of this area are a natural wonder give us a look into the past that was untouched by human development. Please help us preserve this for future generations.

The idea of launching up to 200 boats from a storage facility into a narrow channel of the Elk river where bass boats and other traffic already gets crowded will make this a dangerous intersection. The boats that will use this facility will certainly come into an already overcrowded Anderson Creek as it is the closest water for skiing and wakeboarding putting our children and shorelines at direct risk.

This development also concerns me since the traffic to this development will be along Lauderdale County road 70 across a narrow bridge near an existing boat ramp even though the facility will be in Limestone County. This bridge is in great need of repair.

I understand the desire of the developers to provide water access to residents of their property but I vote no the dry storage and believe and the number of covered docks should be limited to single family homes built on the property. I've been on the large land development last year and it has great views and abundant wildlife. This should be the primary attraction to their residents at the development and not the access to water.

Please help us protect the beauty of the Elk River and the children on the families that have single family homes with docks along the Elk and Anderson Creek that live year round on the water. I particularly concerned for the single family that already has a dock in the slough for many years. If TVA chooses to yield to the multi-million dollar developers that also build the condos and the point of Elk River and the Tennessee River this will be very disappointing.

Jeff and Melinda Ernest

No Address Given

08/30/09 E-mail Comment: I am writing this letter pertaining to the proposed development at mile 7.3 of the Elk River in Wheeler Reservoir. I have been using the Elk River since childhood when my family and I would fish, camp, boat, and canoe along the river. I have lived on the Elk River since 1977. It has always been a serene and peaceful area for boating and family recreation. My wife and I feel the proposed development would not be good for the area because boats would be entering the main channel in a blind spot along the river. The logs in the river already cause safety issues for boaters' skiing and tubing in the river and we feel that the safety problems would be greater because of this traffic. My wife and I have enjoyed many mornings and evenings fishing in the area proposed for the development. Upon several occasions, we have stopped to watch the deer come down and drink from the river. The dredging in this slue could greatly affect the spawning of fish. With sparse areas of land being unpopulated along the Elk River there is little space for the deer, eagle and other wildlife which inhabit the land proposed for the development. When making your decision please consider the safety, wildlife, and fishing in the proposed development area, not to mention the ones of us who live in this serene and peaceful place.

Robert F. Freeman

Rogersville, Alabama

08/31/09 Letter Comment:

This is an addendum to the letter, dated 8-16-09, I wrote to you concerning the above named project. This is additional information to support my opposition to the dredging, boat docks, and boat launch proposed by River Front Development LLC on Wheeler Reservoir. I have reviewed the proposal and visited the site where the proposed actions would take place. I oppose any further shoreline development on Elk River and this project in particular. I request a public hearing before any decisions are made on this proposal.

As I understand it, the developer wants 16 private boat slips and a 200 slip dry dock. The developer's plan for the adjacent land is a subdivision with approximately 33 private residences. Why is it necessary to have 216 slips available for only 33 homes? It appears to me that something is missing. It appears that either the developer will eventually build condominiums as he did at The Pointe or he plans to make this a commercial marina and store boats for anyone, anywhere. To add 216 boats to upper Elk River would be insane. It is my contention that the developer should be allowed only 33 total boats slips, wet or dry. To allow more is totally unacceptable. If my numbers are off, the bottom line is that the developer should have no more boat slips than lots in the subdivision.

I oppose any of the developer's shoreline plans, but it appears that TVA will approve this project, in some form. Please make limitations on the number of boats slips, eliminate any and all dredging, and make any agreement with this developer very detailed to prevent the possibility of him arbitrarily changing the final plans after he gets the permit.

I oppose the entirety of this project. I just don't understand why TVA would allow this shoreline destruction, but it appears TVA is intent on satisfying the wants of the developer, no matter what the public desires. The audit released by TVA's Inspector General in June of this year confirms that TVA has acted arbitrarily in the past against the public's wishes. I can't help but believe the same bad practices may be occurring on this project.

Roy M. Smith
Athens, Alabama

08/31/09 Letter Comment: I have just received information on a proposed development called 'River Front Development' which would be located in a slough at Buzzard's Roost, Elk River. Since I am against any Commercial or Marina development on the Lower Elk River, I am asking you to oppose this application. My opinion is that any Commercial or Marina development would NOT 'enhance the recreation potential of the natural resources of the river' and would NOT 'be a stimulus for regional economic development' and that TVA should NOT lease or approve an easement for commercial recreation proposes on the Lower Elk River. During a review of the TVA 'Land Policy' Statement back in 2006, I asked the Board to consider adopting an indefinite moratorium on any commercial development on the Lower Elk River. I again request you consider this option.

Hank McKinley

09/01/09 E-mail Comment: As the Acting North Regional Forester for the Alabama Forestry Commission (AFC), I have reviewed the River Front Development LLC Proposed Dredge, Community Dock, Bank Stabilization, and Boat Ramp project DEA. As the AFC representative, I do not see any issues with this project. I apologize for not sending you a response prior to the deadline of August 31st, but I was not aware of the DEA presentation until yesterday (August 31st). I reviewed the presentation last night so that I could give you the AFC response.

Joel R. Davis
Athens, Alabama

09/02/09 Letter Comment: Please allow me to make a few comments about the proposed development along the Elk River off Richter Road. First, this development will add to our much needed tax revenue base with new houses for this area that is much needed by the county. Secondly, the area business will gain increased sales of food, building material and many other supplies. There will be, based on all developments Mr. Christopher has completed, a first class project that will add to the beauty and functionality of the area. Mr. Christopher has been a resident of the river for many years and has the utmost concerns for the protection to the river and all ecology associated with river development. Please consider on moving forward with this project that will benefit us all.

Tom and Nancy Morton
Athens, Alabama

09/04/09 Online Comment: I just finished reviewing the draft EA for File No. 200702181 (US CoE PN 08-19). I have some problems with at least one section. Specifically sections 3.4.2 para. 4 & 5 and section 3.4.7. Here are my objections to the statements in these sections:

1. The Wheeler impoundment is very large compared to the lower 10 miles of the Elk River tributary. The statistical numbers for boating traffic that apply across the Wheeler impoundment appear very small when compared to what actually goes on in a much smaller area. The estimates assume that the only boat traffic is from local marinas and private access facilities. This does not account for transient day usage from public boat ramps by people who may not be as knowledgeable of water hazards as local residents. When someone wishes to break curb onto a road, usually traffic studies in the immediate area are performed before permission to break curb is granted. I would submit that this project should perform similar studies for at least a 1 month period over the summer season to get a "local" boating traffic assessment of the impacted area. I believe the TVA and CoE will find the boat traffic numbers rather higher than the EA states. This implies a far higher traffic density across the main Elk River channel than the EA states as an "assumption" for the project area. Safe boating practices are all well and good when followed by all boating enthusiasts. However, everyone does not follow those practices religiously. I am certain a traffic study of the immediate project area will bear this out particularly on weekends and holiday weekends of the summer months and the actual traffic densities in the area will be much higher (particularly on holidays weekends/weekends)!

2. Regarding navigation in his area, it would be useful to all if a study of navigation site lines from the slough to the channel and vice versa be conducted. My own informal study suggests that these site lines are absolutely minimal (pictures enclosed - see enclosures). The slough as viewed from either the east or the west when traversing the main channel is essentially invisible. The idea of putting up reflectors and lights for evening/night traffic is in the right direction but is wholly inappropriate for daytime traffic which is far higher given area usage and the "lack" of safe site lines from the main channel to the slough, or from the slough to the main channel given the close proximity of the main channel to the slough! This will be a death waiting to happen. Lastly, the ecology of this area has changed radically over the last twenty years I have been here. Spawning stripers have disappeared due to development and dredging. The River Otter is returning as well as the beaver (as a land owner on the river I am not sure how good this is - lost several trees to the beavers). The red Tail Hawk is prevalent as well as herons (Great Blue, Little Blue, & Great White). I believe I have also seen the Great Egret. Wood ducks are also coming back to augment the Mallards. We are also a nesting area for Black Vultures, Turkey Vultures and Buzzards. How will these populations be impacted? Amazingly we also had a Pelican stay here for several months recently in the last year. We are also seeing a decline in the various species of turtles which reside in the area which is very disturbing. We've seen a 90% decrease in snapping turtle nests in our yard in the last 9 years. Why is this happening? Given all these large issues/changes I think a public discussion of all these concerns should be conducted and investigated prior to issuing any construction permits for a commercial operation of this slough on public property!

**Glenn and Martha Cook
Rogersville, Alabama**

09/04/09 Letter Comment: This is our objection against the proposed development called River Front Development. My husband has lived most of his life on Anderson Creek. He knows the Elk River as he likes to fish. We agree that the proposed facility would cause a decline in wildlife and waterfowl diversity not in the best interest of the people who choose to live and fish in the Elk River having large vessels on the Elk and their perceived threat to jet skiers and small watercraft. Slough is too small for a marina, and the proposal should be placed on hold until the new TVA Land Policy is in place. What would happen if a gasoline-fueled fire should occur – knowing local fire department could not handle it? We strongly object to the RFO!

Ada W. Cook
Rogersville, Alabama

09/04/09 Letter Comment: I object to the proposed dredging of the slough on Elk River. I live on Anderson Creek and I'm sure it would affect the fishing for us. We have enough docks on the river now, what about the waste and water use for the new addition. It is not for our best interest.

Lawrence E. Hillis

09/08/09 E-mail Comment: In regards to the River Front Development on the Elk River. During development of my property at Lakesides Estates, I was very careful not to add or take away from the shore line and river bed. I expect other developers to do the same. The specs that I saw were to add 150 yards of fill and 600' of riprap and dredging of 20,000 cubic yards of lake bottom which is too extreme. If completed with even a small percent of the amount of expected traffic, that slough and the nearby channel are too small to support that much activity. Therefore I am opposed to this project.

Bob Marks, Vincene W. Marks, and Bobby Marks Jr.
Athens, Alabama

09/09/09 Letter Comment: We live on Elk River 40 years plus and we love the wildlife and critters. We do not think it wise to put a (marina) here. We believe it would be a mistake. We vote no (marina).

Ronald and Roweana (No last name given)
Athens, Alabama

09/09/09 E-mail Comment: It is my understanding that there is a proposed plan to the development at Buzzard's Roost on the Elk River. We strongly disagree with the for the following reasons: It impacts to area fish and wildlife, in particular, species such as wild turkeys, bald eagles, bats, and Alabama snow-wreath. Proposed facility would cause a decline in wildlife and waterfowl diversity, not in the best interest of the people who choose to live and fish in the Elk River Concerns regarding large vessels on the Elk River and their perceived threat to jet skiers and small water craft. Dredging the slough may adversely affect fish spawning and waterfowl nest patterns, and any work in the slough has low visibility from the river because of the bluffs on either side, and boats coming out of the slough will cause a dangerous situation when they merge with boats running the narrow river channel. The public notice did not address how the disposal of sanitary waste would be handled. The proposal should be placed on hold until the new TVA Land Policy is in place. The local fire department could not handle a gasoline-fueled fire if one were to occur at the dock. Constructing facilities within the shore management zone may be a violation of TVA's land use policy.

Garth Lovvorn
Athens, Alabama

09/09/09 Online Comment: I am a banker that has dealt with River Front Development for the past five years. The owners, James W. and Billy A. Christopher, have always been exemplary in their business dealings and have always produced a quality product in their developments. They have past experience in the Bay Hill, Brigadoon, Two Rivers Condominiums, and The Pointe Developments on Wheeler Lake and James has done quite a bit on Gunter'sville Lake at Goose Pond Island. These developments have been successful and given our area great assets for people to have first or second homes on waterfront properties. As a boating enthusiast I am all for a marina and boat storage on the Elk River north of the Highway 72

bridge. In talking to my friends and others there is a great need also for some type of boat fueling facility and I think this proposed development would be an excellent location. There is no on water boat fueling station on the Elk River anywhere. With the continued growth projected for the Tennessee Valley area I think it is vital to have better accesses and facilities on our lakes and rivers. This will bring a better quality of life to our area, thus helping to create more sales tax revenues for our schools and better roads.

Nicoleta Hargrove
Athens, Alabama

09/10/09 E-mail Comment: Please be considerate of the environment along Elk River. I object to the River Front Development.

Deon Hargrove
Athens, Alabama

09/10/09 E-mail Comment: I write this letter to state my objection to the River Front Development on Elk River. I have enjoyed the Elk for 47 years, my entire life. The memories I have of the beauty and tranquility of the Elk are too numerous to mention here in this letter. I am very concerned that the increased traffic on the river would have a serious impact on the environment and wildlife in the area. The risk of boating accidents, due to the narrow channel access, would very likely increase. I hope future generations can enjoy the river as it is now.

Chad Drake

09/10/09 E-mail Comment: I just wanted to email you both to voice my objection to the development on Elk River. The area that is picked for the development is way to small and it will create congestion in this area.

Christopher J. Otto, Ph.D.
Athens, Alabama

09/10/09 Letter Comment: This letter is in reference to the Billy Christopher River Front Development LLC Draft Environment Assessment. I am against the implementation of this proposal to build a marina on the Elk River for the following reasons: 1. There are already two Elk River marinas; one at Lucy's Branch and another at First Creek. Both are large and are underused. 2. There are plenty of public boat launch sites on the Elk River. Sportsman's Park and the launch at Highway 72 bracket the proposed development site within a few miles. 3. A marina would increase the water pollution and trash already in the river. 4. Intact riparian woodlands along the Elk provide critical habitat for a large number of species during the year, including bald eagles, ospreys, otters, white pelicans, egrets, snipe, terns, wood ducks, etc. Construction of a marina means destruction of increasingly scarce original shoreline. 5. Scenic beauty is a value. Marinas are not beautiful. The real worth of the Elk River lies in its ecological integrity. Future generations will not thank us for needless construction.

Jeanette S. Hargrove
Athens, Alabama

09/10/09 E-mail Comment: As a result of our phone conversation, it is requested that you indulge me by reading this e-mail as soon as your schedule allows. Some issues were brought up in our conversation that I want to address; and, also, I would like to comment on the proposed development for record. First of all, you stated that "This is not a popularity contest." I believe we were discussing comments and petitions that merely state they are against further development on Elk River, This indicated to me that "votes" against the development do not

count; however, your website only asks people to submit comments. You implied they should address issues included in the Environmental Assessment. The EA is online and not readily available to many people who live on the Elk and utilize it for recreation. Many, many opponents feel that the development will NOT "enhance the recreation potential of the natural resources of the river," and will NOT "be a stimulus for regional economic development." This is a clear-cut statement and should be an accepted comment.

You also asked if I was familiar with an environment assessment. This comment was condescending as far as I am concerned. You do not need to know my credentials, but here they are: female, mother, grandmother, retired teacher with a Masters in Education and Business; environmentalist, member of Keep Athens Limestone Beautiful, past member of the Athens-Limestone Beautification Board, Master Gardener, and member of Athens Garden Club--just to name a few things that pertain to saving our river. I am only boring you with these details because you seemed to want to talk to my husband more than to listen to me (I realize you were returning his call.) (I was also an executive secretary in the aerospace industry for 16 years. I can speak with anyone and most certainly know protocol.) The Elk River Marina was a project I worked diligently on. I read and re-read the EA for that project, and I have read and re-read the EA for this development. Then you stated that you were being "pressured by politicians" to extend the deadline. Letters from our United States Senators and Congressmen and our State Representatives are not "pressure." They are merely listening to their constituents and taking the time from their busy schedules to help with requests. I believe they only asked for an extension. As to the Environmental Assessment for this development, it seems to be written by the developer. The purpose and need for this development is commercial. If the developer wants to sell individual lots where the people request their own pier and dock approval, on one will object.

This development calls for a 200-ft commercial dry storage, and there is nothing to stop him from adding many other facilities that would add to overcrowding and concern for safety. There are many things not clear about the section on "Environmental and Public Interest Factors Considered." Realizing that land use policies have changed over the years, I still have questions concerning what will be allowed with this development and what has been allowed in the past for individuals. Dredging is a huge concern. It is stated that "increased depth would provide safe passage from the docks to the proposed ramp..." In the past dredging has not been allowed for individuals. In fact, one resident immediately across the river had to fill in his dredged land. All people who own lots would like "increased depth" unless they are on the channel. We have to launch at a site other than our own land. Of course, it was found that there would be "insignificant change in the availability of habitat type and productivity for this area." If we allow this dredging, can we deny future dredging? Eventually, there will be "significant change."The water quality discussed really concerns me. You state, "This section of the Elk River is classified by ADEM for swimming and other whole body water-contact sports and for fish and wildlife." Then, you go on to state how pasture grazing and other factors ruin the water quality. There are many dangers of using river water for recreation, but people choose to continue lake recreation. The development will not do anything but add to poor water quality. Also, you say "If good and proper operating, safety, and housekeeping procedures are followed at the dock..." The operative word is "if." Who will monitor petroleum spillage, human waste disposal, littering, etc.? I could analyze every part of the EA and find something wrong with it. We all know that the terrestrial animals will find another place; the aquatic animals will be killed off; but the overall populations will survive; the plants will grow in another area; other animals will just relocate, etc. This is a small area--we know that. In years to come, if we continue to develop, there will be no place for these species to move. Another amusing factor is the section on invasive plants. Who is going to be present to see that "all equipment used on site would be

cleaned prior to use to ensure it is free of invasive weed seeds or plant parts."? Who will be there to see that no trees will be removed? The residents across the slough were not allowed to cut a dead tree in front of their house because it was standing on TVA property. No other trees were around--just one lone dead tree that could have fallen on their house. Other residents have cut trees and have had to reimburse TVA. Presently, one resident (who happens to be a retired TVA employee) has cut all trees on the bluff in front of his mansion and has left the trees (as they fell) in the river. My greatest concern is overcrowding and safety. There is no visibility when exiting the slough directly into the Elk River channel.

Passing boats will have a difficult time (even with warning signs within the slough) knowing of exiting boats. The state does not have the manpower to adequately see that safe boating practices are followed. Your assessment states, "Increased use within this area would not jeopardize recreational boating in the cove and in the immediate vicinity of the residential development, Elk River or Wheeler Reservoir, as long as recreational boaters follow safe boating practices." Wouldn't that be a perfect situation? Who will see to it that 200-plus boats follow safety laws, and what survey says that this many boats will not produce overcrowding? The aesthetics issue is simply not an issue. Even though this is in a cove, who thinks boat slips and docks are more beautiful than shoreline besides a developer? Our real estate value will not increase. Land, peace, and tranquility are worth more than brick and wood. Many of us still use cabins. Additional moorage and storage facilities are not needed because there are plenty in the area. You admit that the cumulative impact would be negative on overcrowding, navigation and safety, and water quality. Why would this in itself not be enough to deny a permit?

Finally, the main reason--my children, grandchildren, and great grandchildren. We and many of our neighbors are into the third generation of loving and enjoying Elk River. As residents of over 50 years, we want to keep our small river with just residents--nothing commercial. I am now 70-years old. During my earlier years, I skied the eight miles to Highway 72 bridge and back without having any problems with overcrowding. My children did the same. Now my grandchildren are skiing, canoeing, sailing, swimming, and enjoying the river as those before them. FUTURE GENERATIONS--this is the reason to DENY destruction of shoreline and overcrowding. THE BEST REASON IN THE WORLD. All of this considered, I present that the proposal WOULD HAVE a substantial negative impact (whether initially or cumulative) on the environment and Elk River.

T. Bowers

Athens, Alabama

09/10/09 Letter Comment: After all the technical and ecological data have been analyzed to the 11th degree, the bottom line remains that the Billy Christopher – Riverfront Development LLC is not needed on Elk River and will only serve to spoil and remove from public pleasure FOREVER several acres and several hundred feet of shoreline. If, at some time, we do not stop developing our streams and waterways, we are rapidly approaching the demise of our rivers and streams.

Ronald Hale

Athens, Alabama

09/11/09 Online Comment: It is my understanding that there is a proposed plan to the development at Buzzard's Roost on the Elk River. We strongly disagree with this for the following reasons: It impacts to area fish and wildlife, in particular, species such as wild turkeys, bald eagles, bats, and Alabama snow-wreath. Proposed facility would cause a decline in wildlife and waterfowl diversity. Not in the best interest of the people who choose to live and

fish in the Elk River. Concerns regarding large vessels on the Elk River and their perceived threat to jet skiers and small water craft. Dredging the slough may adversely affect fish spawning and waterfowl nest patterns, and any work in the slough has low visibility from the river because of the bluffs on either side, and boats coming out of the slough will cause a dangerous situation when they merge with boats running the narrow river channel. The public notice did not address how the disposal of sanitary waste would be handled. The proposal should be placed on hold until the new TVA Land Policy is in place. The local fire department could not handle a gasoline-fueled fire if one were to occur at the dock. Constructing facilities within the shore management zone may be a violation of TVA's land use policy.

**A. J. & Clareece McMahon
Rogersville, Alabama**

09/13/09 Online Comment: We moved to this location five years ago and quickly discovered that our home was on a portion of the TVA scenic and wildlife preserved waterfront. We were not told this by the prior owners or by the closing real estate agent. Not soon after we moved in, we had a local company cut some branches to raise our canopy to enable us to view the river. TVA came to our home and explained that any work on their controlled land was a violation of the scenic and wildlife preserved waterfront and fined us. We had no defense, as we could only claim ignorance as we had no prior knowledge of these restrictions. Since that point in time, we have adhered to the TVA rules and regulations and have maintained the natural boundaries that are necessary to have the scenic and wildlife river front. This area is home to blue herons, egrets, mallard ducks, geese, coots and other water fowl. In addition, many types of fish are in the area and offer a wonderful recreational fishing location, thus the city of Rogersville nickname, "Fisherman's Paradise". We quickly realized the importance of TVA's preservation of the waterfront. With this said, how can TVA allow this developer to do the extent of river and land destruction and disrupt the wildlife habitat when just within yards of this property, the other residents are required to maintain TVA's expectations. If the developer is allowed to continue with his plans, it would seem very apparent of the double standard being applied by the Army Corps of Engineers between this developer and the local private family landowners. Below is an excerpt from the TVA by-laws...these words should be upheld and no "special" waivers granted for developers. These restrictions should be levied on ALL river property owners—developers and private families. If not, explain why this developer has special privileges to disrupt the habitat and environment? "In its approach to natural resource management, TVA will demonstrate leadership through the ecologically sound management of natural resources and the protection of cultural and heritage resources. TVA is committed to increasing the proportion of TVA-managed resources that meet the desired environmental conditions of sustainable recreation, ecological diversity, and cultural resource protection. More and more residents and visitors are enjoying the diverse, unique natural resources of the Valley by engaging in dispersed recreation activities such as hiking, bird watching, and fishing. An increase in outdoor activity has been shown to result not only in a healthier lifestyle but also a greater awareness of the importance of natural resource conservation. An increase in conservation practices by the public helps ensure the unique and beautiful Valley resources will be preserved for the continued enjoyment of generations to come. To support this objective, TVA will pursue collaboration and partnerships to improve the delivery of its natural resource management activities, while also increasing the effectiveness of dispersed public recreation and reducing the impact of human uses on the environment. TVA will allow for properly managed, eco-friendly dispersed recreation on the lands it manages while balancing that goal with the protection of biological, cultural, and heritage resources."

James H. Hargrove
Athens, Alabama

09/13/09 E-mail Comment: I highly oppose the River Front Development because of the commercial aspects which will cause overcrowding and endanger other boaters on Elk River. The addition, the development in this small slough will displace wildlife, destroy shoreline, add over 200-plus boats to the area, and be a safety hazard because of its location. Please DENY this application.

Larry and Deborah Lovell
No Address Given

09/13/09 E-mail Comment: We wish to express our concerns with the proposed "Buzzard's Roost" development. We have owned a home on the Elk River for almost 20 years and have seen many changes on the river. Studying this proposed development has brought a lot of environmental topics to issue. Does the proposed site have adequate space to accommodate the number of boats and public traffic as requested? Who will pay for the required public facilities, such as waste disposal, fire protection, roadways to proposed facilities, etc?

Many boaters enjoy boating in the Buzzard's Roost area because of the serenity of the undeveloped shore line, and the significant amount of birds and wildlife in the area. With the new development, the wildlife will most likely disappear. I would love for my grandchildren to experience viewing wildlife on the Elk, but with more commercial development on the river, it is getting less likely that it will happen.

If more boat docking/storage space is needed on the Elk River, why not put it at the already developed Lee High Boating Facility? This would not impact the local wildlife significantly as destroying Buzzard's Roost habitat. We are in opposition to this proposed development and we hope that you will consider what adverse effects this development will have on the current wildlife and future generations on the Elk River.

Robin Burchfield
Rogersville, Alabama

09/13/09 E-mail Comment: Please look at the big picture when considering this Proposed Dredging, Community Dock and Boat Ramp, Billy Christopher d/b/a River Front Development LLC File No.200702181 and say NO. I have lived on the Elk River since 1988. I moved here to get away from the noise and traffic of city life and to enjoy the serenity, wildlife and fishing on the river. I do not want to hear the noise from wave runners and diesel engines from large boats which will be at the marina. I want to be able to hear the wildlife, birds chirping, owls hooting and bobcats screaming. These sounds will be no longer if this project is allowed. Since Bay Hill Marina and Condos, Two Rivers Condos and The Pointe have been built the boat traffic has increased dramatically. It has gotten so bad on weekends in the summer that I do not get out in my pontoon boat or my kayak. Please consider the public's safety. This project will stress the Elk River beyond repair. The Elk River is not wide enough for the increase in boat traffic from this project. I have seen a couple of near misses in this area. Do not allow Community Dock or Boat storage.

The DEA states in part, "This area is highly erodible but there will be No Significant Impacts on environment, wildlife, erosion, traffic, pollution, fishing or plants." I beg to differ. Gas in the river, Hmm, that sounds like an Impact, pollution, sewage and runoff in the river, Hmm, Impact, dredging ,Hmm, Large Impact. Cutting a single tree will have an impact. If not, why do all the land owners have to go through TVA to cut a tree and replace the one they cut? It appears it is

okay if you have enough money to destroy acres of woodlands, wetlands and river bottoms. DEA says, "The dredge would adversely impact the emergent region." So which is it? An impact or No impact? Bay Hill Marina is not at full capacity so where is the need for more boat docks and storage necessary? With the economy failing people will not be buying as much or renting boat storage, no one will be able to afford it. Nowhere in the DEA does it state what will happen to the property if the business fails. Will someone put it back the way it was? Will the people in the cove and the area have to look at all the destruction of our animal habitat and wetlands? "Wildlife will relocate to undeveloped areas." Where will that be if we continue to take it away? I have had the opportunity to see my first Bald Eagle in the wild on the Elk River. Since then I have seen several on a regular bases. They fish in this area and possibly nest here. A survey by TVA done in a few weeks does not tell the true story of what lives and feeds in this area. I have seen River Otters, Beavers, and Ospreys at this cove and Owls nesting in the bluffs. Alligators have been seen close by. Will this affect their habitat? TVA says "based on these being common to the area No Impact". Do we know how the fish surveys went in the area? Has it increased or decreased in population? I would think decrease due to spawning areas being destroyed. Mr. Christopher has already destroyed some of the best fishing areas on the Elk River with his Development at the mouth of the river. Not to say what an eye sore the condos are to the area. Has the water quality been checked lately or is it based on years ago? I personally believe if this is allowed we see more condos built on the Elk not a subdivision. We as Elk River Neighbors would like an extensive study done on the sewage disposal for the proposed area. None is mentioned in the DEA expect for the boating. We have worked very hard to preserve our natural habitats and resources but people like Mr. Christopher continue to it take away for personal gain. When it's gone it cannot be replaced. Imagine if our Government and TVA continue to give away our forests and wetlands our future generations will have none to enjoy. They can go to their Great Grandparents and ask "What was a forest? Did wild animals really live here? What was it like to go swimming in the river?" "Did you really catch fish here?" I would like to request a public meeting on this proposal. I would like for TVA and The Corps of Eng. to consider leaving things the way they are on this part of Elk River. Not everything is about development. We all need a place to go; this is just not the right place, not through a residential area.

The Keimig Family

No Address Given

09/14/09 Online Comment: We are very grateful that you have allowed the residents of the area to voice our feelings concerning this project. We want to definitely go on record as saying that we are greatly opposed to this proposal. All of the concerns listed in your letter are of major importance and should be enough to keep this project from being approved. The water safety issue alone should be enough to keep this project from proceeding. On busy weekends, we already have quite a number of boaters, swimmers, jet skiers in the area. If you were to add the number of boats or jet skis from the slips and the commercial dry storage slips that could potentially be launched on any given Saturday, for instance, you could have another 50 to 75 watercraft on the water. If it were a holiday, you could presumably increase that number considerably. The residents that have made their homes there for years and others who have invested their life savings for a retirement home would not even be able to enjoy the water for fear of being run over by all those extra boaters. We have two teenage children who have their boating license. We are very cautious now of their safety. We don't think we could possibly be at all comfortable with their being out there if you were to add the magnitude of extra boaters you are considering. In addition, with that many extra boaters on the water, the marine police will have to patrol the area more. This creates a substantial extra cost on the system. North of the proposed area is a narrowing of the river and, consequently, a lot of debris gets caught up in

the waterway. So most of the new boaters will most likely travel downstream towards Elk River Bridge. Many leisure boaters do not go past the bridge but circle back north. That means you will have a concentration of boaters all traversing the lake in the same general area. Therefore, we feel that this is considerable overcrowding and creates not only a threat, but a significant danger to other watercraft. This is such a beautiful, quiet, peaceful area, with the added benefits of abundant wildlife, waterfowl and fish. We do not want to see the natural beauty destroyed through commercialization. We fervently request TVA to take our concerns under consideration and deny this proposal to protect the safety of our friends and family and the natural beauty of the area, as TVA expects us to do our part in protecting the waterway.

Barbara Laubenthal
Athens, Alabama

09/14/09 E-mail Comment: I am writing in reference to River Front Development on Elk River. When I first heard about this development, I thought it would just be boat slips for the proposed subdivision which I do not oppose, but I have since learned that it is far more than that and I do oppose this extensive development in this slough. The slough is much too small for this much development. Also, because of low visibility at the entrance to the slough (bluffs on either side) there is a safety factor with this much traffic from the slough. The entrance to the slough is on the river channel which means that all river traffic passes within a few feet of the entrance to the slough. I hope you will consider these points when you make your decision regarding the development.

Randy Hamilton
Athens, Alabama

09/14/09 E-mail Comment: Thank you for your time on this issue. Please note some of my concerns for the proposed River Front Development. Not in the best interest of the people who choose to live and fish in the Elk River. Slough is too small for marina. The public notice did not address how the disposal of sanitary waste would be handled. Dangerous to boaters and jet skiers using the river currently and in the future. Please take time to consider the issues of this project and turn down this proposal.

Robert F. Freeman
Rogersville, Alabama

09/14/09 Letter Comment: This is an addendum to the letter, dated 8-16-09, and the addendum, dated 8-26-09, I wrote to you concerning the above named project. This is additional information to support my opposition to the dredging, boat docks, and boat launch proposed by River Front Development LLC on Wheeler Reservoir. I have reviewed the proposal and visited the site where the proposed actions would take place. I oppose any further shoreline development on Elk River and this project in particular. I request a public hearing before any decisions are made on this proposal.

A neighbor and friend gave me information this past week-end that appears relevant to the applicant and begs the questions as to why TVA would issue any shoreline development projects to this particular developer. The neighbor was concerned about giving this information because of the past personal friendship with the applicant and his family. I have found that there are people who have been friends with the developer over the years, but now they are in a conundrum as to the friendship. They disagree with the development at The Pointe, the planned development on upper Elk, and they disagree with his business practices. But they are concerned about voicing their opposition because the applicant has access to those who

correspond with you. Personally, I have never met the developer and tried not to make this a personal battle. Unfortunately, a lot of people on Elk River are in the same situation as my friend and neighbor. It appears to me that the blame for these strained friendships should be placed squarely on the shoulders of the developer.

The anonymous person who asks me to forward their concerns to you received this information at a social event. The information came directly from the developer. They offered no proof, but there is no reason to doubt the truthfulness of the information either. Without TVA's files, it would be impossible for it to be validated. The allegations are as follows: The applicant asked TVA for a permit for his personal boat house/dock at his former Elk River residence. During TVA's process, certain limitations were made on the project. The person indicated that the applicant more or less bragged that after TVA left, he proceeded to do what he wanted. It would be simple enough with TVA's files to verify the legitimacy of this information. The file should contain any limitations placed on the project. Even though the property has changed hands, TVA would still have the right to see if the permit and the limitations were violated.

This information extends the concerns in my prior letter in that if a person has a history of permit violations, why would TVA issue a new permit to that person? I understand that no proof has been offered, but it would be impossible for that to be provided without TVA's files and an onsite review of the boathouse/dock in question. As to the alleged dredging violations in my prior letter, the information came from people at The Pointe. Again, there is no way for me or any other private individual to verify the information without the appropriate agency's files. If this is not in your area of concern, would you please ask the appropriate agency, TVA employee, or Corps of Engineers to investigate the validity of the alleged violations and include them in the necessary reports?

Charles Ezell
Athens, Alabama

09/14/09 E-mail Comment: I have property next to the condos at the mouth of the Elk River and I feel that no additional development is needed on water ways of the Elk unless it is through a single family wanted to install a dock. The floating slips at The Pointe are not completely filled so building another one right up the river does not seem appropriate. More access for additional traffic especially on the weekends in the Elk River would be dangerous to my family and friends when they are in the water skiing or fishing. Construction in the water as far as dredging would not be good for the water life. As you are aware Mr. Christopher dredged out more than approved for at The Pointe. I am not in favor of new water development on the Elk River.

Donald Wayne Zeek
Birmingham, Alabama

09/14/09 Online Comment: Our family has enjoyed the natural beauty of the Elk River for almost fifty years. Buzzard's Roosts is one of the most beautiful spots on the Elk. I am against the proposed RFD to dredge for a marina at Buzzards Roost. This will destroy the wildlife, destruct the TVA shoreline beauty, ruin fishing and increase boat traffic to a level of unsafe usability. Most certainly there will be a decline to wild turkeys, bald eagles, bats, buzzards and the Alabama snow-wreath. This is not in the best interest of the people who choose to live and fish on the Elk. This slough is too small for a marina as there an existing boat house in the slough. Dredging the slough will affect fish spawning patterns and waterfowl nest areas. It will also create a safety issue with large vessels. Constructing within the shore management zone may be in violation of the TVA's land use policy. Who will fund improvements to Richter Road and the improved water distribution system for fire protection at the marina, me the tax payer?

This proposal should be placed on hold until the TVA Land Policy is in place. Please do not approve this proposal.

**Deborah Vaughn
Athens, Alabama**

09/14/09 E-mail Comment: My residence is across the Elk River from the proposed River Front Development in Limestone County, Alabama. This area has been known locally as Buzzard's Roost. I have several areas of concern, many of which have been presented to you by others concerning water safety, environmental impact, and dredging. In addition to those concerns, please review the impact this development will have on the traffic congestion on this small river. We seem to be overflowing with boat traffic now. The amount of traffic has dramatically increased in the twelve years I've lived on Elk River. The river literally whitecaps on weekends due to use and traffic. Private docks cannot be prevented, but commercial marinas and slips need to be scrutinized thoroughly. I have always admired the role TVA has played in protecting our environment, and am a staunch supporter of TVA. Your decision can help keep our Elk River healthy and safe.

Charles Rose on behalf of the Shoals Environmental Alliance

09/15/09 Online Comment: I am writing to you to express my views in regard to the River Front Development Draft Environmental Assessment. I am opposed to this project and urge TVA and U.S. Army Corps of Engineers to reject this application. As you well know, I am not alone in my opposition; the vast majority of residents in the vicinity of this proposed development feel likewise. Here are my detailed comments: On page 1 of the DEA, in the first paragraph, is the following: "On October 22, 2007, the U.S. Army Corps of Engineers (Corps) received a Department of the Army (DA) permit application from Billy Christopher, doing business as River Front Development LLC, 211 S. Jefferson Street, Athens, Alabama 35611, for the proposed construction of a community water use facility." This statement is obviously inaccurate. The project has a commercial component. The DEA's next paragraph explains that "The dry-stack storage building and associated parking would be a commercial operation made available to the general public via rental agreements. The boat launching ramp and courtesy dock would be shared by the commercial operation and the residents of the development." The dry-stack storage building would not be usable without the requested dredging, so this dredging must also be included on the list of this project's commercial components. The fact that this DEA contradicts itself in the first two paragraphs of the first page does not bode well. I believe this document is deficient and not up to the standards required by the Council on Environmental Quality and NEPA.

On page 4 of the DEA we find this: "Portions of TVA land along the shoreline of the proposed project area show vegetative and hydrological characteristics of wetlands. During the Corps' wetland delineation, it was determined that wetland soils were not present in these areas; however, these sites does represent wetland habitat areas as defined by Executive Order 11990, which requires only the predominance of wetland vegetation." To begin with, Executive Order 11990 doesn't say that such areas as these exhibit "characteristics of wetlands" or "represent wetlands habitat." It in fact defines such areas as wetlands. "The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." Executive Order 11990 - Saying that these areas exhibit "characteristics of wetlands" or "represent

wetlands habitat” seems to me to be an effort to downplay the importance of these areas. And exactly where are these “portions of TVA land”, these wetlands? I couldn’t find a wetlands map anywhere in the DEA or its appendices.

Also on page 4 of the DEA we read this: “There was no boating activity within the cove on this date of the Corps’ inspection.” Why is this statement included in the DEA? Is this supposed to be meaningful? Are we to infer from reading this that no one uses the cove for fishing or other recreation? Is this statement meant to counterbalance the comments to TVA & USACE from people who fish in this cove and know it to be a spawning area? On page 6 of the DEA we read this: “By letter dated October 6, 2008, the Alabama Department of Conservation and Natural Resources stated that no net loss of stream or wetland functions should occur as a result of the project”. But this statement is contradicted on page 11 of the DEA, where we find this: “The proposed boat ramp and a portion of the associated dredge are located in the wetland area.” How can there be “no net loss of wetland functions” when a boat ramp and a portion of the dredge are located there? On page 10 of the DEA we read: “BMPs and proper management of storm water runoff are expected to minimize impacts to reservoir water quality and would not worsen conditions in the impaired downstream part of Elk River.” The DEA uses the word “expected” a lot. One can “expect” most anything, but that doesn’t mean it will occur. The use of such phrases seems to be an attempt at justifying this development without actually guaranteeing it will have no adverse impacts; we are merely told TVA and USACE “expect” no impacts. The following paragraph states: “The proposed community dock would allow for the mooring of boats that may discharge small amounts of petroleum products into the water. However, such leaking is not expected to occur frequently or involve large amounts and would be dissipated rather quickly by normal water circulation in the cove and Elk River.” There’s that “expect” again. No guarantees that there is not going to be frequent leaking of petroleum products into the water, just an “expectation”.

Next we read: “If good and proper operating, safety, and housekeeping procedures are followed at the dock, adverse water quality impacts related to spillage of petroleum substances would be minor.” Yes, and IF I had wings I could fly. All of these “ifs” and “expects” don’t mean squat. They’re just filler, meaningless phrases that let TVA & USACE off the hook when water quality suffers because of unwanted and unnecessary development. In contrast to the DEA’s “expectations” of no significant impact on water quality, consider the following from the Environmental Protection Agency (from SOURCES OF WATER POLLUTION FROM MARINAS AND RECREATIONAL BOATING)”. “The construction of a marina can create a condition of reduced water circulation. In an area already protected from wave action, such as a cove or inlet, marinas can potentially introduce pollutants to an area with limited natural circulation or water exchange. Over time, reduced circulation and increased pollutant generation can increase pollutant concentrations in the water column, sediments, and aquatic organisms. The pollutants that might be generated at a marina and enter a marina basin include nutrients and pathogens (from pet waste and overboard sewage discharge), sediments (from parking lot runoff and shoreline erosion), fish waste (from dockside fish cleaning), petroleum hydrocarbons (from fuel and oil drippings and spills and from solvents), toxic metals (from antifoulants and hull and boat maintenance debris), and liquid and solid wastes (from engine and hull maintenance and general marina activities). Marina construction and reconstruction, in-water modifications at marinas, and propeller wash and boat wakes can also disturb aquatic habitats, plants, and animals.” “Marina construction can alter habitats at a site. Shoreline vegetation may be reduced at some locations. Bottom sediments may be stirred up more frequently with boating activity and dredging to maintain channel and basin depth [a marina’s] aquatic habitats might not be healthy enough to support a natural diversity of aquatic organisms, and they might still have sediments

contaminated by pollutants from storm water runoff or by antifoulants that have leached from hulls or piers.”

On page 11, discussing shore erosion and accretion patterns, the DEA states: “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 boat launching and associated mooring at the proposed community docks.” A little later it states: “As previously mentioned, the use of BMPs during construction would minimize sediment in runoff from the site and into Elk River.” Amazing! You (supposedly) can’t measure erosion at a marina site, yet it is possible to predict that BMP’s would minimize runoff! It is common knowledge that the constant operation of boats in the vicinity of marinas can cause many problems such as the disruption of shallow habitats and communities and mixing sediments into the water column. Boats constantly leaving and entering marinas are known to cause bank erosion. When boats are operated in shallow water, such as that found in the back of this slough, their propellers can cut off or uproot aquatic plants from the bottom and their prop wash tends to mix sediments into the water. When sediment is stirred up, photosynthesis is reduced and plants and animals are smothered. The effects of boat traffic on water quality and aquatic species are especially deleterious in water bodies that have sediments rich in nitrogen and phosphorus.

Since the Elk River is on the 303(d) list (meaning it is impaired), in part due to elevated nutrient levels, it is likely the bottom of the marina site’s slough is full of nitrogen and phosphorous. Boat traffic can destroy submerged aquatic vegetation which protects shorelines from erosion and is an important resource for many aquatic species because it provides food and shelter. Local fishermen tell me that the slough is a spawning area for shellcracker, brim, crappie and large-mouth bass. Unfortunately, larval and juvenile fish can be killed by boat propellers and prop wash. Spawning or nesting fish can be disturbed, and prop wash can destroy fish eggs. Of course the proposed dredging will destroy much of the spawning area before the marina’s boat traffic has its chance. Marina traffic WILL cause shoreline erosion. When waves caused by passing vessels reach the shallow margins of the slough, they will erode banks and the nearby bottom sediments, washing away plant and animal species that live there. Discussing impacts on the wetland areas of the slough, the DEA states “Consistent with TVA’s Shoreline Management Policy (TVA 1998), disturbance of TVA properties would occur only at the areas of reservoir access and shoreline alteration including the ramp, dredge, riprap, and boardwalk access. Access from the proposed boardwalk to the community dock and the access road to the ramp would be outside the wetland area and above elevation 556.3 msl. These activities would have no effect on this sensitive habitat type on the TVA property.” A few sentences later, we learn: “The proposed boat ramp and a portion of the associated dredge are located in the wetland area.” Incredible! How can there be “no effect on this sensitive habitat type” when the boat ramp and a portion of the dredge “are located in the wetland area? Words are supposed to have meaning. Why are there so many statements in this DEA that are clearly at odds with each other?

The DEA then states: “Construction of the ramp, in accordance with the modified plans (Appendix C), would have minimal direct and indirect effect on this wetland habitat area (less than 550 square feet or about 0.01 acre).” So, in the space of two paragraphs the DEA goes from stating there is “no effect on this sensitive habitat type” to saying that the ramp will have “minimal direct and indirect effect”. And what is the reasoning for this prediction of “minimal effect” on wetlands? It is implied that the size of the disturbance, “(less than 550 square feet or about 0.01 acre)”, is the reason. What about all the wave action, propeller damage, prop wash and repeated dredging over a 10-year period? It is likely that the effects on wetlands would be

much more than minimal. Discussing endangered or threatened species, the DEA states: "In response to the JPN, by e-mail dated October 16, 2008, the USFWS stated that no significant adverse effects on fish and wildlife resources are expected to result from this project. Therefore, USFWS had no objections to the issuance of these permits." But USFWS did not perform a survey of the site. Shouldn't a survey be performed to ascertain what species live in the slough? The dredging will certainly destroy both species and habitat. Discussing the endangered gray bat, the DEA states: "Extant populations do not occur in the area, and the proposal would have no effect on any known populations of these bats." I don't think anyone can state categorically that "extant populations [of gray bats] do not occur in the area." Perhaps there are no "known" populations in the area, but I don't think anyone can assert that there are absolutely no extant populations. Discussing habitat for fish and other aquatic organisms, the DEA states: "The proposed dredging would result in the immediate loss of the existing benthic communities within the affected 30,150 square-foot dredging footprint. Although recolonization is expected to occur in a short time, the composition of the new communities would be slightly different due to the increased water depths." This statement that "recolonization is expected to occur in a short time" seems to be ignoring the fact that the developer will be allowed to perform maintenance dredging, as needed, for a period of ten years from the date of the permit. Discussing wildlife habitat, the DEA states: "There is a potential for a slight reduction in overall population numbers within their new habitats. Because of the availability of similar suitable habitats in the area relative to the small amount of habitat proposed for development and because the species present are common and abundant in the area and the region, impacts on terrestrial wildlife are expected to be minor. While a small amount of waterfowl use area and suitable habitat associated with this site would also be affected, the proposed water use facilities would result in a minor and insignificant effect on ducks and geese that live or migrate through this area because of the small portion of waterbody affected relative to the size of Wheeler Reservoir." These kinds of statements are made by TVA every time there is an application for development. My question is: When is the tipping point reached? TVA cannot keep making this assertion forever. Also, notice the use of the word "expect" again. I "'expect' this won't be the last time we'll see it in this DEA. The DEA states that: "Currently, a total of 13 public recreation areas and three commercial recreation areas provide boating accommodations in this area of the reservoir. The public recreation areas include 13 boat launching ramps with a combined total of 488 vehicle and trailer parking spaces. The commercial marina operations provide a total of 255 dry boat storage spaces and 324 wet slips." It sounds like the commercial component of this development is not really needed. Local residents all report that there is already too much boating traffic in this section of the Elk River. Many avoid taking their boats out on weekends for fear of getting hit by other boaters. With boat traffic will mean more pollution. Considering all of the public boat ramps already available, why must we have another one that will have a negative impact on a wetland and a spawning area?

Discussing how the proposed marina would affect boat traffic on Wheeler Reservoir, the DEA states: "Given the water surface area available, it appears that typical summer weekend and holiday weekend boating activity can be accommodated without exceeding generally accepted optimum recreational boating capacity thresholds (TVA 2009)." It appears to me that TVA is considering how the increased traffic from the marina will affect congestion of the Wheeler Reservoir as a whole. Is this valid? I would think that most people who kept their boat at this site would tend to boat more on the Elk River and Anderson Creek, rarely venturing all the way to the Wheeler Lake. Shouldn't TVA have studied how increase boat traffic would affect the local area, rather than the Wheeler Reservoir as a whole? Discussing aesthetics, the DEA states: "Currently, there is only one pier and boathouse within the cove. Construction of the proposed facilities would result in a minor but permanent change and alter the visual character of the immediate shoreline for a short distance relative to the length of undisturbed shore." The idea

that this development would result in only a “minor change” to the aesthetics of the slough is laughable. A large community dock, boardwalk, boat ramp, courtesy dock and a huge dry-stack storage building represent only a “minor change”? Discussing economics, the DEA states: “The proposed facility is not expected to have an adverse financial effect on other such area facilities.” Here is the word “expect” again. What is the basis of this prediction? Has TVA done a study or is this just another subjective, un-meaningful statement of opinion? The DEA states: “Private property values could be affected by the success or failure of the applicant’s proposed venture.” I think it quite probable that the property on the other side of the slough from the proposed development will go down in value, regardless of the success or failure of the proposed development.

Discussing cumulative and secondary impacts, the DEA states “...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 and storage facilities• Increased boating effects on crowding, navigation and safety, and water quality. On what basis is this prediction of increased real estate value for “other properties within the area” made? Properties adjacent to a busy marina would surely decrease in value. Who would prefer living next to a busy, noisy, crowded marina? People who live nearby will not agree with the prediction of “improved recreational boating.” If local resident already think that this section of Elk River is too congested with boat traffic, they certainly won’t appreciate the additional traffic produced by this development. I don’t think that a wide enough range of alternatives was considered for this development. NEPA requires that all reasonable alternatives be considered and discussed in the EA, but only three alternatives were looked at. Considering how many commercial facilities and public boat ramps are available in this section of the reservoir, allowing only the community portion of this development to go forward would be a reasonable alternative. The DEA states that the applicant’s proposed action with mitigation “would have the least adverse impacts of the options under consideration,” but considering the resulting impact on wetlands and water quality from this alternative, how can this be true? The No Action alternative would obviously have less adverse impacts. Marinas create pollution in bodies of water. Water problems associated with marinas include decreased levels of dissolved oxygen and increased levels of metals and petroleum hydrocarbons. Pollutants get into the water through storm water runoff, discharges from boats, and spills of fuel or bilge water. Organic matter in sewage discharged from boats, trash tossed into the water or tossed on the ground, pet waste contained in storm water runoff, and fish waste tossed into the water consumes dissolved oxygen as it decomposes. Consumption of oxygen by decomposing organic matter leaves less oxygen for fish and other aquatic organisms. Many metals are used in various components used at marinas and on boats and they can wash from parking lots, service roads, and launch ramps into surface waters with rainfall. According to the EPA, “High levels of zinc, chromium, and lead have been detected in the waters of some marinas. Many of the antifoulants used for barnacle control in marine waters are used in fresh waters as well. Copper is the most common metal found at toxic concentrations in marina waters. Copper is leached to surface waters and sediments from bottom paints and scrapings. Tin in the form of butyltin, an extremely potent and nonspecific biocide, has been detected at toxic levels in marina waters nationwide” Marinas often spill petroleum products into the water when fuel drips from fueling nozzles or a fuel tank is overfilled at a dock. Older 2-stroke marine engines discharge fuel and oil directly to the atmosphere and surface waters while they are operating. Oil, fuel, paint, antifreeze, or other liquids dripped from engines or paint brushes or spilled while draining oil or fuel from engines enter surface waters indirectly with storm water runoff or in flows of ground water after the substances have seeped into the ground. Rainwater washes anything dripped, spilled, deposited, or disposed of from building roofs, parking areas, boat ramps, and maintenance areas into the water.

If this marina is built, it WILL have an adverse impact on the slough, the wetlands, and their flora and fauna. The commercial components of this development (including the boat ramp and dredging) will have the most deleterious effects and TVA and USACE should consider not allowing them to go forward.

Thomas Warren McNeill
Athens, Alabama

09/14/09 E-mail Comment: I am asking you to not let the proposed river front development at Buzzard's Roost go forward. I have spent many happy hours growing up on the peaceful Elk River with this area being the most special. I would hate to see the extreme negative impact this development would have on the wildlife at Buzzard's Roost not to mention the certain shore-line destruction. I was surprised that a development of this size was being proposed in this tiny water area. 200+ boats would cause severe overcrowding and congestion. Not very far down the river is a public boat ramp so access to the public in this area is not an issue. Please do not let greed play a part in the management of Elk River. Please protect this beautiful area and do not approve this development.

Timothy McNeill
Athens, Alabama

09/14/09 Online Comment: As a member of the law enforcement community, I am very concerned about the proposed development at Buzzard's Roost on the Elk River. This proposal includes 16 floating boatslips and a 200 boat commercial dry storage area. I am greatly concerned about the amount of increased boaters in an area that at this time does not even have one full time Marine police officer assigned to the area. As an owner of property on the Elk, I am also personally concerned with the negative effects this development will have on the environment. Dredging and shore-line destruction will greatly impact our fishing and other wildlife. Please show concern for the boaters of Elk River and their safety. Please do not put an increased burden on law enforcement that is already stretched thin. Please vote down this proposed development and save our waterways.

Rickey Bridges
Athens, Alabama

09/14/09 E-mail Comment: I live at the mouth of the Elk and I feel that we have enough traffic especially on the weekends. The weekends are my days off, of course, but I don't care to get on the river after the middle of any morning because there is too much water traffic. This is what it is like during the summer months. I feel that additional floating slips, ramps, and a floating courtesy dock would increase river access even more, therefore, I object to development of additional commercial development on the Elk River. I'm sure the people adjacent to the possible will no longer have peace and quiet. Christopher build the condos next to our house and my wife was always complaining about the noise, the dirt being moved and blown in the house for months because of lack of rain, and the telephone lines being cut into many times. I'm sure the water life will be interrupted during construction, many fishermen spend time on the river, so let's keep the river calmer for the fish as well as the fishermen, and people who love to ride the water without it being too crowded.

DeAnna H. McNeill
Athens, Alabama

09/14/09 E-mail Comment: This letter is written in opposition of the proposed river front development at Buzzard's Roost on the Elk River. I am shocked that this development is even being considered. As a lifelong resident of the Elk River, I feel very strongly that this beautiful stretch of water must be preserved. Growing up on the river, Buzzard's Roost has always been a special place to observe wildlife and to fish along the shoreline. This area of the river is extremely narrow and is NOT suited for a 200 boat storage area and the sixteen floating slips proposed. I cannot see any benefit for this development but I foresee many problems if it goes forward. Overcrowding, shore-line and wildlife habitat destruction, and dredging are just a few of the things that concern the citizens of Elk River. I am asking you please DO NOT APPROVE this development. TVA has a long history of being a friend to the waterways and I implore you to protect this peaceful area of water.

Steve and Carol (No last name given)

09/14/09 E-mail Comment: My family & I have had the privilege and pleasure of living on Elk River at the 10 mile marker for the past 36+ years. Our move to the river was around the time that the EPA placed a restriction on the use of DDT. The river was polluted with this deadly chemical that farmers had used in their operations for decades. The chemical drained into the Elk from the many farms that border on the Elk. As a result there was very little waterfowl to be seen on the river. River otters, beavers, etc., were never seen on the Elk. After a while the DDT was washed away and we began to notice increasingly every year more and more waterfowl. Now there is abundance to various species of water fowl. Some make this river their year round home. This past winter a large number of white pelicans visited the river. The Bald Eagle has returned. Various water mammals are appearing. These beautiful creatures have made this river even more desirable as a place to take up residency. My family has endeavored to be good stewards in our use of this river. I believe this to be the case for most that have lived on the Elk any length of time and seen the changes I've described take place. However, there are always exceptions. We have seen the river population explode during our time here. We are not so naive as to think that we can keep this river in the condition it is now. More and more will discover the beauty of this river and be drawn to it. I have studied again and again the Environmental Assessment prepared by the Army Corps of Engineers in cooperation with the Tennessee Valley Authority and the joint conclusions reached by these two agencies.

I have visited this small body of water repeatedly. To begin with it is the smallest slough north of the mouth of the Elk. We won't even address how peaceful and pristine this undisturbed, tiny body of water is; you have been there, you have seen for yourselves. On a recent trip to show others where this proposed marina is to be built if approved, there were a couple of fishermen in a single boat sitting near the end of the Smith boathouse and just west of it. I went as deep into this slough as I could and then backed up as close to the east shore where the proposed boat slips and boardwalk are to be located. My pontoon is 24' in length. I then attempted to make a sharp left turn but saw that I could not go behind the fishing boat. So I had to stop and cut sharply and back up before I had enough room to go behind the fishermen. I tried to imagine the proposed boat slips protruding 40' out from the east bank and how much more difficult my attempts to turn around would have been had they been in place. Then I slowly pulled out into the channel because my vision was restricted by the bluffs on either side and I could not see if I would be pulling into the path of some bassboat or Jet Ski who are capable of traveling at 60+ MPH. Those who conducted this assessment estimated the "the proposed facilities would result in up to 58 additional boats on the reservoir on a typical weekend day during the boating season and an estimate 82 additional boats during a holiday weekend." Your

team concluded that "there would be a slight increase in recreational boating traffic, it is expected that this impact on recreational boating opportunities would be minor and safety would not be reduced." Your team made this safety assessment based on, "as long as recreational boaters follow safe boating practices, State of Alabama boating laws, and U. S. Coast Guard - recommended safety zones around commercial boat and barge traffic." I had to wonder if your team had ever taken a boat out on the Elk on a weekend or a holiday. Had they ever taken a boat back into this small body of water when there was another boat floating there? Add to this small body of water the proposed boat slips and walkways and it becomes incomprehensible that 58 to 82 boats could be going in and out of this small slough during season, "safely". There will always be those who get a thrill out of driving their watercraft as fast as it will go whether they are in the channel or pulling out of this slough. Well, I've only touched upon a couple of points; the lack of space once the proposed facilities are in place to handle 58 to 82 boats (excuse me, I'm trying to write this without laughing, but I just can't help myself) and the fact that you can't always count on the other boater driving safely. Many times while just putting along, I've had to hit the throttle and speed up while making a sharp turn because of some ski boat coming directly towards me pulling a skier and not watching out for other traffic. Many times I've had a kid on a jet ski floor it and come roaring out from beside some boathouse that obstructed his view into my path as I was passing by. It shouldn't take much imagination of what could happen when 58 to 82 watercraft come out of this restricted vision slough into the main channel. I also had an opportunity to read the inspection report (Inspection 2008-12003) by the Office of the Inspector General (OIG) on some actions taken by TVA on other projects in which the OIG concluded; "the inconsistent treatment of the applicants led to actions and decisions by TVA that could be considered preferential." It is difficult to believe that your teams found very little that was negative in Mr Christopher's proposal. Could this be another case as OIG stated of "inconsistent treatment" and "preferential" treatment? We feel a public hearing should be held on this proposal.

**Center for Biological Diversity
Whitethorn, California**

09/14/09 E-mail Comment: The following comments are submitted to your agency and the U.S. Army Corps of Engineers on behalf of the Center for Biological Diversity regarding the Tennessee Valley Authority's draft Environmental Assessment for proposed River Front Development on the Elk River in Limestone County, Alabama. We believe the draft EA is deficient in a number of respects and fails to meet even the minimal requirements of the National Environmental Policy Act, Endangered Species Act, U.S. Clean Water Act and other laws. We further believe TVA and the Corps must deny the proposed development, but that if it is considered further, a full Environmental Impact Statement is required.

I. TVA never establishes an actual need for the proposed development

As a threshold matter, we are concerned because TVA has utterly failed to establish a need for the proposed River Front development, creating an underlying problem that pervades the whole EA. Indeed, TVA's entire discussion of either a purpose or a need for the project consists of a mere single sentence, which states:

The purpose of this project is to provide water access and enhanced recreation opportunity for residents of the planned adjoining community as well as access and commercial boat storage to the public. [EA-1].

But nowhere does TVA explain, demonstrate or even mention the need – failing to justify why a proposed adjoining community, water access, enhanced recreational opportunities or

commercial boat storage are even necessary. There is compelling evidence indicating the proposed development is unwarranted, showing that residential developments, water access and other stated purposes are already adequately provided.

For example, TVA has approved at least two residential and marina development projects on the Elk River and several other development projects downstream on the Tennessee River in recent years with the same or similar purpose. These include the “Two Rivers” development, with condominiums and boat docks, as well as a large gated residential and marina development recently constructed at “the Pointe” – both approved for this same developer. [www.tva.gov/environment/reports/tworivers/index.htm]. These new developments are in addition to a number of existing residential subdivisions and areas that already provided public river access at nearby points of the Elk, including the Elk River Lodge State Park and the public boat launch at the rest area in Lauderdale County, next to Highway 72. As TVA acknowledges but does not consider or analyze in the EA:

“Currently, a total of 13 public recreation areas and three commercial recreation areas provide boating accommodations in this area of the reservoir. The public recreation areas include 13 boat launching ramps with a combined total of 488 vehicle and trailer parking spaces. The commercial marina operations provide a total of 255 dry boat storage spaces and 324 wet slips. In addition, there is an estimated 3,664 boats moored along the shoreline by private property owners on this section of Wheeler Reservoir.” [EA-17].

The U.S. Fish and Wildlife Service questioned the need for the “Two Rivers” development recently approved for Billy Christopher. In a letter dated September 21, 2006, the Service stated:

“Within the last 3 years, we have reviewed a number of proposed boat docking facilities (including individual landowner and community dock facilities), marinas, or marina expansion proposals being considered on the Tennessee River within Alabama. Remaining consistent with our comments on those other proposals, we recommend the Corps and TVA, through their permit review or National Environmental Policy Act (NEPA) process, consider the actual need for new boat dock facilities, marinas, or expansion of existing marinas. We recommend these agencies base their permitting of such activities on the current public use of existing marina facilities located in the vicinity of this and future, similar proposed actions.”
<http://www.tva.gov/environment/reports/tworivers/part2.pdf>

As NEPA, its implementing regulations and case law demonstrates, a purpose and need statement establishes the foundation for everything that follows in an environmental analysis. The absence of an adequate purpose and need statement skews the formulation of alternatives and the direction of the entire document, as TVA has clearly demonstrated here.

II. The EA is seriously flawed and incomplete

The proposed development lies within a stunning, undeveloped cove of the Elk River, with steep cliffs rising above to create a sheltered area for plants, fish and wildlife. A deciduous forest now covers the land, and in the secluded waters fishermen can find a quiet place to cast their lines. Relatively undisturbed areas like this are increasingly rare and special along the Wheeler Reservoir, and they are critical to protecting and restoring the water quality and environmental values in the watershed.

The proposed project would permanently alter the area – putting dozens of boats, jet skis and other motorized vehicles on the water and developing 33 residential lots on the land. TVA fails

to adequately disclose or discuss the potential impacts, and in multiple cases, never even raises them at all. This leaves gaping, glaring omissions in the EA – and makes it impossible for TVA, other responsible agencies, and the public to analyze the serious environmental impacts that would result. These issues are summarized below.

A. Residential development

The draft EA does not give necessary information and details about the resources currently existing on the 54-acre property targeted for development. TVA attempts to limit its analysis to the TVA-fee owned portion of the project, yet as TVA notes in the draft EA, the proposed docks, dredging, bank stabilization and boat ramp would be developed “in conjunction with a proposed land-based residential development ...” [EA-1; emphasis added]. TVA provides a skeletal description of the residential development from there, only saying it would consist of 33 lots. This gives little information to no information that is necessary to evaluate to proposed development, and never in the draft EA does TVA examine the impacts of the project as a whole. The residential development is an interrelated and interdependent aspect of the proposed project and impacts from the residential development must be included in the analysis. For example: Where will the houses be located? Where will the access roads and utilities go? How much acreage would be paved? What kind of residential development would be constructed? What kind of wastewater and sewage treatment system would it have? How large would individual lots be? Would the development contribute to affordable housing or would instead increase land taxes and values in the area? What type of habitat currently exists in and on the land targeted for development? Are there any bald eagle nest or roost trees on the property, or are there potential future nesting or roosting trees on the property? These and many other vital questions are not answered, addressed, or analyzed in the draft EA, leaving a wholly incomplete document in its wake. Additionally, this property does not appear to be one of the tracts of land that was contemplated for development in TVA’s 1995 Wheeler Reservoir Management Plan. The draft EA does not indicate where or how the management plan makes the property available for this type of use. Curiously, TVA included the entire property in the analysis for cultural resources, but it did so nowhere else. This is an illegal compression and avoidance of NEPA obligations of both TVA and the Corps.

B. Water Quality

The Elk and Tennessee rivers suffer from severe existing cumulative water quality impacts, and areas downstream of the proposed development are currently listed as impaired under the U.S. Clean Water Act because water quality standards are not being met. The proposed development threatens to add to these significant impacts, but the EA fails to disclose or analyze the resulting affects.

For example, the Elk River is listed as impaired for excessive nutrient pollution just downstream of the proposed development. The proposed development would likely be served by septic systems, which threaten to leach additional nutrients into the watershed. Because nutrient pollution already exceeds threshold standards, any addition to these effects would necessarily be significantly adverse.

Proposed dredging could also have serious deleterious water quality impacts, as heavy metals, chemicals from mosquito control, pesticides, and other harmful pollutants are likely present in the mud and soil that would be excavated from the area. Dredging activities would “stir up” any pollutants that have settled in the area, increasing water pollution in the immediate vicinity and areas downstream. Additionally, if harmful pollutants exist within the “spoil” material, dumping it on an upland site would likely contaminate the soil and groundwater, causing another threat to

water quality. Despite these and other adverse impacts, TVA again erroneously concludes the proposed development would have inconsequential effects.

C. Impervious surfaces

The proposed development would increase the amount of impervious surface and otherwise alter surface water runoff and drainage patterns in the Elk River drainage. This would have negative implications for water quality, including areas downstream that are currently listed as impaired because they do not meet water quality standards. For example, the proposed development would increase the number of buildings, parking garages, parking lots, roads, driveways, and boat ramps, which all prevent rain from soaking into the ground and eliminate areas of trees and other vegetation that soak up, store and evaporate water. Consequently, stormwater runoff would greatly increase even during small rainstorms, accelerating the delivery of nutrients and fecal coliform as well as other pollutants such as petrochemicals, pesticides and fertilizers. These impacts are not disclosed, analyzed or mitigated in the draft EA.

D. Plants, Fish and Wildlife

TVA notes that unique and important habitat exists within and near the proposed development area, but the draft EA summarily concludes the proposed development would have no significant impacts to plants and animals. For example, the Narrow Bluff TVA Habitat Protection Area lies just downstream from Buzzards' Roost, and the proposed development could adversely affect it in any number of direct and/or indirect ways. The draft EA makes brief mention of the protected area but then claims that because it is opposite from the proposed development site, "no impacts to the Narrow Bluff HPA are anticipated ..." [EA-16]. Absolutely no justification for this statement is provided, and other evidence of the effects show the opposite would be true.

As but one example, increased boat traffic in the area would increase erosion, noise and light pollution in the area, among other adverse environmental effects, which would harm or otherwise diminish the environmental values of the HPA. Growth inducing impacts and/or future development would also adversely affect the protected area.

Similarly, TVA concludes no significant impacts would occur to other plants, fish and wildlife in the area, but this is based on limited and inadequate information as well. TVA and the Corps visited the area by boat; however, nothing in the record indicates the site visit extended much beyond the shoreline if at all. It does not appear that officials from either agency ever inspected terrestrial lands proposed for development or those officials from the U.S. Fish and Wildlife Service and/or ADEM visited the area at all.

TVA relies on the Service to base its determination that plants, fish and wildlife would not be harmed. However, the Service previously alerted TVA that it does not have adequate information to draw such a conclusion. For a similar development proposed downstream on the Elk River, the Service told TVA that: "... collection records available to the Service may not be all-inclusive, as our database 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." [USFWS; Sept. 2006 <http://www.tva.gov/environment/reports/tworivers/part2.pdf>].

This leaves one to wonder: What kind of habitat exists in the area? Are there any spawning or nesting grounds that could be disrupted or harmed by the proposed dredging or other aspects of the development? Have fish, spawning or other aquatic surveys ever been conducted in the

area? Without such information, potential impacts to fish spawning habitat and to Essential Fish Habitat under the Magnuson-Stevens Fisheries Act are not sufficiently addressed, analyzed or mitigated.

Habitat for the globally imperiled Alabama snow-wreath is just a stone's throw from the proposed development. Have surveys been conducted within project site to determine if existing or potential habitat exists for the species? What about surveys for other plants or wildlife? Have any been conducted? Are the cliffs on and surrounding the proposed development potential habitat for peregrine falcons? What about other cliff-dwelling plants or animals?

Similarly, TVA has received numerous comments noting bald eagle sightings around the proposed development, but tries to dismiss any related concerns, saying a nest site is: "... approximately 5 miles from proposed River Front Development site. Because of its distance from the development, this project would have no effect on the known eagle's nest. This nest was constructed and continues to be active with current human residential and recreational use in the vicinity. The increased use of the area after the project is complete would have no effect on this nest." How does TVA know it would have no affect? Would the proposed development reduce nesting and/or foraging habitat for the bald eagle or have other potential affects – particularly when looked at in the context of cumulative impacts? How would the proposed development affect repopulation and recovery of the bald eagle?

E. Boat traffic and safety issues

With numerous new marinas, subdivisions and other developments along the Elk and Tennessee rivers in the last 20 years, boat traffic has also dramatically increased within the vicinity of the proposed development. The proposed project would increase boat traffic and safety problems, as well as water quality impacts. Numerous citizens have raised related concerns, but the draft EA does not include or analyze corresponding information or data and then summarily and erroneously concludes that resulting impacts would be insignificant.

For example, the draft EA indicates more than 200 boats would be accommodated at the small cove, stating: Altogether, 17 community dock wet slips, with a capacity to accommodate 33 boats, would be constructed. The dry stack facility would allow storage of up to 200 boats. The launch ramp would include portions to serve the community slips and dry storage facility. The general public would be able to use the dry storage facility and ramp through individual rental agreements. The draft EA also indicates that TVA keeps records of boat use patterns on the Tennessee and Elk rivers. From this, it concludes, "... the proposed facilities would result in up to 58 additional boats on the reservoir on a typical weekend day during the boating season and an estimated 82 additional boats during a holiday weekend." [EA-17].

TVA somehow concludes this increase would have insignificant effects, but does not provide an analysis to prove it true. How many boats are in already this area of the Elk River during a typical or holiday weekend? How many boating accidents occur on these weekends? Have these numbers changed over the years? How many boats can the river safely and ecologically accommodate? Have boating "days" increased over the years? Without this kind of information, TVA provides an empty analysis and makes assumptions that are not justified by the administrative record.

F. Air Quality and Climate Change

The proposed development would create carbon dioxide and other harmful emissions by increasing both vehicle and boat traffic. The draft EA hints at these effects, but never analyzes

related impacts to air quality or global climate change. For example, the draft EA states: “Some additional traffic to and from this development would be expected from the River Front Development’s two access roads onto Richter Road; one of which would T-intersect at Richter Road and County Road 566 (see Appendix A) ... After project completion, levels of pollutants normally associated with combustible engines would be higher due to increased traffic within the commercially developing area.” [EA-18]. These combustible engines from vehicle traffic, as well as motorized-boats, jet skis and other engines the proposed development would introduce, would emit pollutants that pollute the air and contribute to global climate change. These concerns have never been more important to avoid and mitigate, but yet again, TVA never acknowledges or considers them.

G. Aesthetics

The proposed development would dramatically and forever alter the aesthetics of the area from miles away, creating significant adverse effects. As the draft EA states: The cove and surrounding property lie within an undeveloped area on the lower Elk River. The Elk River shoreline upstream to Maple Swamp Branch and downstream to Anderson Creek is dominated by forested uplands, open agricultural lands, and scattered rural residential properties TVA calls resulting impacts “minor,” while also admitting that changes would be “permanent” and would “alter the visual character of the immediate shoreline.” While the effects may be “minor” to a TVA official sitting in an office far away from the proposed development, they would be profound and disturbing to long-term residents within the “viewshed.” Light pollution and other visual impacts are not adequately described or assessed.

H. Growth Inducing Impact

The proposed development has the potential to “pave the way” for a similar development in the area, but this is another issue that TVA leaves unaddressed and unanalyzed in the draft EA.

III. The cumulative impact analysis is faulty and insufficient to meet minimal requirements of NEPA

TVA must examine the potential impacts of this proposed project in combination with the many past, existing and foreseeable impacts occurring in the Elk River and Tennessee River watersheds. This is an absolutely critical component of a NEPA analysis, but TVA has only completed a cursory cumulative impact analysis at best. Instead of giving any kind of hard look at the cumulative impacts, TVA acts as if the proposed development would exist in a vacuum, submerging and ignoring the significant adverse impacts that would result. NEPA requires that TVA reveals and examines all impacts from past, proposed and foreseeable projects, but nowhere is such information provided. How many other development projects has TVA approved in the last 5 years? How about 20 years? What would the impacts of the proposed development be when combined with impacts caused by developments at “Two River,” “The Pointe,” and other areas along the Elk and Tennessee rivers? How would these impacts combine with existing negative effects caused by the dam and flooding of the area? Have petroleum pollutants increased in the Elk River and/or the Tennessee River following TVA’s approval of other development projects? Have any fish or wildlife populations increased or decreased as a result? Have any invasive plant or aquatic species spread by TVA or other federal actions?

TVA does not answer these or any related questions, and simply says cumulative impacts will not result. This conclusion is not substantiated or demonstrated in the record. In fact, in the draft EA, TVA cites the EPA’s guidance document on preparing cumulative effects analyses under NEPA. Yet TVA ignores virtually every point including in the EPA document.

IV. An Environmental Impact Statement is required

TVA is attempting to approve this project under an Environmental Assessment, but the potential impacts of the proposed development – if adequately disclosed and analyzed – clearly show the environment would be adversely affected in a number of ways. CBD believes a true analysis of the proposal would show it requires disapproval, but at a minimum, triggers the requirements of an Environmental Impact Statement to be considered further.

Robert D. and Billie G. Taylor Rogersville, Alabama

09/15/09 Online Comment: Thank you for the opportunity to comment on the subject report. My wife and I are resident owners of property adjacent to the applicant's proposed construction project. We have a copy of and have read the subject draft report. We noted that our September 20, 2008 letter is included in Appendix D, Joint Public Notice Responses. However, our letter comments of October 11, 2008 are omitted and we request they be added and considered in the subject assessment. A copy of this letter is attached. We particularly invite your attention to our discussion of 33 "residences" versus the developer's proposal language of 33 "developed lots". This distinction is critical because there is no clear distinction of just how many residences will actually be constructed. If the developer follows a pattern similar to his other developments, the number of potential residences ranges from 33 to 132! We want to repeat that just 33 additional residences have the potential of making existing residences on Richter Road uninhabitable due to the critical water reduction of water supply and the lack of fire hydrants/protection. This is not a minor point! We have no alternative but to challenge the assessment comments in Chapter 3.4, Human Use Characteristics and Anticipated Impacts (page 16) of the subject report which states: "In the event that the current rural water supply may not be capable of handling those needs, the applicant may have to seek another source of water (emphasis added)" This assessment is a grossly misleading understatement – and critically so if 132 residences were to be constructed! As stated in our September 20, 2009 letter, the potable water supply to Richter Road is via a 4" diameter pipe and fed by a series of smaller pipe lines. The existing water supply marginally supports current residents and will not support fire hydrants – either now or in the future. We spoke again with the Limestone County Water Authority after receiving the subject report. They again stated they have not been contacted by the developer. They also again stated Limestone County does not have plans to upgrade or expand the water lines to or on Richter Road. We also have to challenge the Chapter 3.4, Human Use Characteristics and Anticipated Impacts comments on page 18 which states that "The proposed commercial dry storage and ramp along with development of 33 residential lots would result in a small increase in land-based vehicular traffic on county roads and highways in the area" It goes on to state "However, any slight traffic increase would likely be seasonal during the peak summer recreation months and decline in volume during inclement weather and cooler months." The logic leading to this conclusion is weak and flawed at best. There is more than one aspect to traffic volume. First, it is a given that the developer does build high quality developments for year-round occupancy and does cater to a more affluent clientele. As noted above, the quantity of residences may range from 33 to 132. Looking at the developer's other projects; it is not unrealistic to anticipate new residents will own at least two vehicles per residence. Therefore, the permanent new vehicle population may range from 33 to 264. These numbers may be insignificant to anyone living in a large metropolitan area, but it is not an insignificant increase here. Traffic for the dry storage and boat launch facility might be subject to seasonable variations, but given the condition and quality of the area roads, the anticipated threat to road safety is high. In this regard, we also spoke again with the Limestone County Engineer. All proposals for new residential developments in the county must be submitted to his office for review and approval. The County Engineer again stated that he has

not received any communications from the developer – NONE. The County Engineer is responsible for assessing many aspects of a new development, including road/ highway usage and need assessment for road/highway improvements. The traffic/transportation pattern assessments offered in the subject report are premature, incomplete and lacking an engineering determination. Reference Appendix E - Applicant's Rebuttal to the Joint Public Notice Responses. We are sensitive to and appreciate the challenges of responding to the volume and quantity of objections and comments from the public. However, the utilities architecture, fire and road safety issues are so significant that the comments offered by the developer are, unfortunately, superficial, inadequate and misleading. Quite honestly, we are shocked that at this point, the developer has not communicated his plans to the Limestone Water Authority or the Limestone County Engineer so that proper impact and needs assessments can be performed. We hope that the situation does not develop whereby TVA and The Corps of Engineers approve the developer's proposal and that approval is then used as the basis to drive and force approval by Limestone County officials and the public be damned! The absolute worst situation would be for construction approval to be granted and started before the supporting infrastructure is in place. In conclusion, as adjacent residential property owners, we strongly oppose any approval of the proposed project [unless?] these critical issues are addressed and resolved. Existing property owners should not be driven from our homes by this or any other similar development.

Matt Copeland
No Address Given

09/15/09 E-mail Comment: Having seen the Environmental Assessment prepared by the Army Corps of Engineers in conjunction with TVA, I feel that it is inadequate at best and grossly negligent at worst. The proposed site is much too small for the type of development being contemplated, and the infrastructure of the surrounding area would not support the road and water traffic or the utility usage of this development. I hereby request that a public hearing be held to discuss this proposal.

Andy and Laurene Hunt
Athens, Alabama

09/15/09 E-mail Comment: We own property across from this area and are opposed to this development for the following reasons: 1. It will impact the safety of our grandchildren when they tube on the lake near our property. 2. It will impact the environment in that there will be oil and litter in the water. 3. It will affect the wild life that we now enjoy in and around our area. 4. The noise and increased activity on the water will destroy our reason for being there - the peace and tranquility of the area. Please consider that this area is too small for such a development and do not let it happen.

Aundrea Keimig
No Address Given

09/15/09 E-mail Comment: I am writing in concern to the proposal of the commercialization at Buzzard's Roost. I am 19 years old and I also have a 15-year-old brother. We both have our boating license and enjoy coming out to our "river property" and jet skiing often. If this project were to go through I would be very concerned for our safety. As of right now, the width of the Elk River is just wide enough for privately owned watercraft. I would not feel comfortable sharing the waterway with something larger than a pontoon boat! People use the water for swimming, fishing, and skiing. Commercialization would quickly overcrowd the area and make it very difficult to continue those activities. More people on the water in a small area will greatly

increase the number of accidents. Many people have set up their retirement home there. The overcrowding of commercialism would prevent many of them from continuing to use the water. I am also a Golden Girl Scout (Gold Award= Eagle Scout) and I am concerned that if the waterways get crowded that the Girl Scouts from Anderson Creek will no longer be allowed to canoe for safety concerns. Along with overcrowding and safety concerns, I am also concerned about the natural landscapes and wildlife of the Elk River. One of the main things that I love about the Elk is that it is so quite there. I love watching all of the beautiful wildlife in their natural habitat. It is so peaceful and relaxing when I go there! If the Elk River were to become commercialized, a lot of the wildlife would be disrupted. Some of the beautiful landscape of the river would dissipate and it just wouldn't be the same river that I know and love.



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

Date Rec'd.: 9/21/09
Saved: Elk River
Sent to: EGP
File: ✓

FRANK W. WHITE
EXECUTIVE DIRECTOR

September 16, 2009

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

Anthony E. Howard
TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Re: AHC 09-0970
Riverfront Development
Dredge, Dock, Ramp & Bank Stabilization
Elk River Mile 7.3R
Limestone County, Alabama

Dear Mr. Howard:

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, please contact 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

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