

APPENDIX E - LETTERS RECEIVED FROM AGENCIES

September 19, 2005

Ms. Stacey Hathorn
Alabama Historical Commission
468 S. Perry Street
Montgomery, Alabama 36130-0900

Dear Ms. Hathorn:

**TVA, PROPOSED COMMERCIAL RECREATION EASEMENT, WHEELER RESERVOIR,
LAUDERDALE COUNTY, ALABAMA**

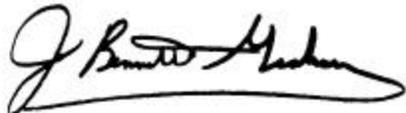
The Tennessee Valley Authority (TVA) proposes to approve a recreation easement and grant a 26a permit for recreational facilities on TVA Tract XWR-21PT (approximately 91 acres) on the Elk River (RM 2) on the Wheeler Reservoir in Lauderdale County, Alabama. The applicant proposes to construct a recreation and resort area to be under a long term easement agreement with TVA. The marina would include parking areas, boat slips, fishing piers; dry boat storage facilities, RV park, nature trails, camping areas, cabins, a store, and a restaurant (see enclosed Figures).

TVA has determined the Area of Potential Effects (APE) for this project to be the 91 acres proposed for the easement. All proposed facilities will be located within this APE.

TVA conducted a Phase I Archaeological survey of the 91 acre tract. Please find enclosed a copy of the report titled *Archaeological Survey of a 91-Acre Tract Proposed as a Commercial Recreation Easement in Lauderdale County, Alabama*. TVA has reviewed the report and agrees with the author's findings and recommendations regarding sites 1LU681 and 1LU682. TVA has determined that these sites fail to meet the criteria of eligibility for listing in the National Register of Historic Places (NRHP). TVA finds that the proposed easement and permit will have no effect on historic properties.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR § 800, we are seeking your concurrence with our definition of the APE and that no historic properties will be affected by the proposed undertaking. Should you have any questions or comments, please contact Erin Pritchard at 865/632-2463 or eepritchard@tva.gov.

Sincerely,



J. Bennett Graham, Manager
Cultural Resources

Enclosures

Cc: Helen G. Rucker, WT 9B-K
Debbie L. Rutherford, SB 1H-M



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

October 3, 2005

Ms. Elizabeth Brown
Alabama Historical Commission
468 S. Perry Street
Montgomery, Alabama 36130-0900

Dear Ms. Brown:

**ELK RIVER RESORT, LLC - PROPOSED COMMERCIAL RECREATION EASEMENT,
WHEELER RESERVOIR, LAUDERDALE COUNTY, ALABAMA**

The Tennessee Valley Authority (TVA) proposes to approve a recreation easement and grant a 26a permit for recreational facilities on TVA Tract XWR-21PT (approximately 91 acres) on the Elk River (RM 2) on the Wheeler Reservoir in Lauderdale County, Alabama. The applicant proposes to construct a recreation and resort area to be under a long term easement agreement with TVA. The marina would include parking areas, boat slips, fishing piers; dry boat storage facilities, a RV park, nature trails, camping areas, cabins, a store, and a restaurant.

On September 19, 2005, the Tennessee Valley Authority (TVA) requested your concurrence on its definition of the Area of Potential Effect (APE) and determination that no historic properties will be affected by the proposed undertaking. TVA has determined the Area of Potential Effects (APE) for this project to be the 91 acres proposed for the easement. All proposed facilities will be located within this APE. TVA conducted a Phase I Archaeological survey of the 91 acre tract and submitted a report for your review. TVA has determined that the proposed easement and permit will have no effect on historic properties.

On October 4, 2005, TVA received a copy of your September 29, 2005, letter responding to the Corps of Engineers Public Notice No. AL-05-70 (AHC 2005-1461). TVA will be addressing the concerns raised in the following weeks and will coordinate with your office.

TVA has completed its Draft Environmental Assessment for the project and is attaching it for your review and comment. We would appreciate receipt of your comments on the

draft EA by November 7, 2005. Should you have any questions or comments, please contact Helen Rucker at 865/632-6506 or Erin Pritchard at 865/632-2463 or eepritchard@tva.gov.

Sincerely,

Original signed by

Jon M. Loney, Manager
NEPA Administration
Environmental Policy and Planning

HGR:TMH
Enclosures

cc: W. Buchanan, SB 1H-M
E. Pritchard, WT 11D-K
D. L. Rutherford, SB 1H-M
EDMS, SP 1D-C

Ms. Stayce Hathorn
Alabama Historical Commission
468 S. Perry Street
Montgomery, Alabama 36130-0900

October 13, 2005

J. Bennett Graham
Manager, cultural Resources
TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

Re: AHC 2005-1547; Cultural Resource Assessment, Proposed Commercial Recreation
Easement, Wheeler Reservoir, Lauderdale County, Alabama

Dear Dr. Graham:

Upon review of the cultural resource assessment conducted by TRC for the above referenced project, the Alabama Historical Commission has determined that we will need additional information in order to complete our review of your project. Please forward the following information to our office at your earliest convenience.

1. Please forward photographs of the turn-of-the-century house mentioned in the report.
2. Please be aware that good surface visibility does not preclude shovel testing (page 22).
3. The author states that the two sites discovered during survey, 1Lu681 and 1Lu682 are not eligible for listing on the National Register of Historic Places because sites of this type (turn-of-the-century farmstead) are common throughout the southeast. In addition, the author states that historical documents provide more significant information regarding such sites than Phase II testing/excavation would provide. We would like to see data from excavations of similar sites in the southeast as well as information from historical documents to bolster this argument.
4. Please indicate whether this project is the same as our tracking number 2005-1461, TVA/Corps of Engineers Joint Project, Corps of Engineers Application Number 2005-01814, *Construct Elk River Marina*? Please be aware that we requested maritime survey for that project in addition to the terrestrial survey that was underway.

We appreciate your efforts on this issue. Should you have any questions, please contact Amanda McBride of this office. Please include the AHC tracking number referenced above in all correspondence regarding this project.

Very truly yours,



EAB Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/ALM/alm

preserveALA

ALABAMA HISTORICAL COMMISSION

October 28, 2005

Dr. J. Bennett Graham
 Manager, Cultural Resources
 Tennessee Valley Authority
 400 West Summit Hill Drive
 Knoxville, TN 37902-1401

Re: AHC 2005-1461 and 2005-1547
 TVA Project No: 2005-112
 COE Public Notice No. 05-70, Application No. 2005-01814
 Elk River Resort, Proposed Recreation Easement and Marina
 Wheeler Reservoir
 Lauderdale County

Dear Dr. Graham,

At your request I have reviewed the documents relating to the above mentioned project. This proposed Marina and Recreation area came to this office from both the COE-Nashville District and TVA. We apologize for the multiple responses.

After careful re-examination of these documents and the recently arrived draft environmental assessment entitled *Elk River Resort Proposed Recreation Easement and Marina Facilities* we have the following comments and questions:

1. You are correct there is no standing structure in the TRC report. We therefore withdraw our request for a photograph.
2. Our request to the COE for a maritime survey was based on our mistaken belief that the dredging would extend to the original channel of the Tennessee River. We withdraw that request.
3. Please let me expand on our comment #2 in our letter of October 13th. On page 22 of the report by TRC they assert that shovel-testing was either not necessary or expanded to every 60 meters in areas with 25% or more surface visibility. I contest this reasoning. I consider visibility of 25 – 50% visibility in a forested environment to be poor and would require shovel testing at a maximum of every 30 meters. Visibility at 50 – 75% could result in a mixture of every 30 or 60 meters depending on the leaf litter and visible bedrock. I request that TRC personnel return to the field and complete shovel testing.
4. TRC's reasoning regarding the National Register status of 1Lu681 and 1Lu682 calls into question the necessity of historical archaeology in general. I believe that a combination of archaeology and historical documents will be most informative. Sites of this size are likely to have been those of less affluent Alabama citizens therefore generating fewer documents. It appears to me that one can question the integrity of the archaeological deposits at 1Lu681 if one described the soil strata revealed in shovel tests at this site. Site 1Lu682 may have similar integrity problems, but it also has a well. Please examine this well to determine if it has significant material culture.

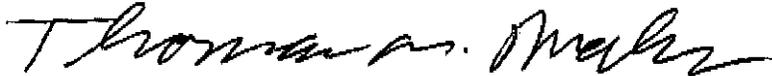


468 South Perry Street
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 36130-0900

tel 334 242-3184
 fax 334 240-3477

We respectfully cannot concur with the draft Environmental Assessment until we resolve the above issues with the TRC report. I will be happy to discuss this with you and TRC. You can reach me at 334-265-6889.

Yours truly,



Thomas O. Maher, Ph.D., RPA
State Archaeologist



CC Lisa Morris, COE Nashville District

preserveALA

ALABAMA HISTORICAL COMMISSION

November 23, 2005

Dr. J. Bennett Graham
Manager, Cultural Resources
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1401

Re: AHC 2005-1461 and 2005-1547
TVA Project No: 2005-112
COE Public Notice No. 05-70, Application No. 2005-01814
Elk River Resort, Proposed Recreation Easement and Marina
Wheeler Reservoir
Lauderdale County

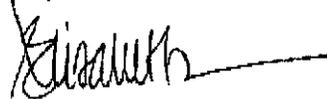
468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242-3184
fax 334 240-3477

Dear ~~Dr. Graham~~, *Bennett*:

After reviewing the additional information provided by Dr. Thomas of TRC the Alabama Historical Commission can now concur with the conclusions of their report. We can also concur with the draft Environmental Assessment for this project. If you have any questions please contact Tom Maher of this office.

Very truly yours,



Elizabeth Ann Brown
Deputy SHPO

CC Lisa Morris, COE Nashville District
Larissa A. Thomas, TRC

February 15, 2006

Ms. Stacey Hathorn
Alabama Historical Commission
468 S. Perry St.
Montgomery, Alabama 36130-0900

Dear Ms. Hathorn:

TVA, PROPOSED COMMERCIAL RECREATION EASEMENT, AHC 2005-1461 AND AHC 2005-1547, TVA PROJECT 2005-112, WHEELER RESERVOIR, LAUDERDALE COUNTY

As you are aware, the Tennessee Valley Authority (TVA) proposes to approve a recreation easement and grant a 26a permit for recreational facilities on TVA Tract XWR-21PT (approximately 91 acres) on the Elk River (RM 2) on the Wheeler Reservoir in Lauderdale County, Alabama. Previous consultation was conducted with your office by reference of the above project numbers.

Due to public concern regarding the proposed dredge, TVA agreed to conduct an additional shoreline survey to confirm that no archaeological resources are located below summer pool in the location of the proposed dredge activity. This survey was conducted on December 21, 2005. Reservoir elevations were at minimum winter pool (approximately 551 msl). No evidence of archaeological resources was identified. In addition, it was noted that the area where the proposed dredge is to occur has experienced extensive erosion. While the extent of the dredge area was not evaluated (due to water levels), TVA finds that the shoreline assessment was adequate for identifying the potential for sites in this location. This determination was also made by considering the topography in this location, the distance to the nearest original water source (greater than 1000 feet from original Elk River channel), and erosion conditions of the shoreline.

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR § 800, we are seeking your concurrence with our findings. Should you have any questions or comments, please contact Erin Pritchard at 865/632-2463 or eepritchard@tva.gov.

Sincerely,

J. Bennett Graham
Manager
Cultural Resources

ENCLOSURES

February 27, 2006

J. Bennett Graham, Ph.D.
Cultural Resources
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Re: AHC 2005-1461 & 2005-1547
TVA Project 2005-112 Proposed Commercial Easement
Wheeler Reservoir
Lauderdale County

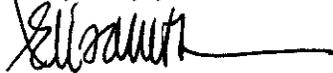
468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242•3184
fax 334 240•3477

Dear ~~Dr. Graham~~ *Bennett*

Thank you for informing us of your office's negative findings during the additional shoreline survey when the reservoir was at minimal pool. As the Alabama Historical Commission has also received a number of phone calls from the concerned public, we respectfully request two copies of the supplementary survey report for our files. As always, we appreciate your commitment to helping us in preserving Alabama's non-renewable cultural resources. If you have questions or comments or if we may be of additional service, please contact Stacye Hathorn of our office and include the AHC project number referenced above.

Very truly yours,



Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/SGH/ALM/sgh



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:

November 16, 2005

Mr. Jon M. Loney
Manager, NEPA Administration
Environmental Policy and Planning
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Dear Mr. Loney:

The Daphne Field Office of the U.S. Fish and Wildlife Service (Service) has received and reviewed Tennessee Valley Authority's (TVA) Draft Environmental Assessment (EA) for a proposed recreation easement and marina facilities for the Elk River Resort, LLC in Lauderdale County, Alabama. We understand the TVA proposes to approve a recreation easement and grant a 26a permit for recreational facilities on TVA Tract XWR-21PT (approximately 91 acres) on Elk River (River Mile 2) on Wheeler Reservoir. The applicant proposes to construct a recreation and resort area to be under a long term easement agreement with TVA. The marina would include parking area, boat slips, fishing piers, dry boat storage facilities, an RV park, nature trails, camping sites, cabins, a store, and a restaurant. The Draft EA describes two alternatives, Alternative A – the No Action Alternative and Alternative B – the Applicant's Proposal.

In the Draft EA, TVA considered impacts from the proposed alternatives on federally listed threatened and endangered (T&E) species and determined there to be no potential impacts of the proposed actions on T&E species. TVA also identified two wetland areas on the proposed project site. Both wetland sites are located at the head of two pronounced inlets off of Elk River embayment, totaling 5.2 acres. Under Alternative B, these wetlands would be avoided and protected.

The following report was prepared in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Our evaluation of this project has included a review for Threatened and Endangered (T&E) Species and/or their designated Critical Habitat in the proposed project area. According to our collection records, there are no known sites of T&E species or Critical Habitat in the proposed project site. Past land management practices and the construction of Wheeler Dam on the Tennessee River have likely limited the potential for federally listed species to occupy this site or re-establish populations in this area. We note, however, that collection records available to the

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Service may not be all-inclusive. 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 habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time (i.e. surveys conducted by TVA biologists on-site) and past surveys conducted in areas close in proximity to the proposed project; we believe that the requirements under section 7 of the Endangered Species Act (ESA) of 1973, as amended, have been fulfilled. Obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or Critical Habitat in a manner not considered, (2) the action is subsequently modified to include activities which were not considered in this consultation, or (3) new species are listed or Critical Habitat designated that might be affected by the proposed action.

The Service believes the construction, use, and maintenance of the proposed marina and campground facilities have the potential to negatively impact natural resources in both the short and long term on this TVA Tract, its riparian and wetland areas, and shoreline. The land identified for the proposed project is predominantly forested. The Alternative B - Applicant's Proposal would remove a considerable portion of forest to develop camp sites, parking areas, RV pads, and park roads. Although no T&E species are known to occur on or near this site, the area remains relatively non-impacted, encompassing about 91 acres of wildlife habitat.

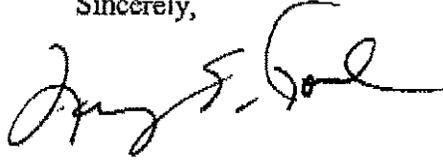
In reading the Draft EA, the discussion of need for such a facility does not seem well supported by the data provided. There are several public marina/campground facilities within 10 river miles of the proposed project. Based on the information provided in the Draft EA, these existing facilities are under-utilized, revealing no reason or need for expansion based on their current use. We believe the applicant should demonstrate a clear need for such facilities on Wheeler Reservoir and Elk River. TVA should give consideration to denying the permit for this proposal due to the apparent lack of use of similar facilities in the vicinity of TVA Tract XWR-21PT.

If TVA decides to deny the permit, we request TVA reconsider the designation of this property in the next phase of land management planning for Wheeler Reservoir. Although the land proposed for development has been designated by TVA as property open to commercial recreation and visual management, the Service believes, given the extent of residential, commercial, and industrial development currently occupying Wheeler Reservoir and its embayment this property would be better utilized and protected under the visual management context. We believe that significant opportunities exist for enhancing wildlife resources in this area.

However, after considering all comments on this project the TVA decides to permit Alternative B; the Service recommends strict adherence and proper implementation of Best Management Practices (BMPs) during and following construction activities and throughout the lifespan of this project on TVA Tract XWR-21PT. Provided BMPs are utilized, none of the three above mentioned ESA conditions occur, and all appropriate permits are granted from the various state and federal agencies (i.e. NPDES, Clean Water Act/Section 404, etc...); the Service would have no objections to the proposed construction, operation, and maintenance of the proposed facilities at TVA Tract XWR-21PT.

We appreciate the opportunity to comment on this proposal and request that we be kept informed of the progress of this project. If you have questions regarding any information in this report, please contact Mr. Rob Hurt of my staff at (256) 353-7243, ext. 29.

Sincerely,



Larry E. Goldman
Field Supervisor

cc: Mr. Jon Hornsby, Alabama Wildlife and Freshwater Fisheries Division, Montgomery, AL
Ms. Tonya Mayberry, ADEM, Montgomery, AL
Ms. Andrea Wade, EPA, Atlanta, GA
Mr. Rob Hurt, USFWS, Decatur, AL