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## ENVIRONMENTAL ASSESSMENT

# **ERWIN MARINE PROPOSED COMMERCIAL RECREATION EASEMENT AND WATER USE FACILITIES Guntersville Reservoir Marshall County, Alabama**

**PREPARED BY:**  
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## ACRONYMS, ABBREVIATIONS, AND SYMBOLS

<b>ADCNR</b>	Alabama Department of Conservation and Natural Resources
<b>ADEM</b>	Alabama Department of Environmental Management
<b>APE</b>	Area of Potential Effect
<b>BMPs</b>	Best Management Practices
<b>CFR</b>	Code of Federal Regulations
<b>CWA</b>	Clean Water Act
<b>DEA</b>	Draft EA
<b>Erwin Marine</b>	Erwin Marine Sales Inc.
<b>HCM(s)</b>	Honeycomb Creek Mile(s)
<b>HTHHA</b>	Harbor Town Homes Homeowners' Association
<b>kV</b>	Kilovolt (1 kV equals 1,000 volts)
<b>msl</b>	Mean Sea Level
<b>NEPA</b>	National Environmental Policy Act
<b>PCB</b>	Polychlorinated biphenyl
<b>Plan</b>	<i>Guntersville Reservoir Land Management Plan</i>
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RFAI</b>	Reservoir Fish Assemblage Index
<b>SFI</b>	Sport Fishing Index
<b>SHPO</b>	State Historic Preservation Officer
<b>SIR</b>	Statistical Inventory Reconciliation
<b>TRM</b>	Tennessee River Mile
<b>TVA</b>	Tennessee Valley Authority
<b>USACE</b>	U.S. Army Corps of Engineers
<b>USEPA</b>	U.S. Environmental Protection Agency
<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>UST</b>	Underground Storage Tank
<b>VMP</b>	Vegetation Management Plan

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## CHAPTER 1

### 1.0 PURPOSE OF AND NEED FOR ACTION

Erwin Marine Sales Inc. (Erwin Marine) proposes to further develop approximately 8.8 acres of Tennessee Valley Authority (TVA) property and an adjoining 4 acres of private property on Gunterville Reservoir in Marshall County, Alabama, for commercial recreation purposes. The property lies along the right-descending bank of Honeycomb Creek Mile (HCM) 2.3, a tributary to Tennessee River Mile (TRM) 352. In March 2007, Erwin Marine requested that TVA and the U.S. Army Corps of Engineers (USACE) approve a marina and extension of existing harbor limits. In June 2007, Erwin Marine requested that TVA grant a 30-year commercial recreation easement on an 8.8-acre portion of TVA property to allow the further development of the marina, including roads and parking associated with the proposal, pedestrian use facilities, and extensive landscaping with native plants (Appendix A). A joint public notice, PN07-87, was published on October 9, 2007.

#### 1.1. The Decision

TVA is considering a request for a 30-year commercial recreation easement on an 8.8-acre portion of TVA property on Honeycomb Creek in Marshall County, Alabama (Figures 1-1 and 1-2). Roads and parking associated with the proposal, extensive landscaping with native plants, and pedestrian use facilities would be constructed within the easement area. In addition, TVA is considering a request by Erwin Marine for approval under Section 26a of the TVA Act of a marina accommodating 169 vessels, expansion of existing harbor limits, one private launching ramp, two transient piers, one courtesy pier, and one pedestrian bridge. The marina would also include a ship store and fueling facility. In January 2008, Erwin Marine amended the request to include excavation of approximately 15,000 cubic yards of substrate from below the elevation 595-foot mean sea level (msl), normal summer pool. The development would include amenities on the private property such as a boat sales showroom, office space, and a remodeled and expanded dry boat storage building.

Section 10 of the Rivers and Harbors Act of 1899 prohibits the alteration or obstruction of any navigable waters of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. Honeycomb Creek is navigable waters of the United States as defined by 33 Code of Federal Regulations (CFR) Part 329. Section 404 of the Clean Water Act (CWA) prohibits the discharge of dredged or fill material into waters of the United States unless authorized by the Department of the Army. Honeycomb Creek is considered waters of the United States as defined by 33 CFR Part 328. Therefore, since the proposal involves structures and excavation within a navigable waterway, Section 10 and Section 404 permits would be required. Since Department of the Army permits would be required, USACE must decide whether to (1) issue the permits as proposed, (2) issue the permits with modifications and/or conditions, or (3) deny the permits. USACE is a cooperating agency in the preparation of this environmental assessment (EA).

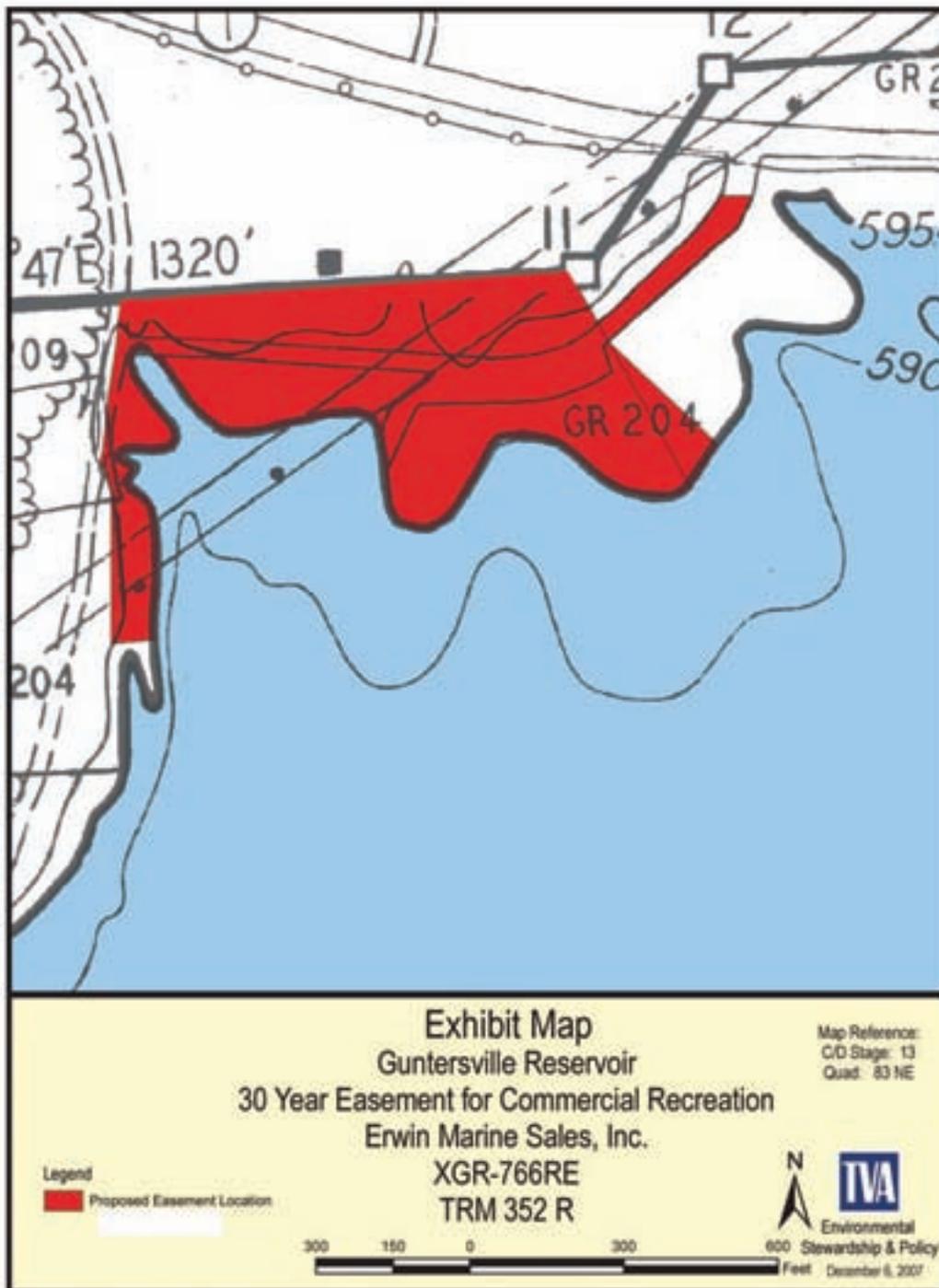


Figure 1-1. Proposed Easement Exhibit Map

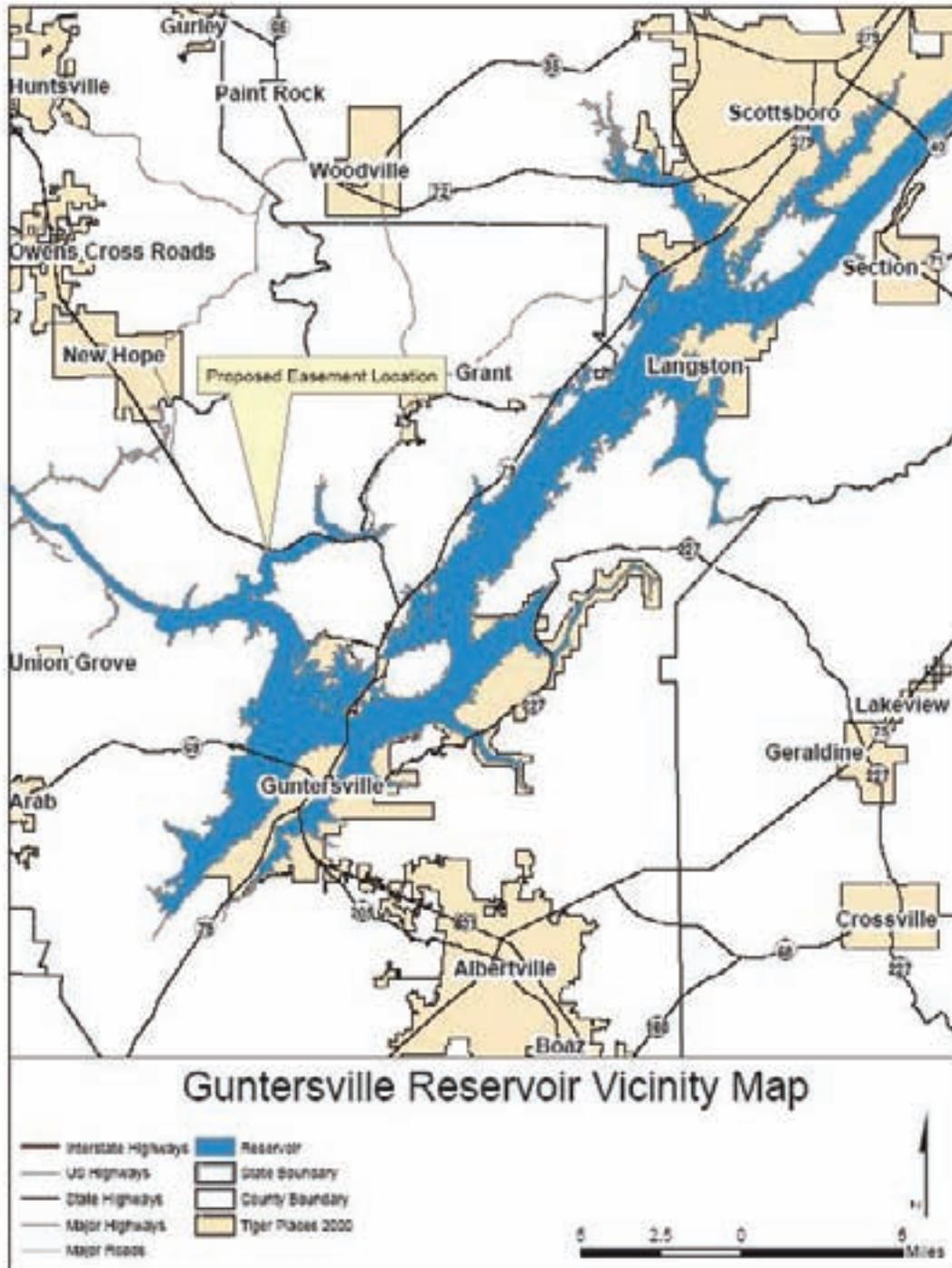


Figure 1-2. Project Vicinity Map

## **1.2. Other Pertinent Environmental Reviews or Documentation**

TVA's 2001 *Guntersville Reservoir Land Management Plan* (Plan) designated a 47-acre tract of land (TVA Tract XGR-6PT2) for developed recreation purposes (Figure 1-3). The Plan noted the current uses within this tract as a TVA public boat ramp, Sunrise Marina, and Honeycomb Campground. TVA previously granted a 19-year lease over 8.8 acres of TVA Tract XGR-6PT2 to Sunrise Marina for commercial recreation purposes. In December 2006, Erwin Marine purchased the lease from Sunrise Marina, along with the adjoining private property, and requested a land use license from TVA. In July 2007, TVA granted a two-year term license agreement to Erwin Marine for the continued operation of a commercial marina. Erwin Marine now requests that TVA grant a 30-year term easement for commercial recreation purposes.

TVA previously leased approximately 32 acres of TVA Tract XGR-6PT2 to Honeycomb Campground for commercial recreation purposes. The remaining 6.2 acres of this tract remain under the management of TVA for public recreation purposes. Currently, an existing public launching ramp is located within the proposed easement area. A new public launching ramp design and location were approved when TVA granted the lease agreement to Sunrise Marina. The new launching ramp would have been located within the 6.2 acres under the ownership and management of TVA. However, Sunrise Marina allowed the general public continued use of the existing launching ramp, and the new launching ramp was never constructed. In February 2007, the USACE issued a regional permit for the new public launching ramp because the previous approval had expired (Appendix B).

## **1.3. Public Involvement**

The October 9, 2007, joint public notice (PN07-87) issued by TVA and USACE announced a public comment period through November 9, 2007. During the public comment period, Alabama Department of Conservation and Natural Resources (ADCNR) submitted comments stating that the Marine Police Division should be contacted concerning navigational safety aspects associated with the proposal. ADCNR also commented that the Natural Heritage Section of the State Lands Division and U.S. Fish and Wildlife Service should be contacted concerning state- and federally listed species near the proposal. In addition to ADCNR, the Harbor Town Homes Homeowners' Association (HTHHA) also submitted comments in response to the public notice. The Harbor Town Homes are located north of TVA Tract XGR-6PT2 and east of the Erwin Marine private property. HTHHA by letter dated October 14, 2007, requested a public hearing be held to discuss the potential environmental and aesthetic impacts of the proposal. On November 7, 2007, HTHHA submitted a list of questions concerning the proposal. Erwin Marine met with HTHHA and submitted a response to their questions on November 14, 2007. HTHHA submitted letters to TVA and USACE on May 19, 2008, encouraging Erwin Marine to complete the project.

TVA released the draft of this EA for public review on April 10, 2008. Postcards were mailed to those who had previously commented on the proposed land action. In addition, the draft EA was made available for review on the TVA Web site at: [http://www.tva.gov/environment/reports/erwin\\_marine/index.htm](http://www.tva.gov/environment/reports/erwin_marine/index.htm). Requests for written copies could be made as needed. The draft EA was also mailed to several other federal, state, and local agencies for comment (see Chapter 5). The public comment period for the draft EA concluded on May 12, 2008. The Alabama Historical Commission concurred with the proposed project via letter dated April 22, 2008. The U.S. Fish and Wildlife Service

(USFWS) commented on April 29, 2008, that “If the BMPs outlined in the DEA, under TVA’s permit conditions and mitigation measures, are strictly adhered to, and all other state/federal permits are granted; we would have no objections to the construction, operation and maintenance of proposed facility.” Further, the USFWS recommended that dredging activities occur during winter drawdown conditions on Guntersville Reservoir (normally October through March) to further reduce impacts to aquatic biota in the vicinity of the project site. This recommendation has been included in Section 3.13. The Choctaw Nation of Oklahoma, via letter dated March 5, 2008, and the Eastern Band of Cherokee Indians, via letter dated March 12, 2008, concurred with TVA’s findings. No other public comments were received. All public comments on both the public notice and the draft EA are located in Appendix C.

#### **1.4. Necessary Federal Permits or Licenses**

Approval under Section 26a of the TVA Act of 1933, as amended, is required for the construction of any obstructions in and along the Tennessee River or its tributaries. Erwin Marine has submitted a Section 26a application (Appendix A) for the proposed development. Erwin Marine has also requested from TVA the necessary land use authorization in the form of a 30-year term commercial recreation easement for approximately 8.8 acres of TVA property. Erwin Marine proposes to construct roads and parking, extensively landscape with native plants, and incorporate a pedestrian use plan within the easement area.

As indicated in Section 1.3 above, construction and operation of the marina and excavation below elevation 595-foot msl require approval by USACE under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. The evaluation of the impact of the activity on the public interest will include application of guidelines promulgated by the U.S. Environmental Protection Agency (USEPA) under Section 404(b)(1) of the CWA. Before a Section 404 permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. Storm water, potable water system, and sewer system development authorizations from ADEM may be required for some development activities.

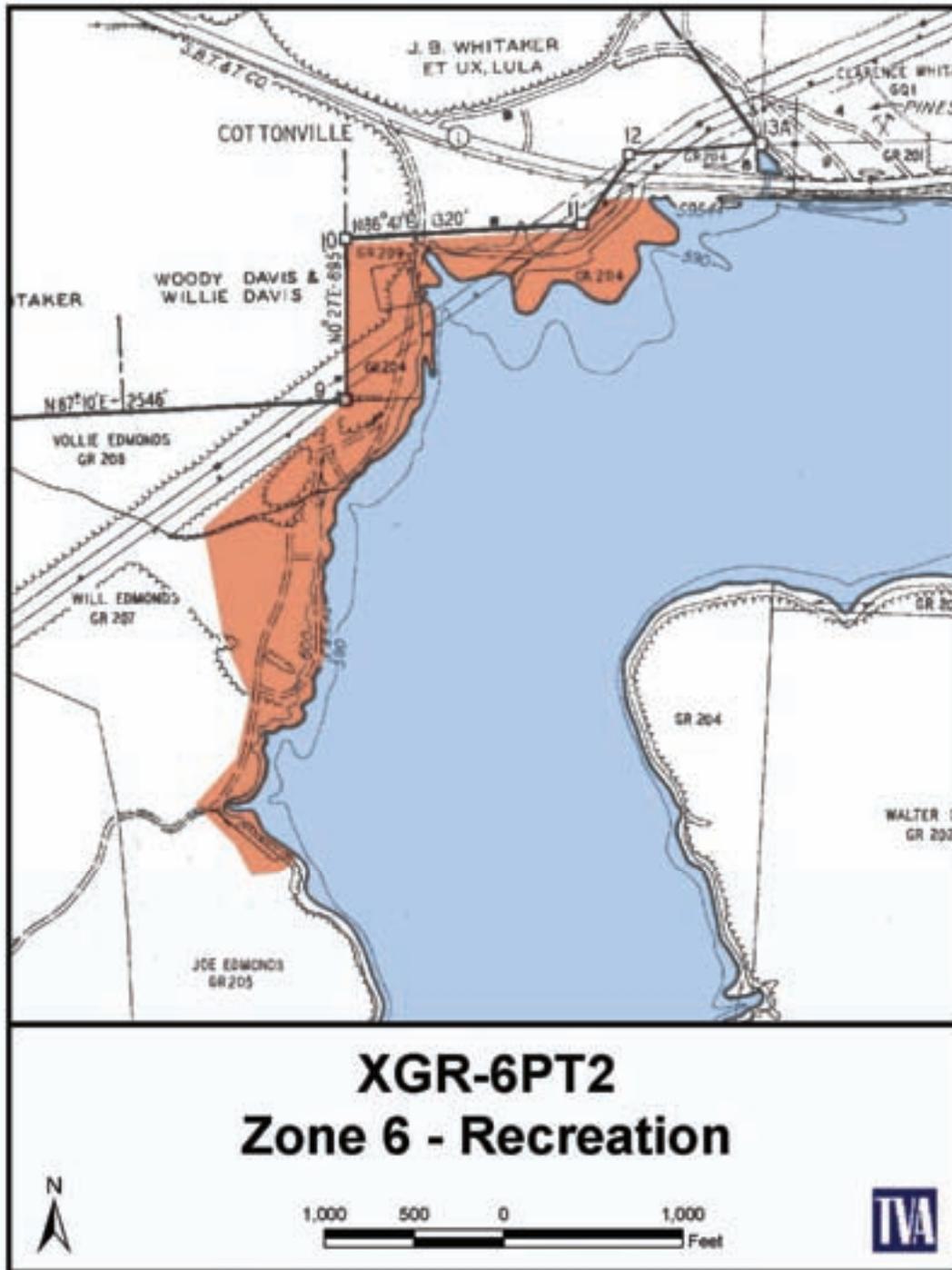


Figure 1-3. Map of TVA Tract XGR-6PT2

## CHAPTER 2

### 2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

TVA and USACE have considered the direct, indirect, and cumulative effects that would be caused by the federal actions related to the Erwin Marine application. Construction of the boat sales showroom, office space, and expanded dry storage building are dependent upon the easement and marina approvals. Therefore, the area assessed in this EA includes the proposed marina, commercial recreation easement area, and associated developments located on private property. Other than assessing the indirect effects on resources caused by their approvals, the federal permitting agencies have neither control nor responsibility for actions taken by Erwin Marine on its private land. In the applications to TVA and USACE, Erwin Marine has indicated that no federal financial assistance would be used in this project. Erwin Marine proposes to fund the total project costs, estimated to be about \$4 million.

#### 2.1. Alternatives

##### 2.1.1. *No Action Alternative*

Under the No Action Alternative, TVA would not grant the term commercial recreation easement, and TVA and USACE would not issue the requested Section 26a, Section 10, and Section 404 permits. TVA Tract XGR-6PT2 would remain allocated for developed recreation purposes. The two-year term license agreement with Erwin Marine for the continued operation of the commercial marina would expire in July 2009, and management of the property would revert to TVA. TVA would continue to consider other applications for compatible recreational development on the property.

##### 2.1.2. *Action Alternative - Applicant's Proposal*

Under the Action Alternative, TVA and USACE would grant Erwin Marine the necessary easement and permits to construct the proposed marina and associated facilities. The proposed marina, described in detail in Appendix A, would contain seven sets of boat slips accommodating 169 vessels. Dock 1 would be 58 feet wide and extend 497 feet from the shoreline. It would accommodate 19 vessels, a ship store, and a fuel facility. Dock 2 would be 88 feet wide, would extend 344 feet from the shoreline, and would accommodate 32 vessels. Dock 3 would be 108 feet wide, would extend 385 feet from the shoreline, and would accommodate 34 vessels. Dock 4 would be 128 feet wide, would extend 373 feet from the shoreline, and would accommodate 30 vessels. Dock 5 would be 148 feet wide, would extend 473 feet from the shoreline, and would accommodate 34 vessels. Dock 6 would be 68 feet wide, would extend 128 feet from the shoreline, and would accommodate 10 vessels. Dock 7 would be 68 feet wide, would extend 128 feet from the shoreline, and would accommodate 10 vessels. Docks 6 and 7 would be dedicated for transient use only. Excavation below normal summer pool would occur in three places, and 15,000 cubic yards of material would be removed. The spoil material would be placed on Erwin Marine's adjacent private property. The existing harbor limits would be expanded to encompass the marina. The proposed harbor limits would be 1,275 feet wide and no greater than 500 feet from the shoreline (Figure 2-1).

The proposed marina would actively partner with TVA as a leader in the Tennessee Valley Clean Marina Initiative. Sewage pump-out service would be available for customers. The ship store would offer and promote environmentally friendly nontoxic products for cleaning and maintenance. The marina staff would participate in the education of boaters on sewage, fuel, and bilge management.

Roads and parking associated with the proposal, extensive landscaping with native plants, and pedestrian use facilities would be constructed on the proposed easement area. An existing road from U.S. Highway 431 would be used to access the development. Existing parking areas would be expanded to accommodate vehicles accessing the marina. The pedestrian use facilities would include walking trails and a picnic area available to the general public. A pedestrian bridge would facilitate access from the marina to the neighboring Honeycomb Creek Campground. The remaining open areas would be landscaped using native plants. Erwin Marine would describe the landscaping in a Vegetation Management Plan (VMP) and submit the VMP to TVA for approval prior to beginning construction.

A boat sales showroom, office space, and a remodeled and expanded dry storage building for vessels would be located on the adjacent private property. The boat sales showroom and office space would be combined into one 14,000-square-foot building. Additional parking for employees and customers would be located adjacent to the building. Currently, the existing dry storage building can hold 200 vessels. After renovation and expansion, the dry storage building would hold 300 vessels.

Existing launching ramps are located within the proposed easement area and are currently being utilized by the general public. However, Erwin Marine proposes to remodel one of the existing launching ramps to service vessels located in the dry storage building. The remaining launching ramp would be used by the marina patrons. A new launching ramp, courtesy pier, and associated parking would be constructed to benefit the general public. The public launching ramp design and location were previously approved when TVA granted a lease agreement to Sunrise Marina (Appendix B). Sunrise Marina continued to allow the general public use of the existing launching ramp, and the new ramp was never constructed. The public launching ramp would be relocated adjacent to the proposed easement area on property owned and managed by TVA. The public launching ramp would be 36 feet wide and allow two boats to be launched at one time. A courtesy pier would separate the two launching lanes. In addition, a parking area containing 40 spaces would be constructed.

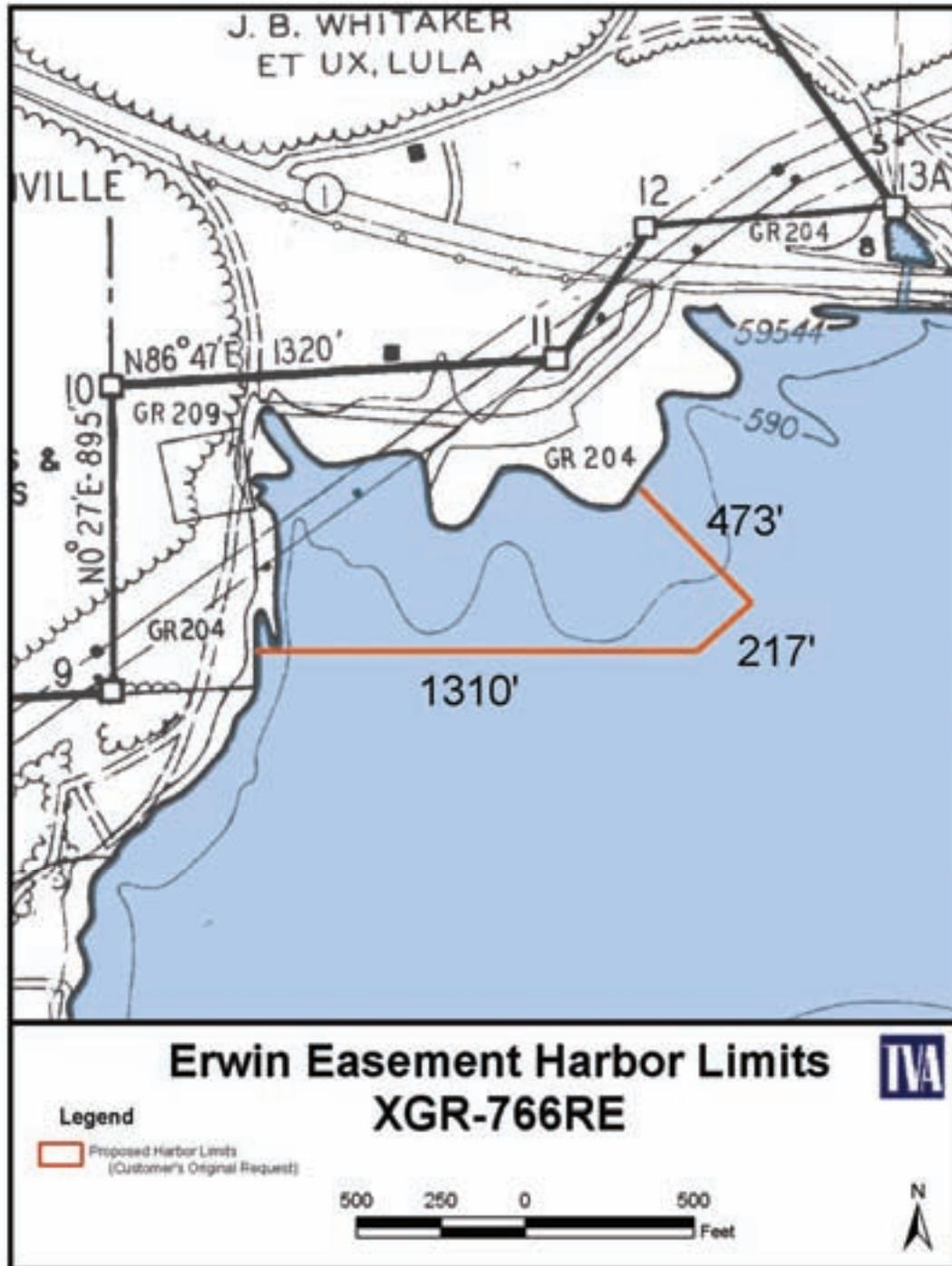


Figure 2-1. Proposed Harbor Limits Map

## **2.2. Comparison of Alternatives**

Under the No Action Alternative, TVA and USACE would not grant the necessary easement and permits for the proposed marina and associated facilities. The two-year term license agreement with Erwin Marine for the continued operation of the commercial marina would expire in July 2009, and management of the property would then revert to TVA. TVA would consider other applications compatible with recreational development on this portion of TVA Tract XGR-6PT2.

Under the Action Alternative, TVA and USACE would grant the easement and permits for the proposed marina to Erwin Marine. Both alternatives are consistent with the Plan allocation of developed recreation for this portion of TVA Tract XGR-6PT2.

Under either alternative, there would be no impacts to uncommon terrestrial plant communities, wetlands, land use, or prime farmland. There are no known populations or habitats to support populations of federally or state-listed as endangered or threatened plant or animal species within the project area. Under the Action Alternative, direct, indirect, and cumulative impacts to terrestrial animals, terrestrial ecology of the region, aquatic ecology, water quality, navigation, recreation, floodplains, visual, and cultural resources would be insignificant with the inclusion of the mitigation measures and conditions outlined in Section 3.13.

## **2.3. The Preferred Alternative**

TVA's preferred alternative is the applicant's proposal with the mitigation measures outlined in Section 3.12. USACE has no preferred alternative as regulations prevent them from being for or against an applicant's proposal during permit or approval evaluations.

## CHAPTER 3

### 3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Guntersville Dam is located at TRM 349.0; the Guntersville Reservoir extends 76 miles upstream to Nickajack Dam, located at TRM 424.7. Honeycomb Creek joins the Tennessee River at TRM 352. Guntersville Reservoir drains an area of about 24,450 square miles, with the Honeycomb Creek watershed making up 45.9 square miles of the total drainage area. At full pool, Guntersville Reservoir has a surface area of 67,900 acres and approximately 890 miles of shoreline.

TVA owns approximately 40,236 acres of property along Guntersville Reservoir and 1,233 acres along Honeycomb Creek. The Erwin Marine proposal would affect less than 1 percent of all TVA-owned property along Guntersville Reservoir and Honeycomb Creek. The Erwin Marine proposal is located on a portion of TVA Tract XGR-6PT2. This tract is located upstream from the main channel of Guntersville Reservoir between HCMs 1 and 2 on the right-descending bank in Marshall County, Alabama (Figure 1-2). TVA's 2001 *Guntersville Reservoir Land Management Plan* (Plan) described Tract XGR-6PT2 as "developed recreation – used for a TVA public boat ramp, Sunrise Marine Marina and Honeycomb Campground." The Erwin Marine proposal encompasses approximately 2,200 feet of previously stabilized shoreline.

For the purposes of cumulative effects analysis, the proposal area is between HCMs 0 and 3.0 (U.S. Highway 431 causeway). Currently, there are no other major development projects proposed in this area. However, TVA has reviewed preliminary plans from Snug Harbor Marina, located at HCM 3.1 along the left-descending bank. A formal request from Snug Harbor Marina is not anticipated at this time.

#### 3.1. Terrestrial Ecology

##### 3.1.1. Vegetation

###### Affected Environment

Erwin Marine is located in the Plateau Escarpment, a subdivision of the Southwestern Appalachian ecoregion, which occurs between the Ridge and Valley to the east and the Interior's Eastern Highland Rim to the west (Griffith et al. 2001). The Plateau Escarpment is characterized by steep, forested slopes and high-velocity, high-gradient streams that have cut down into limestone. The upper slopes are composed of mixed hardwood forest dominated by oak species. More mesic forest containing American beech, basswood, sugar maple, and tulip poplar can be found on the middle and lower slopes with river birch occurring along floodplain terraces (Griffith et al. 2001).

The area within and around the proposal area (8.8 acres of TVA land and 4 acres of adjoining private property) has been highly managed, and little to no natural vegetation remains. The area is almost 100 percent herbaceous vegetation with a few scattered loblolly pines and deciduous trees. The grass/forbs habitat is primarily mowed lawn. Common weedy species present are Bermuda grass, foxtail grass, Johnson grass, tall fescue, and various other grasses and weedy broadleaved species. Loblolly pine appears

to have been planted along with bald cypress, flowering dogwood, and eastern redbud. There are no uncommon terrestrial plant communities, designated critical plant habitat, or otherwise noteworthy botanical areas occurring on or adjacent to the Erwin Marine development.

Common invasive plant species occurring in the project area include Chinese privet, Japanese honeysuckle, Japanese stilt grass, mimosa, multiflora rose, and sericea lespedeza. All of these species have the potential to adversely impact the native plant communities because of their potential to spread rapidly and displace native vegetation. Essentially the entire proposal is on land in which the native vegetation has been extensively altered as a result of previous land use history. All of these invasive species are Rank 1 (severe threat) and are of high priority to TVA (James 2002).

### **Environmental Consequences**

Under the No Action Alternative, there would be no impacts to the terrestrial ecology of the region. The herbaceous and sparse woody vegetation growing within the TVA easement adjacent to Guntersville Reservoir would continue to grow and occasionally be affected by stream bank erosion and mowing.

Under the Action Alternative, a term recreation easement and Section 26a approvals would be granted. The spoil material from the excavation below normal summer pool would be located on the applicant's adjacent private property. Since there are no rare terrestrial plant communities present on or adjacent to the project area, and the communities present are common and representative of the region, the proposed Action Alternative would not adversely impact the terrestrial ecology of the region; therefore, the action is expected to be insignificant.

### **3.1.2. Wildlife**

#### **Affected Environment**

Habitats within the proposal area have been greatly modified. Much of the site is comprised of buildings, a large parking lot, and a boat dock and ramp. The proposal area is adjacent to a large campground with numerous campsites and docks. The proposal site is also crossed by a TVA transmission line corridor, and several associated structures exist on the property. Much of the remaining habitat consists of loblolly pines, eastern red cedar, various hardwoods, and open grassy areas. The property provides habitat of minimal value to wildlife.

Wildlife observed at the property includes those species typically found along riparian corridors. Belted kingfisher, great blue heron, green heron, and red-winged blackbirds are observed along the shoreline. Numerous rafts of American coot, gadwall, and mallard can be found in the vicinity during winter months. Common loon, ring-necked duck, and ring-billed gulls are also observed in the mouth of Honeycomb Creek. Osprey and bald eagles are also observed in the vicinity.

The marginal strip of trees along portions of the shoreline is used by a variety of birds including eastern kingbird, yellow-rumped warbler, tufted titmouse, and Carolina chickadee. American robin, killdeer, and various species of sparrows are often observed in grassy areas on the proposal site. Common mammals within the proposal site include muskrat,

eastern cottontail rabbit, red bat, and gray squirrel. Common reptiles and amphibians include false map turtle, mud turtle, common snapping turtle, and bullfrog.

### **Environmental Consequences**

Under the No Action Alternative, the proposal area would remain in its current condition, dominated by the existing boat ramp and nearby commercial and residential activities. Since the proposal site currently does not provide quality habitat for wildlife, the No Action Alternative would not result in impacts to terrestrial animal resources.

Under the Action Alternative, adverse impacts to terrestrial animal resources are not expected. Much of the site has been impacted by the operation of the existing boat ramp and nearby commercial marina, and little quality wildlife habitat exists on the site. Species observed on the property are those typically found in commercially modified habitats.

The proposal would result in increased boat traffic in Honeycomb Creek embayment. Wildlife typically found in this area are somewhat acclimated to boating traffic, which can be heavy in summer months. Sections of this embayment are used by waterfowl and other species of wildlife, especially in winter months when boating traffic is greatly reduced. The use of this embayment by wildlife in winter months is not expected to change. The proposal is not expected to result in adverse direct, indirect, or cumulative impacts to terrestrial animal resources.

## **3.2. Wetlands**

### **Affected Environment**

Emergent and scrub-shrub wetlands are common habitats on Gunterville Reservoir. There are no wetlands present within the project area.

### **Environmental Consequences**

There would be no impacts to wetlands under the No Action or Action alternatives. No wetlands are present on the TVA property affected by the proposal.

## **3.3. Aquatic Ecology**

### **Affected Environment**

TVA initiated a Vital Signs Monitoring Program in 1990 to monitor the ecological conditions of TVA reservoirs using indicator parameters as a measure of overall ecological "health." Reservoir and stream monitoring programs were combined with TVA's fish tissue and bacteriological studies to form an integrated Vital Signs Monitoring Program. Vital signs monitoring activities focus on benthic macroinvertebrate community sampling, fish assemblage sampling, and physical and chemical characteristics of waters and sediments (which are discussed in Section 3.4, Water Quality).

Benthic macroinvertebrates are included in aquatic monitoring programs because of their importance to the aquatic food chain. Benthic macroinvertebrates have limited capability of movement, thereby preventing them from avoiding undesirable conditions. Sampling and data analysis are based on parameters that indicate species diversity; abundance of selected species that are indicative of water quality; total abundance of all species except those indicative of poor water quality; and proportion of samples with no organisms present.

Areas sampled on Guntersville Reservoir have included the forebay at TRM 350 and a midreservoir station in the vicinity of TRM 375.2. The conditions present at the forebay would be similar to the conditions present within Honeycomb Creek embayment. The benthic community scores at the forebay stations rated “excellent” for three of the five years shown in Table 3-1 and “good” to “fair” for the remaining two years. All the scores for the midreservoir station rated “good” to “excellent” during the same five years.

**Table 3-1. Recent (1996-2004) Benthic Community Scores Collected as Part of the Guntersville Reservoir Vital Signs Monitoring Program Near the Proposal Area**

Station	Tennessee River Mile	1996	1998	2000	2002	2004
		Score*				
Forebay	350	35	35	23	25	35
Midreservoir	375.2	33	33	31	33	29

\*Benthic Community Score/Community Condition: 7-12/Very Poor, 13-18/Poor, 19-23/Fair, 24-29/Good, 30-35/Excellent

The Vital Signs Monitoring Program has included annual fish sampling on Guntersville Reservoir from 2000 until 2006. Fish are included in aquatic monitoring programs because of their importance to the aquatic food chain and to the public for aesthetic, recreational, and commercial reasons. In addition, fish have a long life cycle, which allows them to reflect water quality conditions over an extended period of time. Fish ratings are based primarily on the community structure and function using the Reservoir Fish Assemblage Index (RFAI). However, RFAI also considers the overall number of fish collected, the percentage of the sample represented by omnivore and insectivores, and presence of diseases, lesions, parasites, deformities, etc. (TVA 1999). The fish community in Guntersville Reservoir has consistently rated from “fair” to “good” at the forebay and midreservoir areas since 2000 (Table 3-2).

**Table 3-2. Recent (2000-2006) Reservoir Fish Assemblage Index Scores Collected as Part of the Guntersville Reservoir Vital Signs Monitoring Program Near the Proposal Area**

Station	Tennessee River Mile	2000	2002	2004	2006
		Score*			
Forebay	350	42	36	41	44
Midreservoir	375.2	41	34	33	36

\* RFAI Score/Community Condition: 12-21/Very Poor, 22-31/Poor, 32-40/Fair, 41-50/Good, 51-60/Excellent

A Sport Fishing Index (SFI) has been developed to measure sport fishing quality for various species in Tennessee and Cumberland Valley reservoirs. The SFI is based on the results of fish population sampling by TVA and state resource agencies and, when available, results of angler success as measured by state resource agencies (i.e., bass tournament results and creel surveys). Based on SFI data, Guntersville Reservoir has rated above average for all categories (Table 3-3).

**Table 3-3. Sport Fishing Index Scores for Selected Fish Species in Guntersville Reservoir, 2006**

<b>Fish Species</b>	<b>Guntersville 2006 Score</b>	<b>Valleywide 2006 Average</b>
Black bass	37	36
Largemouth bass	52	33
Spotted bass	32	31

### **Environmental Consequences**

Under the No Action Alternative, there would be no impacts to the aquatic ecology near the proposal area. The existing aquatic ecology conditions and trends in Guntersville Reservoir are expected to continue.

Under the Action Alternative, short-term turbidity associated with the proposed marina construction and the excavation below normal summer pool would occur and quickly dissipate. Aquatic fish or benthic organisms would not be noticeably affected by this short-term turbidity. Excavation below normal summer pool would remove shallow water habitat for fish and benthic organisms in the proposal area. However, the three areas of shallow water habitat lost to the excavation are insignificant when compared to surrounding shallow water habitats in Guntersville Reservoir. To further reduce the potential impacts to aquatic life, TVA would require the applicant to follow construction-related best management practices (BMPs) and TVA Section 26a General and Standard Conditions. The proposed project is not expected to result in adverse direct, indirect, or cumulative impacts to aquatic animals or resources.

## **3.4. Threatened and Endangered Species**

### **3.4.1. Plants**

#### **Affected Environment**

Two Alabama state-listed plants are known to occur within 5 miles of the project area (Table 3-4). The Pink turtlehead has fewer than five populations within the state and is found in the Honeycomb Creek TVA Small Wild Area, which is located within a mile of the proposal area. Habitat for the Pink turtlehead is not present within the project area. Limestone adder's tongue has an uncertain number of populations within the state and is found in the Thompson Hollow TVA Habitat Protection Area, which is located approximately 2 miles from the proposal area. Limestone adder's tongue habitat is not present within the project area.

Two federally listed plant species are known to occur within Marshall County, Alabama (Table 3-4). Green pitcher plant is an endangered carnivorous species with three known populations near the city of Boaz, Alabama, which is approximately 19 miles away from the proposal area. Habitat for green pitcher plant is not present within the project area. Price's potato bean is a threatened species that favors open, rocky, wooded slopes and floodplain edges. There is one known population of this species in Marshall County, Alabama, approximately 6 miles from the project area. Habitat for Price's potato bean is not present within the proposal area.

**Table 3-4. Federally Listed Plant Species Located Within Marshall County, Alabama, and State-Listed Plant Species Located Within 5 Miles of the Proposal Area**

Common Name	Scientific Name	Federal Status	State Rank
Green pitcher plant	<i>Sarracenia oreophila</i>	END	S2
Limestone adder's tongue	<i>Ophioglossum englemannii</i>	-	S2S3
Pink turtlehead	<i>Chelone lyonii</i>	-	S1
Price's potato bean	<i>Apios priceana</i>	THR	S2

- = Not applicable

**Abbreviations:** END = Endangered; THR = Threatened

**Ranks:** S1 = Critically imperiled with less than 5 occurrences; S2 = Imperiled with 6 to 20 occurrences; S3 = Rare or uncommon with 21 to 100 occurrences; S#S# = Occurrence numbers are uncertain

### Environmental Consequences

Since no known populations or habitats to support populations of federally or state-listed as endangered or threatened plant species occur within the proposed action area, no project-related impacts to listed plants would result from adoption of either alternative.

#### 3.4.2. Terrestrial Animals

##### Affected Environment

Three federally listed as endangered terrestrial animals are reported from Marshall County, Alabama (see Table 3-5). Only the gray bat is known to occur within 3 miles of the project area. In addition, three state-listed terrestrial animal species have been reported from within 3 miles of the proposal site. Bald eagles, protected by the Bald and Golden Eagle Protection Act, are also known from a site within 3 miles of the project area.

Bald eagles are common on Guntersville Reservoir. Numerous active bald eagle nests occur on the southern half of the reservoir. A nest is located approximately 2.3 miles from the proposal site, across the river from the Honeycomb Creek embayment. The species is regularly observed in the embayment. Nesting habitat is abundant in the vicinity, but no nesting sites have been identified in the Honeycomb Creek embayment. No suitable nesting habitat occurs on the proposal site.

A historical record of red-cockaded woodpeckers was reported from Marshall County approximately 8.3 miles from the proposal site. This colony is no longer active, and the species is thought to be extirpated from much of north Alabama. There is no suitable habitat for this species on the proposal site.

**Table 3-5. Federally Listed Terrestrial Animal Species Reported From Marshall County, Alabama, and State Protected Terrestrial Animal Species Reported From Within 3 Miles of the Proposal Site**

Common Name	Scientific Name	Federal Status	State Status (Rank)
<b>Birds</b>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA	PROT (S3)
Peregrine falcon	<i>Falco peregrinus</i>	-	PROT (SH)
Red-cockaded woodpecker	<i>Picoides borealis</i>	END	PROT (S2)
<b>Mammals</b>			
Gray bat	<i>Myotis grisescens</i>	END	PROT (S2)
Indiana bat	<i>Myotis sodalis</i>	END	PROT (S2)
<b>Amphibians</b>			
Green salamander	<i>Aneides aeneus</i>	-	PROT (S3)
Tennessee cave salamander	<i>Gyrinophilus palleucus</i>	-	PROT (S2)

- = Not applicable

**Abbreviations:** BGEPA = Protected by the Bald and Golden Eagle Protection Act; END = Endangered; PROT = Protected

**Ranks:** S2 = Imperiled; S3 = Rare or uncommon; SH = Historic records only

**Gray bats** roost in caves year-round and typically forage over streams, rivers, and reservoirs. They are reported from four localities within a 3-mile radius of the proposal site. The closest location is from Quarry Cave located 0.2 mile north of the proposal. This colony has been examined annually for several years by TVA and ADCNR biologists. TVA has recently closed this cave to protect gray bat populations at this site and to try to encourage the species to establish a colony at this site. So far, the cave is only used on a transitional basis or by small numbers of bats during summer months. Gray bats from a large colony near Guntersville Dam regularly forage throughout the Honeycomb Creek embayment. The species has been observed foraging over shallow water areas along the docks at Honeycomb Campground and project area.

**Indiana bats** roost in caves during the winter and typically roost under the bark of dead or dying trees during the summer (Menzel et al. 2001). Optimal summer roosts occur in forests with an open understory and available roost trees, usually near water (Romme et al. 1995). The species has been reported from a small cave at Guntersville State Park. There are no records of the species from caves within 3 miles of the proposal site. The species was not encountered during mist-net surveys performed on TVA properties at Buck Island, near the U.S. Highway 431 bridge over the Tennessee River, or on nearby Bishop Mountain. There is no suitable habitat for this species on the proposal site.

The **peregrine falcon, green salamander, and Tennessee cave salamander** have been reported from sites within 3 miles of the proposal site. The falcon historically nested on bluffs along the river corridor in the early 1900s. The species is not known to nest in north Alabama. Green salamanders are known from forested bluff habitats along nearby mountains. Tennessee cave salamanders are known from cave habitats. No suitable habitat for these species occurs on the proposal site.

### **Environmental Consequences**

Under the No Action Alternative, the proposed marina expansion and associated structures would not be built. The existing boat ramp and commercial marina would continue to operate under the existing license agreement. The current operations are not resulting in impacts to listed species.

Under the Action Alternative, a term recreation easement and Section 26a, Section 404, and Section 10 permits would be granted.

Bald eagles nest in several locations in forested habitats along the Tennessee River between the city of Guntersville and Guntersville Dam. The proposed development is not expected to result in impacts to this species, as no nesting sites occur in the vicinity. Increased boating activity is not expected to interfere with foraging activities of bald eagles because most eagles on Guntersville Reservoir feed in shallow water habitats along the Tennessee River. Most of these habitats are extremely shallow and are protected by extensive aquatic weed beds. Eagles observed along the Tennessee River corridor appear to be acclimated to boats.

Gray bats roost in a nearby cave, and individuals from a larger colony also forage throughout the embayment. The species has been observed foraging among the boat docks at nearby Honeycomb Campground. They forage upon insects that are attracted to lights on the docks. The adoption of the Action Alternative would not result in impacts to gray bats that forage in the vicinity. The species would continue to forage in the immediate vicinity. The increased boating activity would not result in impacts to their roosting habitat, and no suitable roosting habitat for this species occurs on the proposal site.

The adoption of the Action Alternative would result in the modification of an existing boat launching facility located near other commercial operations. While some listed species occur in the vicinity and, in the case of the gray bat, forage adjacent to the proposal site, the proposed activities would not result in impacts to these species. No suitable habitat for listed terrestrial species would be affected by the proposal.

No suitable habitat for Tennessee cave and green salamander exists on the property. There is no suitable habitat for peregrine falcon, red-cockaded woodpecker, or Indiana bat. These species would not be impacted by the adoption of the Action Alternative.

Adoption of the Action Alternative would not result in direct, indirect, or cumulative impacts to listed terrestrial animal species or their habitats.

#### **3.4.3. Aquatic Species**

##### **Affected Environment**

Fifteen state-listed aquatic animal species have been reported to occur within a 10-mile radius of the proposal area and seven federally listed aquatic animal species have been reported to occur within Marshall County, Alabama (Table 3-6).

The troglobitic crayfish is the only listed aquatic species that has been reported to occur upstream of Guntersville Dam. The troglobitic crayfish habitat occurs only in cave environments. Therefore, there is no suitable habitat for this species in or near the proposal area.

**Table 3-6. Federally and State-Listed Aquatic Animal Species Known to Occur Within Marshall County, Alabama, and Within a 10-Mile Radius of the Proposal Area**

Common Name	Scientific Name	Federal Status	State Status (Rank)
<b>Fish</b>			
Snail darter	<i>Percina tanasi</i>	THR	PROT (S1)
Southern cavefish	<i>Typhlichthys subterraneus</i>	-	PROT (S3)
<b>Mussels</b>			
Black sandshell*	<i>Ligumia recta</i>	-	NOST (S2)
Deertoe	<i>Truncilla truncata</i>	-	NOST (S1)
Fanshell	<i>Cyprogenia stegaria</i>	END	PROT (S1)
Fine-rayed pigtoe	<i>Fusconaia cuneolus</i>	END	PROT (S1)
Kidneyshell	<i>Ptychobranhus fasciolaris</i>	-	NOST (S1)
Monkeyface	<i>Quadrula metanevra</i>	-	NOST (S3)
Ohio pigtoe	<i>Pleurobema cordatum</i>	-	NOST (S2)
Orange-foot pimpleback	<i>Plethobasus cooperianus</i>	END	PROT (S1)
Painted creekshell	<i>Villosa taeniata</i>	-	NOST (S3)
Pink mucket	<i>Lampsilis abrupta</i>	END	PROT (S1)
Purple lilliput	<i>Toxolasma lividus</i>	-	NOST (S2)
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	-	PROT (S1)
Rough pigtoe	<i>Pleurobema plenum</i>	END	PROT (S1)
Shiny pigtoe	<i>Fusconaia cor</i>	END	PROT (S1)
Slabside pearlymussel	<i>Lexingtonia dolabelloides</i>	CAN	PROT (S1)
Snuffbox	<i>Epioblasma triquetra</i>	-	NOST (S1)
Tennessee clubshell	<i>Pleurobema oviforme</i>	-	NOST (S1)
Tennessee pigtoe	<i>Fusconaia barnesiana</i>	-	NOST (S1)
Wartyback	<i>Quadrula nodulata</i>	-	NOST (S1S2)
Wavy-rayed lampmussel	<i>Lampsilis fasciola</i>	-	NOST (S1S2)
<b>Crayfish</b>			
Troglobitic Crayfish	<i>Cambarus hamulatus</i>	-	SPCO (S3)

- = Not applicable

\* = Historic record known to occur within the potentially affected watershed

**Abbreviations:** CAN = Candidate; END = Endangered; NOST = No status but tracked by the Alabama Natural Heritage program. PROT = Protected; THR = Threatened

**Ranks:** S1 = Critically imperiled; S2 = Imperiled; S3 = Vulnerable; S#S# = Occurrence numbers are uncertain

### Environmental Consequences

Since no actions would be taken under the No Action Alternative, federally or state-listed as endangered or threatened aquatic animal species would not be impacted. The species listed in Table 3-6, with the exception of the troglobitic crayfish, are present downstream of Guntersville Dam, but these species are not present within the project area.

Under the Action Alternative, no impacts would occur to these listed aquatic animal species because potential impacts resulting from the proposal would be localized and temporary. As mentioned above, there are no known cave habitats suitable for the troglobitic crayfish in the vicinity of the proposal area. Therefore, no impacts to the troglobitic crayfish or any listed aquatic animal species would occur as a result of the proposal. However, proper BMPs, as outlined in the Section 26a General and Standard Conditions, would be

implemented to further ensure minimal impacts to any listed aquatic animal species that may enter the proposal area. The proposal would not result in any direct, indirect, or cumulative impacts to federally or state-listed as endangered or threatened aquatic animal species.

In conclusion, there are no known populations or habitats to support populations of federally or state-listed as endangered or threatened species in the project area. There would be no impacts to listed species under the No Action or Action alternatives. In a letter dated April 29, 2008 (Appendix C), the USFWS concurred with this determination.

### **3.5. Water Quality**

#### **Affected Environment**

The portion of Guntersville Reservoir in the proposal vicinity is classified by ADEM for public water supply, swimming and other whole-body water-contact sports, and fish and wildlife uses.

As part of the Vital Signs Monitoring Program for its reservoirs, TVA monitored Guntersville Reservoir annually from 1991 through 1994 to establish baseline data on the reservoir's ecological health under a range of weather and flow conditions. Guntersville is now evaluated every other year. Samples are taken from the forebay at TRM 350, the transition zone at TRM 375.2, and the inflow at TRM 420. The conditions present at the forebay would be similar to the conditions present within Honeycomb Creek embayment. Parameters used as indicators are dissolved oxygen, chlorophyll, sediment quality (sediment toxicity tests and/or sediment chemical analyses including heavy metals, pesticides, and polychlorinated biphenyls [PCBs]), and benthic macroinvertebrate and fish communities. Benthic macroinvertebrate and fish communities are discussed in Section 3.2, Aquatic Ecology.

The ecological health condition of Guntersville Reservoir including Honeycomb Creek embayment has rated "good" consistently since TVA's monitoring program began. As in past years, the 2006 ecological health indicator scores for the reservoir were among the highest observed for all TVA reservoirs (TVA 2008). In 2006, dissolved oxygen levels rated "good" at the forebay and midreservoir sampling locations. At the forebay sampling location, chlorophyll concentrations were elevated during several sampling periods, resulting in the first "poor" rating for this location. Chlorophyll typically rates "fair" or "good" at the forebay. Chlorophyll levels at the midreservoir monitoring location have consistently rated "good." The fish community rated "fair" at all the sampling sites in 2006. The bottom life rated "fair" at the forebay and inflow sites and "good" at the midreservoir site. Sediment quality rated "good" at the forebay and midreservoir. No pesticides or PCBs were detected, and the concentrations of metals were within background levels. There are no state advisories against swimming in Guntersville Reservoir. Fecal coliform bacteria levels in 2007 were within Alabama's guidelines for water contact at the Honeycomb Campground Beach, which is located at HCM 1.6 along the right-descending bank.

#### **Environmental Consequences**

Since no actions would be taken under the No Action Alternative, surface water quality would not be impacted.

Under the Action Alternative, eroded soil or sediment is the most prevalent pollutant associated with construction activities. The erosion process begins with the dislodgment of soil particles. These particles are then transported as sediment to areas of deposition. Free-falling raindrops impact the soil with much greater energy than does an equal amount of flowing water. If land surfaces have no vegetative cover or other protective debris to cushion the impact, the total energy of falling rain is expended on dislodging soil particles. Loose particles are easily moved and under certain conditions carried away by overland water flow. The volume of overland flow that develops from a given rainstorm is related to a soil's physical factors that influence the infiltration and movement of water through the soil.

Many factors influence the rate and amount of soil loss. In general terms, areas with highly erodible soils, sparse vegetation, steep topography, and occasional intense storms would exhibit the highest erosion levels. Human activity can frequently intensify or accelerate erosion rates, particularly if they entail vegetation removal, grading, concentrating runoff, or soil disturbance. In reservoir areas available to recreational boating, the shoreline is also vulnerable to higher wave energy levels associated with propeller wash. The proposed level of land construction is similar to several other existing and proposed developmental projects throughout the Tennessee River system. The state-of-the-art approaches for minimizing soil erosion and subsequent sedimentation from such sites are adequate preconstruction planning and properly selecting, installing, and maintaining specific BMPs.

ADEM is responsible for enforcement of state standards for construction sites through the National Pollutant Discharge Elimination System program for regulating storm water associated with construction activities. The General Storm Water Construction Permit requires a construction BMP plan that must be certified by a qualified, credentialed professional. The permit also requires inspection and maintenance of the BMPs. The BMPs required under this permit would reduce impacts to water quality under the Action Alternative. Additionally, under this alternative, the applicant's proposal would be subject to BMPs specified in this EA's commitment list, the Section 26a approval, the Sections 10 and 404 permits, and the clean water certification from ADEM. Thus, adverse water quality impacts from soil erosion and sedimentation would be controlled through selection, installation, and maintenance of the BMPs required under these measures. The Action Alternative would have the added benefit of a VMP and additional buffers. Prior to construction, the applicant would develop and submit for TVA's approval a VMP for the proposed easement area and the shoreline to prevent erosion of soils on the site. Activities allowed by the VMP would be limited to management of exotic and nuisance vegetation, landscaping with native vegetation, siting of a portion of the parking area and dry storage building, and for marina facilities. These activities would be specifically identified in the VMP submitted for TVA's approval.

The proposed development would require construction activity to take place along the shoreline. During this construction phase, turbidity levels could be elevated locally. Following construction activities, turbidity levels and sedimentation into the reservoir originating from the marina site should return to preconstruction levels. BMPs and proper management of storm water runoff from roads, parking areas, and roofs are expected to result in insignificant impacts to reservoir water quality.

Construction of the proposed action marina would concentrate boat traffic, which could increase local wave energy levels. Existing shoreline stabilization would protect the immediate harbor area from erosion. The higher concentration of vessels around the proposed marina would likely contribute to an insignificant acceleration of erosion of

surrounding areas of unprotected shoreline. Any such potential for erosion would rapidly diminish with increasing distance from the marina.

Participation of the planned marina in the Tennessee Valley Clean Marina Initiative is part of the applicant's proposal and would require proper BMPs to address potential impacts from shoreline erosion, fuel spills, on-site septic systems, and marina sewage disposal. Fuel management regulations require additional protection measures for the prevention, containment, and cleanup of accidental fuel spills and leaks (e.g., nozzle pad use, low flow pumps and/or staff-only fuel pumping, on-site oil-absorption equipment, and adequate system maintenance to avoid leakages). Sewage wastes are controlled by properly maintained wastewater treatment facilities (septic system or sewage treatment facilities) and sewage pump-out facilities for boat operators. Requirements also include restrictions on the dumping of treated wastes in local waters and prohibitions for dumping untreated wastes. The Tennessee Valley Clean Marina Initiative also requires certified marinas to maintain a stable shoreline, through either riprap revetment or native shoreline vegetation protection. Site design and landscaping aspects also require control of on-site erosion by use of proper construction BMPs, post-construction grounds maintenance, and native vegetation protection and enhancement. These requirements would be incorporated in the final design and the VMP to be submitted to TVA for approval. The *Tennessee Valley Clean Marina Guidebook* (TVA 2005) may be accessed at the following Web site: <http://www.tva.com/environment/pdf/cleanmarina.pdf>.

### **3.6. Navigation**

#### **Affected Environment**

Guntersville Reservoir was opened to navigation in 1939, providing a limited-depth navigation channel from Paducah, Kentucky, to Chattanooga, Tennessee, a distance of 464 miles. Today, Guntersville Reservoir is an important link in the Tennessee River system, which provides 800 miles of slack-water navigation from Paducah, Kentucky, to Knoxville, Tennessee. The Tennessee River Waterway is linked to the 12,000-mile National Inland Waterway in several places and supports national and international commerce.

Commodities totaling over 50 million tons are transported on the Tennessee River system annually. In 2006, about 5.1 million tons of commercial cargo was transported by barge on Guntersville Reservoir. Those goods may be transported to one of the many commercial terminals located on Guntersville Reservoir or may pass through to other pools.

Honeycomb Creek is primarily a recreational navigation channel. While there are no aids to navigation marking Honeycomb Creek, there is a first-class safety harbor designated at the entrance to the creek for commercial vessels to use during emergency situations and inclement weather. The proposed marina would be located in a fairly wide section of Honeycomb Creek along the right-descending bank. In this area, the deeper water "navigation channel" is close to the left-descending bank. The proposed facilities would be placed in an area of shallower water in a cove-type setting. A TVA 161-kilovolt (kV) transmission line crosses a portion of the proposal area.

#### **Environmental Consequences**

Since no actions would be taken under the No Action Alternative, there would be no change in the existing navigation conditions.

Under the Action Alternative, the lakeward extensions of the proposed marina are quite long, but the marina would not interfere with the recreational navigation channel. However, proper lighting would be installed on the marina facilities to warn boaters of its presence during non-daylight hours. To avoid potential impacts to the TVA 161-kV transmission line, sailboat access would be restricted in that area of the marina. To avoid potential interference with a neighboring launching ramp, the proposed harbor limits would be modified slightly on the downstream end of the marina. The modified harbor limits are shown in Figure 3-1.

Boating congestion and associated boating safety concerns are an indirect impact of the proposal. If the proposed marina is constructed, additional boaters can be expected to use the Honeycomb Creek embayment and the passage to the Tennessee River. Boating safety should always be a concern of the public. The following law enforcement agencies are responsible for marine safety and rely heavily on public involvement: TVA Police, U.S. Coast Guard, and the ADCNR Marine Police. Unsafe or suspicious boating may be reported to the TVA Police at (256) 386-2444.

In conclusion, there would be no significant impacts to navigation under the Action Alternative if the following conditions are included in the Section 26a permit:

General Conditions:

- You agree to securely anchor all floating facilities to prevent them from floating free during major floods.

Additional Conditions:

- The applicant is advised in writing that the facilities will be located on a recreational navigation channel and may be subject to wave wash and possible collision damage from passing vessels.
- Proper lighting would be installed on the marina facilities to warn boaters of its presence during non-daylight hours. (For specific lighting requirements, see Section 3.11.)
- Access to the harbor area under the TVA 161-kV transmission line would be restricted for sailboats.
- The harbor limits would be modified slightly on the downstream end to follow closely the end of Dock 1 and then the outside edge of the transient slips as shown in Figure 3-1.



Figure 3-1. Revised Harbor Limits Map

### 3.7. Recreation

#### Affected Environment

Erwin Marine currently has a floating transit dock and dry storage of 200 units. A list of recreation areas and their marina-associated amenities within the vicinity of the proposed marina location are listed in Table 3-7. The list includes some recreation areas that are in close proximity but do not offer marina amenities. These recreation areas include Cave Mountain Small Wild Area, Guntersville Dam Reservation, Honeycomb Creek Small Wild Area, and Camp Cha-La-Kee. Honeycomb Campground has a boat ramp, 60 wet slips, and bait and tackle supplies. The Honeycomb Creek Ramp and TVA Honeycomb Ramp are near the project area.

**Table 3-7. Existing Marina Facilities Near the Proposal Area**

Area Name	Tennessee River Mile	Boat Ramp	Wet Slips	Dry Slips	Parking Spaces
Cave Mountain Small Wild Area	348.8	0	0	0	0
Guntersville Dam Reservation	349	0	0	0	0
Honeycomb Creek Small Wild Area	351.5 R	0	0	0	0
Honeycomb Campground	352.0 R	1	60	0	25
Honeycomb Creek Ramp	352.0 R	1	0	0	43
Sunrise Marina	352.0 R	0	0	200	0
TVA Honeycomb Ramp	352.0 R	1	0	0	60
Camp Cha-La-Kee	353 L	0	0	0	0

L = Left bank

R = Right bank

Informal recreation use occurring on the surrounding TVA land includes bank fishing, picnicking, camping, wildlife observation, primitive camping, hunting, hiking, and horseback riding. This land is likely to remain undeveloped and managed indefinitely for informal recreation.

#### Environmental Consequences

Urban Research and Development Corporation (1977) states the appropriate upper threshold limit for carrying capacity is 3 surface acres of water per boat. There are currently 60 wet slips and 128 boat ramp parking spaces in Honeycomb Creek (Table 3-7). Based on the standard 25 percent use rate of these slips and spaces during summer months (Urban Research and Development Corporation 1977), the approximate number of boats currently on the water during the summer months is 97. Honeycomb Creek is 1,461 surface acres of water. Therefore, that allows 15.06 surface acres of water per boat, well below the 3 surface acres per boat threshold. The proposed new marina would add 169 new boat slips to the area. There would also be an increase of 100 boats in the dry storage and 40 parking spaces at the new ramp. Based on the standard 25 percent use rate of these slips and spaces during summer months, the approximate number of boats currently on the water during the summer months is 77. There would be a total of 174 boats on the water in Honeycomb Creek that allows 8.38 surface acres per boat. This is also below the upper threshold for carrying capacity of 3 surface acres per boat.

The area within an approximately 0.5-mile radius from the proposed marina is sparsely traveled compared to the main Tennessee River channel. This area is able to

accommodate additional boating without significant cumulative impact. Honeycomb Creek and the main Tennessee River channel from the Guntersville Dam through TRM 355 are congested during peak periods of weekends and holidays. It is assumed that boaters using the proposed marina would merely transit this area en route to other parts of the reservoir where they would be more dispersed.

Construction of the marina would require the current public boat ramp at Sunrise Marina to be converted to private use. To mitigate this proposed action, Erwin Marine would construct a new launching ramp, courtesy pier, and associated parking to benefit the general public. This ramp must be constructed prior to the original ramp being closed to the general public. Under the Action Alternative, there would be no significant impacts to recreation.

### **3.8. Land Use and Prime Farmland**

#### **Affected Environment**

The TVA Act authorizes TVA to acquire land and other property rights to carry out the purposes of the TVA Act. Property is sold or transferred if it is identified as no longer being needed or if it would support one of TVA's missions. TVA then may dispose of the land only in a manner authorized by the TVA Act or other federal laws.

TVA owns approximately 40,236 acres of property along Guntersville Reservoir and 1,233 acres along Honeycomb Creek. TVA's 2001 *Guntersville Reservoir Land Management Plan* (Plan) allocated approximately 1,700 acres or 4 percent of TVA property for public and commercial recreation. The Plan states that 44 recreation agreements accounting for 1,109 acres existed prior to 2001. The requested term commercial recreation easement area is located on a portion of TVA Tract XGR-6PT2. The Plan describes this tract as "developed recreation – used for a TVA public boat ramp, Sunrise Marine Marina and Honeycomb Campground." However, TVA has constructed a 161-kV transmission line with a 150-foot-wide right-of-way across a portion of the proposal area. The Erwin Marine proposal encompasses approximately 2,200 feet of shoreline and occupies less than 1 percent of all TVA-owned property along Guntersville Reservoir and Honeycomb Creek.

The Plan identified 44 tracts of TVA property containing approximately 2,500 acres of prime farmland. The entire TVA Tract XGR-6PT2 is 47 acres of which 14.9 acres are considered prime farmland. Prime farmland is defined by the U.S. Department of Agriculture as land that has the best combination of chemical and physical characteristics for producing food, feed, forage, fiber, and oilseed crops. To be considered prime farmland, it cannot be urban, built up, or covered by water. Concern regarding the conversion of prime farmland to urban or industrial use prompted the creation of the 1981 Farmland Protection Policy Act. This act requires that all federal agencies evaluate impacts to farmland prior to permanently converting the land to nonagricultural use.

#### **Environmental Consequences**

Under the No Action Alternative, TVA would not grant the term commercial recreation easement. The two-year term license agreement with Erwin Marine for the continued operation of the commercial marina would expire in July 2009, and management of the property would revert to TVA. TVA would continue to consider applications compatible with recreational development.

Under the Action Alternative, TVA would grant the term commercial recreation easement and Section 26a approval for the proposed marina to Erwin Marine. Both alternatives are consistent with the Plan allocation of developed recreation for this portion of TVA Tract XGR-6PT2. However, the following Additional Conditions would be placed in the TVA Section 26a permit in order to reduce potential impacts to the TVA 161-kV transmission line:

- Prior to construction, the applicant would develop and submit for TVA's approval a vegetation management plan for the proposed easement area and the shoreline. Only the native plants listed in Appendix D would be approved within the right-of-way.
- No permanent structures would be located within the right-of-way that would be a potential fire hazard or would impede maintenance of the existing transmission line or construction of future transmission lines.
- The transient boat slips would not be covered with a roof.

The proposed easement area is approximately 8.8 acres. Most of the soils in this area are classified as prime farmland due to their characteristics for crop production. Allen-Waynesboro fine sand loam covers about 6 acres and Huntington loam covers about 1.5 acres. However, the property contains a large boat storage building and is bordered by condominiums. Portions of the prime farmland soils lie beneath existing parking areas and an access road. Land that is already in urban development and has not been used for agricultural production for several years has little relative value as farmland. The land's value for farming is also diminished because the area is small compared to the size of a typical farm in Marshall County. Therefore, the Action Alternative would have no impact on prime farmland.

### **3.9. Underground Storage Tank and Hazardous Waste**

#### **Affected Environment**

As a part of its marina operations, Erwin Marine would provide refueling services for vessels at the proposal site on Honeycomb Creek. For these services, Erwin Marine would use an existing 6,000-gallon fiberglass underground storage tank (UST) located on Erwin Marine private property for storage of the gasoline. The fuel would be piped, using fiberglass piping, across TVA property and dispensed at the proposed marina on Honeycomb Creek.

The UST was installed by the previous property owner in 1988. The UST has been registered with ADEM and is subject to ADEM's annual leak testing. For the leak testing, ADEM requires that an annual statistical inventory reconciliation (SIR) report be submitted. The 2006 SIR for this UST was submitted to ADEM in January 2007. Erwin Marine recently reregistered the UST with ADEM on March 15, 2007. Documentation of the UST registration with ADEM and the SIR report has been provided to TVA.

#### **Environmental Consequences**

Under the No Action Alternative, the two-year term license agreement with Erwin Marine for the continued operation of the commercial marina would expire in July 2009, and management of the property would revert to TVA.

Under the Action Alternative, TVA would require Erwin Marine to comply with all applicable federal, state, and local regulations, as well as Section 26a General and Standard Conditions. To further reduce the potential impacts associated with the UST, the applicant has agreed to comply with the Tennessee Valley Clean Marina Initiative. Related BMPs are provided in the *Tennessee Valley Clean Marina Guidebook* (TVA 2005). In addition, the construction and operation of a marina should present a minimal risk for the generation of Resource Conservation and Recovery Act (RCRA) hazardous waste as regulated by ADEM and the USEPA.

With the following Standard Condition included in the Section 26a General and Standard Conditions, the impacts from the UST associated with the Action Alternative would minimize the opportunity for contamination of the environment:

- You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the “Flammable and Combustible Liquids” section of the *National Fire Codes* and any additional requirements of federal, state, and local laws and regulations.

### **3.10. Floodplains**

The proposal involves floating boat slips, fishing piers, and fuel dock; boat launching ramp; riprap; dredging; dry boat storage building; office; parking lots; and an access road. The floating boat slips, fishing piers, and fuel dock; boat-launching ramp; riprap; and dredging would involve construction within the 100-year floodplain. Consistent with EO 11988, these are considered repetitive actions in the floodplain that should result in minor individual and cumulative impacts provided the excavated material is spoiled outside of the floodplain. All excavated material would be spoiled on the applicant’s property above the TVA Flood Risk Profile elevation. The dry boat storage building, office, access road, and parking lots would be located on private property outside of the 100-year floodplain and above the TVA Flood Risk Profile elevation. The proposal would comply with the TVA Flood Control Storage Loss Guideline, because there would be less than 1 acre-foot of displaced flood control storage.

To ensure that development of this tract would not adversely impact floodplains and flood control, TVA would include the following conditions in the Section 26a permit and/or easement instrument:

#### General Condition:

- You agree to securely anchor all floating facilities to prevent them from floating free during major floods.

#### Standard Conditions:

- You agree that spoil material would be disposed of and contained on land lying and being above the 597-foot contour and that you will use every precaution to prevent the reentry of the spoil material into the reservoir.
- You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.

- For the purposes of shoreline bank stabilization, all portions would be constructed or placed, on average, no more than 2 feet from the existing shoreline at normal summer pool elevation.

### **3.11. Visual Resources**

#### **Affected Environment**

Visual resources are evaluated based on existing landscape character, distances of available views, sensitivity of viewing points, human perceptions of landscape beauty/sense of place (scenic attractiveness), and the degree of visual unity and wholeness of the natural landscape through the course of human alteration (scenic integrity).

The proposal area lies within the Honeycomb Creek embayment on Guntersville Reservoir, less than 10 miles northwest of the city of Guntersville, Alabama. The site is bordered to the north by U.S. Highway 431, a primary highway connecting Guntersville and Huntsville, Alabama. The site is bordered to the south by Guntersville Reservoir. The site is bordered to the west by Campground Road and to the east by Guntersville Reservoir. The topography is flat and slopes away from the roadway, southward and eastward to the reservoir. There is little existing vegetation on the site. Several cedars and pines are scattered about the interior of the site.

The site has previously been used as a public launching ramp, and existing site features include a one-lane launching ramp, parking for approximately 50 vehicles/trailers, and a courtesy dock. North of the parking area, a two-story multifamily residential development is visible. To the west of the day use area, a large prefabricated metal building is visible, as well as a small floating dock. To the south and west, a developed campground is visible through moderate shoreline vegetation. Two large fixed, uncovered community docks, which support the campground, are visible to the south along the shoreline. A 161-kV transmission line supported by single steel poles bisects the site from northeast to southwest.

The site is visible from the highway and the multifamily homes to the north and west in the foreground viewing distance (0 feet up to 300 feet from the observer) and from the reservoir to the south and east from distances into the middleground viewing distance (0.5 mile to 4 miles from the observer). Views available from the background viewing distance (4 miles to the horizon) are generally not available, due to topography and vegetation. The existing scenic attractiveness is common to minimal, and the existing scenic integrity is low.

#### **Environmental Consequences**

Under the No Action Alternative, TVA and USACE would not grant the easement and permits. The marina facilities would not be constructed, and there would be no net change in the existing scenic value.

Under the Action Alternative, TVA and USACE would grant the easement and approve water use facilities and dredging as described in Section 2.1.2. Dredge spoil material would be placed upon private property to the north of the easement property. The applicant would construct one or more one-story structures on private property. Additionally, the applicant would construct seven covered docks for 169 vessels as shown in Appendix A.

The marina development would be visible to recreational lake users and shoreline residents in context with the existing shoreline development in the area. Motorists traveling U.S. Highway 431 would have foreground views of the proposed facilities briefly, and in context with existing shoreline development in the area. Residents in the multifamily homes located along the TVA property line to the north would have views of the proposed water use facilities from within the foreground viewing distance, in conjunction with existing open water use facilities at the campground to the south.

Motorists, shoreline users, and near-shore residents would also have foreground and middleground views of increases in boat and light vehicle traffic in the near vicinity, due to the addition of an improved lake access point, a marine fueling station, and long-term docking facilities. These discernable increases in the number of vehicles and vessels would remain in context with the surrounding landscape character.

With the following Additional Conditions included in the Section 26a General and Standard Conditions, the direct, indirect, and cumulative impacts to visual resources associated with the Action Alternative would be insignificant:

- All site lighting shall be fully shielded and equipped with full cutoff features that limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest light-emitting portion of the luminaire.
- To the extent practicable, no site lighting shall be placed on poles or other structures more than 20 feet above the finish grade.
- Material finishes of all exposed roofing materials for water use facilities shall be nonreflective and analogous in color to the surrounding landscape.

### **3.12. Cultural Resources**

#### **Affected Environment**

Human occupation of northern Alabama has occurred from the Paleo-Indian to the Historic periods. In northern Alabama, prehistoric archaeological chronology is generally broken into five broad time periods: Paleo-Indian, Archaic, Gulf Formational, Woodland, and Mississippian. Prehistoric land use and settlement patterns vary during each period, but short- and long-term habitation sites are generally located on floodplains and alluvial terraces along rivers and tributaries. Specialized campsites tend to be located on older alluvial terraces and in the uplands. European interactions with Native Americans associated with the fur trading industry in this area began in the 17th and 18th centuries. The first permanent occupation of northern Alabama by Europeans, European Americans, and African Americans occurred in the late 18th century. Various excursions and temporary settlements by the British, French, and Spanish occurred prior to this period. From the 1840s to the mid-20th century, northern Alabama was a major cotton growing area. Settlement and land use of the area remained primarily rural until the mid-20th century, at which time industry and urbanization increased. Numerous archaeological sites associated with these earlier occupations have been identified on and near Guntersville Reservoir lands.

TVA, in consultation with the Alabama State Historic Preservation Officer (SHPO), has determined the APE for this project to be the entire project area for archaeology and the viewshed for historic structures to be a 0.5-mile radius beyond this construction.

Background research identified one archaeological site recorded in the project area (1MS209) on the non-TVA land. This site was recorded as an old homestead by the University of Alabama in 1985. TVA staff conducted a field assessment for the project and determined that the area has been heavily disturbed. Construction of a dry storage boat facility in this area has obliterated the remains of the site. Additional construction, erosion, and other disturbances leave very little potential for archaeological resources to be present.

The historic viewshed of the project area has already been compromised by the construction of condominiums on the adjacent private land. A field assessment identified one structure greater than 50 years old. This structure consists of a historic Tudor-style home that has been subject to many alterations and additions.

### **Environmental Consequences**

The one archaeological site previously recorded in the project area (1MS209) was previously destroyed, and the remainder of the project area has been heavily disturbed. No archaeological sites would be affected by the proposed action.

One historic structure was identified within the APE. This Tudor-style home has been altered and is not considered eligible for listing in the National Register of Historic Places. In addition, the viewshed of this structure has already been affected by the construction of multiple condominiums on private land adjacent to the proposed marina facility.

TVA has determined that no historic properties would be affected by the proposed project. A letter detailing these findings was sent to the Alabama SHPO on February 20, 2008. The SHPO concurred with these findings in a letter received by TVA on March 18, 2008.

### **3.13. Summary of TVA Permit Conditions and Mitigation Measures**

Under the Action Alternative, TVA would require Erwin Marine to comply with all applicable federal, state, and local regulations, as well as Section 26a General and Standard Conditions. In addition to adherence to routine permit conditions, including the use of construction-related BMPs, the following permit conditions and mitigation measures would be required. These measures and conditions would reduce the potential for adverse environmental effects.

The following measure would be included as a General Condition in the Section 26a permit:

- You agree to securely anchor all floating facilities to prevent them from floating free during major floods.

The following measures would be included as Standard Conditions in the Section 26a permit:

- You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the “Flammable and Combustible Liquids” section of the

*National Fire Codes* and any additional requirements of federal, state, and local laws and regulations.

- You agree that spoil material would be disposed of and contained on land lying and being above the 597-foot contour and that you will use every precaution to prevent the reentry of the spoil material into the reservoir.
- Contact local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- For the purposes of shoreline bank stabilization, all portions would be constructed or placed, on average, no more than 2 feet from the existing shoreline at normal summer pool elevation.

The following measures and conditions would be included as Additional Conditions in the Section 26a permit:

- The applicant is advised in writing that the facilities will be located on a recreational navigation channel and may be subject to wave wash and possible collision damage from passing vessels.
- Construction of the new launching ramp, courtesy pier, and associated parking to benefit the general public would be complete prior to the original ramp being closed.
- Proper lighting would be installed on the marina facilities to warn boaters of its presence during non-daylight hours.
- Access to the harbor area under the TVA 161-kV transmission line would be restricted for sailboats.
- The harbor limits would be modified slightly on the downstream end to follow closely the end of Dock 1 and then the outside edge of the transient slips as shown in Figure 3-1 of the EA.
- All site lighting shall be fully shielded and equipped with full cutoff features that limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest light-emitting portion of the luminaire.
- To the extent practicable, no site lighting shall be placed on poles or other structures more than 20 feet above the finish grade.
- Material finishes of all exposed roofing materials for water use facilities shall be nonreflective and analogous in color to the surrounding landscape.
- Prior to construction, the applicant would develop and submit for TVA's approval a vegetation management plan for the proposed easement area and the shoreline. Only the native plants listed in Appendix D would be approved within the right-of-way.

- No permanent structures would be located within the right-of-way that would be a potential fire hazard or would impede maintenance of the existing transmission line or construction of future transmission lines.
- The transient boat slips would not be covered with a roof.
- Dredging activities would occur during winter drawdown conditions on Gunterville Reservoir (normally October through March).

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## CHAPTER 4

### 4.0 LIST OF PREPARERS

#### 4.1. NEPA Project Management

##### **Heather L. McGee**

Position: Senior Water Resource Representative  
 Education: B.S., Environmental Biology  
 Experience: 6 years in Planning and Managing Land and Environmental Impact Assessment  
 Involvement: NEPA Compliance and Document Preparation

##### **Charles P. Nicholson**

Position: NEPA Policy Program Manager  
 Education: Ph.D., Ecology and Evolutionary Biology; M.S., Wildlife Management; B.S., Wildlife and Fisheries Science  
 Experience: 28 years in Zoology, Endangered Species Studies, and NEPA Compliance  
 Involvement: NEPA Compliance

#### 4.2. Other Contributors

##### **B. Paul Bernauer**

Position: Professional Engineer - Specialist  
 Education: M.B.A., M.S., and B.S., Registered Professional Engineer in Alabama  
 Experience: 21 years in Hazardous Waste Management  
 Involvement: RCRA Hazardous Waste

##### **David G. Brewster**

Position: Senior Water Resource Representative  
 Education: B.S., Geology, Marine Science  
 Experience: 8 years in Planning and Managing Land and Heritage, Wetland Reviewer  
 Involvement: Wetlands

##### **Michael F. Broder**

Position: Engineer  
 Education: M.S. and B.S., Agricultural Engineering, Registered Professional Engineer  
 Experience: 27 years in Agricultural and Environmental Engineering  
 Involvement: Prime Farmland

**Michael G. Browman**

Position: Environmental Engineer - Specialist  
Education: Ph.D., M.S., and B.S., Soil Science; M.S., Environmental Engineering; Registered Professional Engineer in Tennessee  
Experience: 25 years in Environmental Control Technology Development and Environmental Impact Analysis  
Involvement: Groundwater and Surface Water Resources; Wastewater

**Patricia B. Cox**

Position: Senior Botanist  
Education: Ph.D., Botany (Plant Taxonomy and Anatomy); M.S. and B.S., Biology  
Experience: 30 years in Plant Taxonomy at the Academic Level; 3 years with TVA Heritage Project  
Involvement: Terrestrial Ecology, Invasive Plant Species, and Threatened and Endangered Species

**Ella Christina Guinn**

Position: Project Control Specialist  
Education: M.S. and B.A., Geography  
Experience: 12 years in Land Use Analysis; 7 years in Environmental Services  
Involvement: Technical Staff Coordinator

**Kelie H. Hammond**

Position: Specialist, Navigation Operations  
Education: M.S., Environmental Engineering, Specializing in Water Resources; B.S., Civil Engineering  
Experience: 4 years Navigation; 3 years in Specialty Engineering positions at TVA  
Involvement: Navigation/Transportation

**Travis Hill Henry**

Position: Terrestrial Zoologist Specialist  
Education: M.S., Zoology; B.S., Wildlife Biology  
Experience: 17 years in Zoology, Endangered Species, and NEPA Compliance  
Involvement: Terrestrial Ecology, and Threatened and Endangered Species

**Clinton E. Jones**

Position: Aquatic Community Ecologist  
Education: B.S., Wildlife and Fisheries Science  
Experience: 15 years in Environmental Consultation and Fisheries Management  
Involvement: Aquatic Ecology and Aquatic Threatened and Endangered Species

**Sabrina L. Melton**

Position: Recreation Representative  
 Education: M.S., Recreation Administration; M.S., Business Administration; B.S., Recreation and Tourism Management  
 Experience: 5 years Recreation Research and Administration  
 Involvement: Recreation Resources

**Roger A. Milstead**

Position: Manager  
 Education: B.S., Civil Engineering; Registered Professional Engineer  
 Experience: 30 years in Floodplain and Environmental Evaluations  
 Involvement: Floodplains

**Travis C. Perry**

Position: Watershed Representative  
 Education: B.S. (Biology); Master of Business Administration  
 Experience: 2 years Watershed and TVA Land Management  
 Involvement: Land Use and Project Management

**Kim Pilarski-Brand**

Position: Senior Wetlands Biologist  
 Education: M.S., Geography, Minor Ecology  
 Experience: 12 years in Wetlands Assessment and Delineation  
 Involvement: Wetlands

**Erin E. Pritchard**

Position: Archaeologist  
 Education: M.A., Anthropology  
 Experience: 8 years in Archaeology and Cultural Resource Management  
 Involvement: Cultural Resources

**Jon C. Riley**

Position: Landscape Architect  
 Education: Bachelor of Landscape Architecture, Associate Member American Society of Landscape Architects  
 Experience: 8 years in Site Planning, Design, and Visual Resource Management  
 Involvement: Visual Resources

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## CHAPTER 5

### 5.0 LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THE DRAFT EA WERE SENT

#### Federal Agencies

Mr. Ron Gatlin, Chief  
U.S. Army Corps of Engineers  
Nashville District, Regulatory Branch  
3701 Bell Road  
Nashville, TN 37202-1070

Mr. Larry E. Goldman, Field Supervisor  
U.S. Fish and Wildlife Service  
Post Office Drawer 1190  
Daphne, AL 36526

U.S. Fish and Wildlife Service  
2700 Refuge Headquarters Road  
Decatur, AL 35630

#### State Agencies

Alabama Marine Police  
District One Headquarters  
4242 Aubrey Carr Scenic Drive  
Guntersville, AL 35976

Ms. Linda Casey, State Forester  
Alabama Forestry Commission  
Post Office Box 302550  
Montgomery, AL 36130-2550

Mr. Robert B. Culver, Executive Director  
Top of Alabama Regional Council of Governments  
5075 Research Drive, Northwest  
Huntsville, AL 35801

Mr. Onis "Trey" Glenn III, Director  
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Mr. Bill Johnson, Director  
Alabama Department of Economic and Community Affairs  
Post Office Box 5690  
Montgomery, AL 36103-5690

Mr. M. Barnett Lawley, Commissioner  
Alabama Department of Conservation and Natural Resources  
64 North Union Street  
Montgomery, AL 36130

Mr. Gregory M. Lein, Assistant Director  
Natural Heritage Section  
Alabama Department of Conservation  
and Natural Resources  
64 North Union Street  
Montgomery, AL 36130

Mr. Joe McInnes, Director  
Alabama Department of Transportation  
Post Office Box 303050  
Montgomery, AL 36130-3050

Mr. Ron Sparks, Commissioner  
Alabama Department of Agriculture and Industries  
1445 Federal Drive  
Montgomery, AL 36107-1100

Mr. Frank White, Executive Director  
Alabama Historical Commission  
468 Perry Street  
Montgomery, AL 36130-0900

**Individuals**

Kathy Bazemoore  
Grant, Ala.

Denise Jackson  
Grant, Ala.

Russell Bazemoore  
Grant, Ala.

Mitchell Jackson  
Grant, Ala.

Terry M. Bridges  
Madison, Ala.

Bruce Lucia  
Stone Mountain, Ga.

Mark Gradkowski  
Huntsville, Ala.

Tammy Lucia  
Stone Mountain, Ga.

Nala Gradkowski  
Huntsville, Ala.

Laura McFeeley  
Hampton Cove, Ala.

Earl Hudson  
Grant, Ala.

Dr. William McFeeley  
Hampton Cove, Ala.

Kelly B. Hudson  
Grant, Ala.

Sherryl M. Marsh  
Madison, Ala.

Debby Rosenbloom  
Arab, Ala.

Stephen Self  
Huntsville, Ala.

George Rosenbloom  
Arab, Ala.

Rich Sneeringer  
Huntsville, Ala.

Marty Self  
Huntsville, Ala.

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## CHAPTER 6

### 6.0 LITERATURE CITED

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## **Appendix A – Applicant’s Proposal**

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**JOINT APPLICATION FORM**  
**Department of the Army/TVA**

The Department of the Army (DA) permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (P.L. 95-217). These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. Section 25a of the Tennessee Valley Authority Act, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).

Name and Address of Applicant: <i>ERWIN MARINE SALES, INC. 9001 KINGS POINT RD. CHATTANOOGA TN 37416</i>		Name, Address, and Title of Authorized Agent: <i>..</i>	
Telephone Number: Home _____	Office <u>423/622-1978</u>	Telephone Number: Home _____	Office _____

Location where activity exists or will occur (include Stream Name and Mile, if known):  
*28571 US HIGHWAY 431 GRANT, AL 35747 - HONEY CREEK CREEK TN*

Application submitted to  DA  TVA  
 Date activity is proposed to commence: SPRING 2007 Date activity is proposed to be completed: 30 MO PERMIT

Describe in detail the proposed activity, its purpose and intended use (private, public, commercial, or other). Describe structures to be erected including those placed on fills, piles, or floating platforms. Also describe the type, composition, and quantity of materials to be discharged or placed in the water; the means of conveyance; and the source of discharge or fill material. Please attach additional sheets if needed.

*SEE ATTACHMENT*

Application is hereby made for approval of the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I agree that, if this application is approved by TVA, I will comply with the attached terms and conditions and any special conditions that may be imposed by TVA at the time of approval. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.

March 13 2007 Date *[Signature]* Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. The appropriate DA fee will be assessed when a permit is issued.

Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway:

*RECEIVED  
JUN 04 2007  
5000.00 TP.  
\*269 + Land Use App.*



TENNESSEE VALLEY AUTHORITY

LAND USE APPLICATION

Tennessee Valley Authority (TVA) Resource Stewardship receives several hundred requests annually for use of TVA land or landrights. Please fill out this application completely. TVA has implemented a cost recovery system so that those who benefit directly from the use of public lands reimburse TVA for its total cost. The appropriate initial payment or standard fee must be included with your application. You will be billed for any additional costs for those actions that exceed the initial payment. Please see the attached sheet TVA Land Transaction Fees for additional information. If you have any questions, please call your local TVA Resource Stewardship Watershed Team.

TVA OFFICIAL USE ONLY
RLR No.: 179420
Tract No. Assigned by Realty:

1. Name and Mailing Address of Applicant:

ERWIN MARINE SALES, INC
2001 KINGS POINT ROAD
CHATTANOOGA TN 37416

Home Telephone No.:
Office Telephone No.: 423-1622-1978
E-Mail Address: BUCKLEHAW@ERWINMARINESALES.COM
SSN or Federal ID No.: 62-1241179

2. Name, Address, and Title of Authorized Agent: (i.e., builder, engineer.) Include a letter confirming your authorization.

Home Telephone No.:
Office Telephone No.:

3. Location:
Attach a location map and a map showing boundaries of TVA land needed.

Subdivision:
Subdivision Plat Lot No.:
Tax Map & Parcel No.:
Reservoir:
River:
River Mile:

4. Type of Land Use Required:
Please call your local TVA Resource Stewardship Watershed Team (WT) to help us determine the appropriate TVA action needed.

- Approval by TVA WT:
[ ] Land Use Permit
[ ] License Agreement
[ ] Surrender Agreement (Complete page 1 only)
Approval by TVA Board:
[X] Easement 30 YEAR TERM
[ ] Deed Modification
[ ] Lease ( years needed)
[ ] Abandonment
[ ] Land Transfer

5. Proposed Time Schedule for your Project:

Start Date: 12/29/06 Projected Completion Date: Spring 2009

6. Describe your project, its purpose and intended use:

Describe the proposed development, on or off TVA land. Include a general description of proposed structures to be erected and land disturbance including vegetation removal, fills or excavations. Attach a copy of detailed plans as appropriate.

SEE ATTACHED

7. Will federal assistance be used as part of this project?

[ ] Yes [X] No If yes, describe activity and complete Applicant Information Pre-Award Form.

8. Authorization for TVA to process your application:

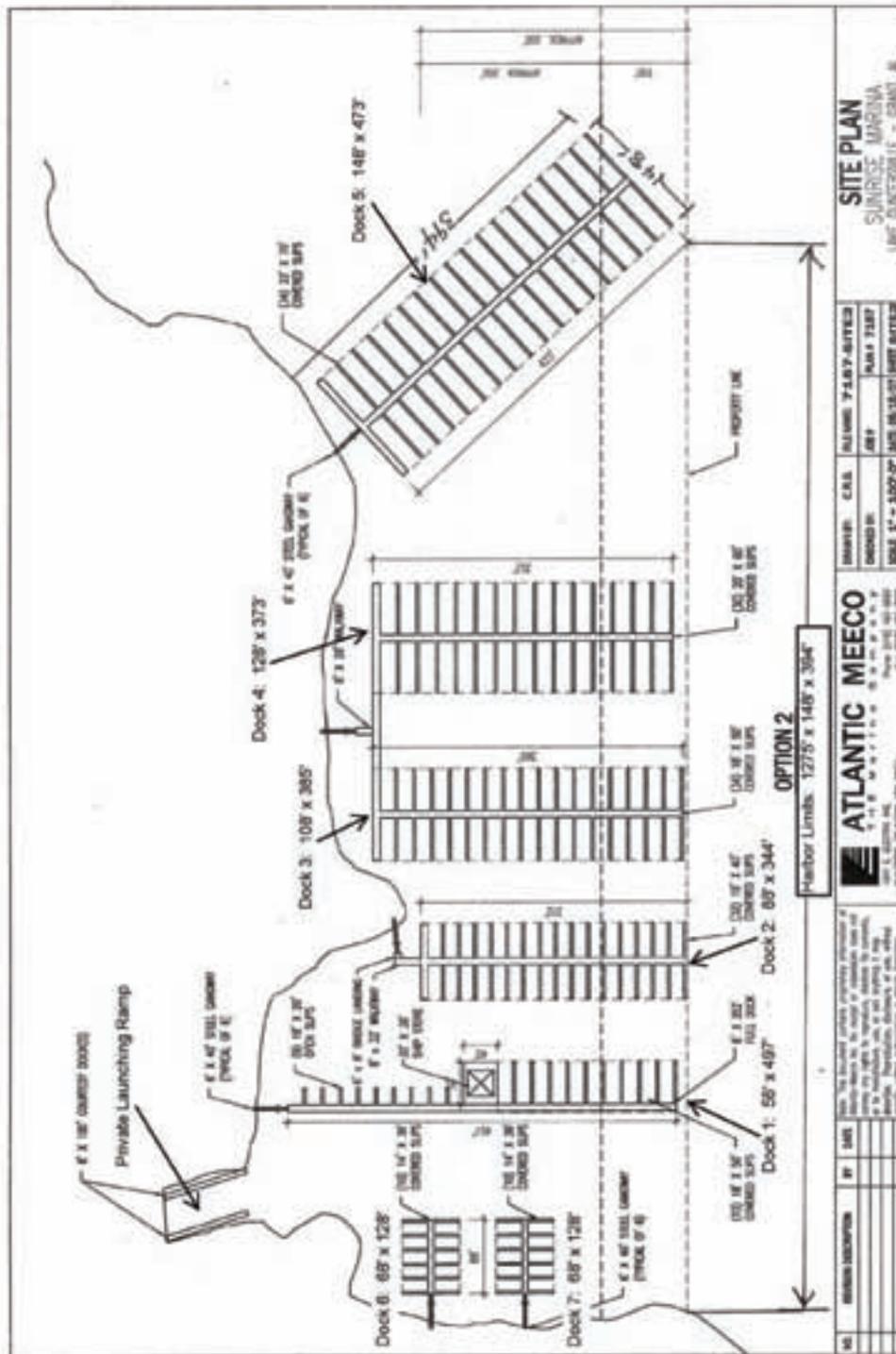
Application is hereby made for approval of the land use described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. By submitting this request, I understand credit checks will be performed as part of the normal business procedure. Additional financial information may be requested.

PAYMENT TERMS: Payment for Land Transaction Fees and any related costs are due Net thirty (30) days from the date of invoice. On any overdue payment, TVA shall charge interest at the rate payable by TVA under the United States Prompt Payment Act (31 U.S.C. §§3901-3905), from the date payment is due until the date TVA receives payment. Payment of interest shall be due within thirty (30) days after TVA's invoice for such interest is dated.

Failure by the Customer to pay all invoices within sixty (60) days will result in termination of use request.

Handwritten signature and notes: 7/13/2009, \$500.00, RLR 179420, SC. 001 G&M





**SITE PLAN**

SUNRISE MARINA  
LAKE GUNTERSVILLE - GRANT, AL

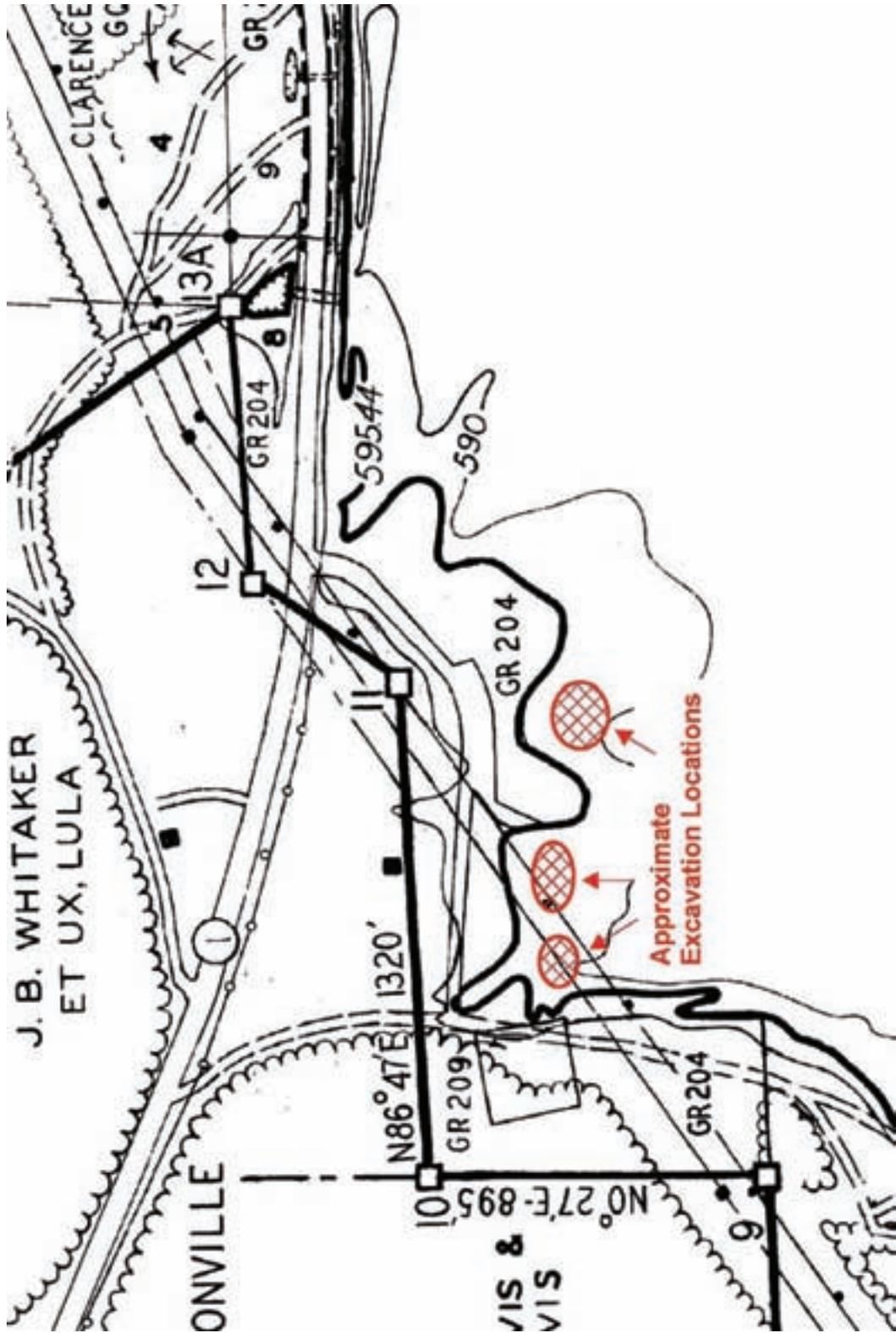
OWNER:	CAS	NUMBER:	74-87-817E2
DESIGNER:	MEECO	DATE:	MAR 1 2007
SCALE:	1" = 300'-0"	DATE:	MAR 16 10:07 AM '07

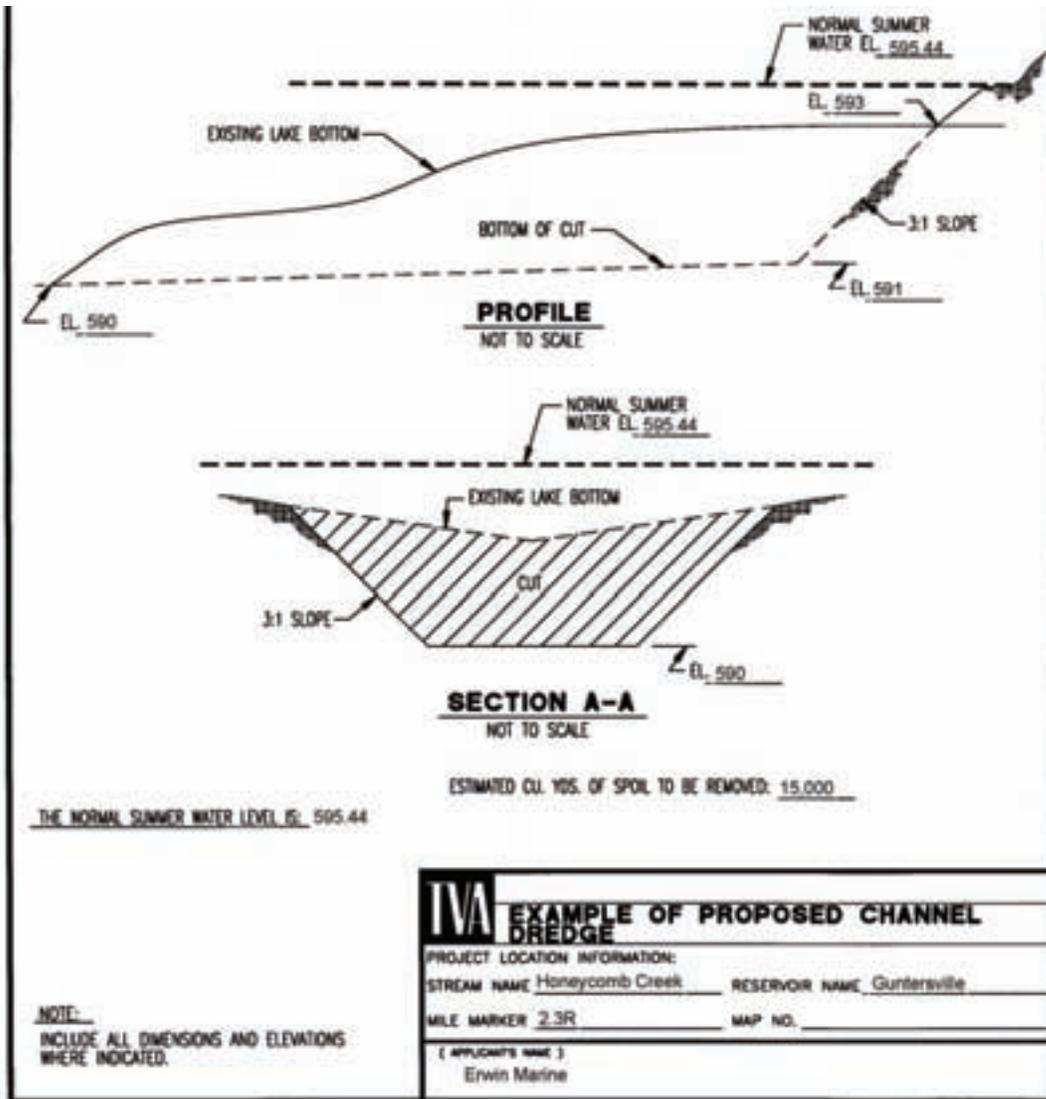
**ATLANTIC MEECO**

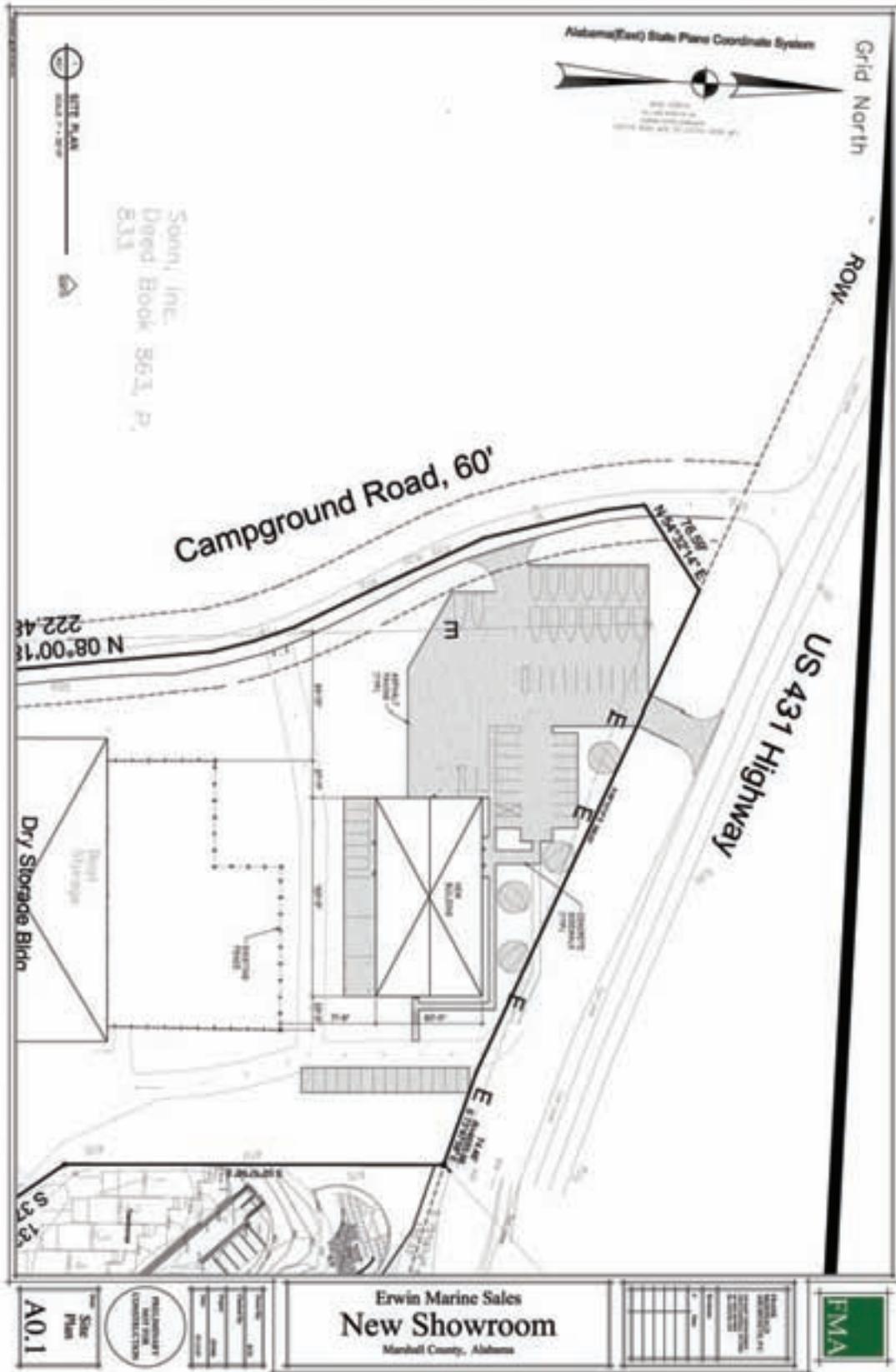
INCORPORATED  
MARINE ENGINEERING  
ARCHITECTURE  
CONSTRUCTION

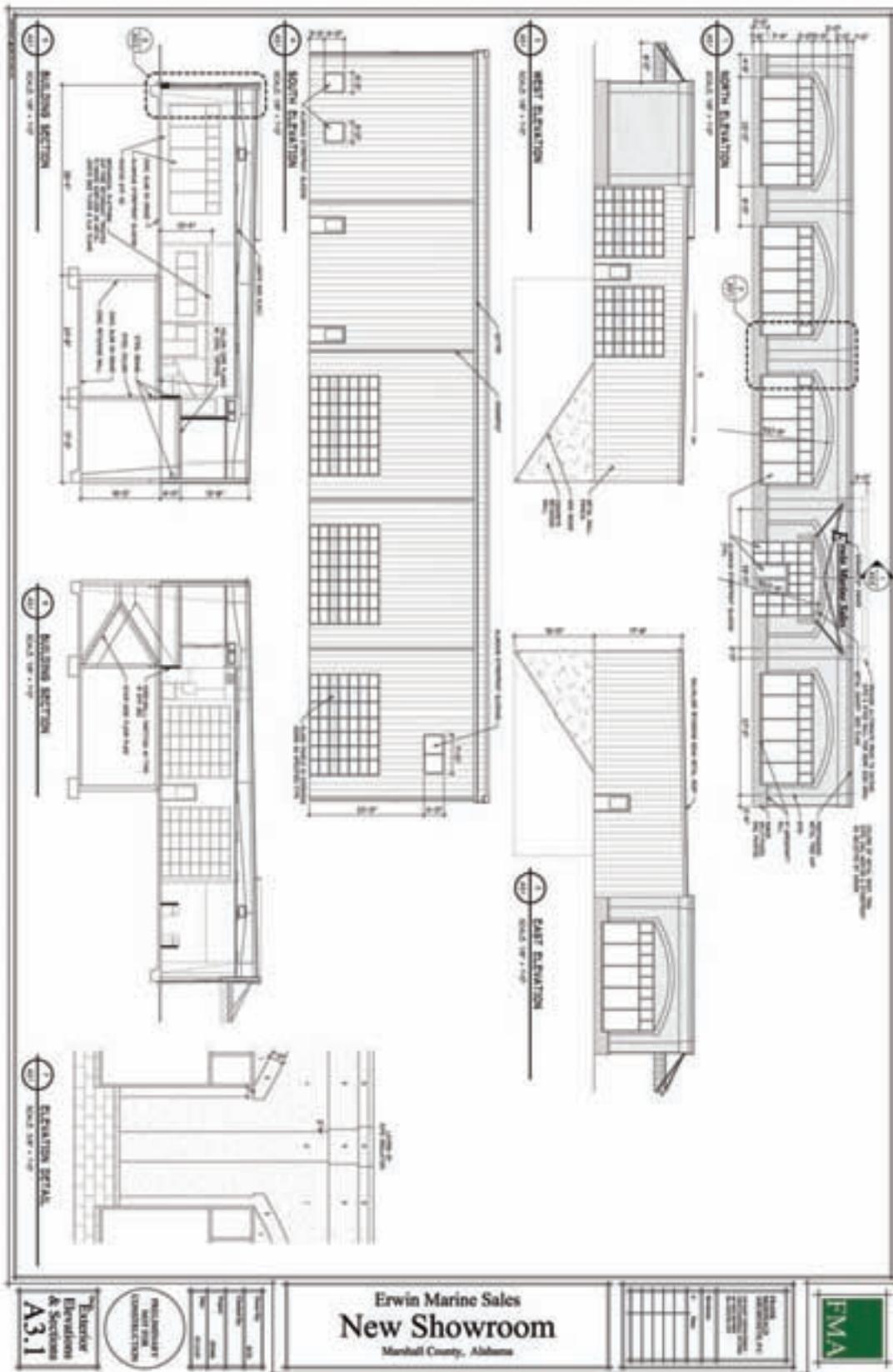
NO.	REVISION DESCRIPTION	BY	DATE

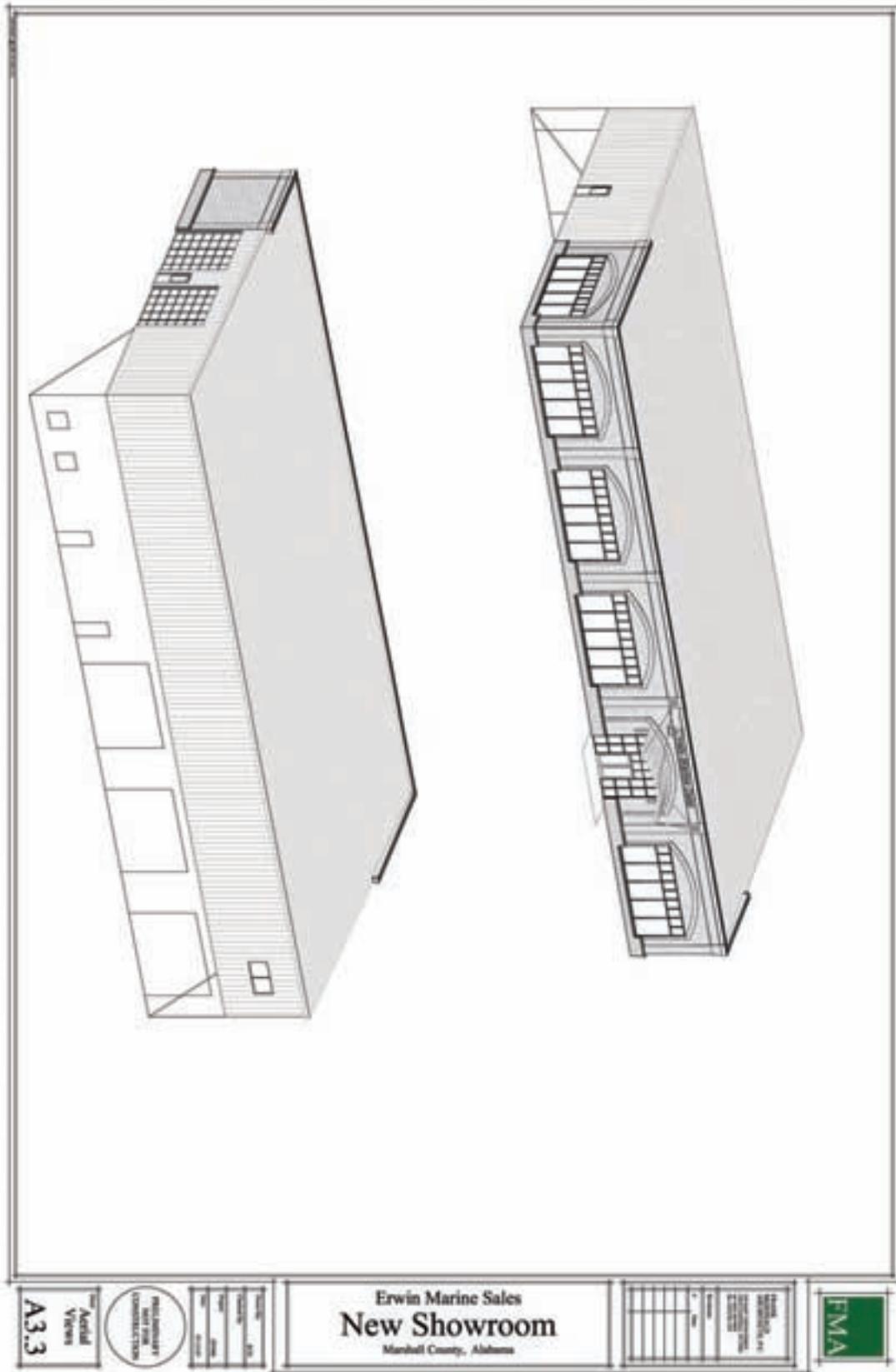
100% THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.











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## **Appendix B – Public Launching Ramp**

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## GENERAL AND STANDARD CONDITIONS Section 26a and Land Use

### General Conditions

1. You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
2. This permit may be revoked by TVA by written notice if:
  - a) the structure is not completed in accordance with approved plans;
  - b) if in TVA's judgment the structure is not maintained as provided herein;
  - c) the structure is abandoned;
  - d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or;
  - e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
3. If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
4. In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
5. In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
6. This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable electrical building codes, now in effect or hereafter enacted.
7. The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
8. You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name.
9. You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any required conditions.
10. You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.
11. The facility will be maintained in a good state of repair and in good, safe, and substantial condition. If the facility is damaged, destroyed, or removed from the reservoir or stream for any reason, or deteriorates beyond safe and serviceable use, it cannot be repaired or replaced without the prior written approval of TVA.
12. You agree that if any historical or prehistoric archaeological material (such as arrowheads, broken pottery, bone or similar items) is encountered during construction of this facility you will immediately contact this office and temporarily suspend work at that location until authorized by this office to proceed.
13. The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises. If LESSEE (or licensee or grantee (for easement) or applicant (for 26a permit on federal land)) discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE (or licensee, grantee, or applicant) shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (phone 255-571-4280). Work may not be resumed in the area of the discovery until approved by TVA.

- 14. On TVA land, unless otherwise stated on this permit, vegetation removal is prohibited.
- 15. You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
- 16. You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located as shown on your application or as otherwise approved by TVA in this permit. The facility must be located on land owned or leased by you, or on TVA land at a location approved by TVA.
- 17. It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked if TVA receives an objection to your water use facility from any owner or partial owner of the property rights at this location.

**Standard Conditions:** (Items that pertain to your request have been checked.)

**1. Structures and Facilities**

- a)  TVA number \_\_\_\_\_ has been assigned to your facility. When construction is complete, this number shall be placed on a readily visible part of the outside of the facility in the numbers not less than three inches high.
- b)  The 100-year flood elevation at this site is estimated to be SEE FLOOD PROFILE-feet mean sea level. As a minimum, your fixed facility should be designed to prevent damage to stored boats by forcing them against roof during a 100-year flood event.
- c)  You agree that the float will be temporarily connected (i.e., by slip pin/ropes) and not permanently attached to nonnavigable houseboat.
- d)  You agree that this \_\_\_\_\_ shall have no side enclosures except wire mesh or similar screening.
- e)  Buildings or other enclosed structures containing sleeping or living accommodations, including toilets and related facilities, or that have enclosed floor area in excess of 32 square feet, are prohibited.
- f)  Ski jumps will not be left unattended for extended periods of time. All facilities will be tied to the shoreline or to a boathouse or pier fronting your property at the completion of each day's activities.
- g)  For all electrical services permitted, a disconnect must be located at or above the 500 (IF NEEDED)-foot contour that is accessible during flooding.
- h)  You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- i)  The entire closed-loop coil heating and air conditioning system and its support apparatus must be either placed below elevation \_\_\_\_\_ (to provide a five-foot clearance for water craft at minimum pool elevations of \_\_\_\_\_) or located underneath a TVA approved water-use facility or other TVA approved structure. The supply and return lines must be buried as they cross the reservoir drawdown zone in areas of water depth less than five feet (minimum pool). The liquid contents of the closed-loop heating and air conditioning system must be propylene glycol or water, and the applicant or authorized agent must provide TVA with written verification of this fact.
- j)  You agree that only those facilities which have been approved by TVA prior to construction will be placed within the harbor limits and that permanent mooring buoys, boat slips, or other harbor facilities will not be placed outside the harbor limits.
- k)  You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the "Flammable and Combustible Liquids" section of the National Fire Codes and any additional requirements of federal, state, and local laws and regulations.
- l)  You agree that the water use facility hereby approved will be used for recreation and for no other purpose unless approved in writing from TVA.
- m)  You agree that if the construction project covered by this permit is not initiated within (18) months after the date of issuance, this permit will then automatically expire and you must submit a new 26a permit application for TVA approval with the applicable fee.

RLR No. 177889**2. Ownership Rights**

- a)  No fill will be placed higher than elevation \_\_\_\_\_ maximum shoreline contour (msc), and every precaution will be taken not to disturb or alter the existing location of the \_\_\_\_\_-foot contour elevation through either excavation or placement of fill.
- b)  You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- c)  You shall notify TVA of any sale or transfer of land, which would affect the landward limits of harbor area, as far in advance of such sale or transfer as possible.
- d)  This approval of plans is only a determination that these harbor limits will not have any unacceptable effect on TVA programs or other interests for which TVA has responsibility. Such approval does not profess or intend to give the applicant exclusive control over the use of navigable waters involved.
- e)  You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

**3. Shoreline Modification and Stabilization**

- a)  For purposes of shoreline bank stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at normal summer pool elevation.
- b)  You agree that spoil material will be disposed of and contained on land lying and being above the \_\_\_\_\_-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.
- c)  Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.
- d)  You agree to reimburse TVA \$\_\_\_\_\_, which is the current value of the \_\_\_\_\_ acre feet of power storage volume displaced by fill into the reservoir.

**4. Water Intake**

- a)  If the reservoir falls below the elevation of the intake, the applicant will be responsible for finding another source of raw water.
- b)  You must install and maintain a standard regulatory hazard buoy at the end of the intake to warn boaters of the underwater obstruction. The word "intake" should be added to the buoy and be attached using a five-foot cable.
- c)  The screen openings on the intake strainer must be 1/8-inch (maximum), to minimize the entrapment of small fish.
- d)  This approval does not constitute approval of the adequacy or safety of applicant's water system. TVA does not warrant that the water withdrawn and used by applicant is safe for drinking or any other purpose, and applicant is solely responsible for ensuring that all water is properly treated before using.

**5. Bridges and Culverts**

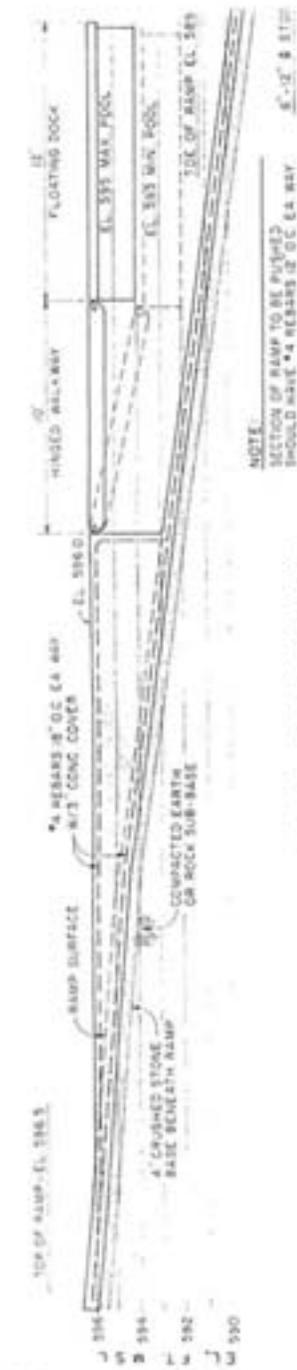
- a)  You agree to design/construct any instream piers in such a manner as to discourage river scouring or sediment deposition.
- b)  Applicant agrees to construct culvert in phases, employing adequate streambank protection measures, such that the diverted streamflow is handled without creating streambank or streambed erosion/sedimentation and without preventing fish passage.
- c)  Concrete box culverts and pipe culverts (and their extensions) must create/maintain velocities and flow patterns which offer refuge for fish and other aquatic life, and allow passage of indigenous fish species, under all flow conditions. Culvert floor slabs and pipe bottoms must be buried below streambed elevation, and filled with naturally occurring streambed materials. If geologic conditions do not allow burying the floor, it must be otherwise designed to allow passage of indigenous fish species under all flow conditions.

- d)  All natural stream values (including equivalent energy dissipation, elevations, and velocities; riparian vegetation; riffle/pool sequencing; habitat suitable for fish and other aquatic life) must be provided at all stream modification sites. This must be accomplished using a combination of rock and bioengineering, and is not accomplished using solid, homogeneous riprap from bank to bank.
- e)  You agree to remove demolition and construction by-products from the site—for recycling if practicable, or proper disposal—outside of the 100-year floodplain. Appropriate BMPs will be used during the removal of any abandoned roadway or structures.

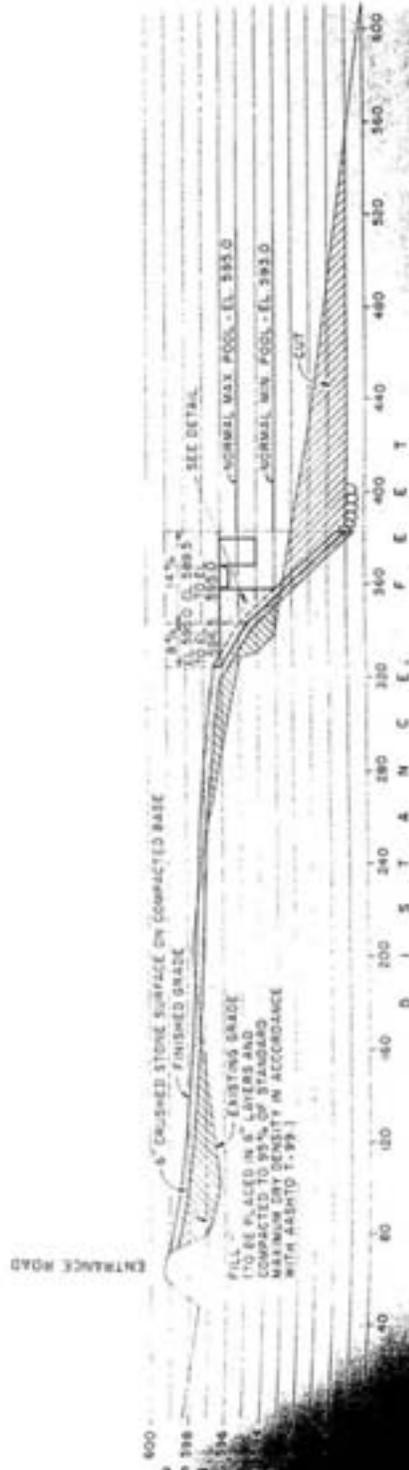
**6. Best Management Practices**

- a)  You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- b)  You agree to installation of cofferdams and/or silt control structures between construction areas and surface waters prior to any soil-disturbing construction activity, and clarification of all water that accumulates behind these devices to meet state water quality criteria at the stream mile where activity occurs before it is returned to the unaffected portion of the stream. Cofferdams must be used wherever construction activity is at or below water elevation.
- c)  A floating silt screen extending from the surface to the bottom is to be in place during excavation or dredging to prevent sedimentation in surrounding areas. It is to be left in place until disturbed sediments are visibly settled.
- d)  You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").
- e)  You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.
- f)  You agree to use erosion control structures around any material stockpile areas.
- g)  You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.
- h)  You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.
- i)  You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install or perform additional erosion control structures/techniques deemed necessary by TVA.

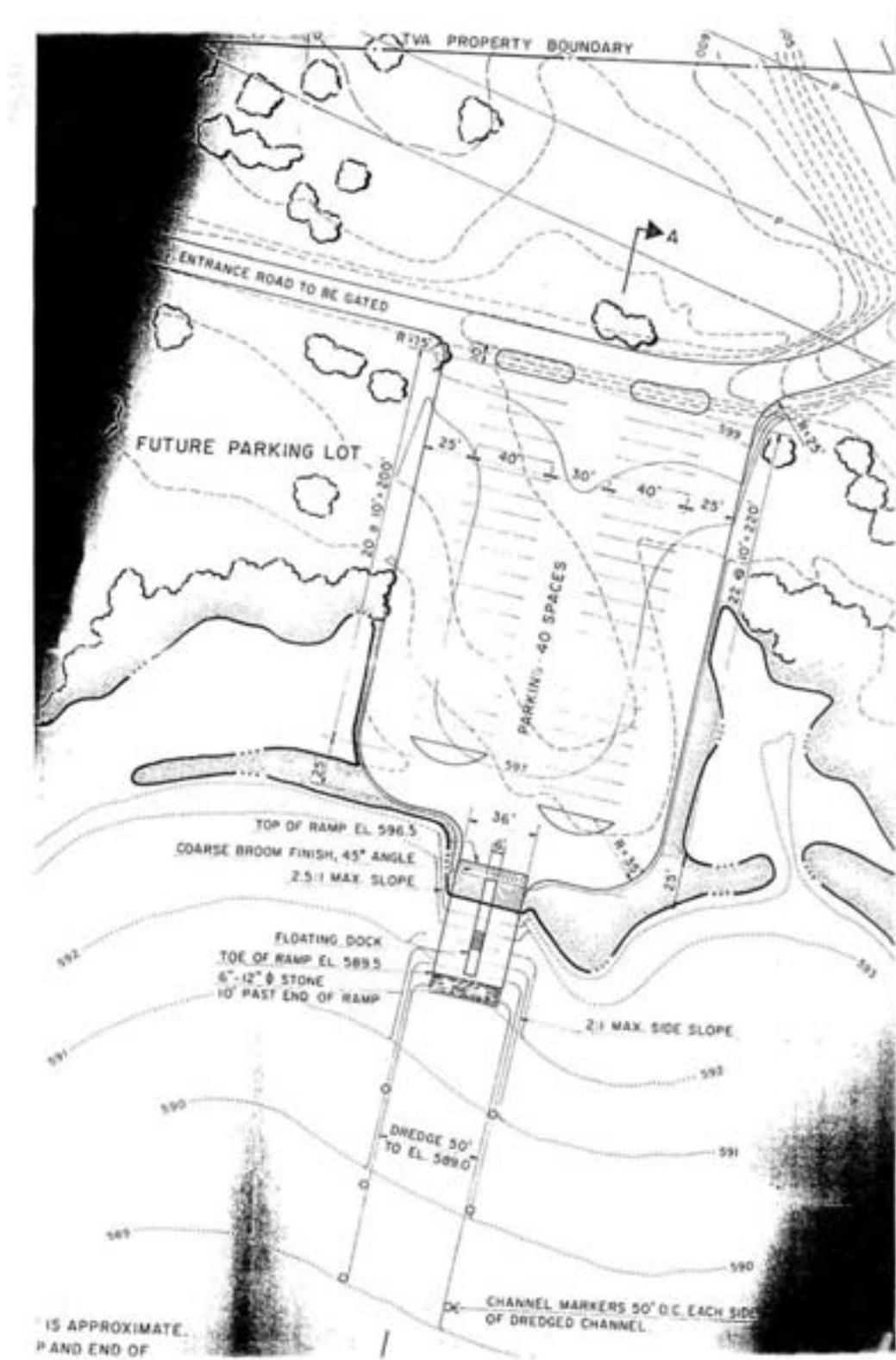
**Additional Conditions**



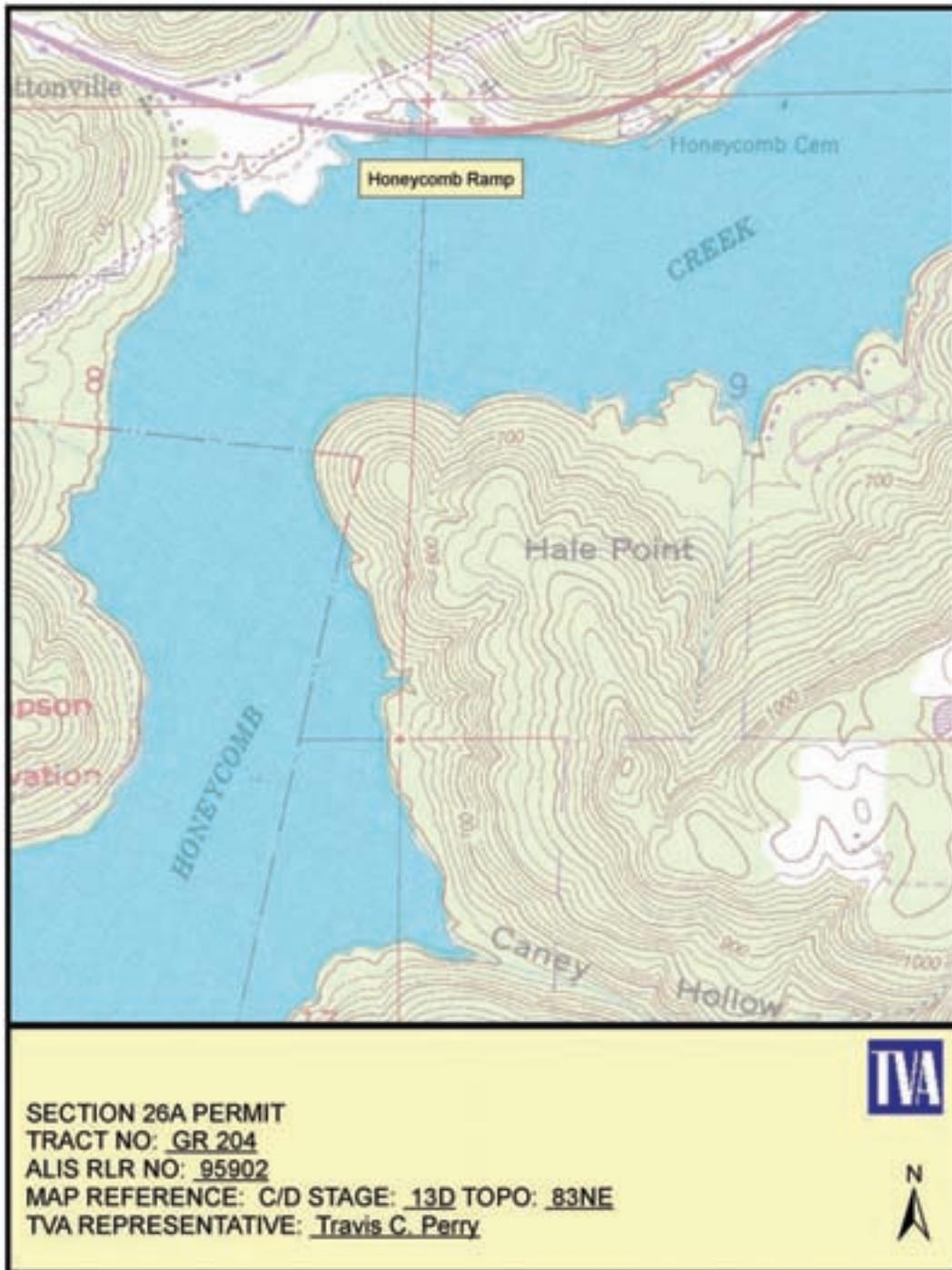
**RAMP & DOCK DETAIL**  
Scale: 1/4" = 1'-0"



**SECTION A-A**  
Scale as shown







**JOINT APPLICATION FORM**  
**Department of the Army/TVA**

The Department of the Army (DA) permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (P.L. 95-217). These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. Section 26a of the Tennessee Valley Authority Act, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).

Name and Address of Applicant: Tennessee Valley Authority 3696 AL Hwy. 69 Guntersville, AL 35976		Name, Address, and Title of Authorized Agent: Donald W. Anderson 3696 AL Hwy. 69 Guntersville, AL 35976	
Telephone Number:	Home _____ Office <u>256-571-4280</u>	Telephone Number:	Home _____ Office <u>256-571-4280</u>

Location where activity exists or will occur (include Stream Name and Mile, if known):  
TRM 351.6 Honeycomb Creek

Application submitted to  DA  TVA  
Date activity is proposed to commence: ASAP Date activity is proposed to be completed: ASAP

Describe in detail the proposed activity, its purpose and intended use (private, public, commercial, or other). Describe structures to be erected including those placed on fills, piles, or floating platforms. Also describe the type, composition, and quantity of materials to be discharged or placed in the water; the means of conveyance; and the source of discharge or fill material. Please attach additional sheets if needed.

Launching ramp, parking lot, dredging, and fixed and floating courtesy pier as outlined by attached drawings. This will be for public recreation. Dredged material will be placed upland of the 600' contour on Erwin Property.

Application is hereby made for approval of the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I agree that, if this application is approved by TVA, I will comply with the attached terms and conditions and any special conditions that may be imposed by TVA at the time of approval. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.

2-1-2007  
Date

  
Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. The appropriate DA fee will be assessed when a permit is issued.

Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway:

List of previous DA/TVA permits/approvals  DA 50263  TVA 6-20-1988  
Permit Number Date

Is any portion of the activity for which authorization is sought now complete?  Yes  No (If "Yes" attach explanation)  
 Month and year the activity was completed: \_\_\_\_\_ . Indicate the existing work on the drawings.

List all approvals or certifications required by other federal, interstate, state, or local agencies for any structures, construction, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval

Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?  
 Yes  No (If "Yes" attach explanation)

Project plans or drawings should accompany the application. These should be on paper suitable for reproduction no larger than 11 x 17 inches or contained on a 3-1/2 inch floppy computer disc in "tdf" format, and should be submitted to the appropriate TVA and U.S. Army Corps of Engineers offices. An application that is not complete will be returned for additional information.

U.S.A.C.E. Offices		TVA Office Location
U.S. Army Corps of Engineers Eastern Regulatory Field Office Spring Cress Business Park 501 Adessa Blvd., Suite 250 Lendir City, Tennessee 37771 (865) 966-7296	U.S. Army Corps of Engineers Savannah District The Plaza, Suite 130 1590 Adamson Parkway Morrow, Georgia 30260-1763 (578) 422-2729	Tennessee Valley Authority
U.S. Army Corps of Engineers Regulatory Branch 3701 Bell Road Nashville, Tennessee 37214 (615) 369-7500	U.S. Army Corps of Engineers Western Regulatory Field Office 2042 Beltline Road, SW, Bldg C, Suite 415 Decatur, Alabama 35602 (256) 350-5820	
U.S. Army Corps of Engineers Norfolk District P.O. Box 338 Abingdon, Virginia 24212 (276) 623-5259	U.S. Army Corps of Engineers Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, North Carolina 28801-5006 (828) 271-4856	

**Privacy Act Statement**  
 This information is being requested in accordance with Section 26a of the TVA Act as cited on the front page of this form. Disclosure of the information requested is voluntary; however, failure to provide any required information or documents may result in a delay in processing your application or in your being denied a Section 26a permit. An application that is not complete will be returned for additional information. TVA uses this information to assess the impact of the proposed project on TVA programs and the environment and to determine if the project can be approved. Information in the application is made a matter of public record through issuance of a public notice if warranted. Routine uses of this information include providing to federal, state, or local agencies, and to consultants, contractors, etc., for use in program evaluations, studies, or other matters involving support services to the program; to respond to a congressional inquiry concerning the application or Section 26a program; and for oversight or similar purposes, corrective action, litigation or law enforcement.

**Burden Estimate Statement**  
 Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Agency Clearance Officer, Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402; and to the Office of Management and Budget, Paperwork Reduction Project (3316-0060), Washington, D.C. 20503.

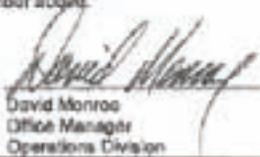


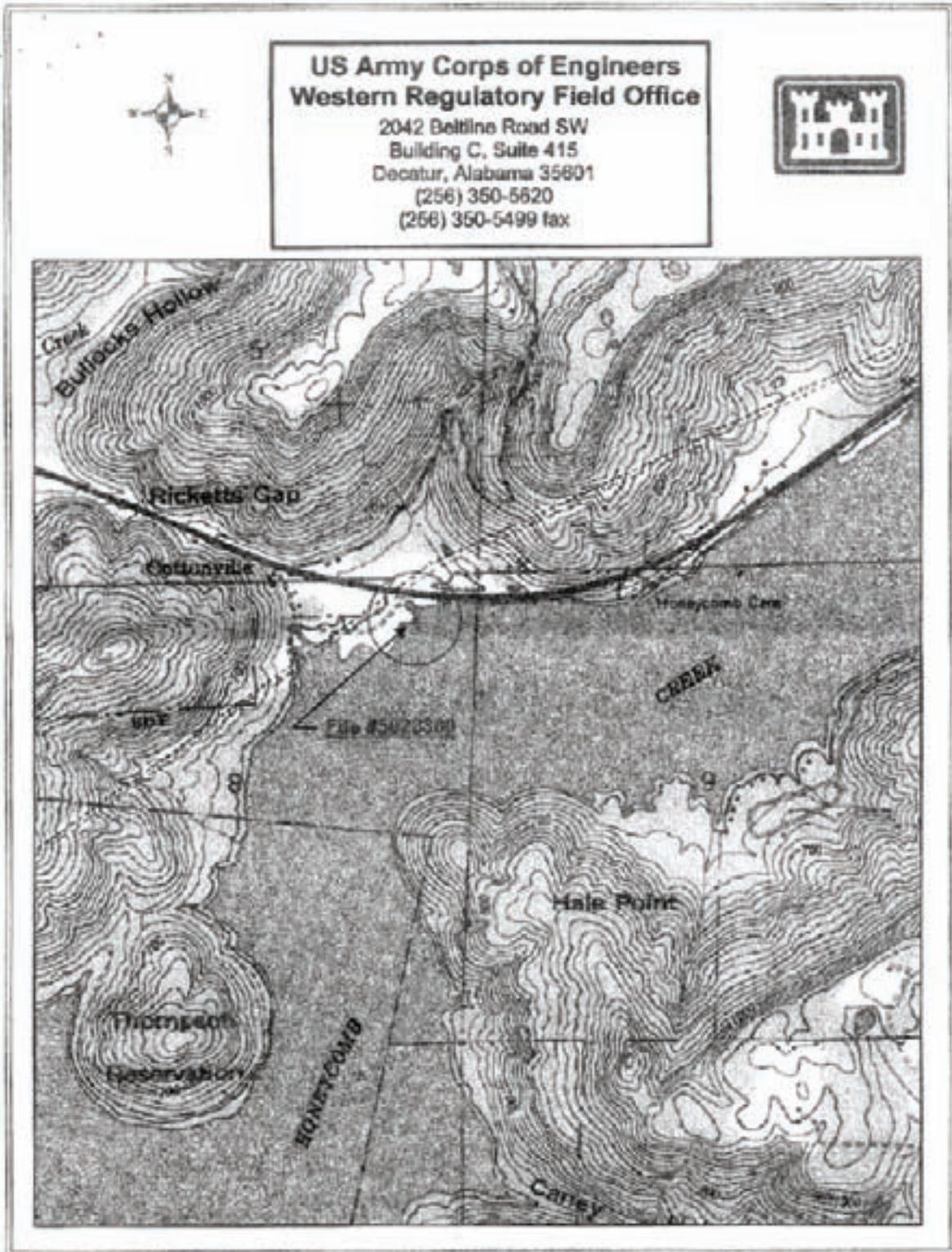
US Army Corps  
of Engineers  
Nashville District

## Department of the Army Permit

February 13, 2007

Western Regulatory Field Office  
2042 Bellme Road, SW  
Bldg. G, Suite 415  
Decatur, AL 35601  
(256)350-5620

		File No. 5028300	114961
Applicant Name Tennessee Valley Authority		Lake, Guntersville Lake	County Marshall
Address:  3696 A. Hwy 69 Guntersville, Alabama 35976		River/Stream Mile Honeycomb Creek Mile 2.0, Right Bank Tennessee River Mile 351.6, Right Bank	State AL
		Subdivision	Lot No(s)
<p>We have reviewed your application, dated Feb. 1, 2007, for a Department of the Army (DA) Permit. The work listed below is approved subject to all conditions and plans attached to this permit.</p> <p><b>NATIONWIDE PERMIT (NWP).</b> The following activities are approved under authority of the NWP Program. These NWPs became effective March 18, 2002. #3 Maintenance .</p> <p>The verification that the work is approved under authority of this NWP is valid until March 18, 2007. This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.</p> <p>The State of Alabama has issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed Alabama Best Management Practices.</p> <p>In addition, other federal, state, and/or local permits may be required. In this respect, the proposed action is subject to the enclosed Alabama Department of Environmental Management (ADEM) conditions for NWPs, titled "Best Management Practices." In addition, for any disturbance activities greater than one acre, ADEM requires that you register your proposed action with them and obtain a construction stormwater National Pollutant Discharge Elimination System (NPDES) permit prior to commencement of work. For this purpose, attached are ADEMs criteria and procedures for obtaining NPDES permits. For questions regarding ADEMs requirements, please contact the Mining &amp; Nonpoint Source Section at ADEM, P.O. Box 301463, Montgomery, AL 36130, telephone (334) 394-4311. Further information may be found at ADEMs website, &lt;<a href="http://www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm">http://www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm</a>&gt;.</p> <p>Special Conditions:</p> <p><b>REGIONAL PERMIT (RP)</b> The following activities are approved under authority of RP04 RP 05 (Guntersville Lake).</p> <p>This RP expires on 6/18/2009.</p> <p>The proposed activity requires review by TVA. No construction shall commence until you have written approval or verification that no permit is required.</p> <p>Remarks:</p> <p>If I can be of further assistance, please contact me at the address or phone number above.</p> <div style="text-align: right;">         David Monroe        Office Manager        Operations Division     </div>			
Enclosures	Copy Furnished:		
Approved Plans Permit Conditions Location Map	Mining & Nonpoint Source Section Alabama Department of Environmental Management Field Operations Division P.O. Box 301463 Montgomery, Alabama 36130-1463	Tennessee Valley Authority Guntersville, Alabama 81.98177350	



FILE NO. 5028300EFFECTIVE DATE: May 18, 2004REGIONAL PERMIT 04RP08  
(Dock Structures)**DEPARTMENT OF THE ARMY REGIONAL PERMIT**

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), this Regional Permit (RP) authorizes you to construct the dock facilities as shown on the attached plans provided the work is accomplished and maintained in accordance with the terms and conditions specified below.

**PERMIT CONDITIONS:****GENERAL CONDITIONS.**

1. The work must be completed within five years of the date of issuance of the RP.
2. The facilities must be maintained in good condition and in conformance with the terms and conditions of the RP.
3. If any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by the RP, the permittee must immediately notify this office. This office will initiate Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the RP.
5. The facilities shall not effect threatened or endangered species, as identified under the Endangered Species Act, or endanger the habitats of such species.

**SPECIAL CONDITIONS.**

1. Dock structures constructed for permanent boat moorage shall be limited to a maximum of 1200 square feet of displaced water surface area, and that sundecks and fishing docks shall be limited to 500 square feet of displaced water surface area. The size of existing dock structures shall be included in computing the total area of displaced water surface.
2. Structures shall not extend into the waterway more than one-third the distance from the minimum pool shoreline to the opposite shoreline, or 150 feet, whichever is the lesser distance.
3. Structures shall not be located within a narrow section of the river, outside of river bends, or close to the navigation channel, if an adverse effect on navigation is likely to occur.
4. Structures shall be constructed of quality materials and encased Styrofoam must be used for flotation; e.g., barrels, drums, etc., are not authorized.
5. Structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to insure the integrity of the structures and the safety of boats moored thereto from damage by wave wash and that the permittee shall not hold the United States liable for any such damage.

**FURTHER INFORMATION:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that your work meets the criteria for authorization by this permit was made in reliance on the information you provided.

4. Reevaluation of your activity. This office may reevaluate its decision that your activity is authorized by this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you regarding the activity proves to have been false, incomplete, or inaccurate.

c. Significant new information surfaces which this office did not consider in reaching a decision that your work meets the criteria for authorization under this permit.



US Army Corps  
of Engineers.

Nashville District

## Nationwide Permit

File No. 5023300

### No. 3 Maintenance.

Activities related to:

(i) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the District Engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(ii) Discharges of dredged or fill material, including excavation, into all waters of the US to remove accumulated sediments and debris in the vicinity of, and within, existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure, provided the permittee notifies the District Engineer in accordance with General Condition 13. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. All excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the District Engineer under separate authorization. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the District Engineer.

(iii) Discharges of dredged or fill material, including excavation, into all waters of the US for activities associated with the restoration of upland areas damaged by a storm, flood, or other discrete event, including the construction, placement, or installation of upland protection structures and minor dredging to remove obstructions in a water of the US. (Uplands lost as a result of a storm, flood, or other discrete event can be replaced without a Section 404 permit provided the uplands are restored to their original pre-event location. This NWP is for the activities in waters of the US associated with the replacement of the uplands.) The permittee must notify the District Engineer, in accordance with General Condition 13, within 12-months of the date of the damage and the work must commence, or be under contract to commence, within two years of the date of the damage. The permittee should provide evidence, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. The restoration of the damaged areas cannot exceed the contours, or ordinary high water mark, that existed before the damage. The District Engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this permit. Minor dredging to remove obstructions from the adjacent waterbody is limited to 50 cubic yards below the plane of the ordinary high water mark, and is limited to the amount necessary to restore the pre-existing bottom contours of the waterbody. The dredging may not be done primarily to obtain fill for any restoration activities. The discharge of dredged or fill material and all related work needed to restore the upland must be part of a single and complete project. This permit cannot be used in conjunction with NWP 10 or NWP 19 to restore damaged upland areas. This permit cannot be used to reclaim historic lands lost, over an extended period, to normal erosion processes. This permit does not authorize maintenance dredging for the primary purpose of navigation and beach restoration. This permit does not authorize new stream channelization or stream relocation projects. Any work authorized by this permit must not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding (See General Conditions 9 and 21). (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Section 404(f) exemption for maintenance.



US Army Corps of Engineers  
Nashville District

# Nationwide Permit Conditions

FILE NO. 5028300

The following General Conditions must be followed in order for any authorization by an NWP to be valid.

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structures or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Control. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fill, as well as any work below the ordinary high water mark or high side line, must be permanently stabilized at the earliest practicable date. Permitttees are encouraged to perform work within waters of the United States during periods of low-flow or no flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to improve water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(b)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality. (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generality or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will insure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General

Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA, in the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both federal and non-federal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their Virtual/Video Web pages at <http://www.fws.gov/endepp/nwpp.html> and <http://www.afms.nmfs.gov/endepp/nwpp.html> respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 328, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

24. Designated Critical Resource Waters. Critical resource waters include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coastal reefs, strict natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.
- (a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by MMPs 7, 12, 14, 16, 17, 21, 26, 31, 35, 36, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above MMPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the MMPs has concurred in a determination of compliance with this condition.
- (b) For MMPs 3, 6, 10, 13, 15, 16, 19, 22, 23, 25, 27, 28, 30, 33, 34, 35, 37, and 38, notification is required in accordance with General Condition 13. For any activity proposed in the designated critical resource waters including wetlands adjacent to those waters, The District Engineer may authorize activities under these MMPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.
- (a) Discharges in Floodplains Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplains, below headwaters (i.e., five city, resulting in permanent above-grade fills, are not authorized by MMPs 20, 42, 43, and 44.
- (b) Discharges in Floodway Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodplains, resulting in permanent above-grade fills, are not authorized by MMPs 20, 42, and 44.
- (c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.
27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the MMP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).
- For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps. For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.
- Further Information
1. District Engineers have authority to determine if an activity complies with the terms and conditions of an MMP.
  2. MMPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
  3. MMPs do not grant any property rights or exclusive privileges.
  4. MMPs do not authorize any injury to the property or rights of others.
  5. MMPs do not authorize interference with any existing or proposed Federal project.
- Some MMP conditions that are not applicable for this verification were omitted from above list. If you are interested in a complete list, you should contact the Corps of Engineers office that handled your request.

15. Use of Multiple Nationwide Permits. The use of more than one MMP for a single and complete project is prohibited, except when the average loss of waters of the US authorized by the MMPs does not exceed the average limit of the MMP with the highest specified average limit (e.g. if a road crossing over tidal waters is constructed under MMP 14, with associated bank stabilization authorized by MMP 13, the maximum average loss of waters of the US for the total project cannot exceed 1,075-acre).
16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the vicinity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent basin stabilization.
17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by MMP 4.
18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in levels amounts (see section 307 of the CWA).
20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be limited to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavation, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.
21. Maintenance of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to improve wetlands) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channeling will be restricted to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.
22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the accumulation of the passage of water, and/or the resulting flow shall be minimized to the maximum extent practicable. This includes structures that work in navigable waters of the US, or discharges of dredged or fill material.
23. Wetland Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory wetland must be avoided to the maximum extent practicable.
24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

# ATTENTION

**YOU ARE REQUIRED TO SUBMIT THIS  
SIGNED CERTIFICATION REGARDING THE  
COMPLETED ACTIVITY AND ANY  
REQUIRED MITIGATION.**

I hereby certify that the work authorized by Permit No. 5028300 and any required mitigation was done in accordance with the Corps authorization, including any general or special conditions. Honeycomb Creek Mile 2.0, Right Bank a Tributary of the Tennessee River Mile 351.3, Right Bank, Guntersville Lake, Marshall County, Alabama

\_\_\_\_\_  
Permittee Signature

Date \_\_\_\_\_

Submit this signed certification to the office checked below:

U.S. Army Corps of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Eastern Regulatory Field Office  
P.O. Box 465  
Lenoir City, TN 37771

Western Regulatory Field Office  
2042 Beltline Road, Southwest  
Building C, Suite 415  
Doerun, AL 35601

STATE OF ALABAMA  
BEST MANAGEMENT PRACTICES

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The following Best Management Practices (BMPs) required by the Alabama Department of Environmental Management (ADEM) must be followed, as appropriate, in order for any authorization by a nationwide Permit (NWP) in the State of Alabama to be valid:

1. The applicant must implement appropriate, effective Best Management practices (BMPs) for prevention and control of nonpoint sources of pollutants during and after project implementation. The applicant, at a minimum, must implement applicable effective BMPs as provided in the ADEM Alabama Nonpoint Source Management Program document, as amended, and the EPA Stormwater Pollution Prevention for Construction Activities - Developing Pollution prevention Plans and Best Management Practice document, as amended. Immediately after completion of the project, the applicant must implement and maintain effective measure to ensure permanent revegetation or cover of all disturbed area.
2. The applicant shall implement an ADEM approved system for the collection, storage, treatment and disposal of sewage and other putrescible wastes.
3. The applicant shall implement a Spill Prevention Control and Counter Measures (SPCC) Plan for all onsite fuel or chemical storage tanks or facilities. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The application shall immediately notify the Department after becoming aware of significant, visible oil sheen in the vicinity of the proposed activity.
4. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. Also, soil contaminated by pain or chemical spills, oils spills, etc. must be immediately cleaned up or be removed and disposed of in an approved manner.
5. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering the waterbody.
6. The application shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
7. The applicant shall implement appropriate measure as necessary to ensure that the activities authorized by this certification do not

significantly contribute to or cause instream dissolved oxygen concentrations to decrease below 5 mg/l.

8. All materials used as fill or for construction purposes must be non-toxic, non-leaching, non-acid forming and free of solid waste or other debris.
9. Permanent or temporary raised creek crossing must be constructed with pipe(s) to safely pass expected mean water flow of the creek for the time of year and length of time that they are installed. The crossing must be inspected on a regular basis and any significant debris or blockage removed and properly disposed of to ensure unobstructed flow of water. Placement of rock-fill without pipe(s) for passage of water is not acceptable. Each raised creek crossing must be designed and maintained to ensure structure integrity and stability for safe passage of water flow generated by expected precipitation events while the structure is in place.
10. Dredged or fill material may be temporarily placed in adjacent waters or wetlands provided the sidecast or placed material is not permanently placed in adjacent waters or wetlands.
11. The applicant shall conduct the proposed activity in an expedient time frame in order to reduce the amount of time to the maximum extent practicable in which turbid water is produced.
12. The proposed activity shall be conducted with all due diligence utilizing good engineering practices in order to reduce the amount of turbidity and other environmental impacts created by the project to the maximum extent practicable.
13. If upland disposal areas are utilized, the applicant shall be responsible for the condition of the spoil disposal area for the life of the dredging and disposal activity and until the disposal area is reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal area sufficient to ensure that turbidity in the return water will not cause substantial visible contact with the receiving waters, or results in an increase of 50 NTUs above background turbidity levels in the receiving waters.
14. The applicant shall take appropriate measure to ensure that there is a complete flushing or turnover to water in a modified channel at least every 7-10 days. Mechanical aeration should be utilized to maintain water quality, if necessary. The Department also encourages the use of design features that enhance water quality due to the potential for mechanical breakdowns and decreased equipment maintenance over time.
15. Entrance and exit channels should be aligned so that they extend practicable with prevailing winds, and should be designed with openings of maximum width and minimum length that aid in the circulation of water.
16. Designs that provide an open and enlarged surface area in the canal should be implemented to the extent practicable and are preferable to channels having a constricted or fragmented design. An open

design enhances the effects of tides and winds in driving circulation and reeration.

17. Modified channels should be no deeper than the depth of the adjacent receiving waters. Channel designs that are shallower at the margins with depths deepening as one approaches the receiving waters should be implemented to the extent practicable and are preferable because circulation and reeration is enhanced. Slopes of channel banks which are 1:3 or flatter provide bank stabilization, enhance water quality by improving water circulation, and promote colonization by littoral vegetation which provides better habitat. Vertical bulk heading is strongly discouraged. Rounded corners in the channel interior optimize internal circulation.
18. Surface drainage patterns should be designed, constructed, and maintained to the extent practicable with swales or other methods to minimize direct runoff into waters of the state and to minimize the introduction of pollutants.
19. Proposed modified channels should duplicate the old channel in regard to pools, riffle areas, riparian vegetation, depth, gradient, and length to the maximum extent practicable in order to ensure that water temperature, pH, turbidity, and dissolved oxygen are not adversely impacted after the project is completed.
20. The bottom of any modified channel should be V-notched, concave in shape, or otherwise constructed to allow adequate concentrated and unobstructed flow of water during periods of low flow.
21. The applicant shall follow the following sequence when preparing to release water into a new channel. The applicant shall remove the downstream seal of the new channel. The upstream seal of the new channel is to be removed next. The application must then wait 48 hours before sealing of the upstream entrance of the existing channel. Once the upstream section is sealed in the existing channel, the applicant must ensure that all flow has left the existing channel to the maximum extent practicable before sealing the downstream opening to the existing channel.
22. The applicant shall conduct, at a minimum, weekly comprehensive site inspections to ensure that effective Best Management practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, add to, improve, implement more effective practice, etc.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional until completion of the proposed activity.
23. To ensure the protection of water quality, the applicant shall conduct an evaluation of any dredged material in order to evaluate the presence of pollutants that have the potential to be present in concentrations that could result in water quality. A qualified credentialed professional until completion of the proposed activity shall conduct the inspections.

24. For those NWPs that require written notification to the Corps, the applicant shall: 1) submit a written statement that the applicant is aware of ADEM regulations and that NPDES permit coverage from ADEM is not required; or 2) submit proof of coordination with ADEM that all appropriate NPDES or other permits have either been applied for and/or obtained.

# ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



April 1, 2004

## CONSTRUCTION AND SMALL NONCOAL MINING SITES STORMWATER REGISTRATION PROGRAM

Pursuant to EPA rules and ADEM Administrative Code Chapter 335-6-12, the operator/owner or other responsible party(s) is required to register for and maintain valid National Pollutant Discharge Elimination System (NPDES) coverage for treated stormwater discharges prior to beginning construction or regulated land disturbance that will equal or exceed one (1) acre in size. The regulations also require NPDES registration prior to conducting disturbance activities less than one (1) acre that are part of, adjacent to, or associated with a larger common plan of development or sale, that may eventually equal or exceed one (1) acre, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by the Department. The regulations also require NPDES registration prior to conducting any noncoal, nonmetallic mining/remining and mineral dry processing activity less than five (5) acres in size. The regulated construction or mining disturbance also includes, but is not limited to, associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, and access roads, and pre-construction activities performed in advance or in support of construction or mining such as logging, clearing, and dewatering. A registrant, operator/owner, developer, contractor, or other responsible entity, separately or collectively, must retain NPDES registration coverage for phased developments until all disturbance activity, including phased construction, or mining is complete.

The ADEM WebPage at [www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm](http://www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm) contains a number of helpful documents and other information that can be viewed or downloaded at your convenience such as the construction stormwater program rules, Notice Of Registration (NOR) form 498, reporting forms 499, 500, & 501, a list of construction related Tier I Waterbodies, registration fee schedule, the *Alabama Handbook* BMP document, example site identification sign, qualified credentialed inspection program (QCIP) description, etc.

In order to determine whether your project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the US Army Corps of Engineers, Nashville District by mail at PO Box 1070, Nashville, TN 37202-1070 or by phone at (615) 736-5181 for all sites within the Tennessee River watershed or the Mobile District by mail at PO Box 2288, Mobile, AL 36628-0001 or by phone at (251) 690-2658 for all other sites within the state. Facilities covered under a US Army Corps of Engineers Permit must register for stormwater coverage from ADEM if there is construction or land disturbance above the Ordinary High Water Mark, or if there is any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre.

Other agencies you may wish to contact are: (1) the US Fish & Wildlife Service and the Alabama Department of Conservation & Natural Resources regarding potential impacts to endangered or threatened species, (2) the Office Of Water Resources, Alabama Department of Economic and Community Affairs, regarding potential water quantity concerns or issues, (3) the State Fire Marshall and the Alabama Department of Industrial Relations regarding potential safety considerations regarding blasting, (4) the Alabama Department of Industrial Relations which requires permit coverage and reclamation bonding for most non-coal mining sites, (5) the Alabama Historical Commission regarding preservation or potential impacts to surrounding or onsite historical or archaeological sites, and (6) your local municipal or county government, or local zoning and planning agency, if applicable, for additional approvals that may apply to your project.

Page 1 of 2

In recognition that projects are site specific in nature and conditions can change during project implementation, the Department reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case by case basis, in order to ensure the protection of water quality.

If you have any questions or need additional information, please contact the ADEM office in your area.



# ADEM

## ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AS9002 File 4909

Lyle Piquen, Director  
1781 Federal Drive  
Montgomery, AL  
36130  
205/271-7700

August 24, 1988

RECEIVED  
LAND DEPARTMENT

SEP 07 '88

File 200

Mr. Calvert	
Mr. Smith	
Mr. [unclear]	

SEP 09 1988

Give Hunt  
Governor

Field Office:  
Unit 806, Building B  
229 Center Circle  
Birmingham, AL  
36209  
205/942-8188

Tennessee Valley Authority  
201 Summer Place Building  
Knoxville, Tennessee 37902

Dear Sirs:

RE: JPN 88-43, Proposed boat launching ramp at Mile 2.0, Right Bank, Honeycomb Creek, in Marshall County, Alabama

P.O. Box 262  
Dadeville, AL  
36402  
205/383-1712

This office has completed a review of the above referenced joint public notice and all associated materials submitted related to the proposed project. We have also been notified by the Nashville District Corps of Engineers that there are no unresolved objections to the project as a result of the notice.

2204 Fortmeyer Road  
Mobile, AL  
36613  
205/479-2396

Because action pertinent to water quality certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. Section 1251, et seq., we hereby issue official certification that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama (1975). We further certify that there are no applicable effluent limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the Clean Water Act in regard to the activities specified.

Should you have any questions on this or related matters, please do not hesitate to contact Mr. Robert W. Cooner or Mrs. Marilyn Elliott of this office.

Sincerely,

*James W. Watt*  
James W. WATT  
Deputy Director

AUG 31 '88  
C/3

JWW/RNC/mpt

cc: Benton E. Ligon, Nashville Corps of Engineers  
Marilyn Elliott, ADEM

9/13/88--RIS:JCT  
cc: V. E. Smith, 170 OS NHA-14

9/2/88--RIS:JCT  
cc: L. L. Calvert, 2E62 OCE-K



US Army Corps  
of Engineers  
Nashville District

# Public Notice

Public Notice No. 88-43 Date: March 30, 1988

Application No. 50,283

In Reply Refer to:  
ORNOR-F, PO Box 1070, Nashville, TN 37202-1070

**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**AND**  
**STATE OF ALABAMA**

**SUBJECT:** Proposed Boat Launching Ramp at Mile 2.0, Right Bank, Honeycomb Creek (TRM 351.5R)

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (CWA). Before a permit can be issued, certification must be provided by the State of Alabama, Department of Environmental Protection, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated.

**APPLICANT:** Tennessee Valley Authority  
201 Summer Place Building  
Knoxville, Tennessee 37902

**LOCATION:** Mile 2.0, right bank, Honeycomb Creek (Guntersville Lake) tributary of Tennessee River at Mile 351.5, right bank in Marshall County, Alabama

**DESCRIPTION:** The proposed work consists of the construction of a 36'x58' reinforced concrete boat launching ramp 6-inches thick, placed between top Elevation 596.5 and bottom Elevation 589.5. The ramp would contain 25 cubic yards of concrete, 20 cubic yards of crushed stone and 115 cubic yards of rock fill and riprap.

The proposed launching ramp would replace a nearby existing ramp that will be converted to commercial use.

Plans of the proposed work are attached to this notice.

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

APPLICATION FOR		
Department of the Army Permit	and/or	Tennessee Valley Authority Section 26a Approval
<p>The Department of the Army (DA) permit program is authorized by Section 10 of the River and Harbor Act of 1899 and Section 404 of The Clean Water Act (P.L. 95-217). These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. Section 26a of the Tennessee Valley Authority Act, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).</p> <p>Two sets of original drawings on 8" x 10-1/2" tracing paper or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings) and be submitted to the District Commander and appropriate TVA office at the addresses listed below. An application that is not complete will be returned for additional information. Information in the application is made a matter of public record through issuance of a public notice, if warranted. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the application. If necessary information is not provided, the application cannot be processed nor can a permit/approval be issued.</p>		
<b>DA and TVA Main Office</b>	<b>TVA Office Location</b>	<b>Mailing Address</b>
Commander, Nashville District U.S. Army Corps of Engineers Post Office Box 1070 Nashville, Tennessee 37202	202 West Slythe Street Paris, Tennessee Phone: 901-642-2041	Supv., Land and Facilities Mgmt. (West) Division of Natural Resource Operations Post Office Box 380 Paris, TN 38342-0280
	170 Office Service Warehouse Muscle Shoals, Alabama Phone: 206-386-3221	Supv., Land and Facilities Mgmt. (West) Division of Natural Resource Operations 170 Office Service Warehouse Muscle Shoals, AL 35660
Director of Land and Forest Resources Tennessee Valley Authority Norris, Tennessee 37828	1101 Congress Parkway Athens, Tennessee Phone: 615-745-1783	Supv., Land and Facilities Mgmt. (East) Division of Natural Resource Operations Post Office Box 606 Athens, Tennessee 37303
	2611 West Andrew Johnson Highway Morristown, Tennessee Phone: 615-666-9400	Supv., Land and Facilities Mgmt. (East) Division of Natural Resource Operations 2611 West Andrew Johnson Highway Morristown, Tennessee 37814
<b>Name and Address of Applicant</b>  Tennessee Valley Authority Knoxville, TN 37902  Telephone Number Home _____ Office _____	<b>Name, Address, and Title of Authorized Agent</b> Ralph H. Brooks Director of Environmental Quality Tennessee Valley Authority 201 Summer Place Building Knoxville, TN 37902  Telephone Number Home _____ Office <u>Thayer Brolli</u> <u>(615) 632-6608</u>	
<b>Location where activity exists or will occur (include Stream Name and Mile, if known)</b> Gunterville Lake, Honeycomb Creek 1.9R which flows into the Tennessee River at TRM 351.7R, Marshall County, AL	<b>Application submitted to:</b> DA <input type="checkbox"/> Yes <input type="checkbox"/> No      TVA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Date activity is proposed to commence <u>March 1988</u> Date activity is proposed to be completed <u>May 1988</u>	
<b>Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway.</b> The northern boundary of the site follows U.S. Highway 431, and Gunterville Lake forms the eastern boundary. The only adjoining landowner is Don Deitsch, who owns land along the western boundary and plans to lease TVA land forming the southern boundary of the site. His address is Route 1, Box 532-A, Grant, Alabama, and his telephone numbers are (205) 582-4435 (business) and (205) 582-4772 (home).		
<b>List of previous DA/TVA permits/approvals</b>	<input type="checkbox"/> DA _____ Permit Number	<input type="checkbox"/> TVA _____ Date

DA/TVA JULY 1979

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## **Appendix C – Public Comments**

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## Erwin Marine

Guntersville Reservoir, Marshall County, Alabama

TVA requests your comments on a draft environmental assessment (EA) of the proposed development of a commercial marina on 7.5 acres of TVA property on Guntersville Reservoir at Honeycomb Creek Mile 2.3, right bank, Marshall County, Alabama.

The marina developer, Erwin Marine, has requested that TVA grant it the recreation easement and Section 26a permit necessary to develop the marina. The marina would include wet slips, courtesy piers, dry boat storage, a ship's store, footpaths, and a boat sales showroom. The marina facilities also require approval by the U.S. Army Corps of Engineers under Section 10 of the River and Harbors Act and Section 404 of the Clean Water Act. The Corps was a cooperating agency in the development of the EA. The proposal was the subject of a joint public notice issued by TVA and the Corps and [available at the Corps web site](#).

Please submit your comments on the draft EA to Heather McGee by letter, e-mail, or fax at the appropriate address or fax number below by May 12, 2007. Please note that any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection.

### Documents

PDF files require [Adobe Acrobat Reader](#).

[Draft Environmental Assessment](#) (PDF, 1.1 mb)

[Appendices](#) (PDF, 13.4 mb)

### Contacts

For more information, or to receive a printed copy of the document, contact:

Heather L. McGee, NEPA Resources,

Tennessee Valley Authority  
P.O. Box 1010, SB1H-M  
Muscle Shoals, Alabama 35662-1010  
[hmcgee@tva.gov](mailto:hmcgee@tva.gov)  
Phone: 256-386-2561  
Fax: 256-386-2559



**United States Department of the Interior**

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

APR 29 2008

FOR REFERENCE TO  
2008-TA-0468

Ms. Peggy Shute  
Tennessee Valley Authority  
P.O. Box 1010, SB 1H  
Muscle Shoals, AL 35662-1010

Dear Ms. Shute:

Thank you for your letter of April 10, 2008, requesting our review and comments on the Draft Environmental Assessment (DEA), prepared by the Tennessee Valley Authority (TVA) in cooperation with the U.S. Army Corps of Engineers (ACOE), regarding Erwin Marine's proposed term commercial recreation easement, and water use facilities at Honeycomb Creek (Mile 2.3), a tributary to the Tennessee River, Guntersville Reservoir, Marshall County, Alabama. Erwin Marine is requesting that TVA grant a 30-year commercial recreation easement on a 7.5 acre portion of TVA property to allow the further development of the marina, including roads and parking associated with the proposal, a pedestrian use plan, and extensive landscaping with native plants. The proposed site is bordered to the north by U.S. Highway 431, to the south by Guntersville Reservoir, to the west by Campground Road, and to the east by Guntersville Reservoir.

The DEA evaluated two alternatives, the No Action Alternative and the Action Alternative (Applicant's Proposal). Under the No Action Alternative, TVA would not grant the term commercial recreational easement and TVA and ACOE would not issue the Section 26a, Section 10, and Section 404 permits requested by Erwin Marine. The current two year term license agreement with Erwin Marine for the continued operation of the commercial marina would be allowed to expire in July 2009, with management reverting back to TVA.

Under the Action Alternative, TVA and ACOE would grant Erwin Marine the necessary easement and permits to construct the proposed marina and associated facilities. The proposed construction would include seven sets of boat slips accommodating 169 vessels. Dock 1 would be 58 feet wide, extend 497 feet, and accommodate 19 vessels. Dock 1 would also include a ship store and fuel facility. Dock 2 would be 88 feet wide, extend 344 feet from shore, and accommodate 32 vessels. Dock 3 would be 108 feet wide, extend 385 feet from shore, and accommodate 34 vessels. Dock 4 would be 128 feet wide, extend 373 feet from shore, and would accommodate 30 vessels. Dock 5 would be 148 feet wide, extend 473 feet from shore, and accommodate 34 vessels. Dock 6 would be 68 feet wide, extend 128 feet, and would

PHONE: 251-441-5181



FAX: 251-441-6222

Ms. Peggy Shute

2

accommodate 10 vessels. Dock 7 would be 68 feet wide, extend 128 feet from shore, and accommodate 10 vessels. Docks 6 and 7 would be for transient use only. Excavations would occur below normal summer pool and would occur in three places, removing 15,000 cubic yards of material. The spoil would be deposited on Erwin Marine's adjacent property. The existing harbor limits would be expanded to encompass the marina and would be 1,275 feet wide and no greater than 500 feet from shore.

Under the Action Alternative, we understand that TVA, in order to reduce potential for adverse effects, would require Erwin Marine to comply with all applicable federal, state, and local regulations, as well as Section 26a General and Standard Conditions. We also understand that adherence to routine permit conditions; including the use of construction-related BMPs, non-routine permit conditions and mitigation measure would be required.

The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), the Migratory Bird Treaty Act (16 U.S.C. 703, *et seq.*), and the section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543).

We have reviewed the DEA and our database for federally listed species, and agree with your conclusion that no federally endangered, threatened, or candidate species or critical habitat occur in the immediate project area. As such, we do not anticipate any negative impacts to listed species under the No Action or Action alternative. Therefore, no further endangered species consultation will be required for this project unless: 1) the identified action is subsequently modified in a manner that causes an effect on a listed species or on proposed or designated critical habitat; 2) new information reveals the identified action may affect federally protected species or designated critical habitat in a manner or to an extent not previously considered; or 3) a new species is listed or a critical habitat is designated under the Endangered Species Act that may be affected by the identified action.

From the information provided in the DEA, under the Action alternative, it is apparent that there is the potential for this project to have negative impacts on the aquatic environment within Guntersville Reservoir/Tennessee River proper, at least during the construction activities and immediately following construction/dredging activities planned at the project site. Water quality conditions would be compromised in the area of, and adjacent to, the proposed dredging activities. As proposed, dredging activities would remove approximately 15,000 cubic yards of material (i.e., reservoir silt and sediment) in the area near the proposed docks/boat slips to allow for boats/vessels to moor at the dock.

Suction dredging is the preferred method of dredging over mechanical, clam-shell dredging to reduce impacts to water quality, namely to reduce turbidity and siltation. Regardless of method, it is imperative to implement and maintain best management practices (BMPs) throughout the length of the project. We recommend dredging activities occur during winter drawdown conditions on Guntersville Reservoir (normally October through March) to further reduce impacts to aquatic biota in the vicinity of the project site.

Ms. Peggy Shute

3

If the BMPs outlined in the DEA, under TVA's permit conditions and mitigation measures, are strictly adhered to, and all other state/federal permits are granted; we would have no objections to the construction, operation and maintenance of proposed facility. If you have any questions or need additional information, please contact Mr. Anthony Ford of my staff at (251) 441-5838.

Sincerely,



*for*

William J. Pearson  
Field Supervisor  
Alabama Ecological Services Field Office

cc: Mr. Ron Gatlin, ACOE, Nashville, TN  
Ms. Heather McGee, TVA, Muscle Shoals, AL



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

FRANK W. WHITE  
EXECUTIVE DIRECTOR

April 22, 2008

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

Thomas O. Maher, Ph.D.  
TVA  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1490

Re: AHC 08-0470  
TVA Recreation Easement  
Honeycomb Creek on Guntersville Reservoir  
Marshall County, Alabama

Dear ~~Dr. Maher~~ *Tom*:

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

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

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

Truly Yours,

A handwritten signature in cursive script, appearing to read "Elizabeth Ann Brown".

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/GCR/gcr

THE STATE HISTORIC PRESERVATION OFFICE  
[www.pnhisvada.org](http://www.pnhisvada.org)



US Army Corps  
of Engineers.

# Public Notice

Public Notice No. 07-87

Date: October 9, 2007

Nashville District

Application No. 49713-00

Expires: November 9, 2007

Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214 (Attn: Lisa Morris)

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

**SUBJECT:** Proposed Commercial Marina Facilities at Honeycomb Creek Mile 2.3, Right Bank, Tennessee River Mile 352.0, Right Bank, Guntersville Lake, Marshall County, Alabama (Guntersville Marina formally known as Sunrise Marina)

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit (DA) pursuant to Section 10 of the Rivers and Harbors Act of 1899 and for Tennessee Valley Authority (TVA) approval pursuant to Section 26a of the TVA Act for marina facilities and larger harbor limits and a 30-year easement for the use of TVA land, approximately 8.5 acres, for the operation of the marina facilities; RLR 179420.

**APPLICANT:** Erwin Marine Sales, Inc.  
d/b/a Guntersville Marina  
3001 Kings Point Road  
Chattanooga, TN 37416

**LOCATION:** Honeycomb Creek Mile 2.3R, Marshall County, AL. The marina site is located at 28571 US Highway 431, Grant, AL 35747. Honeycomb Creek is a tributary of the Tennessee River at Mile 352.0R, Guntersville Lake. USGS Maps: Mt. Carmel, AL. Lat: 34-27-00, Lon: 86-20-00.

**DESCRIPTION:** The applicant proposes to construct a complete marine recreation facility with boat sales and service and dry and wet storage facilities within a park style environment. The proposed work includes reconstruction of the floating transit dock located on the west side of the marina and the construction of five commercial floating covered docking facilities; Dock 1- 10 slips @ 18' x 50' and an 8' x 352' fuel dock; Dock 2- 32 slips @ 16' x 40'; Dock 3- 34 slips @ 18' x 50'; Dock 4- 30 slips @ 20' x 60'; and Dock 5- 34 slips @ 22' x 70' within TVA harbor limits.

PN 07-87  
File No. 49713-00

In addition, construction includes a boat sales showroom with supporting offices and service area; expansion of an 18 year old, 225 slip, dry stack storage building; and improvements to the launch and retrieve apron at the waters edge and in front of the existing dry stack building with new concrete, etc. No dredging would be required. Plans of the work are attached.

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

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

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

PN 07-87  
File No. 49713-00

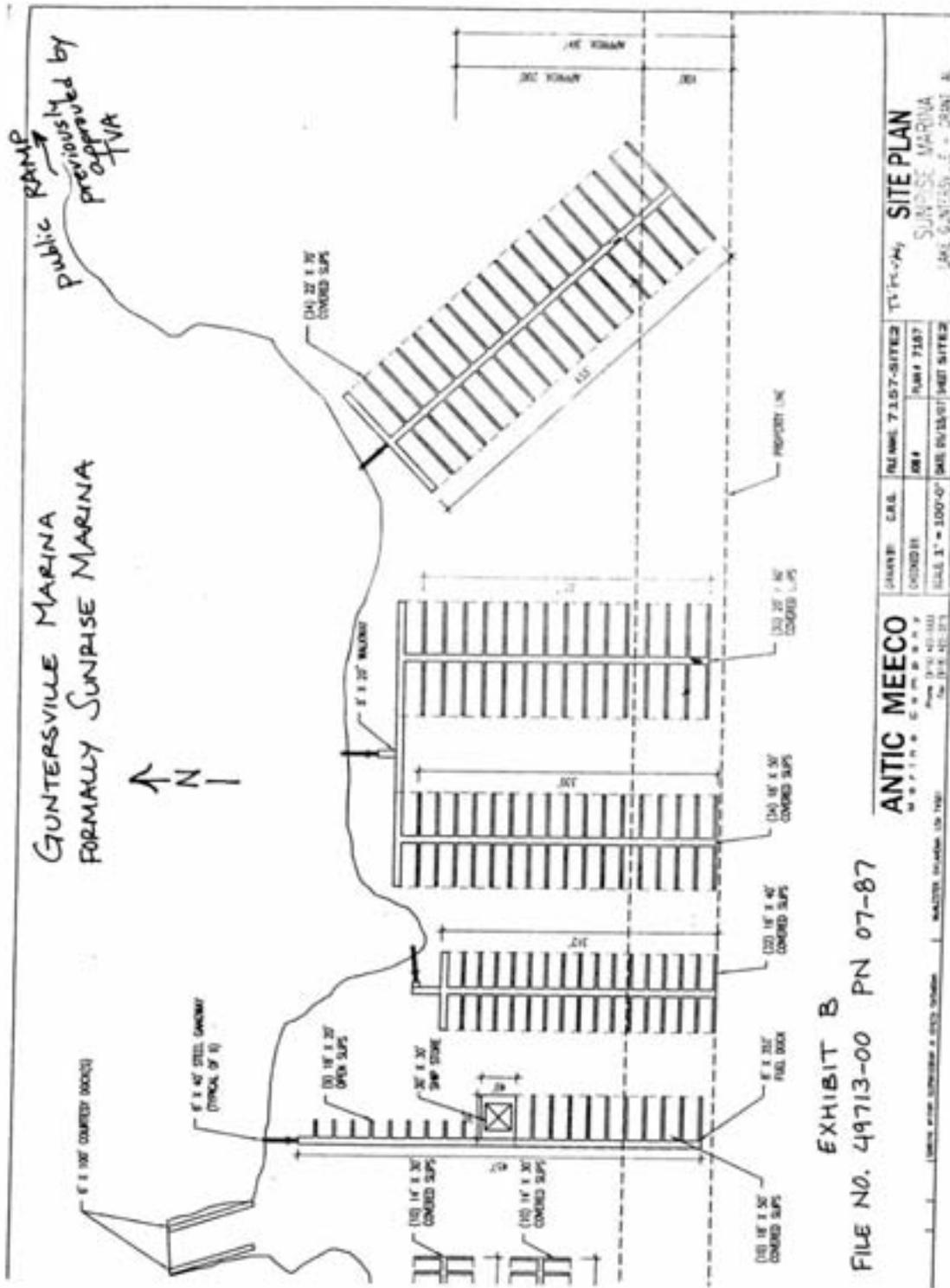
Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service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

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

Other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **November 9, 2007**, will become a part of the record and considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504. Point of contact at TVA is Travis Perry, (256) 571-4297.







Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
P.O. Box 455  
Cherokee, NC 28719  
Ph: 828-554-6852 Fax 828-488-2462

DATE: 12 - March - 08

TO: TVA  
Attn: Pat Ezzell  
400 West Summit Hill Dr.  
Knoxville, TN 37902-1499

**PROJECT(s): Comments regarding Cultural Resource Assessment of proposed  
Easement for Commercial Recreation Facility on Guntersville Reservoir in  
Marshall County, TN.**

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians would like to thank you for the opportunity to comment on this proposed Section 106 activity under 36 C.F.R. 800.

The EBCI THPO concurs with the archeologist's recommendations that no archeological sites eligible for inclusion on the National Register of Historic Places were encountered during the recent phase I archeological field survey. As such, the EBCI THPO believes that the proposed project may proceed as planned. In the event that project plans change, or cultural resources or human remains are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler B. Howe".

Tyler B. Howe  
Tribal Historical Preservation Specialist  
Eastern Band of Cherokee Indians



**Choctaw Nation of Oklahoma**

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

Gregory E. Pyle  
Chief

Gary Batten  
Assistant Chief

March 5, 2008

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

Dear Pat Bernard-Ezzell:

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

Project Description: Easement for Commercial Recreation Facility

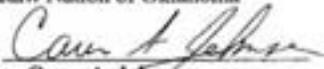
Project Location: Guntersville Reservoir

County-State: Marshall County, Alabama

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

Sincerely,

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

By:   
Caren A. Johnson  
Administrative Assistant

CAJ: vr



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1438

February 20, 2008

(Name)  
Address  
Address  
Address  
Address

Dear \_\_\_\_\_:

**TVA, CULTURAL RESOURCES ASSESSMENT OF PROPOSED EASEMENT FOR COMMERCIAL RECREATION FACILITY ON GUNTERSVILLE RESERVOIR, MARSHALL COUNTY, TENNESSEE**

The Tennessee Valley Authority (TVA) proposes to grant a 30-year easement to Erwine Marine Sales for a commercial recreation facility located on Gunter'sville Reservoir (map enclosed). TVA Cultural Resources has determined the area of potential effects (APE) for this project to be the 7.5-acre development for archaeology, and the view shed for historic structures to be a half-mile radius beyond this construction.

TVA staff conducted a field assessment for the project and determined that the area has been heavily disturbed. One archaeological site has been recorded in the project area (1MS209) on the non-TVA land. This site was recorded as an old homestead by the University of Alabama. Construction of a dry storage boat facility in this area has obliterated the remains of the site. Additional construction, erosion, and other disturbances leave very little potential for archaeological resources to be present (see attached aerial photograph depicting project boundaries).

The APE for historic structures has already been compromised by the construction of new condominiums on the adjacent private property. A field assessment identified one structure within the view shed of the proposed recreation facility. This building consisted of a Tudor style structure with many alterations and additions that have altered its integrity (see enclosed photos). It is our opinion that the structure fails to meet the criteria of eligibility for listing in the National Register of Historic Places (NRHP).

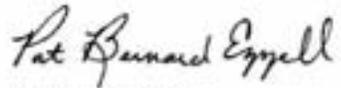
Based on our findings, it is TVA's determination that no historic properties will be affected by the proposed easement. Pursuant to Section 106 of National Historic Preservation Act and its implementing regulations at 36 CFR § 800.4, TVA is seeking your office's comments on our findings and recommendations.

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

Page 2  
February 20, 2008

If you have any questions or comments regarding this project, please contact me at 865-632-6461 or by email at pbezzell@tva.gov.

Sincerely,

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

Pat Bernard Ezzell  
Historian/Native American Liaison  
Cultural Resources

EP:PBE:IKS  
Enclosures  
cc: EDMS, WT 11D-K



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

March 18, 2008

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

Thomas O. Maher, Ph.D.  
TVA  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1490

Re: AHC 08-0470  
Cultural Resource Assessment  
Easement for Commercial Recreation Facility  
Marshall County, Alabama

Dear Dr. Maher *Tom*:

Upon review of the above referenced project, we have determined that the project activities will have no effect on any known cultural resources listed on or eligible for the National Register of Historic Places. Therefore, we concur with the proposed project activities.

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

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

Truly yours,

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/LAW/GCR/gcr

THE STATE HISTORIC PRESERVATION OFFICE  
[www.pshpo.org](http://www.pshpo.org)



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37903-1499

February 20, 2008

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

Dear Ms. Hathorn:

**TVA, CULTURAL RESOURCES ASSESSMENT OF PROPOSED EASEMENT FOR  
COMMERCIAL RECREATION FACILITY ON GUNTERSVILLE RESERVOIR,  
MARSHALL COUNTY, ALABAMA**

The Tennessee Valley Authority (TVA) proposes to grant a 30 year easement to Erwin Marine Sales for a commercial recreation facility Guntersville Reservoir (map enclosed). TVA Cultural Resources has determined that the area of potential effects (APE) for this project to be the 7.5 acre development for archaeology and the view shed for historic structures to be a half-mile radius beyond this construction.

TVA staff conducted a field assessment for the project and determined that the area has been heavily disturbed. One archaeological site has been recorded in the project area (1MS209) on the non-TVA land. This site was recorded as an old homestead by the University of Alabama. Construction of a dry storage boat facility in this area has obliterated the remains of the site. Additional construction, erosion, and other disturbances leave very little potential for archaeological resources to be present (see attached aerial photograph depicting project boundaries).

The APE for historic structures has already been compromised by the construction of new condominiums on the adjacent private property. A field assessment identified one structure within the view shed of the proposed recreation facility. This building consisted of a Tudor style structure with many alterations and additions that have altered its integrity (see attached photos). It is our opinion that the structure fails to meet the criteria of eligibility for listing in the National Register of Historic Places (NRHP).

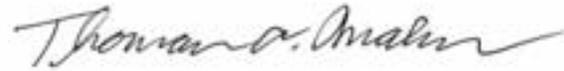
Based on our findings, it is TVA's determination that no historic properties will be affected by the proposed easement. Pursuant to Section 106 of the *National Historic Preservation Act* and its implementing regulations at 36 CFR § 800.4, TVA is seeking your office's concurrence on our findings and recommendations.

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

Ms. Stacye Hathorn  
Page 2  
February 20, 2008

If you have any questions or comments regarding this project, please contact Erin Pritchard at 865.632.2463 or by email at [eepritchard@tva.gov](mailto:eepritchard@tva.gov).

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Maher". The signature is written in a cursive style with a long, sweeping tail on the letter "h".

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

Enclosures



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

February 19, 2008

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

Robert McMahan  
Erwin Marine Sales  
3001 Kings Point Road  
Chattanooga, Tennessee 37416

Re: AHC 08-0060  
Marina Facilities Near Honeycomb Creek  
Marshall County, Alabama

Dear Mr. McMahan:

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

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

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

Truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth Ann Brown".

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/GCR/jcr

cc: Lisa Morris  
USACOE Nashville District  
3701 Bell Road  
Nashville, Tennessee 37214

27 FEB 2008

THE STATE HISTORIC PRESERVATION OFFICE  
www.nps.gov/al



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

COLONEL (RET.) JOHN A. NEUBAUER  
EXECUTIVE DIRECTOR

November 6, 2007

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

Lisa Morris  
Corps Nashville District  
3701 Bell Road  
Nashville, Tennessee 37214

Re: AHC 09-0060  
COE-T 07-87  
Marina Facilities  
Honeycomb Creek  
Marshall County, Alabama

Dear Ms. Morris:

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

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

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

Truly yours,

Elizabeth Ann Brown  
Deputy State Historic Preservation Officer

EAB/GCR/gcr

THE STATE HISTORIC PRESERVATION OFFICE  
[www.preserveal.org](http://www.preserveal.org)

09 NOV 2007



Ms. Robinson

Page 1

65

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

BOB RILEY  
GOVERNOR

M. BARNETT LAWLEY  
COMMISSIONER

HOBBE SEAY  
ASSISTANT COMMISSIONER

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

TELEPHONE (334) 242-1494  
FAX NO. (334) 242-0999

November 2, 2007

Nashville District Corps of Engineers  
Regulatory Branch,  
Mrs. Lisa R. Morris  
3701 Bell Road  
Nashville, TN 37214

Re: Public Notice No. 07-87, Proposed construction of a complete marine recreation facility with boat sales and service as well as dry and wet storage within a park style environment located in Marshall County, AL. See notice for construction details.

Dear Mrs. Morris:

The Department of Conservation and Natural Resources has reviewed the above mentioned permit application. We respectfully submit the following comments:

- The Division of Wildlife and Freshwater Fisheries submits the following comments: 1. The applicant should coordinate with the Marine Police Division (334-242-3669) regarding navigational safety aspects associated with the project. 2. The applicant should also coordinate with the Natural Heritage Section of the State Lands Division regarding potential impacts to protected species. The Natural Heritage Section will provide information on both state- and federally-protected species, whereas the U. S. Fish and Wildlife Service will provide information only on federally-protected species. If a state- or federally-protected species is impacted by the project, further coordination with the Department of Conservation (334-242-3420) and with the Fish and Wildlife Service (251-441-5181) will be required. 3. We recommend the use of rip rap rather than sea walls to protect the shoreline from erosion. Rip rap better protects shallow water spawning, rearing and feeding habitat for fish and other aquatic species. 4. Provided that state water quality standards are not violated, and that stream and wetland impacts (if any) are mitigated in accordance with regulations administered by the Corps of Engineers, we have no further concerns regarding this project.

Sincerely,  
  
M. Barnett Lawley  
Commissioner

Cc: Wildlife and Freshwater Fisheries  
State Lands Division  
ADEM

07 NOV 2007

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



May 19, 2008

Mr. Travis Perry  
TVA  
3696 AL Hwy 69  
Guntersville, AL 35976

Ms. Lisa Morris  
Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road,  
Nashville, TN 37214

Re: Public Notice No. 07-87  
Application No. 49713-00

Dear Mr. Perry and Ms. Morris,

The homeowners at The Harbor met with Mr. Erwin and Mr. McMahan in November 2007 to discuss the questions raised by the homeowners regarding the Erwin Marina project at Honeycomb Creek. The meeting concluded on a note of encouragement from the homeowners for Erwin Marine Sales to complete the project.

Sincerely,

  
President, Harbor Management Association

cc: Mr. Bob McMahan  
Erwin Marine Sales, Inc.  
d/b/a Guntersville Marina  
3001 Kings Point Road  
Chattanooga, TN 37416

The Harbor Town Homes  
c/o Sherryl Marsh  
112 Intracoastal Drive  
Madison, AL 35758

October 14, 2007

Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road,  
Nashville, TN 37214  
Attn: Lisa Morris

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO. 7006 2760 0004 1869 5470

Re: Public Notice No. 07-87  
Application No. 49713-00

Dear Ms. Morris,

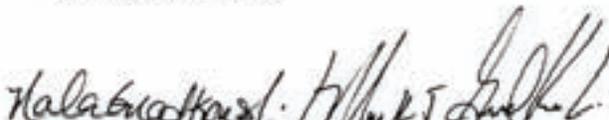
The homeowners at The Harbor, a luxury town home community, request a public hearing to discuss the environmental and aesthetic impact of the application of the proposed commercial marina facility at Honeycomb Creek referenced above.

The Harbor is located on the property behind the proposed marina and is not a condominium complex. As individual homeowners, notice of the public hearing should be mailed to each homeowner as noted below.

Thank you for your assistance in processing this request.

  
Sherryl M. Marsh / Terry M. Bridges  
112 Intracoastal Drive  
Madison, AL 35758

  
Denise Jackson / Mitchell Jackson  
264 Lowell Drive  
Grant, AL 35747

  
Nala Gradkowski / Mark Gradkowski  
14004 Mt. Hope Place  
Huntsville, AL 35803

  
Tammy Lucia / Bruce Lucia  
5261 Gauley River Drive  
Stone Mountain, GA 30087

(Signatures continued on page 2)

19 OCT 2007

Nashville District Corps of Engineers  
Regulatory Branch  
Attn: Lisa Morris  
Page 2 of 2

Laura McFeely by Denise Jackson  
with express permission  
Laura McFeely / Dr. William McFeely  
3027 Lake Hampton Drive  
Hampton Cove, AL 35763

Stephen Self by Denise Jackson  
with express permission  
Marty Self / Stephen Self  
102 Still Cove Drive  
Huntsville, AL 35811

Debby Rosenbloom / George Rosenbloom  
Debby Rosenbloom / George Rosenbloom  
P.O. Box 343  
Arab, AL 35016

Rich Sneringer by Denise Jackson  
with express permission  
Rich Sneringer  
110 Jones Valley  
Huntsville, AL 35802

Kathy Bazemoore by Denise Jackson  
with express permission  
Kathy Bazemoore / Russell Bazemoore  
28473 U.S. Hwy 431  
Grant, AL 35747

Kelly B. Hudson / Earl Hudson  
Earl Hudson / Kelly B. Hudson  
28477 U.S. Hwy 431  
Grant, AL 35747

New - Used - Brokerage - Marinas  
Locations serving the Tennessee River Valley  
www.erwinmarinesales.com

.....  
***Erwin Marine Sales***

**R. T. (Bob) McMahon**  
Exec. VP - COO

**REPLY TO:**  
3001 Kings Point Road  
Chattanooga, TN 37416

Tele. 423-622-1978  
Mobil 423-802-5515  
Fax 423-898-1982  
Email [brmcMahon@erwinmarinesales.com](mailto:brmcMahon@erwinmarinesales.com)

October 31, 2007

Ms. Lisa R. Morris  
Project Manager  
Operations Division  
Department of the Army  
Nashville District  
Corps of Engineers  
3701 Bell Road  
Nashville, TN 37214

RE: File no. 49713-00; Proposed Commercial Marina Facilities at Honeycomb Creek 2.3,  
Right Bank, Tennessee River Mile 352.0, Right Bank, Gunterville Lake, Marshall County,  
Alabama.

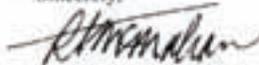
Dear Ms. Morris:

Thank you for copying me on your October 22, 2007 letter to the homeowners at Harbor Town  
Homes.

Yesterday we were on the site and visited with two of the homeowners. With the exception of maybe  
one person, I believe the issue here is nothing more than curiousness. What are going to do? How  
are we going to it? What is it going to look like? Certainly the homeowners would like to believe  
they have some participation in the answers to these question and as the marina developers, we  
understand that concern. Our concerns are mutual to theirs to see that both our completion of the  
marina development started eighteen years ago and their unfinished development, started four years  
ago, present a completed appearance which enhances the value of all the property concerned.

We have scheduled a meeting with the home owners for Tuesday evening November 13<sup>th</sup> to review  
our planning and vision and to address any concerns or questions they may have. I'll report back to  
you after that meeting.

Sincerely,



Cc: Kayo Erwin, CEO, Erwin Marine Sales

---



02 NOV 2007

The Harbor Homeowners  
c/o Sherryl Marsh  
112 Intracoastal Drive  
Madison, AL 35758

November 7, 2007

Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road,  
Nashville, TN 37214  
Attn: Lisa Morris  
Via Overnight Mail

Tennessee Valley Authority ✓  
400 W. Summit Hill Drive  
Knoxville, TN 37902-1499

Mr. Bob McMahan  
Erwin Marine Sales, Inc.  
d/b/a Gunter'sville Marina  
3001 Kings Point Road  
Chattanooga, TN 37416

Re: Public Notice No. 07-87  
Application No. 49713-00

Dear Ms. Morris, TVA Representative and Mr. McMahan,

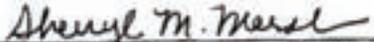
The homeowners at The Harbor have additional questions that we are requesting a response from the Corps of Engineers and TVA for the application referenced above.

- 1) Exhibit B, File No. 49713-00, PN 07-87 – The spacing between boat slips does not appear to be navigable. The density appears high in comparison to the room necessary to facilitate navigation. How much space is required between boat slips?
- 2) Aesthetics of the proposed commercial marina facility – What are the specific details of all buildings, boat docks, roof lines, including building materials, colors, parking facilities and landscaping? What is the height of each covered boat slip?
- 3) Light Pollution – What are the specific details of the type of lighting of the buildings, parking lots and boat slips? Will shrouded lighting be used? Will parking lot lighting be on a timer as opposed to all night?
- 4) Satellite dishes – Will there be provisions for cable versus satellite dishes for the boat slips?
- 5) Outbuildings – Are there provisions that all outbuildings such as bath houses or other structures will be placed near the existing marina dry dock structure?

- 6) **Noise Pollution** – Are restrictions being made to limit the time in which excessive noise such as the use of music speakers, live music performances or parties may be held or in use?
- 7) **Gate and fencing** – Will there be a control access gate to the marina? If so, what materials will be used? Will there be fencing between the Harbor homes and the marina easement?

Thank you for your assistance in responding to this request.

With kind regards,

  
Sherryl M Marsh on behalf of  
The Harbor Homeowners

---

**From:** Bob McMahan [mailto:bmc\_mahan@erwinmarinesales.com]  
**Sent:** Wednesday, November 14, 2007 5:51 PM  
**To:** Morris, Lisa R LRN; Perry, Travis C  
**Cc:** Kayo Erwin  
**Subject:** Public notice No.07-87, Application No. 49713-00

Recently the writer and the two of you received a letter from Sherryl Marsh of Madison Alabama representing the ten families who are property owners in The Harbors townhome development which is immediately adjacent to the owned and leased property we have under development for a Marina complex. This communication will enlighten you to our response to this group and Ms Marsh.

Kayo Erwin and myself visited personally with two members of this group on October 30 and agreed to set a future meeting date for the entire group of homeowners. Yesterday evening was that future date. We met at the property site and had seven families present with an acknowledgement from the three that were unable to be there. The writer responded to the seven questions posed in Ms Marsh's letter. A copy of that response is attached for your review.

The atmosphere for the meeting was relaxed and informal with refreshments served. It was held in an owner's townhome on site. It should be pointed out that several of those present had purchased boats from us previously and were already using our Dry Storage marina services at this site. The group seemed aware of our reputation for completing first class marinas and providing excellent customer service at our sales and service locations. What they didn't know was our plans for the development of this site. I take the blame for that not having previously met with them to review our plans.

As borne out in their letter, their concern was for a proper merge of their development into ours which would provide security for them, landscaping for the site, sight lines to the water from their homes and protection of the investment they had made in their property. We reviewed our development plans with visual aids and answers to their questions. We assured them that their concerns were our concerns. The two developments would merge together and appear as one to the casual observer. The public would be welcome at the Public Launch Ramp we will complete and the services offered to slip renters will be available to the property owners as well. The meeting concluded on a high note with the homeowners verbally expressing support for our plans and understanding that all of us, the property owners and ourselves, wanted the same thing, appreciation and return on our investments.

Please contact the writer if you have questions or would like further details of this meeting.

R. T. (Bob) McMahan, Exec.VP/COO  
Erwin Marine Sales, Inc.  
3001 Kings Point Rd  
Chattanooga, TN 37416  
Office 423/622-1978  
Mobile 423/802-5515  
Fax 423/698-1982  
bmc\_mahan@erwinmarinesales.com

**Applicant Response to Questions posed by Ms Sherryl Marsh on behalf of The Harbor townhome property owners.**

*Q1/ The spacing between boat slips does not appear to be navigable. The density appears high in comparison to the room necessary to facilitate navigation. How much space is required between boat slips?*

**Ans.** The space between marina docks is referred to as a Fairway. Marina layout design standards call for a Fairway to be one and one-half times the length of the longest slip entering that fairway.

- Example: B Dock has 40' slips, C Dock has 50' slips, the Fairway between these two docks will be 75'. One and one-half times the 50' slips.
- The Fairway between C and D docks will be 90'. One and one-half times the 60' slips.

*Q2/ Aesthetics of the proposed commercial marina facility. What are the specific details of all buildings, boat docks, roof line, including building materials, colors, parking facilities and landscaping? What is the height of each boat slip?*

**Ans.** At this time, the only building planned for the marina wet slip facility is a Dock Store which would be located approximately mid-way out on A Dock. This would be a small building having approximately 900 sq ft. The primary purpose for this building is the housing of attendants for the selling of fuel and sundry items, i.e. ice and soft drinks. The building will be constructed of wood frame with an elevation complimentary to the site.

- The docks are constructed of galvanized steel with wood or cement walking surfaces. The floating foam supports are encapsulated in a black vinyl material.
  - Roof lines will be pitched from the center at a rate of 1.5' drop per 12'.
  - The height of slip openings will vary from a low of 18' to a high of 24'.
- Parking facilities will be a hard surface, asphalt or concrete.
- Landscaping will be complimentary to the site and the landscaping in place for The Harbor.

*Q3/ Light Pollution. What are the specific details of of the type of lighting of the buildings, parking lots and boat slips? Will shrouded lighting be used? Will parking lot lighting be on a timer as opposed to all night?*

**Ans.** Details on the lighting have not been finalized at this time.

- Parking lot lighting will be directed downward and away from the Townhouses as much as possible. This lighting will be controlled by photocells.
- It can be expected that dock lighting will consist of low wattage lamps at waist height with one per slip at the head of the slip where all the slip utilities come together. These lamps will be controlled individually by a photocell.

*Q4/ Satellite dishes. Will there be provisions for cable versus satellite dishes for the boat slips?*

**Ans.** Cable will be available at each slip. There will not be any community satellite service available.

*Q5/ Outbuildings. Are there provisions that all outbuildings such as bath houses or other structures will be placed near the existing marina dry dock structure?*

**Ans.** Yes. We would make use of the water and sewage facilities already in place in that area.

*Q6/ Noise pollution. Are restrictions being made to limit the time in which excessive noise such as the use of music speakers, live music performances or parties may be held or in use?*

**Ans.** The Rules & Regulations we issue to a slip licensee cover this subject. We do not set hours but we do advise the boat owner that electronic entertainment on his/her boat is for his/her benefit only and should not be intrusive to the neighbors. This issue has not been a problem at our existing marinas.

*Q7/ Gate and fencing. Will there be a control access gate to the marina? If so, what materials will be used? Will there be fencing between the Harbor homes and the marina easement?*

**Ans.** The public launch ramp will be moved from it's present location in front of the Harbor homes to a point further up the drive and very near Highway 431. We have a plan for that area we can show you.

- We will install an electronically coded marina entrance gate at our property limits at or about where the present posts are erected. The gate will be a decorative one in design harmony with the surroundings.
- Fencing running from that gate to the waterline is being considered. A question arises on how to treat fencing running northwest from the gate toward the Harbor homes.
- There is no plan to separate the Harbor homes from the marina proper. These two areas will blend together with landscaping appearing.

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**Appendix D – Landscaping With Native  
Shrubs in Utility Rights-of-Way**

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# Landscaping with Native Shrubs in Utility Rights-of-Way

A guide to selecting native shrubs for rights-of-way revegetation



For more information about native plants in your area please contact:

- Alabama Wildflower Society**  
PO Box 115  
Harrison, AL 35478
- Georgia Native Plant Society**  
Box 222305  
Atlanta, GA 30322
- Kentucky Native Plant Society**  
c/o Department of Biology  
Eastern Kentucky University  
Richmond, KY 40475
- Mississippi Native Plant Society**  
Mississippi Museum of Natural Science  
111 North Jefferson St  
Jackson, MS 39202
- North Carolina Wildflower Preservation Society**  
c/o NC Botanical Garden  
Salem Center #67A  
Chapel Hill, NC 27514
- South Carolina Native Plant Society**  
Box 763  
Pickens, SC 29671
- Southern Appalachian Botanical Society**  
c/o C. Hunt  
Henderson College  
2100 College St  
Newberry, SC 29108
- Tennessee Native Plant Society**  
Department of Biology  
University of Tennessee  
 Knoxville TN 37926-1100
- Virginia Native Plant Society**  
Box 844  
Arroldale, VA 22003

For more information about this book's contact:  
Environmental Publications & Services  
Tennessee Valley Authority  
17 Progress Road  
Flores, Tennessee 37028

Printed by  
**TVA Technology Advancements** 41782  
Paper contains 10% post-consumer waste



## The Tennessee Valley

Southern Appalachian Mountains  
Ridge and Valley  
Cumberland Plateau  
Piedmont Plateau  
Coastal Plain



## The Tennessee Valley

Southern Appalachian Mountains, Ridge and Valley, Cumberland Plateau, Piedmont Plateau, Coastal Plain

The Southern Appalachian Mountains (Blue Ridge), the Ridge and Valley, Cumberland Plateau, the Interior Low Plateaus, and the Coastal Plain all are distinct physiographic regions that make up the Tennessee valley. Site conditions for each area are determined by topography, soil characteristics, elevation, light availability, and hydrology. These varying site conditions support a mosaic of native plant communities. These regions fall into two different USDA hardiness zones: Zone 5a and Zone 6a. These zones are based on the range of average minimum temperatures



The region addressed in this brochure includes diverse topography, geology, and soils. Soils range from those formed in alluvial sediments along major streams to soils formed from the typical weathering of rocks like limestone, sandstone, granite, schists, and quartzites.

Because there is a large of environmental conditions across the valley, it is important to realize that native plant species vary as well.

The best way to learn about soils in your area is to contact your local state agricultural experiment station or your county (NCS) Natural Resources Conservation Service agent.

### Special Concerns of Utility Rights-of-Way

Utility Rights-of-Way (URW) study examines the timing of conditions of vegetation because the best or proper timing order of site-clear to utility lines often create problems. Branches which break during wind or ice storms can knock down lines, create dangerous situations, and disrupt services.

### What is Rights-of-Way Naturalization?

Since utility line growing species often invade these recently cleared corridors, naturalization of URWs is an attempt to create the growing 14-20 ft tall, native plants to help establish a healthy ecosystem.

### Rights-of-Way Naturalization Considerations

Utility URW poses an interesting challenge for naturalization. Due to the existence of utility lines, anything planted in or near a URW must meet certain criteria.

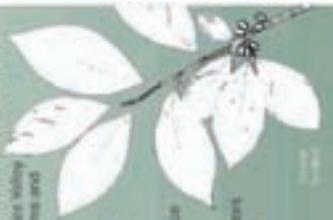
Criteria to be considered for URW planting are such things as plant height, and water, soil, and light requirements.

### Why Naturalize Rights-of-Ways?

- A naturalized URW is more aesthetically pleasing than one that is treated regularly using herbicides and/or tree cutting to keep tall plants from growing in to powerlines.
- The URW can be naturalized with plants that are suitable for wildlife habitat and forage.
- Maintaining a URW benefits the ecosystem and preserves biodiversity.
- A naturalized URW does not need frequent maintenance and herbicide treatments costs and the need for frequent herbicide.

### Why Use Native Plants vs. Non-native Plants?

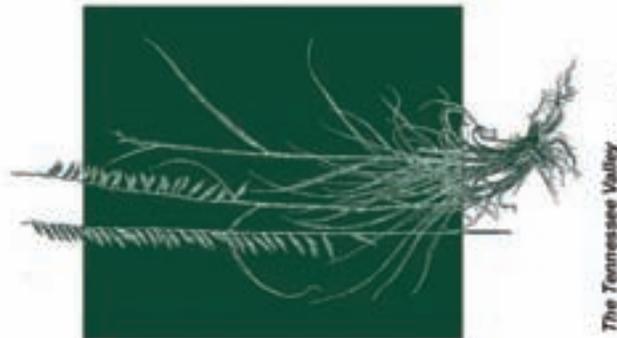
- Species native to the Tennessee Valley have evolved over geologic time and are adapted to the conditions that exist in that area.
- Native plants preserve biodiversity and provide food and shelter for native wildlife.
- Non-native plants often result in habitat and produce native plants, threatening biodiversity.
- Non-native plants can be vectors of diseases and pests.





## Landscaping with Native Grasses in Utility Rights-of-Way

A guide to selecting native grasses for rights-of-way naturalization



The Tennessee Valley  
Southern Appalachian Mountains  
Interior Low Plateaus  
Cumberland Plateau  
Ridge and Valley  
Coastal Plain



For more information about native grasses in your area please contact:

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Plant Materials Specialist  
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### Special Concerns of Utility Rights-of-Way

Utility Rights-of-Way are usually corridors across the landscape that are kept cleared of tall vegetation. Tall trees growing under or too close to utility lines often create problems. Trees or branches which grow into powerlines or break during wind or ice storms can cause power outages.

#### What is Rights-of-Way Naturalization?

Fast-growing tree species and sprouts from the stump of trees cut during the construction and maintenance of the ROW are a persistent problem for ROW managers. ROW naturalization is an effort to use native plants to establish a community of low-growing (<20 feet) vegetation under powerlines to help reduce the frequency of cutting or herbicide application needed to control tall, growing tree species.

#### Rights-of-Way Naturalization Considerations

Utility ROW pose an interesting challenge for naturalization. Due to the existence of utility lines, anything planted in or near a ROW must meet certain criteria. Plant height at maturity is particularly important along with the water, soil, and light requirements of the plant.



This brochure provides information on naturalizing powerline rights-of-way (ROW) using native grass species. Naturalizing ROW has many potential benefits to the environment and the electric power consumers.

#### The Tennessee Valley

The Tennessee Valley lies across five distinct physiographic regions. From the Southern Appalachian mountains (Blue Ridge) in the eastern Tennessee Valley to the Coastal Plain in west, the diverse geology, geography, climate, and soils of these regions create a variety of habitats that support a mosaic of native plant communities.



Because of the diversity of habitat conditions in the Tennessee Valley, it is important to understand that conditions suitable for native plants can vary as well. County agricultural extension offices or NRCS (Natural Resources Conservation Service) offices are helpful points of contact to learn more about the soils and habitat conditions in your area.



Recommended Native Grass Species for Planting in Rights-of-Way in the Tennessee Valley

KEY						
Height (inches)	Soil Moisture	Ht. Moisture	Light	Soil pH	Comments	
S = <15" M = 15-40" T = > 40"	W = wet, hydric M = moist, mesic D = dry, xeric	S W M D F	P S	5.8-6.8	best for stream side planting	
		T M D P S		5.5-7.5	Annual cool season grass useful as a cover for establishing native grass stands	
Switchgrass	<i>Panicum virgatum</i>	S W M D F	F	4.9-7.0	Resistant to snow and ice, excellent nesting for game and song birds.	
Indian grass	<i>Sorghastrum nutans</i>	T M D	F, P	4.5-7.5	Excellent for wildlife and cattle, copper-colored plumes	
Big bluestem	<i>Andropogon gerardi</i>	S W M	F, P	4.5-7.5	Slow growing, good drought tolerance	
Little bluestem	<i>Schizachyrium scoparium</i>	M M	FPS	4.5-7.1	Blue to green leaves accented by silvery-white seed heads	
Eastern gamagrass	<i>Tripsacum dactyloides</i>	T W M	F	5.5-7.5	Excellent source of forage during the period when cool season grasses are dormant	
Side-oats grama	<i>Bouteloua curtipendula</i>	M W M D	FPS	5.6-7.8	Remains green late into the fall, not suitable for lawns	
Broomsedge	<i>Andropogon virginicus</i>	T W M D	F, P	4.9-7.0	Naturally occurring throughout the Tennessee Valley area. Thrives in low fertility conditions. Will establish best in abandoned fields. Not commercially available.	
Tall Beardgrass	<i>Eriophorum giganteum</i>	T W M D	F	3.5-7.0	Adapts easily to ROW conditions. Can grow 10-12' tall, easily propagated. Commercial availability limited.	

The low height growth nature of native grasses make them an ideal choice for ROW naturalization under suitable soil and light conditions. Landscaping with native grasses benefits the ecosystem, while their beauty and diversity provide charm year-round.

**Native Grass Recommendations**  
More than one thousand species of grasses grow in the continental United States. Because many of these are relatively obscure or occupy very unique places in the environment, only a small handful of native grasses are available commercially.

The following table lists species of native grasses that are suitable to conditions in the Tennessee Valley and are readily available from seed suppliers or nurseries.

**Planting Native Grasses**  
The planting and care of native grasses is different from that of cool season grasses. Native grass seed suppliers along with the resources listed on the back of this brochure can provide information on establishing and caring for native grasses.

Some pre-packaged prairie mixes contain non-native invasive grasses and wildflowers. It is important to check to insure that only native species are included.



**Why Naturalize Rights-of-Way?**  
Naturalized ROW are more aesthetically pleasing than ROW treated regularly using herbicides and/or tree cutting.  
Naturalized ROW enhance wildlife habitat and forage resources.  
Naturalized ROW can benefit and promote biodiversity.  
Naturalized ROW need less maintenance which reduces costs and the need for frequent intrusion.

**Why Use Native Plants vs. Non-native Plants?**  
Species native to the Tennessee Valley have evolved over geologic time and are adapted to the conditions that exist in this area.  
Native plants promote biodiversity and provide food and shelter for native wildlife.  
Non-native plants can escape cultivation and displace native plants, threatening biodiversity.  
Non-native plants can be vectors for disease and exotic pests.

**Why Landscape with Native Grasses?**  
Native warm season grasses once inhabited open areas known as barrens in the southern region of the United States. Today, due to development, afforestation, and the use of non-native forage grasses, only a fraction of this grassland remains. Native warm season grasses provide habitat for wildlife, forage for cattle, and help prevent soil erosion.  
Native warm season grasses differ from many non-native grasses in that they grow during the summer as opposed to spring. Because of their summer growth habit native warm season grasses are more drought tolerant than non-native cool season grasses such as Tall fescue.