

Appendix A
Revised Application
Promenade and Oaks Facilities Design

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JOINT APPLICATION FORM

Department of the Army/TVA

Paperwork Reduction Act 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.

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).

<p>Name and Address of Applicant:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> The Promenade and The Oaks Homeowner's Association, Inc. 3528 Darien Highway, Suite 203 Brunswick, Georgia 31520 </div> <p>Telephone Number: Home <input style="width: 150px;" type="text"/> Office <input style="width: 150px;" type="text" value="(912) 267-7676"/></p>	<p>Name, Address, and Title of Authorized Agent:</p> <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <p>Telephone Number: Home <input style="width: 150px;" type="text"/> Office <input style="width: 150px;" type="text"/></p>
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Location where activity exists or will occur (include Stream Name and Mile, if known):

Lake Guntersville, Alabama mile 380-381 and Roseberry Creek *The Promenade Section*

Application submitted to DA TVA

Date activity is proposed to commence:

Date activity is proposed to be completed:

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.

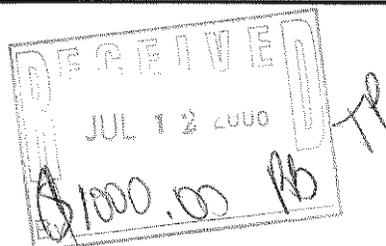
see Exhibit A

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.**

Date

Yeter Grooms
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.



RLR 174675

Donald W. Adams

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

James W. Christopher
 St. Christopher, LLC
 P.O. Box 74
 Athens, Alabama 35612

List of previous DA/TVA permits/approvals

DA Permit Number

TVA 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?

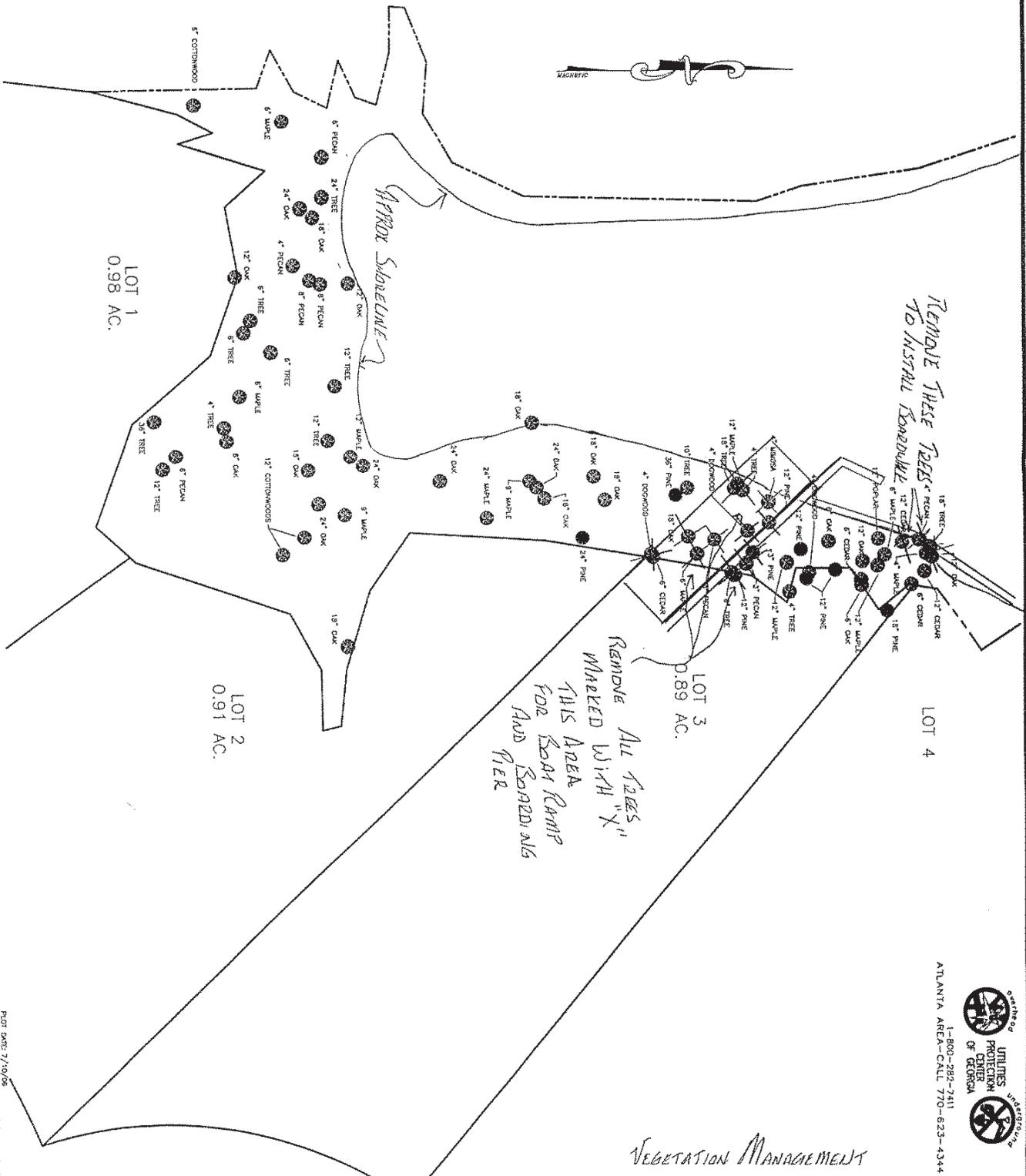
Yes No (If "Yes" attach explanation)

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.

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 "dx" 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 P.O. Box 465 Lenoir City, Tennessee 37771-0465 (865) 986-7296	U.S. Army Corps of Engineers Savannah District The Plaza, Suite 130 1590 Adamson Parkway Morrow, Georgia 30260-1763 (678) 422-2729	Tennessee Valley Authority
U.S. Army Corps of Engineers Nashville District 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) 350-5620	
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	



REMOVE THESE TREES
TO INSTALL BOARDWALK

REMOVE ALL TREES
MARKED WITH "X"
THIS AREA
FOR BOAT RAMP
AND PIER

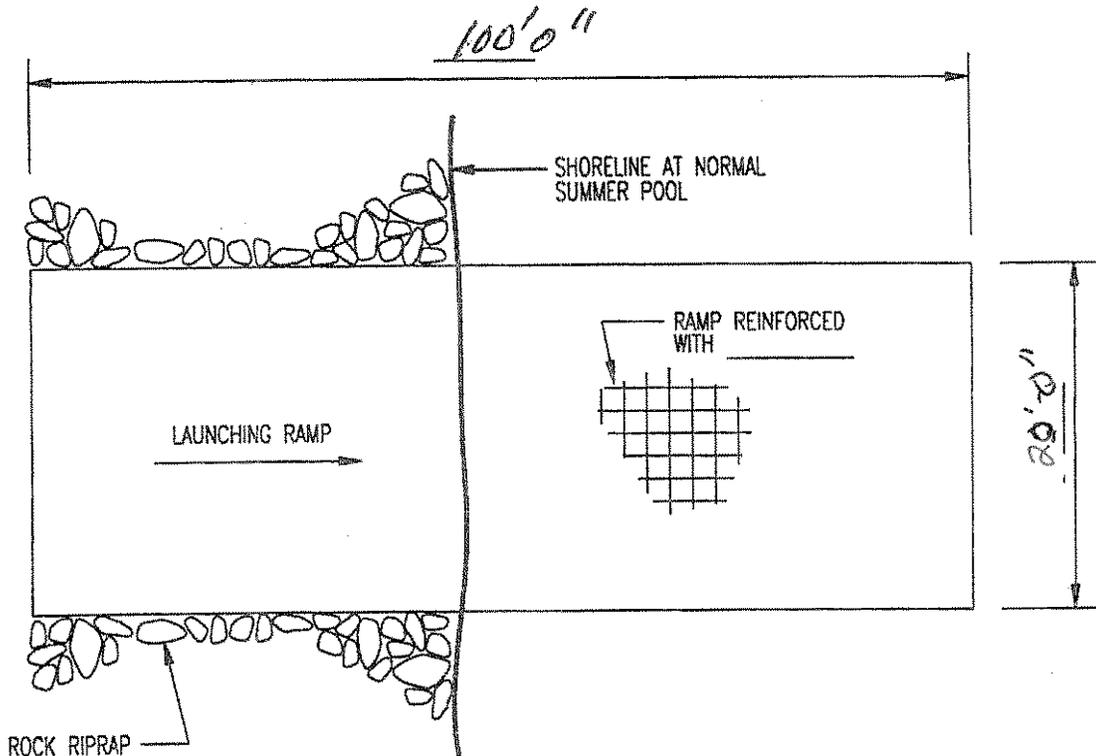
STATE OF GEORGIA
 DEPARTMENT OF NATURAL RESOURCES
 ATLANTA AREA - CALL 770-623-4344
 1-800-282-7411
 LIMES PROTECTION CENTER OF GEORGIA

VEGETATION MANAGEMENT
 EXISTING VEGETATION SURVEY
 PROMENADE LOTS 1-3
 GOOSE POND ISLAND

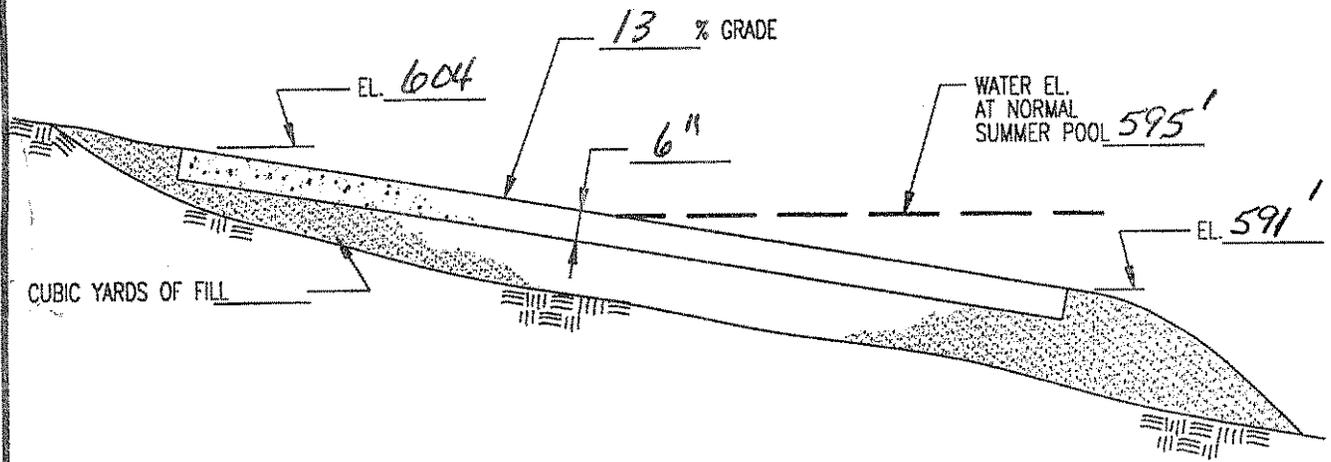
STATEWIDE ENGINEERING, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 516 EAST ASHLEY STREET, DOUGLAS, GEORGIA (912) 384-7723

DATE	2/1/06
DRAWN BY	...
CHECKED BY	...
DATE	2/1/06
SCALE	AS SHOWN
PROJECT NO.	...
CLIENT	...
LOCATION	...
DESCRIPTION	...
REVISIONS	...

LOT DATE 2/1/06
 JOB NO. 0505050505 FROM INVDOS-1A.VB



PLAN



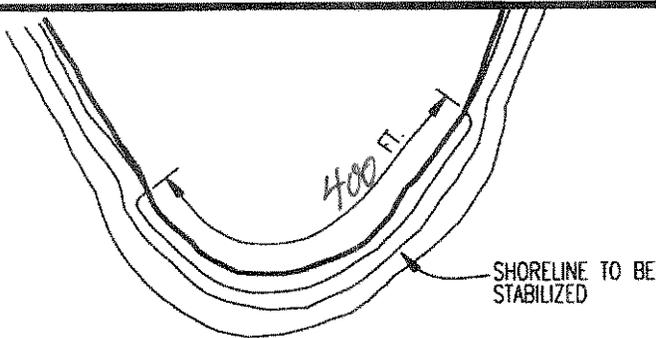
SECTION THRU CONCRETE RAMP

THE NORMAL SUMMER WATER LEVEL IS:

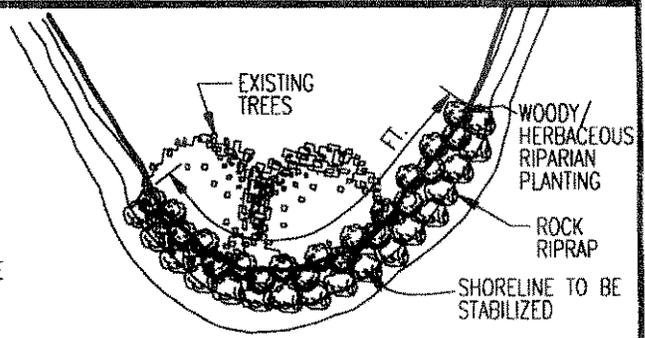
595.44'

TVA	TYPICAL CONCRETE RAMP DETAIL	
	PROJECT LOCATION INFORMATION:	
STREAM NAME <i>Reservoir Creek</i>	SUBDIVISION NAME <i>THE PROMENADE 2</i>	
RESERVOIR NAME <i>Lake Countessville</i>	LOT NUMBER <i>3</i>	
MILE MARKER _____	MAP NO. _____	
(APPLICANT'S NAME)		
<i>THE PROMENADE and THE OAKS Homeowner's Association</i>		

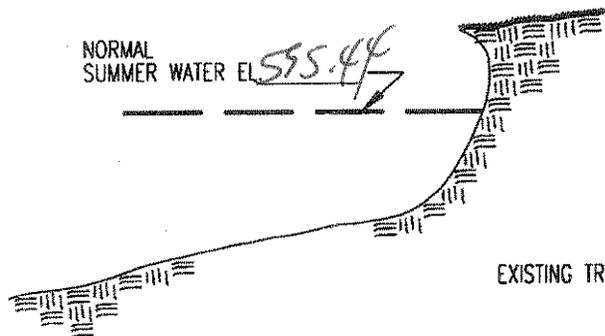
NOTE:
INCLUDE ALL DIMENSIONS AND ELEVATIONS
WHERE INDICATED.



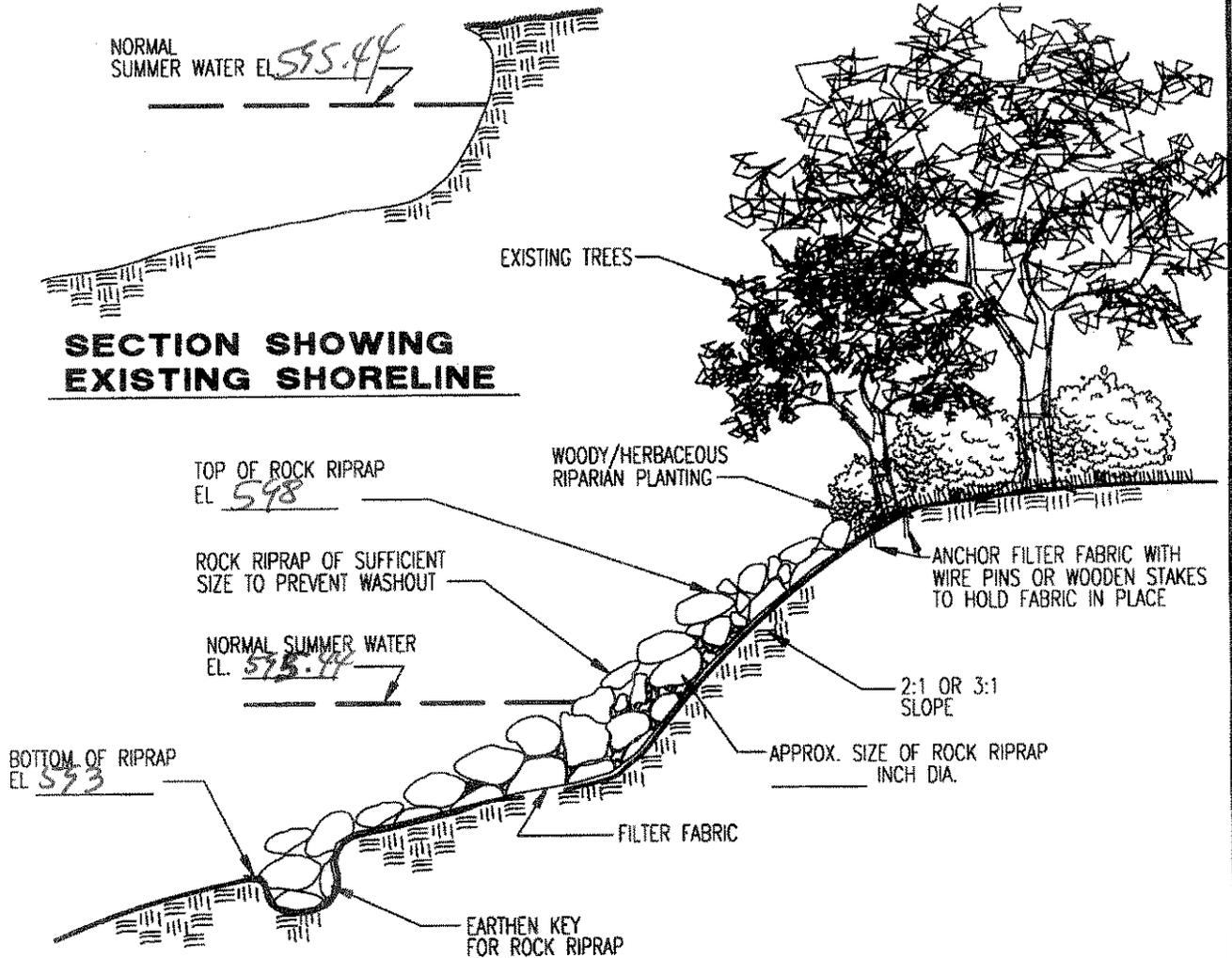
PLAN SHOWING EXISTING SHORELINE



PLAN SHOWING STABILIZED SHORELINE



SECTION SHOWING EXISTING SHORELINE



SECTION SHOWING STABILIZED SHORELINE

THE NORMAL SUMMER WATER LEVEL IS: 595.44

IWA	ROCK RIPRAP w/ OPTIONAL VEGETATION		
	PROJECT LOCATION INFORMATION:		
STREAM NAME	<i>Roseberry Creek</i>	SUBDIVISION NAME	<i>Ironwade</i>
RESERVOIR NAME	<i>Gunterville</i>	LOT NUMBER	<i>Com. Lot</i>
MILE MARKER	<i>382.512</i>	MAP NO.	<i>530</i>
(APPLICANT'S NAME)			

NOTE:
INCLUDE ALL DIMENSIONS AND ELEVATIONS
WHERE INDICATED.

SITE INFORMATION CHECKLIST
Section 26a and Land Use

Applicant <i>The Lakes + Promenade Home Assn.</i>	TVA Tract No. <i>XGR-665</i>	RLR No. <i>174675</i>
Inspected By <i>T. Barry + A. Meekins</i>	Inspection Date	Project Description <i>Comm. Facility</i>

26a Category I
 26a Category II
 26a Category III
 Land Use
 Other

LOCATION (Section 26a reviews only)

1. Will the proposed facility(ies) be?
 - off reservoir (skip to question 11) on reservoir or regulated stream
2. Will the proposed facility(ies) be on?
 - flowage easement - vegetation management plan (VMP) not required TVA-owned land - VMP required N/A
3. Will the proposed facility(ies) be in a?
 - pre-Shoreline Management Policy (SMP) subdivision - Pre-SMP Waiver Guidelines may apply (for TVA-owned land: use pre-SMP vegetation management guidelines or document current practices)
 - SMP subdivision - Section 26a Regulations apply (for TVA-owned land: VMP required; mark SMZ & access corridor)
 - N/A

SITE DATA (Section 26a reviews only)

4. What is the Residential Shoreline Categorization?
 - green (CEC not required for Cat. 1 & 2) yellow red N/A
 5. Did the ALIS Archaeological SMI Database indicate potential (red) to affect archaeological resources? Yes No
 6. Did the ALIS Heritage SMI Database* indicate potential to affect protected species? Yes No
 7. Did the ALIS Wetlands SMI Database* indicate potential to affect wetlands? Yes No
- * Database to be developed from existing SMI data.

SITE COMPATIBILITY (Section 26a reviews only)

8. Will the proposed facility(ies) extend beyond 1/3 of the cove or slough?
 - Yes - refer to Prescreening Criteria Checklist No
9. Is space limited in this part of the reservoir so that the proposed facility may affect existing facilities? In jointly owned outlot situations, see Regulations §1304.206.
 - Yes - modify plans No

NAVIGATION (Section 26a reviews only)

10. Will the proposed facility(ies) be located near the following? Check all that apply and refer to Prescreening Criteria Checklist.
 - a navigation marker a light a safety harbor shoreline which requires navigation review

If the site needs review by a navigation specialist, indicate any shoreline characteristics that may affect navigation's approval of the facility.

 - rock outcroppings bank erosion other _____

TRANSMISSION SYSTEM

11. Is there a TVA transmission line crossing at the site (lot)?
 - Yes - refer to Prescreening Criteria Checklist No

SITE INFORMATION OBSERVATIONS

12. Adjacent/backlying land use:
 - no development residential recreational commercial industrial agricultural
13. Natural shoreline features:
 - undercut bank rock outcroppings height of bank in feet *1-4 ft.*

SITE INFORMATION OBSERVATIONS - Continued

14. Shoreline erosion:

- none (stabilized, rock outcrop, bluff)
- minimal (adequate vegetative cover, grass/shrub cover)
- moderate (<2' vertical bank and/or limited vegetative cover)
- severe (>2' vertical bank and/or limited vegetative cover, bank sloughing, rills and gullies)

15. Manmade shoreline features:

- riprap
- seawall
- other _____

16. Topography / percent (%) slope:

- gentle / (0-5%)
- medium / (6-20%)
- steep / (>20%)

17. What is the visible soil type or parent material at or below pool?

- sand
- silt
- rubble or cobblestones
- clay
- gravel
- bed rock (solid rock underlying surface material)

18. Indicate vegetation cover on TVA property:

(Choose S = at shoreline, B = at backlying TVA property, or S&B = at shoreline and backlying TVA property)

- | | | |
|------------------------------------|----------------------------|--------------------------------|
| ___ bare soil | ___ grass/forb | ___ pine/grass |
| ___ hardwood/grass | ___ lawn/maintained field | <u>S&B</u> pine/undercover |
| <u>S&B</u> hardwood/undercover | ___ shrub/grass | ___ pine/cedar |
| <u>S</u> trees fallen into water | <u>S&B</u> shrub/brush | ___ pine/hardwood |

RESOURCE INDICATOR OBSERVATIONS

19. Are any of the following indicated? *No*

- streams
- several submerged stumps
- springs/seeps
- fish attractor (brush pile)

20. Are any of the following observed? *No*

- caves (endangered bats, etc.)
- nests greater than 3' in diameter or several large nests (eagle, osprey)

21. Are any of the following conditions present? *No*

- emergent wetland (cattail, bulrush; i.e., plants in the water along water's edge)
- scrub/shrub wetland (buttonbush, black willow, river alder, silky dogwood; i.e., bushes along water's edge)
- aquatic bed wetland (water milfoil, naiads, pondweeds; i.e., plants in the water)
- forested wetland (willow, sycamore, silver maple, river birch; i.e., trees along shore)

22. Are any of the following observed or on acquisition map? (Include submerged features) *No*

(Provide copy of the appropriate portion of the acquisition map to reviewers)

- spring
- house foundation
- barn
- roadbed(s)
- sinkhole(s)
- orchard
- outhouse
- pump house
- other _____

23. Are any structures 50 years old or older present or visible from impact area? Yes No

24. Are any archaeological materials observed? (Such as flint chips, pot shards, bones, old mussel shells, bricks, etc.) Yes No

Notes:

38.5 yds - back of cove

lot 4 57 yds.

182 yds from mouth of cove

Exhibit A

ABSTRACT: The proposed project consists of two community dock facilities and a concrete boat ramp at The Promenade and The Oaks subdivision. The facility includes a total footprint of 25,071 square feet with 82 covered boat slips. The project includes a total of 665 linear feet of 6' wide boardwalk connecting the boat slip facilities. All facilities will be constructed utilizing commercial grade floatation materials and pressure treated lumber. Shoreline stabilization will be provided in Tobe Hollow Cove at the north end of the property using rip-rap materials. To provide adequate water depth, two areas of dredging will be needed. The first dredging area, dimensions 45 X 86 X 2 feet with a triangular cross section, will be in the cove on the north end of the island, adjacent to the boat ramp, and is necessary to provide access. Dredging in this area will be by mechanical excavation. Dredge materials will be trucked to the discharge site. Dredge materials will be stockpiled on lot 2 and allowed to air dry prior to spreading out in a thin lift over lots 1-3 (the marina parking lot area). Stockpiled materials will be placed above the 620 contour and will be protected from erosion utilizing best management practices to ensure no runoff occurs. The amount of material to be dredged in this area is approximately 125 cubic yards. The second area of dredging is in Willowy Cove on the south end of the subdivision adjacent to the community dock facility. The dimensions of the area are approximately 270 X 77 X 3 with a triangular cross section. Dredging in this area will be by barge type dredge. Dredge materials will be pumped via temporary piping to the discharge site. Dredge materials will be stockpiled on lot 214 and allowed to dry prior to spreading out in a thin lift over lots 213-215. Stockpiled material will be placed above the 620 contour and will be protected from erosion utilizing best management practices to ensure no runoff occurs. The volume is approximately 569 cubic yards. After the dredging operations are completed, access piers and boardwalks, and boat slip facilities will be constructed.

DESCRIPTION OF THE PROPOSED PROJECT: The proposed project includes the construction of two community dock facilities and a boat launching ramp. One community dock and the boat ramp will be constructed in the development known as The Promenade and one community dock will be constructed in the area known as the Oaks. These facilities will be owned and operated by The Promenade and The Oaks Homeowner's Association, Inc. and used to provide enhanced recreation and water related activities to property owners and their families within the development.

The community dock facility and the boat ramp in The Promenade will be located in Tobe Hollow Cove along Roseberry Creek. This facility will have a 20' wide boat launching ramp and associated boarding pier. There will also be 320 linear feet of 6 foot wide boardwalk connecting three docking structures. These structures will accommodate 21 boat slips and have a combined total footprint of 13,487 square feet. Shoreline stabilization in the area will be provided using rip-rap material to prevent erosion. The

community dock facility in The Oaks will be constructed in Willowy Cove along the Tennessee River between mile markers 380 and 381. This facility will accommodate 22 boat slips and have a total footprint of 11,614 square feet. The total footprint of the facilities is 25,071 square feet and include a total of 879 feet of shoreline.

AFFIDAVIT

Personally appeared before the undersigned, a Notary Public in and for Camden County, Georgia, authorized and empowered to take and administer oaths, Stephen Patch, in his capacity as the Manager of Alabama Shoreline, LLC, an Alabama limited liability company (the "Affiant"), personally known to me, who, after being duly sworn, deposes and says that:

1. Alabama Shoreline, LLC (the "Company") is the owner of that certain property known as The Promenade Subdivision located in Jackson County, Alabama, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference ("The Promenade").

2. The Company and James W. Christopher ("Christopher") are parties to that certain Contract for Sale With Option to Purchase dated as of November 21, 2005 (as amended from time to time), pursuant to which the Company has agreed to buy, and Christopher has agreed to sell, certain property known as The Oaks Subdivision located in Jackson County, Alabama, which is more particularly described on Exhibit B attached hereto and incorporated herein by reference ("The Oaks").

3. The subdivision plat for The Promenade and The Oaks is recorded in Cabinet B, Slide 63A in the records in the Office of the Judge of Probate of Jackson County, Alabama (the "Plat"). The Company intends to develop The Promenade into approximately 144 residential subdivision lots, which lots are shown as Lots 1-144 on the Plat. The Company intends to develop The Oaks into 109 residential subdivision lots, which lots are shown as Lots 145-253 on the Plat. The Company intends to construct one or more community docks adjacent to certain portions of The Promenade and The Oaks subdivisions (the "Community Docks"). The Company also intends to form a homeowners' association for The Promenade and The Oaks subdivisions (the "Homeowners' Association").

4. The Company intends to construct, among other things, a community parking area and clubhouse on Lots 1, 2 and 3 of The Promenade (the "Promenade Parking Lots"). The Company intends to dedicate the Promenade Parking Lots to the Homeowners' Association.

5. The Company intends to construct, among other things, a community parking area and clubhouse on Lot 193 of The Oaks (the "Oaks Parking Lot"). The Company intends to dedicate The Oaks Parking Lot to the Homeowners' Association.

6. The Company intends to construct a community dock immediately adjacent to Lots 4, 5 and 6 of The Promenade (the "Promenade Dock Lots"); however, the Company intends to sell each of the Promenade Dock Lots to third party purchasers. The Company shall assign the purchasers of the Promenade Dock Lots slips in one or more of the Community Docks. The Company has been informed by the Tennessee Valley Authority ("TVA") that the purchasers of the Promenade Dock Lots will not have

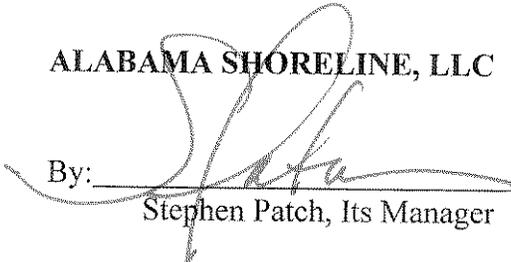
a right to an individual dock permit with respect to their lot due to the fact that a community dock will be constructed adjacent to the Promenade Dock Lots. In connection with the sale of the Promenade Dock Lots, the Company shall take reasonable steps to inform the purchasers that the TVA has determined that the purchasers of the Promenade Dock Lots will not have a right to an individual dock permit with respect to their lot.

7. The Company intends to construct a community dock immediately adjacent to Lots 192 and 194 of The Oaks (the "Oaks Dock Lots"); however, the Company intends to sell each of the Oaks Dock Lots to third party purchasers. The Company shall assign the purchasers of the Oaks Dock Lots slips in one or more of the Community Docks. The Company has been informed by TVA that the purchasers of the Oaks Dock Lots will not have a right to an individual dock permit with respect to their lot due to the fact that a community dock will be constructed adjacent to the Oaks Dock Lots. In connection with the sale of the Oaks Dock Lots, the Company shall take reasonable steps to inform the purchasers that the TVA has determined that the purchasers of the Oaks Dock Lots will not have a right to an individual dock permit with respect to their lot.

8. This Affidavit is given at the request of and for the sole benefit of TVA. Nothing herein shall constitute an agreement on the part of the Affiant or the Company with any other party to take any action (or to refrain from taking any action) with respect to the matters set forth herein or any other matter.

ALABAMA SHORELINE, LLC

By: _____


Stephen Patch, Its Manager

STATE OF GEORGIA)
COUNTY OF Camden)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Stephen Patch, as Manager of Alabama Shoreline, LLC, an Alabama limited liability company, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Manager, executed the same voluntarily on behalf of said limited liability company on the day the same bears date.

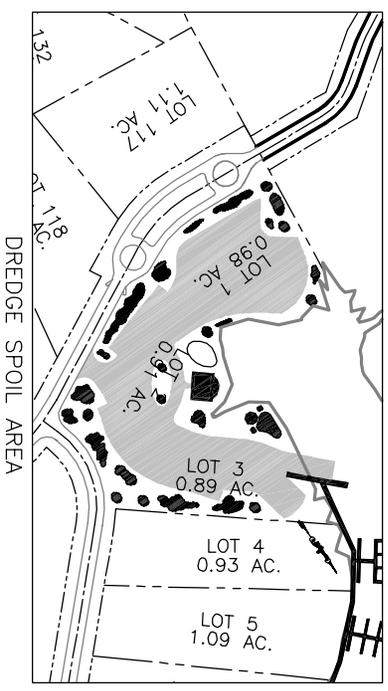
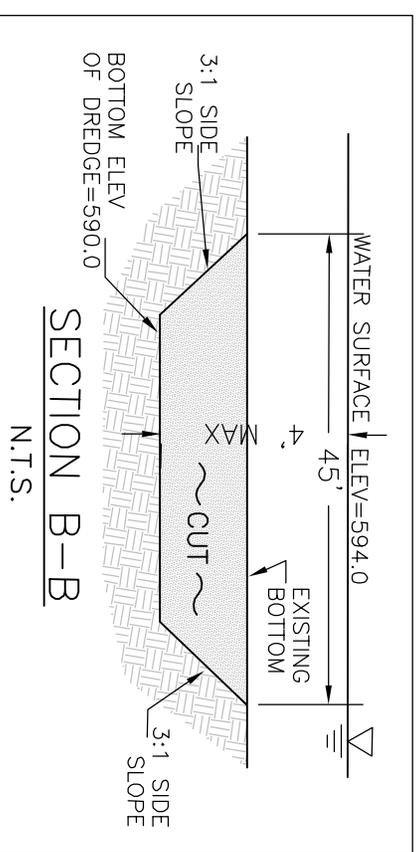
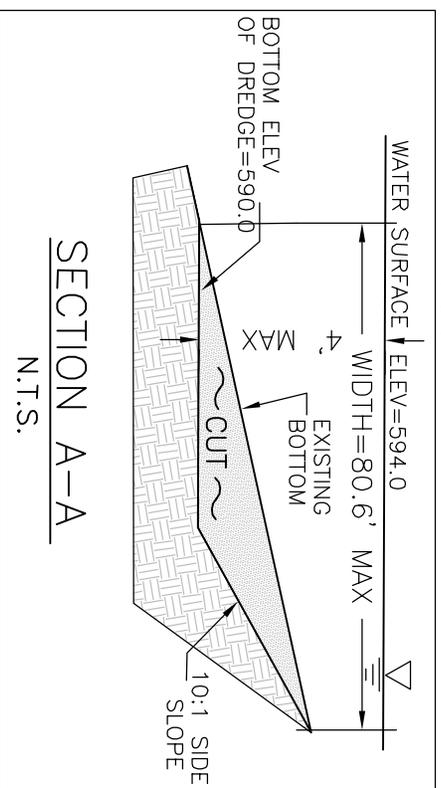
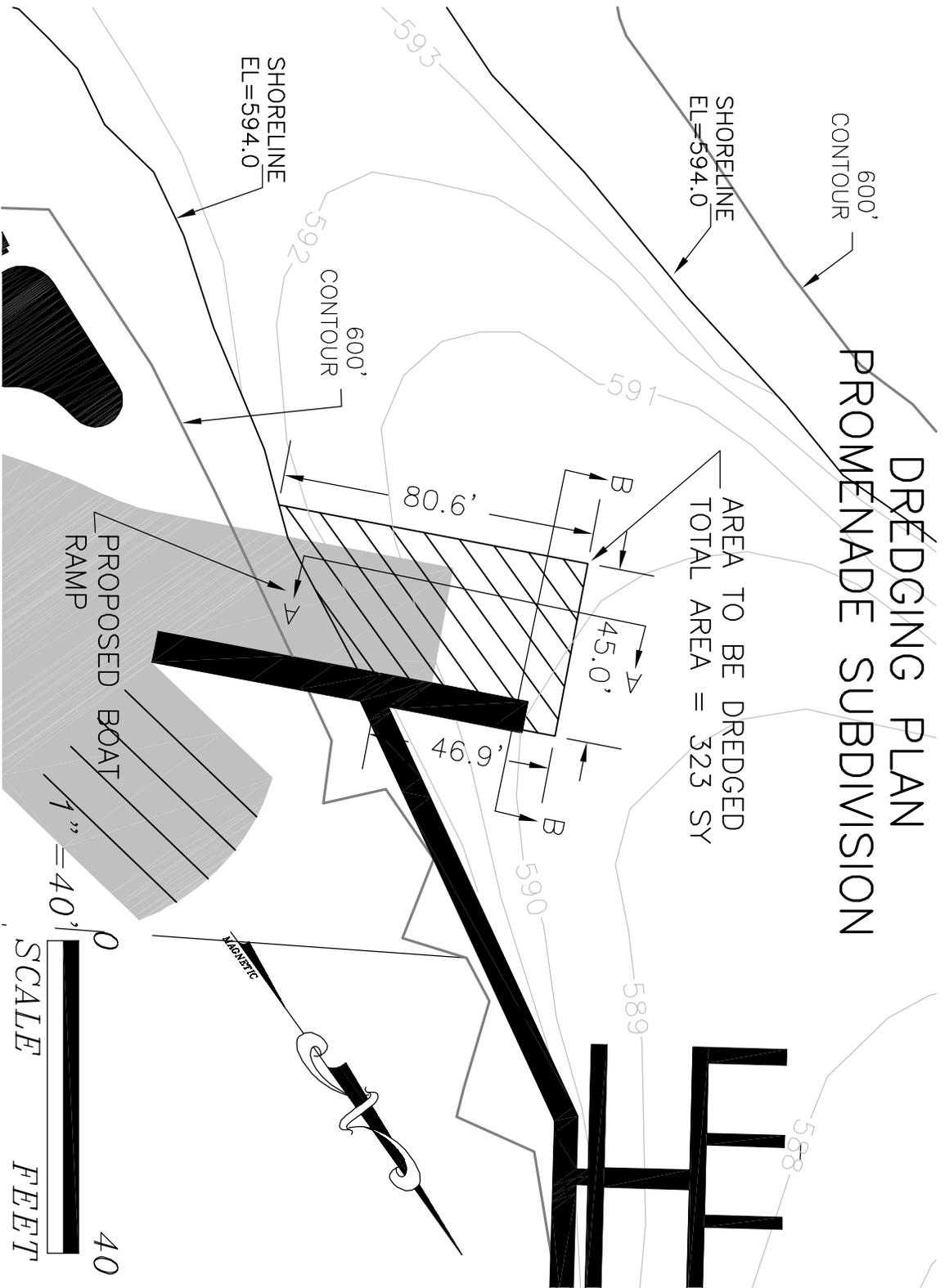
Given under my hand and official seal, this 28th day of June, 2006.

Yelise G. Looms
Notary Public

[AFFIX SEAL]

My Commission Expires: Notary Public, Camden County, Georgia
My Commission Expires Sept. 30, 2006

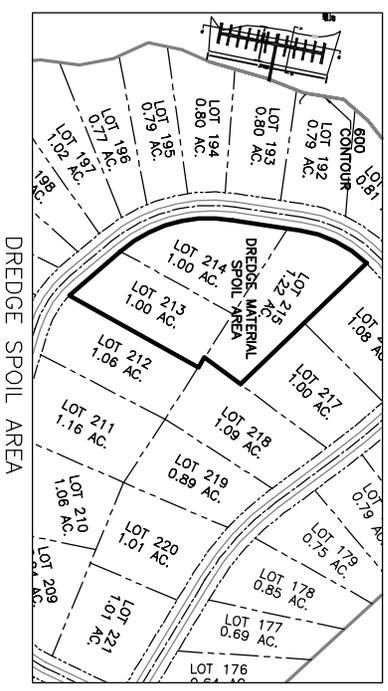
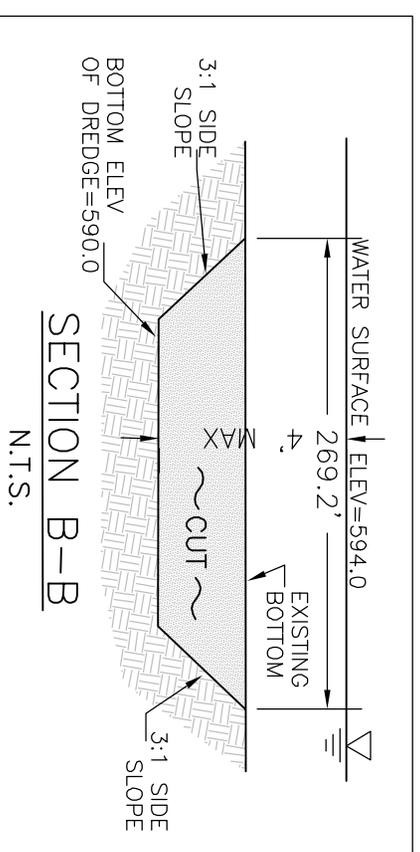
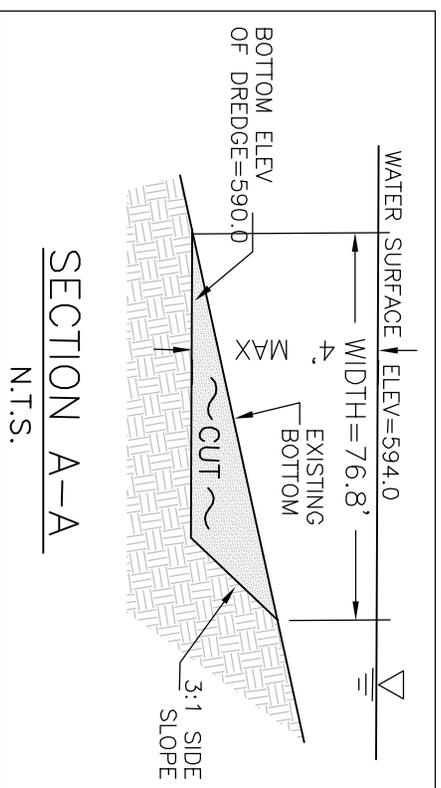
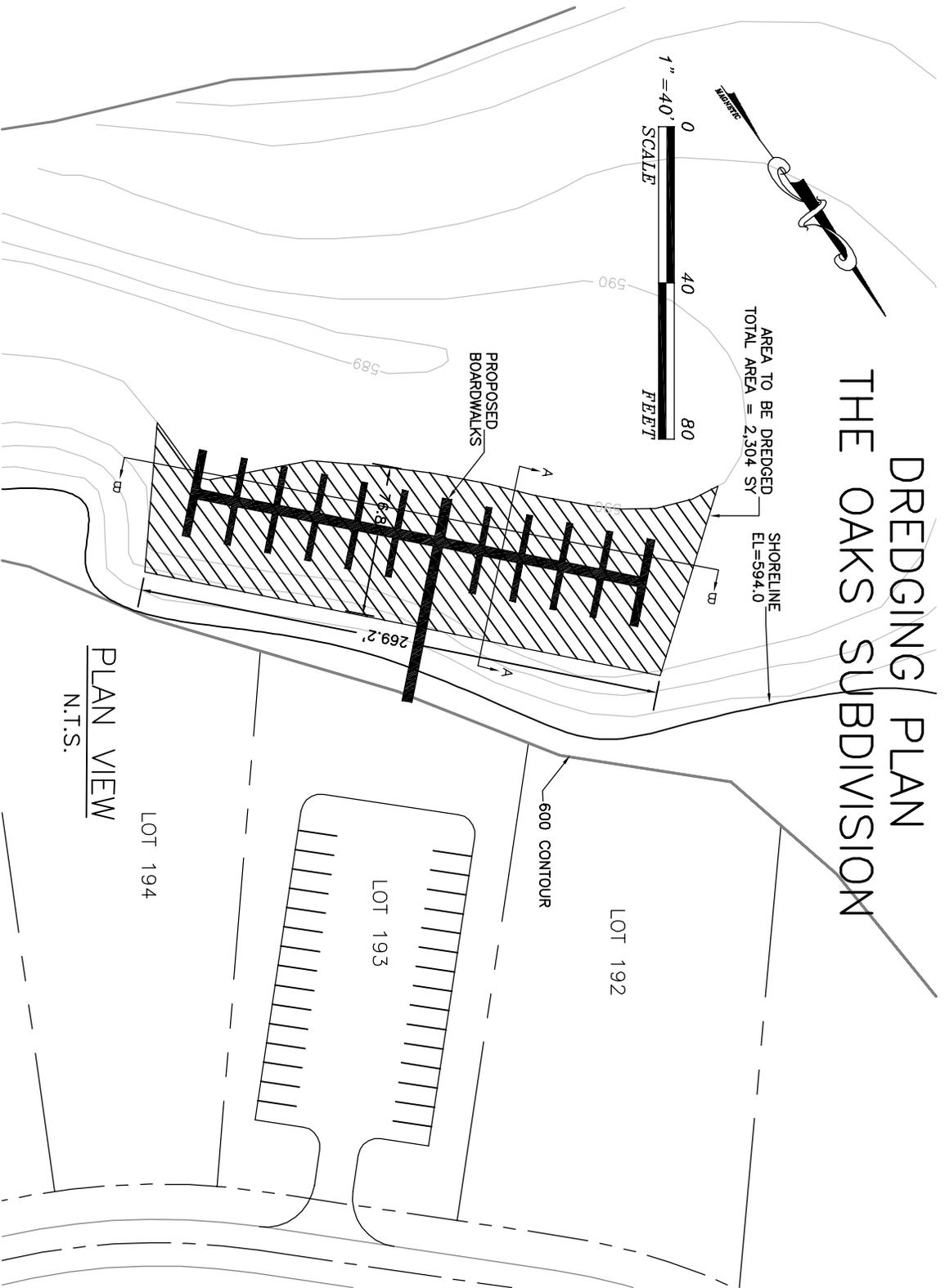
DREDGING PLAN PROMENADE SUBDIVISION



NOTES:

- 1) DREDGING WILL BE COMPLETED BY MECHANICAL EXCAVATION
- 2) DREDGE MATERIAL WILL BE TRUCKED TO THE DISCHARGE SITE.
- 3) DREDGE MATERIAL WILL BE STOCKPILED AT LOT 2 AND ALLOWED TO DRY PRIOR TO SPREADING OUT IN A THIN LIFT OVER LOTS 1-3 (THE MARINA LOTS). STOCKPILED MATERIAL WILL BE PLACED ABOVE THE 620 CONTOUR AND WILL BE PROTECTED FROM EROSION BY UTILIZING BEST MANAGEMENT PRACTICES TO ENSURE NO RUNOFF OCCURS.

DREDGING PLAN THE OAKS SUBDIVISION



NOTES:

- 1) DREDGING WILL BE COMPLETED BY UTILIZING A BARGE TYPE DREDGE.
- 2) DREDGE MATERIAL WILL BE PUMPED VIA TEMPORARY PIPING TO THE DISCHARGE SITE.
- 3) DREDGE MATERIAL WILL BE STOCKPILED AT LOT 214 AND ALLOWED TO DRY PRIOR TO SPREADING OUT IN A THIN LIFT OVER LOTS 213-215. STOCKPILED MATERIAL WILL BE PLACED ABOVE THE 620 CONTOUR AND WILL BE PROTECTED FROM EROSION BY UTILIZING BEST MANAGEMENT PRACTICES TO ENSURE NO RUNOFF OCCURS.

600 CONTOUR

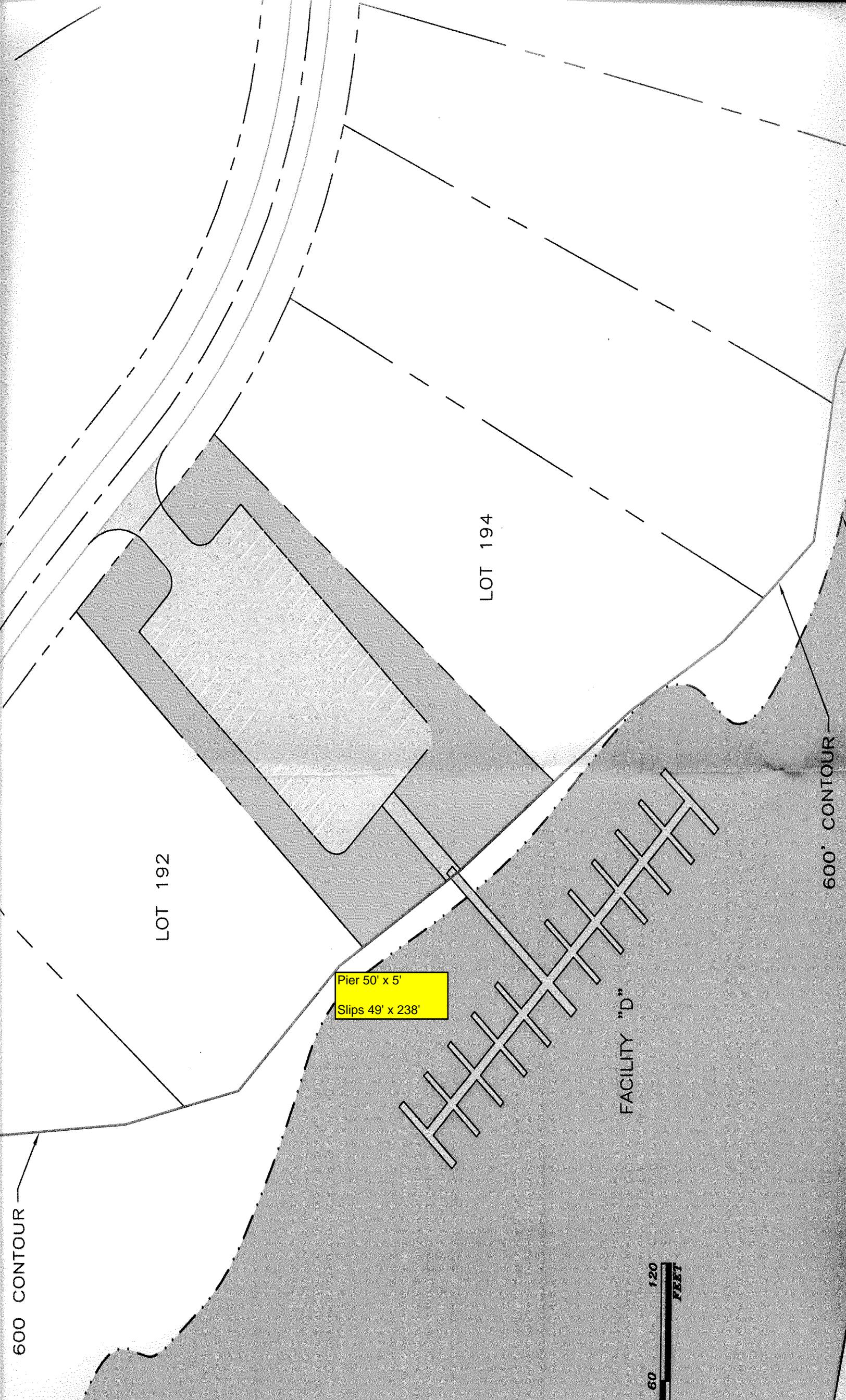
LOT 192

LOT 194

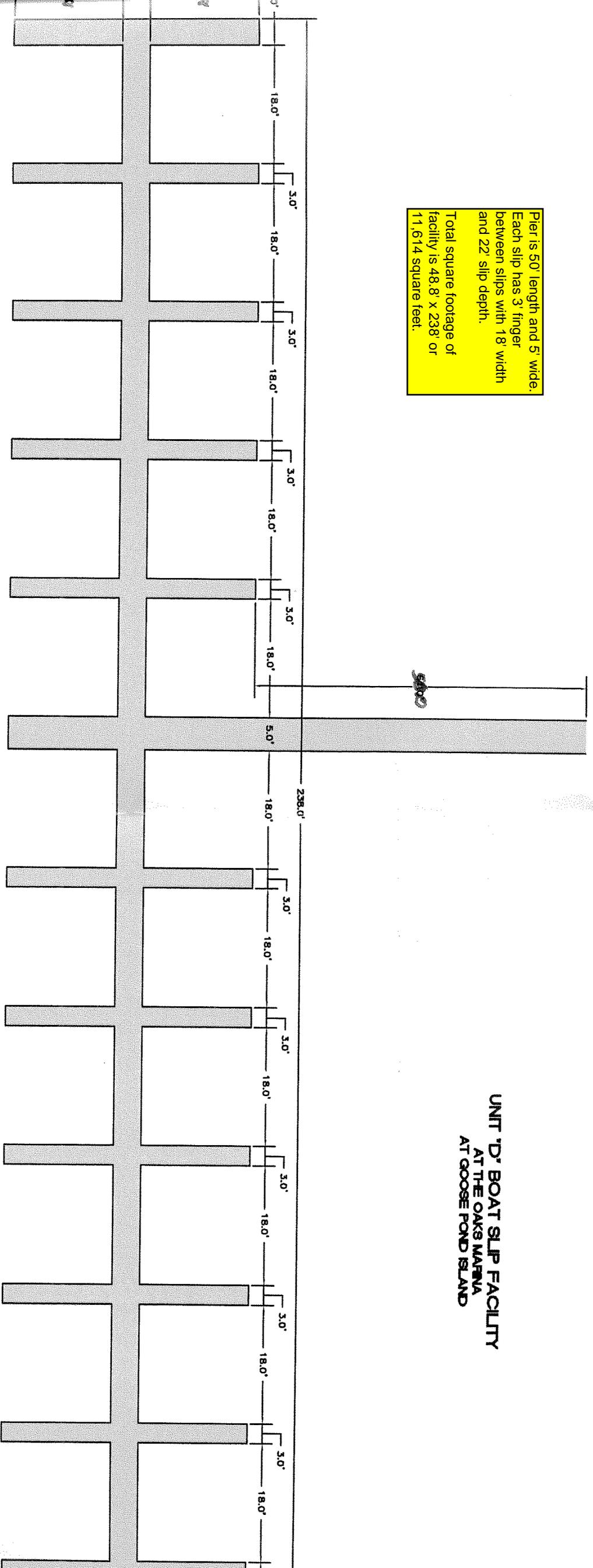
600' CONTOUR

Pier 50' x 5'
Slips 49' x 238'

FACILITY "D"



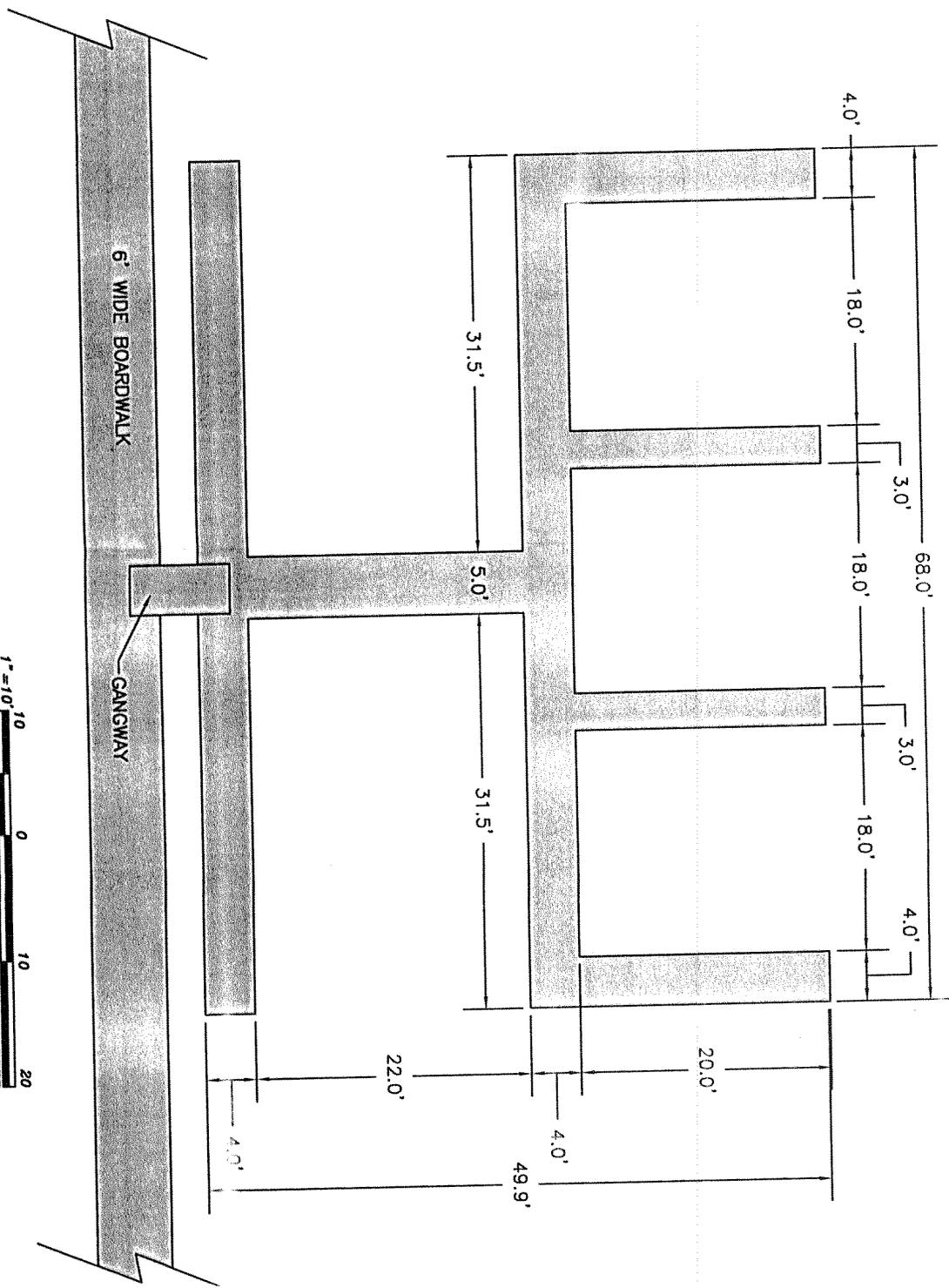
Pier is 50' length and 5' wide.
Each slip has 3' finger
between slips with 18' width
and 22' slip depth.
Total square footage of
facility is 48,810 x 238' or
11,614 square feet.



**UNIT 'D' BOAT SLIP FACILITY
AT THE OAKS MARINA
AT GOOSE POND ISLAND**



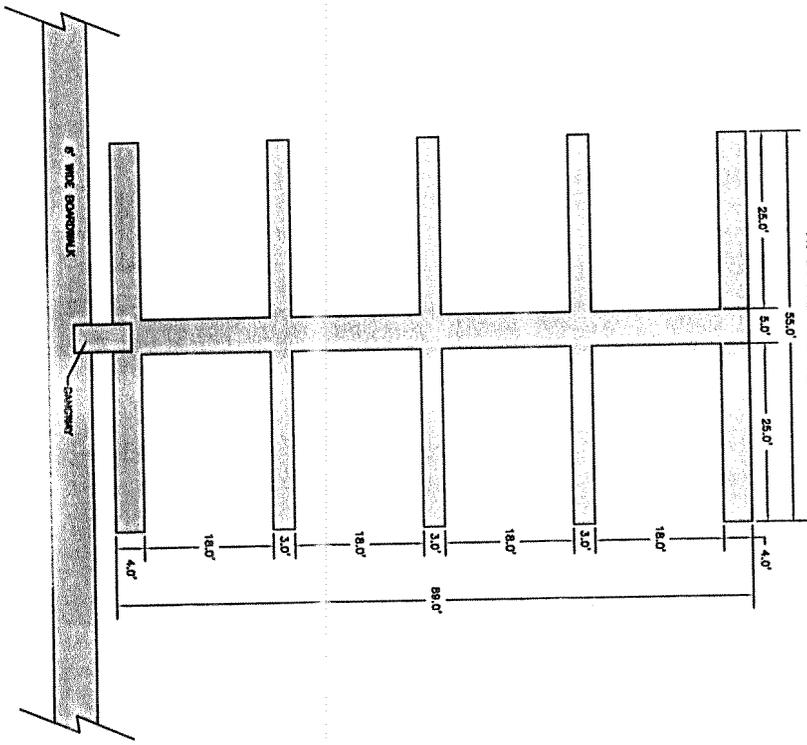
UNIT "A" BOAT SLIP FACILITY
 AT THE PROMENADE MARINA
 AT GOOSE POND ISLAND



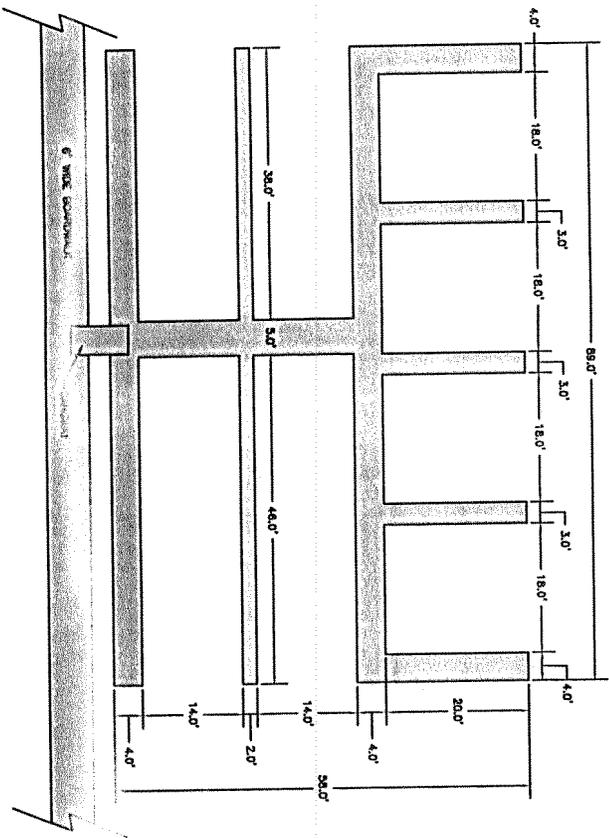
UNIT "A" BOAT SLIP FACILITY
 THE PROMENADE COMMUNITY DOCK
 CITY OF SCOTTSBORO, ALABAMA

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 STATEWIDE ENGINEERING, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 516 EAST ASHLEY STREET DOUGLAS, GEORGIA (912) 384-7723

UNIT 'B' BOAT SLIP FACILITY
AT THE PROMENADE MARINA
AT GOOSE POND ISLAND



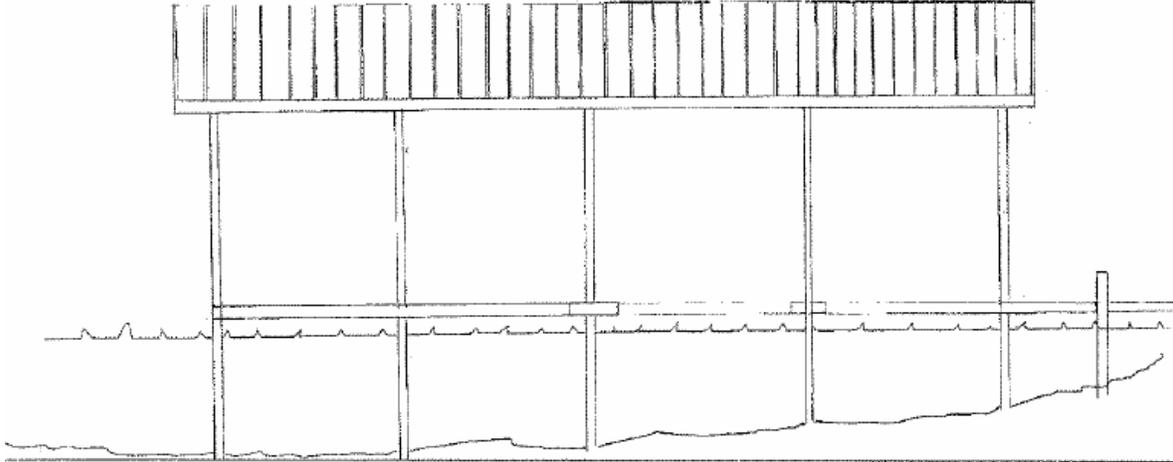
UNIT 'C' BOAT SLIP FACILITY
AT THE PROMENADE MARINA
AT GOOSE POND ISLAND



CADD FILE: S:\05-2209\Work\main PLOT DATE: 05/19/08
STATEWIDE ENGINEERING, INC.
ENGINEERS - SURVEYORS - PLANNERS
518 EAST ASHLEY STREET DOUGLAS, GEORGIA (912) 384-7723

UNITS "B" & "C" BOAT SLIP FACILITY
THE PROMENADE COMMUNITY DOCK
CITY OF SCOTTSBORO, ALABAMA

SIDE ELEVATION



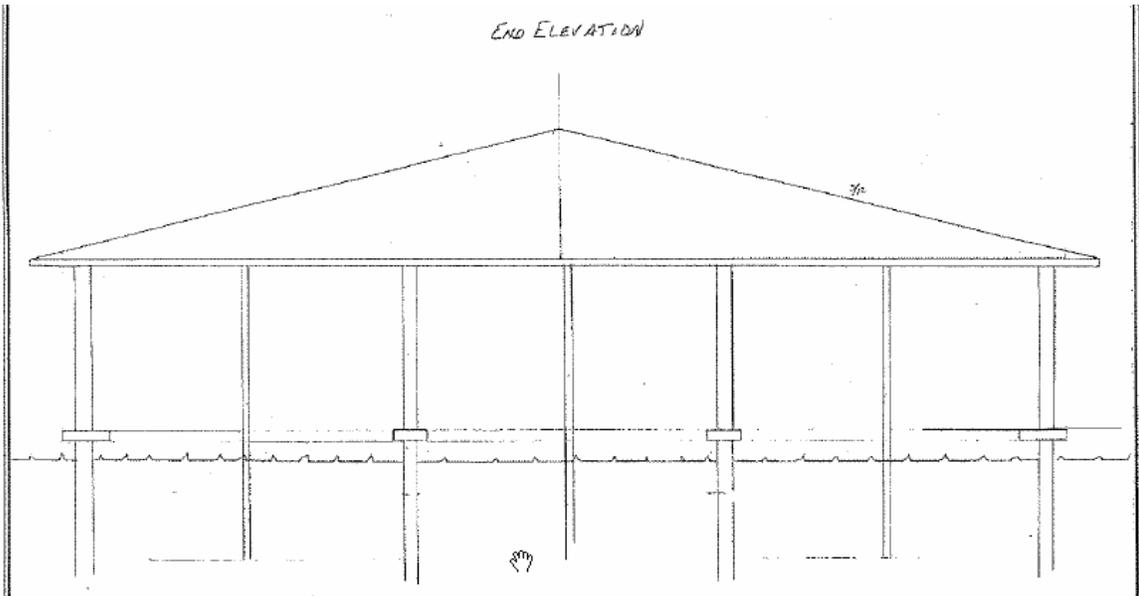
2

SIDE ELEVATION

TYPICAL DOCK COVER

N.T.S.

END ELEVATION



2

END ELEVATION

TYPICAL DOCK COVER

N.T.S.

LOT 192

THERE ARE NO TREES
IN THE SMZ
IN THIS AREA
LOT 194
NO VEGETATION WILL HAVE TO
BE REMOVED FROM TVA
PROPERTY.

Configuration for community boathouse has been revised, but
vegetation plan remains unchanged.

SHORELINE
600' CONTOUR

FACILITY 'D'

FACILITY 'E'

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Appendix B

2004 Final Environmental Assessment Entitled

***City of Scottsboro, Proposed Allocation Change Request, Goose
Pond Island, Guntersville Reservoir, Jackson County Alabama***

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Document Type: EA – Administrative Record
Index Field: EA
Project Name: Goose Pond Allocation
Change
Project Number: 2004-39

ENVIRONMENTAL ASSESSMENT

**CITY OF SCOTTSBORO
PROPOSED ALLOCATION CHANGE REQUEST
GOOSE POND ISLAND
GUNTERVILLE RESERVOIR
Jackson County, Alabama**

TENNESSEE VALLEY AUTHORITY

APRIL 1, 2004

For more information, please contact:

Harold M. Draper
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499
Phone: (865) 632-6889
Fax: (865) 632-6855
e-mail: hmdraper@tva.gov

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CHAPTER 1

1. PURPOSE OF AND NEED FOR ACTION

1.1 Background

TVA sold land on Goose Pond Island (XGR-665 and XGR-676) to the Industrial Development Board of the City of Scottsboro, Alabama, (City) in the 1960s. The property was sold to contour elevation 600 under Section 31 of the TVA Act without restrictions on use. The property has since changed hands several times. The City purchased the land from Aliedon Incorporated, a subsidiary of Jackson National Life Insurance Company which received the property in bankruptcy. The City now owns the majority of the interior of Goose Pond Island, a total of about 1800 acres, with the exception of the existing M-1 Manufacturing Zone (approximately 600 acres), which is used as an industrial park for light manufacturing and warehousing. The shoreline below elevation 600 was allocated to Zones 3 and 5 in the 2001 Guntersville Reservoir Land Management Plan.

The current TVA 2001 Guntersville Reservoir Land Plan allocations for these tracts are shown on Figure 1. The lands are currently allocated as follows: Tract XGR-108PT2 consists of 208.0 acres allocated for Sensitive Resource Management (Zone 3); Tract XGR-109PT2 consists of 50.3 acres allocated for Industrial/Commercial Development (Zone 5); Tract XGR-110PT2 consists of 9.1 acres allocated also for Sensitive Resource Management (Zone 3). The City has now submitted a request to change these allocations.

The City would like to develop northern and eastern shoreline, as appropriate, for residential use and the southern and western shoreline, as appropriate, for a combination of recreation, sensitive resource protection and residential use. The City has indicated that the barge terminal area (and an associated 50 foot easement) and the 2nd class safety harbor areas near TRM 379.0 R would not be changed. The City is anticipating that the interior of the island could also be used for long term development as green spaces and buffer zones or deer park, in addition to the current use for industrial purposes (light manufacturing and warehousing).

The portion of the island southwest of the M-1 Manufacturing Zone could be developed for recreation to coordinate with the recreation area (Goose Pond Colony) directly across Roseberry Creek from that portion of the island. The City's future conceptual development scenario includes a golf course, convention center, rental cabins, a hotel and a marina. The City has indicated that their development would create jobs in the manufacturing field and also in the construction related fields, improve the tax base, and improve the quality of life for the citizens of Scottsboro and Jackson County.

The proposed allocation change request is to support the City's intended development of their back-lying properties. The proposed changes would result in 73.8 acres of TVA land allocated for Sensitive Resource Management (Zone 3); 17.4 acres of TVA land allocated for TVA Project Operations; 2.1 acres of TVA land allocated for Industrial/Commercial Development (Zone 5); and 67.6 acres of TVA land allocated for Recreation Development (Zone 6); and 106.5 acres of TVA land allocated for Residential Development (Zone 7). Although reallocation of the TVA land may facilitate development on Goose Pond Island, such development would occur essentially on private land and would likely occur even

without TVA's involvement. Further, backlying property owners have deeded access rights across the TVA property on the Goose Pond Island shoreline to construct and maintain water-use facilities at locations and upon plans approved by TVA.

1.2 Other Pertinent Environmental Reviews or Documentation

In August 2001, TVA prepared a land allocation plan for Guntersville Reservoir. The lands planning document describes proposed TVA management of 40,236 acres of public land on Guntersville Reservoir based on natural and cultural resource data, economic needs, and public input. Each tract of TVA land was reviewed and then assigned a zone allocation representing its intended uses. These allocations were evaluated in an Environmental Impact Statement.

TVA Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2 are described in Appendix A-1 of the 2001 Guntersville Reservoir Land Management Plan as follows:

Parcel	Acres	Proposed Zone	Description	Reason for Allocation	Access Rights (Y/N)
108	208.0	3	Sensitive Resource Management	To protect significant visual, wetland, and navigation resources	No
109	50.3	5	Industrial/Commercial Development	Used by Goose Pond Industrial Park currently and to support future industrial growth. A barge terminal and 2 nd class harbor are present.	Yes
110	9.1	3	Sensitive Resource Management	To protect significant visual, wetland, and navigation resources	No

The Guntersville Reservoir Land Management Plan was finalized in 2001, identifying Parcels 108 and 110 as parcels without access rights. However, since finalization of the plan, it has come to light that TVA sold the properties on Goose Pond Island subject to a right to request water-use facilities. Therefore the access rights column identified in the Land Plan Appendix A-1 is inaccurate and should state a "Yes" (i.e., a deeded right exists to "request permission" for water access for these properties – not an approval to construct water-use facilities). This EA assesses the impact of making appropriate allocation changes for Tracts 108, 109 and 110 so that the allocations reflect the predicted future uses for these tracts.

In 1999, TVA completed an Environmental Impact Statement (EIS) entitled *Shoreline Management Initiative (SMI): An Assessment of Residential Shoreline Development Impacts in the Tennessee Valley (TVA, 1999a)* on the possible alternatives for managing residential shoreline development throughout the Tennessee River Valley. The Guntersville Reservoir Land Management Plan EIS tiers from the Final Shoreline Management Initiative EIS. If the proposed allocation change is approved, TVA will manage any Residential Development allocated shoreline in accordance with the standards established by the TVA Shoreline Management Policy.

CHAPTER 2

2 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 The No Action Alternative

Under the No Action Alternative, TVA would deny the City's land use allocation change request for the TVA tracts on the perimeter of Goose Pond Island. However, development on TVA lands in accordance with the current Industrial/Commercial allocation could continue, after approval of plans from TVA. Existing land rights would permit the back-lying property owner to request permission to construct water-use facilities in accordance with Section 26a of the TVA Act. Approval or denial would depend on additional environmental evaluation of site specific characteristics of a proposed site.

2.2 The Action Alternative

Under the proposed Allocation Change Request (Action Alternative), the City's request to change the allocation of TVA Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2 would be approved. TVA would change the allocated use designation for the TVA tracts located on the Goose Pond Island perimeter to accommodate the back lying land uses intended by the City. The TVA shoreline adjacent to the existing navigation safety harbor would be changed to the TVA Project Operations allocation zone to better represent its intended use. All shoreline development on TVA Tracts would be subject to prior approval. Development of residential shoreline, where appropriate, would occur in accordance with SMI standards (e.g., vegetation removal and 20 foot access corridors) and would only be permitted after receiving Section 26a approvals.

1.3 Comparison of Alternatives

Comparison of the current land use for the TVA tracts on Goose Pond Island and the land use which will result from approval of the City's proposed allocation change request is shown in the following table. There are currently two current uses for the TVA lands – Sensitive Resource Management and Industrial/Commercial Development. The proposed allocation change would enable the City to develop their back-lying properties in concert with five allocated uses for the TVA lands. Overall, much less of the TVA land would be utilized for Industrial/Commercial Development which could potentially result in less impact to the environment. Residential shoreline would be managed in accordance with SMI standards and also should receive greater protection.

Goose Pond Allocation Change EA

Current 2001 Allocation	Proposed Tract Change and Allocation
<p>TVA Tract XGR-108PT2</p> <p>207.7 acres (Zone 3)</p>	<p>Tract XGR-108aPT2 – 70.52 acres (zone 3 –no change from existing allocation)</p> <p>Tract XGR-108bPT2 – 2.4 acres (zone 3 –no change)</p> <p>Tract XGR-108bPT2 – 58.4 acres (zone 6)</p> <p>Tract XGR-108cPT2 – 76.4 acres (zone 7)</p>
<p>TVA Tract XGR-109PT2</p> <p>50.7 acres (Zone 5)</p>	<p>Tract XGR-109aPT2 – 9.50 acres (zone 7)</p> <p>Tract XGR-109bPT2 – 5.0 acres (zone 6)</p> <p>Tract XGR-109cPT2 – 13.5 acres (zone 2)</p> <p>Tract XGR-109dPT2 – 5.4 acres (zone 7)</p> <p>Tract XGR-109ePT2 – 2.1 acres (zone 5 – no change from existing allocation)</p> <p>Tract XGR-109fPT2 – 15.2 acres (zone 7)</p>
<p>TVA Tract XGR-110PT2</p> <p>9 acres (Zone 3)</p>	<p>Tract XGR-110aPT2 – 4.2 acres (zone 6)</p> <p>Tract XGR-110bPT2 – 0.9 acre (zone 3 – no change from existing allocation)</p> <p>Tract XGR-110cPT2 – 3.9 acres (zone 2)</p>

CHAPTER 3

3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Resources potentially affected by the allocation change, both directly and indirectly, include terrestrial and aquatic habitat, wetlands, navigation, recreation and visual resources. These issues are discussed in more detail in sections below.

Compliance statements.

Goose Pond Island does not contain habitat or individuals of any known Federal or State-listed threatened, endangered, or species of special concern. TVA concludes that the allocation change would have no effect on endangered or threatened species.

A Programmatic Agreement (PA) has been put into place with the Alabama State Historic Preservation Office (SHPO) regarding all TVA Land Management Plans in the State of Alabama. Under this agreement, Section 106 consultation will occur when land disturbing activities take place on each tract. This agreement will cover all proposed alternatives on Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2. TVA has been made aware of some correspondence with individuals in the Scottsboro area regarding Civil War artifacts in the area. Prior to any ground disturbing activities, TVA will take these and other potential historic properties into account, in accordance with Section 106 of the National Historic Preservation Act.

The 100-year floodplain on Goose Pond Island at Tennessee River mile (TRM) 378.0 would be the area below elevation 598.1 and the 100-year floodplain at TRM 382.4 would be the area below elevation 598.5. The TVA Flood Risk Profile (FRP) elevation at TRM 378.0 would be elevation 598.9 and the FRP at TRM 382.4 would be elevation 599.4. The FRP is used to control flood damageable development for TVA projects, and residential and commercial development on TVA lands. At these locations, the FRP elevations are equal to the 500-year flood elevations. Although the types of requests for use of TVA land are not completely known, most requests would likely be for development associated with water-use facilities. For compliance with Executive Order 11988, water-use facilities are considered to be repetitive actions in the floodplain that should result in minor impacts.

3.1 Terrestrial Ecology

The terrestrial habitat on the TVA public lands under review is composed of two types, forested and vertical bank, situated in a strip around the perimeter of Goose Pond Island. Those sections being more sloped than vertical are vegetated with upland or bottomland mixed pine-hardwoods, various aged, ranging in width from 50 to 1,000 feet. The flat, wider sections are forested by sweet gum, sycamore, red maple, hackberry, green ash, and water and willow oaks with a sparse understory component of greenbriar, poison ivy, ironwood and saplings of the overstory trees. The more narrow sloped sections are forested by southern red oak, hickories, eastern red cedar, elm, persimmon, and yellow poplar with an understory of greenbriar, japanese honeysuckle, asiatic wood grass, and saplings of the overstory trees. This habitat type is approximately 65 percent of the island's perimeter.

The vertical portion of the TVA lands are exposed, sparsely vegetated eroded cherty silt loam, clay silt loam and limestone rock ranging from 5 to 15 feet high at summer pool (el. 595.44 msl). The little vegetation that is present includes eastern red cedar, loblolly pine seedlings, foam flower, and grasses. This component comprises approximately 35 percent of the island's perimeter.

Wildlife utilizing both the upland and bottomland portions of these habitat types includes gray squirrel, cottontail rabbit, white tail deer, gray fox, coyote, opossum, and raccoon. Both residential and migratory birds found on the TVA land, moving to and from the city property are common in the region, typically found in the vicinity of open water shoreline vegetated by various age and size classes of forest interspersed with patches of brushy sapling mid-serial habitat.

Under the No Action Alternative, any habitat impacts would be normally limited to the 50 acres of TVA land (Tract XGR-109PT2) currently allocated to Industrial/Commercial Development (Zone 5) and fronting the river. This tract is located along the navigation channel and both southwestern and north eastern tips of the island which is the vertical bank habitat described above. However, as cited in Section 1.2 of this document, the right to request water-use facilities exists also on TVA Tracts XGR-108PT2 currently allocated for Sensitive Resources Management (Zone 3) and some shoreline development could occur. Tract XGR-108PT2 contains the forested habitat described above. Thus, under the No Action Alternative, industrial and commercial development is possible along the Tennessee River channel and possibly at other locations on the island perimeter. The terrestrial and wildlife resources on the island perimeter are not unique to the region and small acreages would likely be impacted. Therefore, impacts would be insignificant on an individual or cumulative basis.

Under the Action Alternative, TVA would consider 26a requests for private or community water-use facilities on those Residential Development tracts depicted on Figure 2 consistent with Shoreline Management Initiative (TVA 1999a) requirements. This affected shoreline is approximately 40 percent of the island's perimeter. Allowable actions under SMI include minimal width access corridors through existing vegetation, vegetation management plans, and maintain and gain to offset unavoidable impacts to existing shoreline resources any permit request with the potential to adversely these resources would be modified or denied such that the potential adverse impacts would be reduced to an insignificant level. Because of the small acreage of terrestrial habitat potentially affected and the common nature of the resources found on the affected land, the Action Alternative would have insignificant impacts on terrestrial ecology.

3.2 Water Quality and Aquatic Ecology

Aquatic habitat in the littoral (near-shore) zone is greatly influenced by underwater topography and back-lying land use. The underwater topography around Goose Pond Island varies from moderately steep, sloping down to 15 feet deep on the navigation channel side to gently sloping and shallow, less than 5 feet deep on the backwater side. Rock is an important constituent of littoral habitat over much of the island's shoreline, either in the form of bedrock outcrops or a mixture of rubble and cobble on steeper shoreline, or gravel along the shallower shoreline. Most of the soil exposed in the drawdown zone, particularly along the extensive vertical bank section on the navigation is chert or clay. The substrate in the shallow water areas is silt clay loam interspersed with patches of gravel.

Fallen trees and brush provide cover, primarily in the coves and shallow water shoreline, and to a lesser extent along the vertical bank. There is only one wet weather stream, located on the southern tip of the island.

Under the No Action Alternative, the entire Goose Pond Island shoreline adjacent to the river channel is subject to Industrial/Commercial Development. Potential adverse impacts to the aquatic habitat/water quality could be realized if large scale development of private back-lying land occurs. TVA approval of any proposed new water-use facilities at any location around the island perimeter would consider appropriate vegetation management considerations for water quality/aquatic ecology protection.

Under the Action Alternative, much of the Industrial/Commercial shoreline along the reservoir navigation channel would be designated for Residential Access which may receive a higher degree of shoreline riparian zone protection through the SMI protection requirements (e.g., 20-foot access corridors and limited vegetation removal). The northern perimeter would also be designated as Residential Access and would be afforded this same protection. Sensitive Resources Management areas identified would be protected as natural areas and maintained to preserve their value as important aquatic habitat and water quality protection resources. Recreational development of TVA lands along the southwest portion of the island would require best management practice to reduce water quality/aquatic ecology impacts to insignificant levels. There would also be an increase in underwater fisheries habitat structure resulting from private and community piers and boat docks.

3.3 Wetlands

Wetlands present on and around Goose Pond Island include aquatic bed wetlands, emergent/fringe wetlands, scrub-shrub wetlands, and smaller areas of forested wetlands. Aquatic bed wetlands are common along the shoreline of the island and are comprised primarily of Eurasian milfoil, naiads, lotus, and hydrilla. Scrub-shrub wetlands and emergent/fringe wetlands occur primarily in coves and are comprised of buttonbush, black willow, silky dogwood, common cattail, giant cut-grass, lizard's tail, soft rush, soft-stemmed bulrush, various sedges, and smartweed. Smaller areas of forested wetlands occur on the northwest side of the island, and are composed of red maple, green ash, sycamore, water, willow, and white oaks, sweetgum, and Chinese privet. The northwest side of the island also has larger areas of scrub-shrub and emergent wetlands concentrated along the shoreline to the north and south of the bridge leading onto the island.

Under the No Action Alternative, wetlands on the island would be preserved under the existing Sensitive Resource Management (Zone 3) allocation. Potential wetland impacts would be assessed on a case-by-case basis as water-use facility requests are received. Overall wetland impacts associated with the No Action Alternative would be minimal and insignificant especially given the existence of large areas of wetlands on Gunter'sville reservoir.

Under the Action Alternative, TVA would approve the city of Scottsboro's request to change the allocation of TVA Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2 on Goose Pond Island. Tracts XGR-108aPT2 and XGR-110bPT2 (Figure 2) would remain allocated for Sensitive Resource Management (Zone 3). Wetlands on these tracts would be managed as a sensitive resource to preserve them. Tracts XGR-109aPT2 and XGR-108bPT2 would change to Residential Development (Zone 7). Water-use facilities associated with the Residential Development shoreline would be considered.

Under the Action Alternative, a portion of Tract XGR-108PT2 would be changed from Sensitive Resource Management (Zone 3) to Recreation (Zone 6). Current development scenarios indicate this area will be used for passive recreation pursuits including trails for walking & biking and some cabin sites in the upland areas. Under the Action Alternative, TVA would require the approval of development of TVA lands to adhere to the proposed recreation plans (trails and cabins in the upland areas) and would work closely with the developer in the siting of these facilities to minimize and avoid wetland impacts. Compliance with Executive Order 11990 for protection of wetlands and permitting under Section 26a would ensure that all practicable avoidance and minimization measures are incorporated into project plans. Adverse impacts to wetlands would be minimized using all practicable measures.

3.4 Navigation

The commercial navigation channel on Guntersville Reservoir extends from the Guntersville Lock and Dam (TRM 349.0) on the Tennessee River upstream to below the Nickajack Lock and Dam (TRM 424.7). Goose Pond Island is located between river miles 378.0R and 382.5R. Currently, the majority of the shoreline of Goose Pond Island that fronts the main channel is designated for Industrial/Commercial Development (Zone 5). The Scottsboro Development Inc. barge terminal, located at TRM 380.5R, is the only river terminal/industrial site between Guntersville and Stevenson, Alabama. This area is attractive for industrial use due to rail access to the island.

Safety harbors and landings are established along the reservoir to provide safe locations for commercial tows and recreational vessels to tie off and wait during periods of severe weather, fog, or equipment malfunction. A second class safety harbor with federal mooring dolphins is located at TRM 379.0R.

On Guntersville Reservoir, TVA maintains secondary navigation channel markers for 17 tributary channels (approximately 38 miles) for recreational boaters and boat hazard buoys for two harbor areas. Secondary channel markers consist of buoys and onshore dayboards which mark the navigable limits of the channel. TVA currently marks the channel to Goose Pond Marina downstream of Goose Pond Island, as well as approximately 4 miles of Roseberry Creek upstream of the Island.

Under the No Action Alternative, the tracts would remain available for industrial and commercial use and the shoreline area where the safety harbor is located would remain designated for that use. There would be no impact to commercial and recreational navigation.

Under the Action Alternative, the allocation change requests for all three tracts would be approved. The City has indicated that the barge terminal area and the second class safety harbor areas would not be changed. Although this terminal is currently inactive, it is an attractive site for future industrial use. The site is currently permitted for a 1350-foot long row of eight 20-foot diameter mooring cells situated parallel to the shoreline. The two mooring cells at the upstream end of the terminal site extend across the entrance to a small cove. If the terminal becomes active in the future, barges are permitted to moor to those cells. Tow operations around these cells coupled with increased recreational boating could cause dangerous operating conditions for both commercial and recreational vessels. TVA may require that the applicant place warning signs and/or buoys to aid in the safe

navigation of the cove area. We recommend that no water-use facilities be permitted within 500 feet of the barge terminal's downstream property boundary.

Future requests for water-use facilities within the small cove upstream of the existing terminal site, along the main channel portion of Goose Pond Island and along the marked portions of Roseberry Creek would require further navigational review and approval.

To avoid interference with commercial navigation, the current restrictions on the construction of water-use facilities within the marked limits of the safety harbor and within 100 feet of the mouth of the safety harbor will be continued. TVA prohibits the construction of water-use facilities and shoreline alterations within the marked limits of safety landings and harbors and typically within 500 feet upstream and downstream of safety harbors.

3.5 Recreation

Goose Pond Island currently has no developed recreation facilities. Informal recreation use likely occurring on the island includes hunting, bank fishing, wildlife observation, and primitive camping. Such uses are likely sporadic and unorganized. The water around the island receives a high concentration of recreational boaters during the summer season due to the proximity of Scottsboro and US Highway 72.

Nearby to Goose Pond Island are two areas with substantial developed recreation facilities. Immediately downstream and adjacent to Goose Pond Island is the Goose Pond Colony recreation area administered by the City. Facilities include walking trails, 18-hole golf course, rental cottages, a small lodge, marina, swimming pool, amphitheater, restaurant, playgrounds, fishing piers, bait/tackle shop and boat ramps. Upstream of the island located in Roseberry and Dry Creek embayments is Jackson County Park. The Jackson County Park facilities include trails, a senior center, picnic areas and playgrounds, pavilions, fishing pier, restaurant, campground, and marina and boat ramps.

Scottsboro Municipal Park is located just upstream of Goose Pond Island within Roseberry Creek embayment. Facilities include picnicking, boat ramp, fishing pier and pavilion. Other nearby public boat ramps are located on the left bank at TRM 385.7 and 382.1 and on the right bank at TRM 376.0.

The proposed allocation change would encourage additional developed recreation use of the area. Future development possibilities could include a deer park surrounded by a residential and commercial/industrial area, golf course, rental cabins, hotel and marina.

3.6 Visual Resources

Goose Pond Island is located just south of the town of Scottsboro, Alabama. Development extending from the town is readily visible from the foreground (0' to ½ mile from the observer) and middleground (1/2 mile to four miles from the observer), as recreational lake users and shoreline residents have views of residential developments, developed recreation areas, and the water-use facilities associated with these backlying land uses. The island itself, connected to suburban Scottsboro by a small earthen causeway, is well vegetated and the shoreline is relatively undisturbed except for an existing barge terminal near TRM 380 which services industrial operations to the interior of the island. The barge terminal, appearing bright and metallic when seen against the lush green vegetation, gives the only notice to the industrial operations occurring above as most of the facilities are relatively low in height and views that would otherwise be available to lake users are

obscured by the mature vegetation and moderate topography. Farther downstream, a transmission line crosses the reservoir and large transmission structures are visible into the background (four miles and beyond from the observer). Views are available, intermittently, from county road 67 which closely follows the southern shoreline. Several small islands are set about the southern portion of the island, creating depth when viewed from downstream and at the shoreline areas near the rural community of Langston with the larger land mass receding into the background. Vegetation appears almost undisturbed when seen from greater distances and the horizontal movement of the mature canopy remains virtually unbroken. Coves and inlets created by abrupt changes in the shoreline are well vegetated and views of the main channel and reservoir traffic are screened from view offering more secluded spaces with emphasis on foreground views.

Landward from the main reservoir channel, into Roseberry Creek, the waters begin to shallow and the shoreline topography flattens and becomes more marsh-like in character. Shoreline vegetation suggests a change in topography as well, with rushes, reeds, and other scrubby shoreline plants increasing in number and density approaching the narrow causeway leading to the island. A developed recreation area is prominently visible in the foreground to the northwest where a marina and golf course are operated by Goose Pond Colony.

Through the causeway where a small church is visible from the immediate foreground, the waters remain quite shallow and vegetation and topography remain consistent. Continuing northward in Roseberry Creek, views available from the immediate foreground through relatively flatly sloping terrain appear undisturbed as mature trees are mirrored in the still shallow waters and the vegetation thickens inland. The shoreline remains fen-like in character as some residences become visible, at a distance, through mature vegetation to the north as the creek winds and views open to more expansive waters. Water-use facilities increase in number and density and begin to line the shore into the horizon. A small park is visible to the north, between moderately dense residential areas. The shoreline to the south remains undisturbed, giving contrast to the mixed development throughout Roseberry Creek. The scenic attractiveness is common to the area with occasionally appearing areas of distinctive scenic attractiveness, and the scenic integrity is moderate to high.

Under the No Action Alternative, the individual tract allocations would not be changed and the scenic value of TVA managed property would initially remain unchanged. However, water access rights exist which allow backlying property owners the opportunity to request individual water-use facilities. Scenic value could change over time, as individual water-use facilities are constructed along the shoreline.

Under the proposed Action Alternative, individual tract allocations would be changed based on proposed uses of backlying property. These proposed changes in allocation would allow backlying and shoreline land uses to occur which would alter the existing scenic value. These proposed changes are evaluated based on the existing landscape character described previously.

The existing landscape character along the southwestern portion of the island would change substantially based on the proposed development and existing visual resources would be adversely impacted. However, if individual water-use facilities were co-located in community facilities, where visual resources are less distinctive, these impacts would be greatly reduced. The proposed vegetative screen/wildlife area would continue to buffer

views of industrial operations to the interior of the site, which would otherwise be visible into the middleground viewing distance. Farther downstream, approaching two small embayments, reservoir users would have views of commercial development in the form of a proposed hotel and marina. Although adversely impacting the existing landscape character, the introduction of these discordant elements would not substantially alter the scenic value, as duration of view would be relatively short for recreational lake users and motorists traveling county road 67 on the opposing shoreline. Proper configuration of both proposed commercial and residential facilities as low, broadly spreading structures against the horizon, would result in a reduction of potentially discordant vertical elements when viewed from the middle and background distances, thus reducing potentially negative impacts to visual resources.

At the southern confluence of Roseberry Creek and the Tennessee River, where a recreation allocation is proposed, available views would include existing developed recreation in conjunction with proposed recreation development occurring along the opposite shoreline, resulting in minimal impacts to the existing landscape character. If existing mature vegetation was retained, impacts associated with backlying developed recreation would be further negated. Approaching the causeway, a shallow embayment lies amidst scrubby wetland vegetation. Proposed as a retained portion of land allocated to sensitive resource management, this section offers an opportunity for further enhancement through management of this resource area by augmenting existing wetland plant material along the tussock – offering increased visual diversity within the immediate foreground viewing distance.

Farther northward, and crossing the causeway, the proposed development would introduce adversely contrasting elements visible through existing vegetation. If community facilities were utilized in the same manner for the northern portion of the development as described previously, leaving only the proposed open and uncovered courtesy piers placed about the shoreline for temporary resident use, then adverse impacts to existing scenic resources would further be reduced.

Collectively, introduction of the proposed mixed use development into the natural environment would adversely impact the existing naturally appearing landscape character. However, through context sensitive site design, implementation of vegetation management plans in accordance with TVA's 'Shoreline Management Initiative' EIS (TVA, 1999), and placement of water-use facilities in areas where sensitive resources would not be impacted, the potentially adverse impacts to visual resource would be reduced below levels of significance. In order to assure visual resource protection, TVA shall approve final site development plans relative to: requested water-use facilities, external lighting, and elements of proposed development otherwise potentially impacting the scenic value of TVA Tract XGR-108PT2.

3.7 Mitigation Measures

1. The construction of water-use facilities and shoreline alterations within the marked limits of safety landings and harbors will be prohibited. Construction also will be prohibited within 500 feet upstream and downstream of safety landings and within 100 feet of the mouth of safety harbors.
2. No water-use facilities will be allowed within 500 feet downstream of the barge terminal owners' downstream property boundary.

3. If the terminal becomes active in the future, TVA may require that the applicant place warning signs and/or buoys to aid in the safe navigation of the cove area.
4. Future requests for water-use facilities within the small cove upstream of the existing terminal site, along the main channel portion of Goose Pond Island and along the marked portions of Roseberry Creek would require further navigational review and approval.
5. At the time TVA reviews Section 26a actions on Goose Pond property, associated site development plans will be reviewed relative to external lighting and elements of proposed development otherwise potentially impacting the scenic value of TVA Tract XGR-108PT2.

CHAPTER 4

4 LIST OF PREPARERS

J. Scott Atkins, Terrestrial Ecology
Harold M. Draper, NEPA Administration
Kellie Hammond, Navigation
Warren P. Hicks, Economic Development
Roger Milstead, Floodplains
Kenneth P. Parr, NEPA Administration
Richard Pfluegar, Recreation
Erin Pritchard, Cultural Resources
Jon Riley, Visual Resources
Richard Thrasher, Land Use

CHAPTER 5

LIST OF AGENCIES AND PERSONS CONSULTED

State Agencies

Alabama Historical Commission
Montgomery, Alabama 36130

Individuals

Curtis E. Davis
Director of Community Development
City of Scottsboro, Alabama

**APPENDIX
SHPO NOTIFICATION**

January 20, 2004

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

Dear Ms. Hathorn:

TVA, AHC 00-1743, PROPOSED ZONE ALLOCATION CHANGE, GUNTERSVILLE LANDS PLAN, TVA TRACTS 108, 109, 110, JACKSON COUNTY, ALABAMA

As documented in previous consultation with your office (see enclosed letters), the Tennessee Valley Authority (TVA) developed a Land Management Plan for TVA managed lands on Guntersville Reservoir. The City of Scottsboro, Alabama has submitted a land use application and request to change the allocated use of portions of TVA Tracts 108, 109 and 110 located on Goose Pond Island (Figure 1).

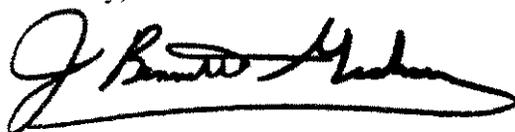
Goose Pond Island is located approximately 5 miles south of the City of Scottsboro, Alabama and extends from approximately Tennessee River Mile (TRM) 378 to TRM 382 on Guntersville Reservoir. The TVA Tracts surround the island perimeter and are located adjacent to the reservoir shoreline. The tracts are currently allocated as follows: Tract 108 consists of 208.0 acres allocated for Sensitive Resource Management; Tract 109 consists of 50.3 acres allocated for Industrial/Commercial Development; Tract 110 consists of 9.1 acres allocated also for Sensitive Resource Management (see Figure 1).

The City has requested a change in the current allocations for 252.2 acres of TVA public lands adjacent to Goose Pond Island to support their intended development plans of their private back-lying properties. The proposed land allocation changes would result in 69.7 acres of TVA land remaining in Sensitive Resource Management (Zone 3); 25.1 acres allocated for Industrial/Commercial Development (Zone 5), 60.4 acres in Recreation Development (Zone 6); and 97 acres being placed into a Residential Development allocation (Zone 7) (Figure 2).

TVA is notifying your office of this change. Any future ground disturbing activity or development of these tracts will be reviewed on a case by case basis. When development plans are submitted, TVA will notify your office and initiate Section 106 consultation. At this time, we will follow the stipulations agreed upon in the Programmatic Agreement

prepared between TVA, the Advisory Council and your office for implementation of TVA Reservoir Land Management Plans (attached). If you have any questions concerning this project feel free to contact Erin Pritchard at (865) 632-1753.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bennett Graham". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Bennett Graham
Manager
Cultural Resources

ENCLOSURES

cc: Ken Parr, MR 2T-C
Nancy Greer, WTR 1A-GVA

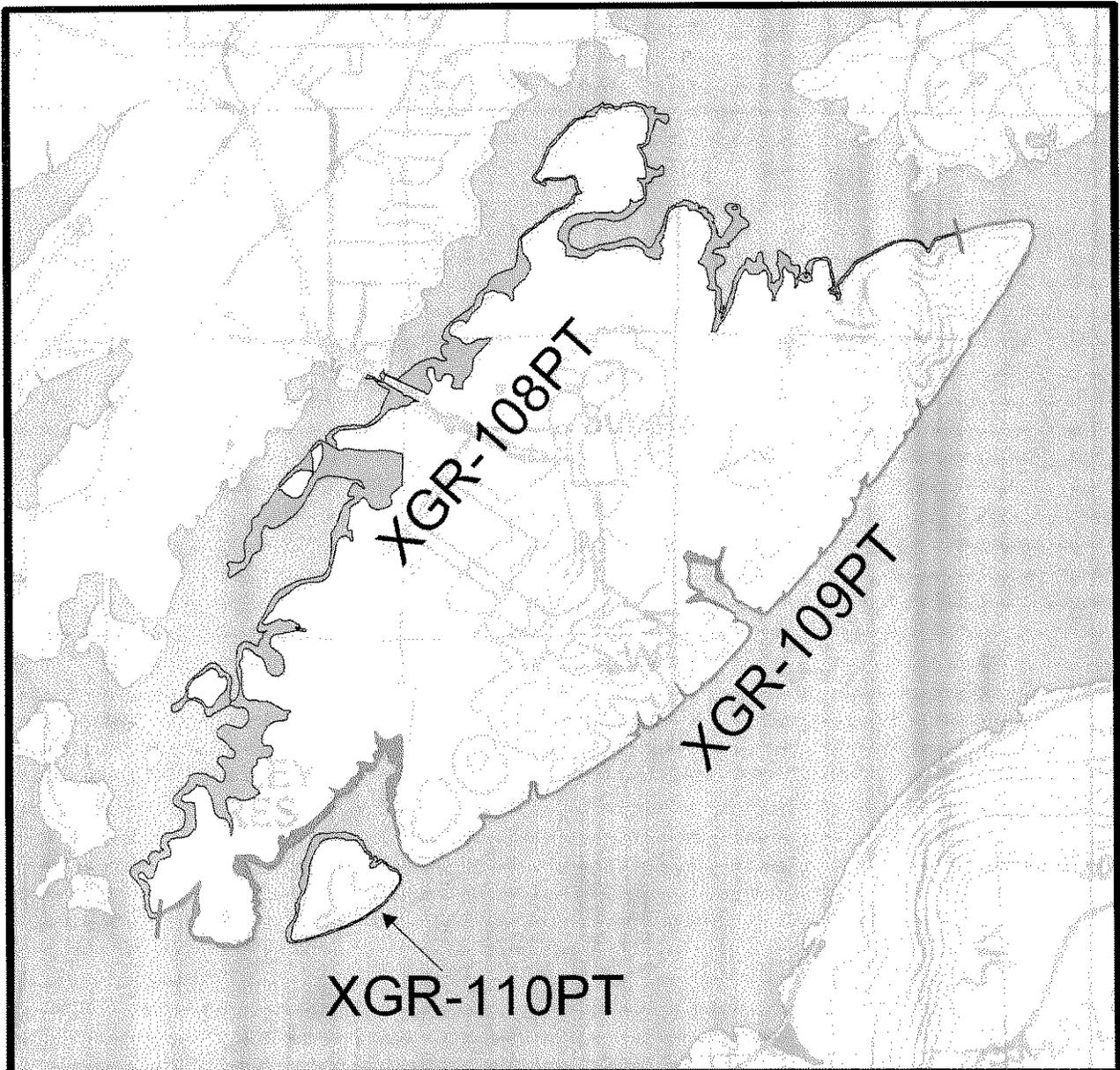


Exhibit Map
 Guntersville Reservoir
 Current 2001 Lands Plan Zone Allocations - Goose Pond Island
 XGR-108PT2, XGR-109PT2, XGR-110PT2
 Tennessee River Mile 381.5 R

Current Zone Allocations
 (Project Acreage 267.4)

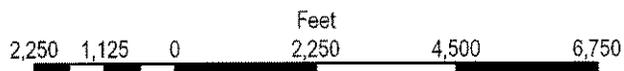
- Zone 3 - Sensitive Resource Management
- Zone 5 - Industrial Access



Resource
 Stewardship



D-Stage 50, 51, 53
 Quad 89SE



Guntersville Watershed Team
 March 31, 2004

FIGURE 1 - Current (2001 Lands Plan) Allocation

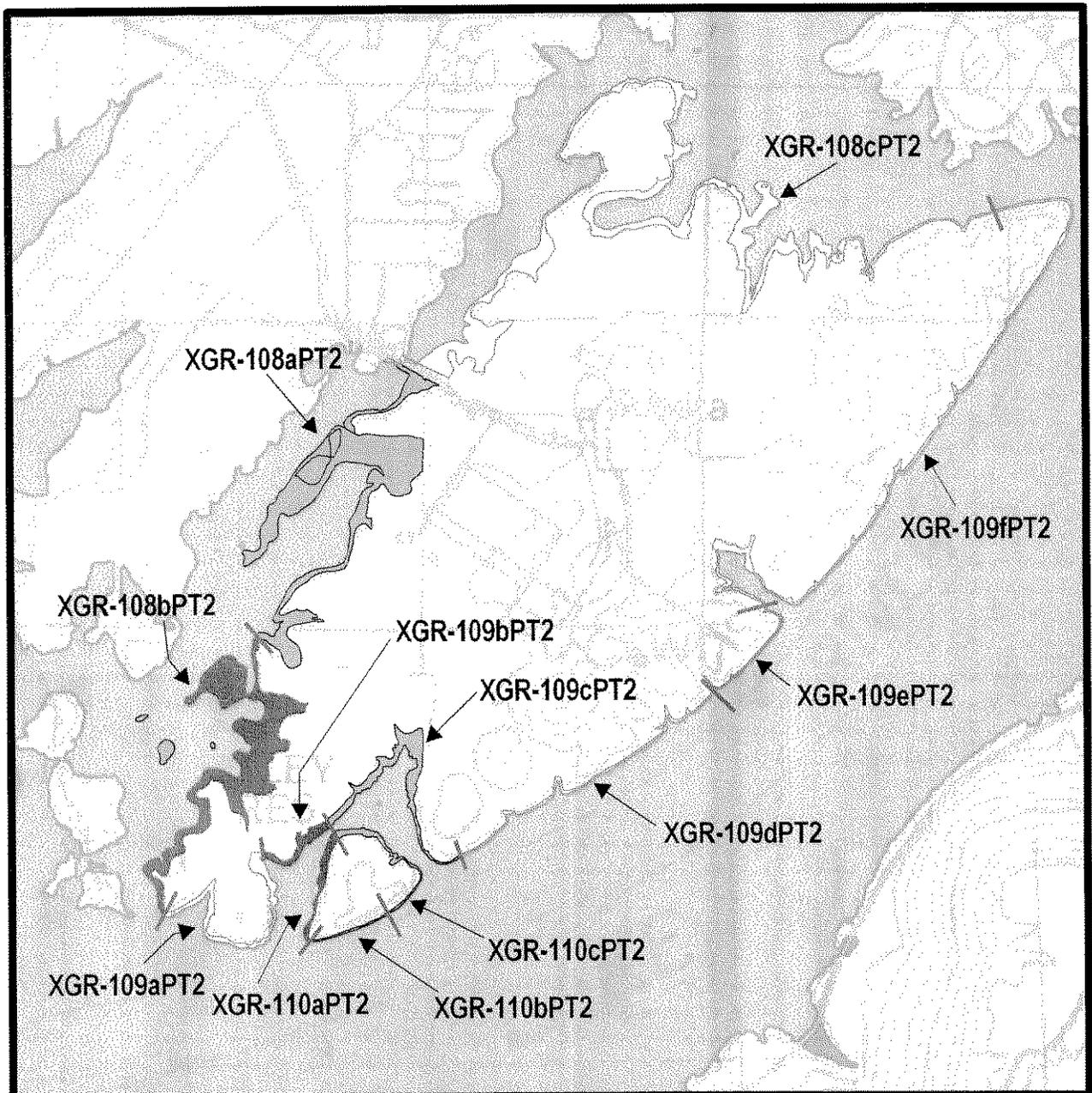
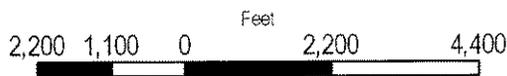


Exhibit Map
Guntersville Reservoir
Zone Allocation Change - Goose Pond Island
XGR-108PT2, XGR-109PT2, XGR-110PT2
Tennessee River Mile 381.5 R

Proposed Zone Allocations
 (NOTE: Project Acreage 267.4)

- Zone 2 - TVA Project Operations
- Zone 3 - Sensitive Resource Management
- Zone 5 - Industrial/Commercial Development
- Zone 6 - Developed Recreation
- Zone 7 - Residential Access



Resource Stewardship



D-Stage 50, 51, 53
 Quad 89SE

Guntersville Watershed Team
 March 31, 2004

FIGURE 2 - Proposed Changes and Allocation

TENNESSEE VALLEY AUTHORITY
FINDING OF NO SIGNIFICANT IMPACT

City of Scottsboro
Proposed Allocation Change Request
Goose Pond Island
Guntersville Reservoir
Jackson County, Alabama

Proposed Action and Need

On November 19, 2003, the city of Scottsboro, Alabama, (City) submitted a request to change the allocated use of portions of TVA Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2, located on Goose Pond Island, Guntersville Reservoir, between Tennessee River Miles (TRM) 378 and 382. The TVA tracts are currently allocated for Industrial/Commercial Development and Sensitive Resource Management. The proposed land use change request is to facilitate the City's plan to develop back lying private properties for a combination of residential, recreation and industrial or commercial use. The back lying property owners have deeded access rights across TVA property around Goose Pond Island to construct and maintain water-use facilities at locations and upon plans approved by TVA. If TVA approved the Scottsboro request, TVA would also take the opportunity to change the allocation of a TVA land parcel surrounding an existing navigation safety harbor to more accurately represent the use for TVA Project Operations.

Alternatives

Under the No Action Alternative, TVA would deny the City's land use allocation change request. Under the Proposed Allocation Change Request (Action) Alternative, the City's request to change the allocation of portions of TVA Tracts XGR-108PT2, XGR-109PT2 and XGR-110PT2 would be approved. In all, approximately 191.5555 acres would be changed in allocation, 142.9 of which would be moved from zone 3 to zones 2, 6, and 7, and 48.6 of which would be moved from zone 5 to zones 2, 6, and 7.

Impacts Assessment

The allocation change would not have the potential to affect endangered or threatened species. Cultural resources have been taken into account through a previously executed Programmatic Agreement with the Alabama State Historic Preservation Officer regarding land management planning, and no further impact assessment is needed for the allocation change. Depending on the nature of the residential and recreational development, a small portion of the mixed pine-hardwood forested shoreline would likely be cleared. However, the amount of clearing would be limited by the expected use of community docks and the results of individual TVA reviews for water-use facilities. Impacts of residential shoreline clearing would be limited by adherence to TVA shoreline management regulations. Because of the small acreage of terrestrial habitat potentially

affected and the common nature of the resources found on the affected land, impacts to terrestrial ecology would be insignificant. Wetlands and visually sensitive areas would be avoided by any water-use facility development. To ensure that the existing barge terminal site is available to a full range of industrial uses, water-use facility development would be restricted in the immediate vicinity downstream of the barge terminal and further navigation review would be required for private water-use facilities within the small upstream cove.

Under the No Action Alternative, shoreline clearing also would result from shoreline access that supports the back-lying industrial development; however, it would likely be less than would occur from numerous residential and recreational water-use facilities. Wetlands and visual resources would be protected by the sensitive resource management designation.

Mitigation

TVA will maintain adherence to special requirements for protection of commercial navigation facilities located on Goose Pond Island and contained on the attached commitments. Because of the sensitive visual resources located along the perimeter of TVA Tract XGR-108PT2, TVA will ensure Section 26a approvals along this reach give special attention to protect these resources. The following special commitments will be followed by TVA.

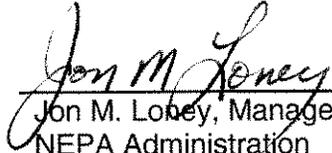
1. The construction of water-use facilities and shoreline alterations within the marked limits of safety landings and harbors will be prohibited. Construction also will be prohibited within 500 feet upstream and downstream of safety landings and within 100 feet of the mouth of safety harbors.
2. No water-use facilities will be allowed within 500 feet downstream of the terminal owners' downstream property boundary.
3. If the terminal becomes active in the future, TVA may require that the applicant place warning signs and/or buoys to aid in the safe navigation of the cove area.
4. Future requests for water-use facilities within the small cove upstream of the existing terminal site, along the main channel portion of Goose Pond Island and along the marked portions of Roseberry Creek would require further navigational review and approval.
5. At the time TVA reviews Section 26a actions on Goose Pond property, associated site development plans will be reviewed relative to external lighting and elements of proposed development otherwise potentially impacting the scenic value of TVA Tract XGR-108PT2.

Public and Intergovernmental Review

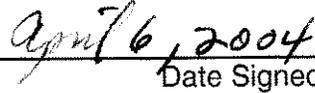
The Alabama State Historic Preservation Office was notified of the proposed allocation changes. No objections to TVA's determinations were received within the 30 day review period available to the SHPO. In addition, the city's proposed project has been publicized in the Scottsboro area. No additional public or agency review was conducted regarding the review of the pending action.

Conclusion and Findings

Based on the EA, we conclude that the proposed allocation changes to TVA tracts on Goose Pond Island would not be a major federal action significantly affecting the environment. The FONSI is contingent upon successful compliance with navigation restrictions and review of final site development plans relative to water-use facilities and aesthetic resources.



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



Date Signed