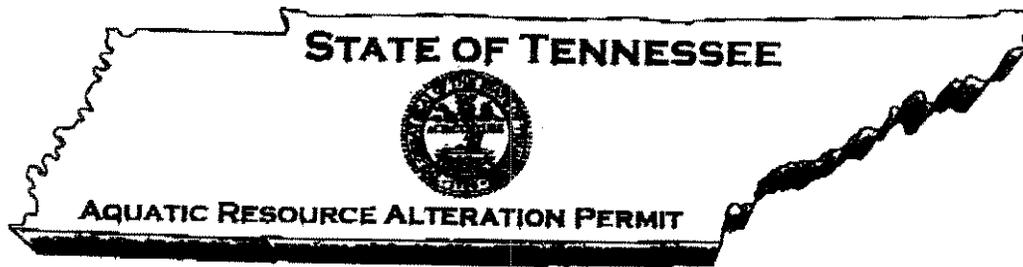


Appendix E



NRS 08.059

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations, the Division of Water Pollution Control is required to determine whether the activity described below will violate applicable water quality standards.

Subject to conformance with accepted plans, specifications and other information submitted in support of application NRS 08.059, the state of Tennessee hereby authorizes the activity described below.

PERMITEE: Jon Graves

AUTHORIZED WORK: Placement of riprap along shore of Kentucky Reservoir to prevent further erosion and stabilize property adjoining the reservoir. Riprap to be placed from top of bank and extend from approximately river mile 147.2 - 152.8 along a majority of the eastern bank.

Install two 12 ft. wide by 50 ft. long concrete boat launch ramps, center lines are at the following locations: N35.4622, W-88.0307 and N35.4561, W-88.0397. Both ramps would be located on the main channel of the reservoir.

LOCATION: Perry County

EFFECTIVE DATE: July 7, 2008

EXPIRATION DATE: July 7, 2011

SPECIAL CONDITIONS:

1. Excavated material must be removed to a location that will prevent its reentry into the any waters of the State.
2. Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for slope construction and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

ARAP NRS 08.059

GENERAL CONDITIONS:

1. The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above application and the limitations, requirements and conditions set forth herein.
2. No impacts to any waters of the state by this project, other than those specifically addressed in the plans and this permit, are allowed. All streams, springs and wetlands shall be fully protected prior, during and after construction until the area is stabilized. Any questions, problems or concerns that arise regarding any stream, spring or wetland either before or during construction, shall be addressed to the Division of Water Pollution Control, Columbia Field Office, 931.380.3371. Wetlands outside of the proposed area of impact shall not be used as storage or staging areas for equipment.
3. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of The Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply and navigation.
4. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
5. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
6. This permit does not authorize impacts to cultural, historical or archeological features or sites.
7. It is the responsibility of the applicant to convey all terms and conditions of this permit to all contractors. A copy of this permit, accepted plans, and any other documents pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
8. Work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. The applicant is responsible for obtaining these permits.

This permit does not preclude requirements of other federal, state or local laws. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

The state of Tennessee may modify, suspend or revoke this permit or seek modification or revocation should the state determine that the activity results in more than an insignificant

ARAP NRS 08.059

violation of applicable water quality criteria or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within 30 days after receipt of the permit. In such petition, each contention should be stated in numbered paragraphs that describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with Tennessee Code Annotated Section 69-3-110 and 4-5-301 et seq.



Paul Paul E. Davis, P.E.
Director, Division of Water Pollution Control

Appendix F

The Phase I archaeological survey has been redacted. A copy is available as part of the administrative record for this project.