

FINAL ENVIRONMENTAL ASSESSMENT
STATEMENT OF FINDINGS
AND
FINDINGS OF NO SIGNIFICANT IMPACT

(File No. 200200539)

Holiday Landing and Resort, Inc.

Application for Proposed Excavation for Boat Access, Construction of Covered Floating Boat Slips, Reconfigure Existing Floating Docks, Launching Ramp, and Walking Bridge at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee

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Nashville District, Regulatory Branch

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1.0 Proposed Activity

1.1. Background. Holiday Landing and Resort submitted an application to the Tennessee Valley Authority (TVA) requesting approval to construct additional facilities to the existing marina. The Regulatory Branch of the Corps of Engineers received the application on July 2, 2007. A cultural resource file search of the site was not completed until July 18, 2007.

The proposed work consists of excavation for boat access, construction of additional covered floating boat slips, reconfigure existing floating docks, construction of a floating walking bridge and construction of a launching ramp.

The proposed excavation for boat access consists of removing approximately 11,500 cubic yards of material from Tims Ford Lake. The lakeward extension of the excavation would be approximately 209' with an approximate width of 209'. The toe of the excavation would be at Elevation 878.0. Elevation 888.0 is the Normal Summer Pool (NSP) elevation for Tims Ford Lake. The excavation would occur in upper portion of the marina. The material would be removed in the dry by trackhoe during the winter drawdown of Tims Ford Lake, placed in a truck, and hauled upland above Elevation 895.0. The excavation would allow adequate water depths to access the proposed floating boat slips. As noted with the excavation, the applicant proposes to construct two additional commercial covered floating boat slips in the upper portion of the marina. Each structure would extend approximately 219' lakeward from the NSP elevation and would be approximately 56' wide. The structures would have an aluminum frame with Ipe decking. The structures would be supported to the shoreline by cables anchored to the banks by deadmen and spud poles. The facilities would be able to accommodate between 28 and 56 boats. The applicant also proposes to reconfigure an existing covered floating dock and construct two additional covered floating boat slips. The structures would parallel the shoreline and extend approximately 219' and would be approximately 56' wide. The structures would have an aluminum frame with Ipe decking. The facilities would be able to accommodate between 28 and 56 boats. In addition, the applicant proposes to construct a floating walking bridge. The structure would be approximately 295' long and 5' wide. The structure would have an aluminum frame with Ipe decking. Finally, the applicant proposes to construct a boat launching ramp. The deposit of fill material associated with the launching ramp meets the criteria for Nationwide Permit (NWP) # 36.

On July 20, 2007, Public Notice 07-64 was issued to advertise the proposed work; see Appendix A for Public Notice 07-64. An on-site inspection was conducted on September 6, 2007; see Appendix B for the memorandum for the record concerning the on-site inspection.

1.2. Decision Required. 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. Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, is a navigable water of the United States as defined by 33 CFR Part 329. Section 301 of the Clean Water Act (CWA) prohibits the discharge of

dredged or fill material into waters of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank is a water of the United States as defined by 33 CFR Part 328. For purposes of Section 404 of the CWA, the minimal amount of proposed fill associated with the construction of the launching ramp meets the criteria for authorization under Nationwide Permit #36. A Section 10 permit is required for the proposed activities; therefore, the Corps of Engineers must decide on one of the following:

- a. issuance of a permit for the proposal
- b. issuance of a permit with modifications or conditions
- c. deny the permit

1.3. Other Approvals Required. Other federal, state, and local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act.

2.0 Public Involvement Process.

2.1. Public Notice. On July 20, 2007, Public Notice 07-64 was issued to advertise the proposed work; see appendix A.

2.2. Agency Comments. All agency responses to the public notice are included in Appendix C. A summary of the responses are as follows:

- a. The Tennessee Historical Commission (Commission) responded to the public notice by letter dated July 31, 2007. The Commission states there are no National Register of Historic Places listed or eligible properties affected by this undertaking. The Commission has no objections to the project.

- b. The US Fish and Wildlife Service (Service) responded to the public notice by letter dated August 17, 2007. The Service states that based on their records and the best information available at this time, it is their belief that there are no federally-listed or proposed endangered or threatened plant or animal species in the impact area of the project, and that requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. The Service goes on to state their concern about the increasing number of proposals to dredge shallow water habitats. The Service recommends the applicant mitigate this loss by the placement of spawning benches and other enhancement techniques near, but outside of, the proposed project area. The Service has no objections to the permit as long as the applicant places the excavated material at an upland location outside the 100-year floodplain and mitigates for the loss of shallow water habitat.

c. The Tennessee Wildlife Resource Agency (TWRA) responded to the public notice by letter dated August 20, 2007. TWRA stated their concerns about the cumulative loss of shallow water habitat due to excavation or dredging for boat access and marina facilities. TWRA requested that the applicant mitigate for the permanent loss of shallow water habitat with the installation of enhancement activities such as willow beds and the construction and placement of spawning benches.

d. TVA Cultural Resources added their comments by email dated October 18, 2007. TVA Cultural Resources states the dredge spoil (material) disposal site lies in an area with low potential for archaeology based on the slope and disturbance from the surrounding residential development. Furthermore the area has been used as a soil disposal site prior to the proposed action.

2.3. Public Comments. All general public responses to the public notice are included in Appendix D. A summary of the responses are as follows:

a. The public notice generated comments from 24 individuals. Fourteen commentors opposed the proposed activity. Of the 14 commentors expressing opposition to the proposed activity, 10 requested a public hearing. In addition, there were 10 commentors that were in favor of the proposed activity. The majority of the opposition comments to the proposed activities noted the work would degrade water quality, increase boat traffic, impact boat safety, cause an increase in shoreline erosion, contribute to the loss of aquatic habitat, and land management issues. The comments in favor of the proposed activity stated the economic benefits the proposed activity would have to the area, and work the current owners have done to improve the marina. Congressman Lincoln Davis, Fourth Congressional District, Tennessee, along with several other locally elected officials wrote to support the proposed activity.

2.4. Rebuttal Comments. In accordance with standard DA permit processing procedures, the objections and comments that are received in response to the public notice are forwarded to the applicant for attempted resolution or rebuttal. See the rebuttal comments in Appendix E.

The comments to public notice 07-64 were forwarded to the applicant on August 21, 2007. The applicant provided this office a response to the comments by letter dated August 23, 2007. The applicant addressed the loss of shallow water habitat due to the excavation, by stating his willingness to mitigate for the loss of shallow water habitat by constructing and installing spawning benches. The applicant addressed boat safety/traffic concerns by commenting on his conversation with Mr. Ed Carter, State Director of TWRA Boating Safety. Mr. Carter informed the applicant that Tims Ford Lake was below the state average for boating accidents. On September 28, 2007,

Mr. Floyd M. Carnes, of this office, contacted Mr. Carter regarding his telephone conversation with the applicant. Mr. Carter informed Mr. Carnes that Tims Ford Lake is one of the safest lakes in the State of Tennessee. The applicant addressed the shoreline erosion concerns by stating that increased boating could increase shoreline erosion on the lake. The applicant goes on to state that shoreline erosion would be limited around his marina since most of the shoreline was protected with riprap and the marina's has no wake zones. The applicant addressed the pollution comments by stating the older facilities would be removed and replaced by new structures. Finally, the applicant responded to the land management comments by stating that the Tennessee Department of Environment and Conservation (TDEC) had no objection to the renovation and expansion project.

3.0 Environmental and Public Interest Factors Considered

3.1. Introduction. 33 CFR 320.4(a) states the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. All factors that may be relevant to the proposal must be considered. Public Notice 07-64 listed factors that may be relevant to the proposal. The following sections show which factors that are relevant in this proposal, and if relevant, provide a concise description of the impacts.

3.2. Physical/Chemical Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts.

(X) Substrate. Part of the proposed activity includes excavation for boat access, which would allow adequate water depths to access the proposed floating boat slips. The proposed excavation would remove approximately 11,500 cubic yards of bottom substrate. The substrate is chiefly composed of clay and silt material which has accumulated from upland run-off or has settled from Fall Lick Creek and the Elk River. The excavated material would be removed in the dry by trackhoe, placed in a truck, and hauled to an upland location above Elevation 895.0.

(X) Currents, circulation or drainage patterns. The excavation and the presence of the additional floating covered boat slips at Holiday Landing and Resort would not affect the currents or circulation patterns of Fall Lick Creek or the Elk River.

(X) Suspended particulates, turbidity. The excavation of the boat access portion of the project would be conducted in the dry by trackhoe during the winter drawdown of Tims Ford Lake. There may be minor turbidity from run-off from rainfall during and shortly after the removal of the material. The unconsolidated material in the excavated area would have an opportunity to

compact before water levels of Tims Ford Lake rise to NSP elevation. If there is any turbidity, it would be minor and short lived and would remain within the vicinity of the excavation.

(X) Water quality (temperature, color, odor, nutrients, etc). Concerns about water quality were raised as an issue by several commentors. The commentors stated that water quality would be degraded through the spillage of oil and gas into the lake by those using the additional commercial floating boat slips. The use of the additional commercial covered floating boat slips could degrade water quality through the inadvertent spillage of petroleum products associated with refueling operations and boat moorage. However, if operating safely and normal housekeeping procedures are followed at the proposed commercial covered floating boat slips, adverse water quality impacts related to spillage of petroleum substances would be minor. In addition, the currents in the vicinity of the additional commercial covered floating boat slips would quickly disperse any spillage that may occur. It should be noted that the proposed commercial covered floating boat slips are only for boat moorage and would not sell fuel or provide a pump out facility. The excavation for the boat access should not impact water quality since the excavation would be conducted in the dry and during the winter drawdown of Tims Ford Lake. There may be minor turbidity from run-off from rainfall during and shortly after the removal of the material. The unconsolidated material in the excavated area would have an opportunity to compact before water levels of Tims Ford Lake rise to NSP elevation. If there is any turbidity, it would be minor and short lived and would remain within the vicinity of the excavation.

() Flood control functions. No Issues

() Storm, wave and erosion buffers. No Issues

(X) Shore erosion and accretion patterns. Concerns about shoreline erosion were raised as an issue by several commentors. The commentors stated the additional covered boat slips and excavation for boat access would attract more boaters to use this portion of the lake, thus causing more wakes and wave action to erode the existing shoreline. The presence of the additional commercial covered floating boat slips would increase boat traffic which would likely increase shoreline erosion. Regardless if the additional covered floating boat slips are constructed, the area would still be subject to wakes and wave action from boats and other watercraft utilizing this portion of Tims Ford Lake. The presence of the proposed commercial covered floating boat slips would provide some protection to the adjacent banks from wave erosion. Additionally, shoreline erosion would be limited around the marina since most of the shoreline is protected with riprap and the marina has no wake zones.

() Baseflow. No Issues

3.3. Biological Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts.

() Special aquatic sites (wetlands, mudflats, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45). No Issues.

(X) Habitat for fish and other aquatic organisms. Concerns about fish habitat were raised as an issue by several commentors. The commentors stated that excavation would impact fish habitat, specifically shallow water habitat. Shallow water habitat is an important area for spawning and foraging. The applicant has expressed his willingness to mitigate for the loss of shallow water habitat by constructing and installing spawning benches. The excavation would remove bottom substrate and increase water depths within the foot print of the excavated area. The construction of the commercial covered floating boat slips would enhance fish habitat in the area. The commercial covered floating boat slips would provide shade and cover for fish and aquatic invertebrates and would also provide attachment surfaces for algae and small aquatic organisms. Currently, the area that is to be excavated is dry due to low lake levels. The excavation would provide additional aquatic habitat during times of lower lake levels. Aquatic organisms would be displaced by the construction of the concrete boat launching ramp on the lake bottom. Those aquatic organisms that would be displaced by the launching ramp would quickly recolonize in the area soon after construction has been completed.

(X) Wildlife habitat. The area where the proposed activity would occur is in an established commercial marina. Due to the presence of the commercial marina, the customers and their boats, most of the wildlife has been frightened from the area. The wildlife that is present has acclimated themselves to the presence of the marina and the boats. The presence of construction workers and equipment may frighten off some wildlife, but the wildlife that has been acclimated to the marina may not be affected by the proposed activity. After the work has been completed, the resident wildlife to the area would return along with some transient wildlife. Birds, mammals and reptiles could utilize the additional commercial covered floating boat slips as a perch, to hunt for prey. Birds could utilize the area under the roof of the floating boat slips to build nest and rear young.

(X) Endangered or threatened species. The Service indicates that no federally-listed or proposed endangered or threatened species occur within the area of the project.

(X) Biological availability of possible contaminants in dredged or fill material. Only clean material would be used for the launching ramp. There would be a temporary reduction in pH due to concrete being introduced into the water with the boat ramp. Since the area for the ramp will have little flow the area will stay contained and mixed water/cement should dissipate

quickly. Some aquatic organisms, mainly benthic, may be impacted in the direct area of the ramp, but the affects will be insignificant to the area.

3.4. Human Use Characteristics and Anticipated Impacts. The relevant blocks are checked with a description of the impacts.

() Existing and potential water supplies; water conservation. No Issues.

(X) Water-related recreation. The excavation would not interfere with on water-related navigation since the excavation would be conducted in the dry during winter drawdown of Tims Ford Lake and in an established marina with no wake zones. The excavation would benefit the applicant and water-based recreation by providing adequate water depths and improved boat access to the proposed commercial covered floating boat slips and the proposed launching ramp. Also, the construction of the proposed commercial covered floating boat slips would not have any impacts on water-related navigation since the work would be occurring in an established marina with no wake zones. The proposed commercial covered floating boat slips would provide additional facilities for customers of Holiday Landing and Resort to store and moor their boats and provided a place for others who use this portion of Tims Ford Lake. With the excavation and the presence of the additional commercial covered floating boat slips, boat traffic would increase in the vicinity of Holiday Landing and Resort. Current usage of the river at this location includes pleasure/recreation boating and fishing.

(X) Aesthetics. The construction of the additional facilities at Holiday Landing and Resort would have a temporary impact upon the aesthetics of the site caused by the appearance of the construction workers and construction equipment. Work on the additional facilities would be temporary. However, there would be long-term visual impacts that would result from the proposed action by the presence of the additional commercial covered floating boat slips, reconfiguration of the marina, floating walking bridge, launching ramp, and excavation for boat access (the excavation would likely be noticeable during winter drawdown and during period of low water). The proposed additional facilities to Holiday Landing and Resort may be viewed as visually intrusive to some adjacent property owners in the area. However, since Holiday Landing and Resort is an existing commercial marina the visual or physically obtrusive impacts would likely not be noticeable to the majority of lake users.

(X) Traffic/transportation patterns. Concerns about boat traffic were raised as an issue by several commentors as it related to the number of additional commercial floating boat slips. The commentors stated that the construction of the additional commercial floating boat slips would increase the number of boats on Tims Ford Lake causing additional traffic concerns. The additional commercial covered floating boat slips would increase the number of boats utilizing this

portion of Tims Ford Lake. The additional commercial floating boat slips would be located within the harbor limits of Holiday Landing and Resort, where boat traffic would be subject to speed restrictions in the marina's no wake zones.

() Energy consumption or generation. No Issues

(X) Navigation. The proposed activities would be located in an established marina, Holiday Landing and Resort, which is located at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank. The site where the work is to occur is off the main navigation path and would not impact navigation, since the activities would occur within the harbor limits of Holiday Land and Resort. The floating walkway is located behind Holiday Landing and Resort and should not have any impacts to navigation. With the construction of the additional facilities, recreational use of this portion of Tims Ford Lake would likely increase due to the additional commercial boat moorage that would be available. There is no commercial navigation on this portion of the Elk River.

(X) Safety. Concerns about safety were raised as an issue by several commentors. The commentors state that the additional boat slips would increase the number of boats and other watercraft traffic using Tims Ford Lake. The commentors go on to state that several watercraft users of Tims Ford Lake have suffered fatalities and injuries due to boating accidents. The proposed activities would likely increase watercraft traffic along this section of Tims Ford Lake. According to Mr. Ed Carter, State Director of TWRA Boating Safety, in a conversation with Mr. Carnes, Tims Ford Lake is one of the safest lakes in the State of Tennessee. The additional commercial covered floating boat slips would be located at the established Holiday Landing and Resort which has posted no wake zones. Holiday Landing and Resort is located at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, is a navigable water of the United States. Being a navigable water of the United States, the public has a right to free navigation on this waterway. However, the public must obey all State of Tennessee boating laws and regulations. Boat and other watercraft traffic would be seasonal and would likely increase during the summer months, especially on weekend and holidays.

() Air quality. No Issues

(X) Noise. Construction activities on the additional facilities at Holiday Landing and Resort would create some noise impacts; however, these impacts would be temporary and would occur during the daylight hours. Equipment would be expected to operate within normal ranges for construction equipment. There would be long term noise associated with the boats using the additional commercial covered floating boat slips. However, motorboat noise is very common on Tims Ford Lake. The noise from boats and other watercraft would increase on weekends and on

summer holidays. Regardless if the additional facilities are constructed, the area would still be subject to noise from boats and other watercraft utilizing this portion of Tims Ford Lake, since the proposed activities would be located in an existing marina.

(X) Historic properties and cultural values. The Commission states there are no National Register of Historic Places listed or eligible properties affected by this undertaking. The Commission has no objections to the project. TVA cultural resources add, the dredge spoil (material) disposal site lies in an area with low potential for archaeology based on the slope and disturbance from the surrounding residential development. Furthermore, the area has been used as a soil disposal site prior to the proposed action

(X) Land use classification. Concerns about land use and land management were raised as an issue by several commentors. The commentors stated that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30, the location of Holiday Landing and Resort. The commentors state that TDEC has not addressed the appropriate use of this property and that no permits should be granted until the use of the property has been determined. According to the applicant, he is a lease holder from TDEC, and TDEC has not objected to the proposed activities. In addition, the commentors also noted a pending lawsuit against TVA regarding land management on Tims Ford Lake. The commentors state that the lawsuit should be resolved before any additional permits are issued. According to TVA, the pending lawsuit concerns only Zone 8 Properties, which include Fanning Bend and Winchester Marina and does not pertain to the land where Holiday Landing and Resort is located. Holiday landing is identified as being located in a Zone D (Development Zone) within the Tims Ford State Park Strategic Management Plan. This zone allows for any type of development. Currently there is a 20 year lease for a commercial marina on Parcel 30 issued by TDEC. This is the type of use the State has designatate for this Development Zone.

() Conservation. No Issues

(X) Economics. During construction of the additional facilities at Holiday Landing and Resort, the economic welfare of this immediate area of Franklin County, Tennessee may be improved by the presence of construction workers living and spending money in the area. There would be a benefit to the contractor and sub-contractors performing the work. The construction of the facilities may pump revenue into the local economy through purchasing building supplies from local merchants. The proposed additional commercial covered floating boat slips would provide Holiday Landing and Resort additional facilities to rent and store and moor their boats. The construction of the proposed facilities would likely increase the applicants' property values by enhancing the lake benefits of the property. Franklin County would likely see additional revenues from an increase in the property tax base.

Food and fiber production. No Issues

General environmental concerns. No Issues.

Mineral needs. No Issues

Consideration of private property. The applicants own the property where the proposed work would occur. 33 CFR 320.4(g)(1) states that “ an inherent aspect of property ownership is a right to reasonable private use.” The right of property owners to a reasonable use of their property has been fully considered in our permit evaluation.

Floodplain values. No Issues

3.5. Cumulative and Secondary Impacts. One of the most important aspects of cumulative effects assessment is that it requires consideration of how actions by others have and will affect the same resources. In assessing cumulative effects, the key determinant of importance or significance is whether the incremental effect of the proposed action will alter the sustainability of the resource in light of other effects that resource has experienced up until the present and/or will experience in the future.

Cumulative environmental effect for the proposed activity was assessed in accordance with guidance provided by the President’s Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999).

In this case, the spatial boundary for the assessment has been broadened to consider effects within the corridor of the proposed facilities. The proposed facilities would not be undertaken if not for the need for additional boat moorage at Holiday Landing and Resort.

Projecting the reasonably foreseeable future actions is difficult at best. Clearly, the proposed action is reasonably foreseeable. However, the actions by others that may affect the same resources are not as clear. Projections of those actions must rely on judgment as to what is reasonable, based on existing trends, and where available, projections from qualified sources. Reasonably foreseeable does not include unfounded or speculative projections. In this case, reasonably foreseeable future actions include:

- Population growth in the area
- Change in economic conditions
- Change of existing land use patterns in the area
- Increase in traffic generated from increased use due to the action

- Maintenance and/or improvement to areas roads
- Construction and maintenance of infrastructure in the area
- Increase of public services such as police and fire protection
- Implementation of various programs to deal with non-point sources of water pollution and to restore degraded environments, and
- Continued application of environmental requirements such as those under NPDES and/or NEPA

Additional structures and/or future associated work that may be proposed in the vicinity of the site can be identified as cumulative and/or secondary impacts; however, determining the magnitude of cumulative effects; modifying to avoid, minimize or mitigate the cumulative effects, and planning for monitoring and adaptive management would have to be addressed on a case-by-case basis.

Overall, the additional facilities would permanently impact the site. The proposal could have cumulative or secondary effects upon the existing environment with the additional use of the area as mooring sites for boaters of Holiday Landing and Resort and a site for boaters on this portion of Tims Ford Lake to seek refuge. There would be a benefit to the contractor and sub-contractors constructing the additional commercial covered floating boat slips. The applicant would benefit by being able to enhance the viability and property values of Holiday Landing and Resort. The proposed additional commercial covered floating boat slips would provide additional facilities for Holiday Landing and Resort to rent and add more customers to store and moor their boats. In addition, Franklin County would see additional revenues from an expanded property tax base.

4.0 Alternatives

4.1. Introduction. This section discusses alternatives as required by 33 CFR 320.4(a)(2). The relevant environmental issues identified in Chapter 3.0 were used to formulate the alternatives. The alternatives that were given detailed consideration are listed in the following section.

4.2. Description of Alternatives.

a. **No Action.** This alternative equates to denial of the DA permit or the withdrawal of the applicant's request to construct the additional facilities at Holiday Landing and Resort. This alternative would result in the applicant not being able to meet his needs to construct the additional facilities.

b. **The Proposed Action.** This alternative consists of approving the construction of the additional facilities. See Appendix A (Public Notice) for a description of the applicant's proposed action.

c. The Proposed Action with Special Conditions. This alternative would be composed of the applicant's plans as described in section b. above with the inclusion of additional special conditions that would minimize unavoidable adverse impacts.

4.3. Appropriate Mitigation Included in the Proposed Action. Mitigation measures that would minimize impacts to the environment include performing the work during winter pool drawdown and during dry periods of the year. Additionally, instituting and maintaining erosion and sediment control measures for the life of the project and ensure that all disturbed riparian areas are properly seeded, or otherwise stabilized as soon as practicable to prevent erosion and associated runoff from entering the waterway.

4.4. Comparison of Alternatives.

a. No Action. This alternative equates to denial of the DA permit or the applicant withdrawing the request to perform the proposed work. The excavation for boat access, construction of the additional commercial covered floating boat slips, reconfiguration of the existing floating docks, construction of the floating walking bridge and the launching ramp would not be constructed. This alternative would result in no additional visual impacts to Holiday Landing and Resort. With this alternative, there would be no impacts to the bottom substrate of Tims Ford Lake since the excavation for the boat access and the launching ramp would not be constructed. This alternative would result in economic loss in time and planning for the additional facilities. This alternative would not meet the needs of the applicant.

b. The Proposed Action. This alternative would allow the excavation for boat access, construction of the additional commercial covered floating boat slips, reconfigure existing floating docks, construction of a floating walking bridge and construction of a launching ramp.

The excavation would consist of removing approximately 11,500 cubic yards of material from Tims Ford Lake. The lakeward extension of the excavation would be approximately 209' with an approximate width of 209'. The toe of the excavation would be at Elevation 878.0. Elevation 888.0 is the NSP elevation for Tims Ford Lake. The material would be removed in the dry by trackhoe during the winter drawdown of Tims Ford Lake, placed in a truck, and hauled upland above Elevation 895.0. The excavation would allow adequate water depths to access the proposed additional commercial floating boat slips. Along with the excavation, the applicant proposes to construct two commercial covered floating boat slips. Each structure would extend approximately 219' lakeward from the NSP elevation and would be approximately 56' wide. The structures would have an aluminum frame with Ipe decking. The structures would be supported to the shoreline by cables anchored to the banks by deadmen and spud poles. The facilities would be able to accommodate between 28 and 56 boats. The applicant also proposes to reconfigure an existing

covered floating dock and construct two additional covered floating boat slips. The structures would parallel the shoreline and extend approximately 219' and would be approximately 56' wide. The structures would have an aluminum frame with Ipe decking. The facilities would be able to accommodate between 28 and 56 boats. In addition, the applicant proposes to construct a floating walking bridge. The structure would be approximately 295' long and 5' wide. The structure would have an aluminum frame with Ipe decking. Finally, the applicant proposes to construct a boat launching ramp.

The additional facilities would serve Holiday Landing and Resort by providing them additional commercial floating docks, increased water depths for the additional floating docks, a floating walking bridge and an additional launching ramp. This alternative would likely increase the number of boats using this portion of Tims Ford Lake and in turn increase boat traffic and noise in the area. The proposed additional commercial covered floating boat slips would provide additional facilities for Holiday Landing and Resort to add more customers to store and moor their boats. The construction of the additional commercial covered floating boat slips would likely increase the applicants' property values by enhancing the lake benefits of the property and Franklin County would likely see additional revenues from an increase in the property tax base.

c. The Proposed Action with Special Conditions. This alternative would be similar to the description in b. above. The addition of special conditions to the DA permit would require that the work be constructed in a manner that would minimize adverse impacts to the environment.

5.0. Findings

5.1. Public Hearing. 33 CFR 327 states that a public hearing is a public proceeding conducted for acquiring information or evidence which will be considered in evaluating a proposed DA permit action. Hearings afford the public an opportunity to present their views, opinions, and information on such permit actions. Unless the public notice specifies that a public hearing will be held, any person may request, in writing, within the comment period specified in the public notice on a DA permit application that a hearing be held to consider the material matters at issue in the permit application. Requests for a public hearing shall be granted, unless the District Engineers determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

By Memorandum, dated September 11, 2007, the District Engineer determined that a public hearing would not provide any additional information or identify new issues which would assist in reaching a final decision on the proposed request and decided not to hold a hearing. Appendix F contains the memorandum for the District Engineer's determination.

5.2. Consideration of Public Comments. Ample opportunity was provided to the general public to comment on the proposal through the public notice process. All comments received during the public notice period have been given full consideration in the evaluation of this permit. Public Notice 07-64 was issued on July 20, 2007, and expired on August 19, 2007. The public notice generated comments from 24 individuals. Fourteen commentors opposed the proposed activity. Of the 14 commentors expressing opposition to the proposed activity, 10 requested a public hearing. In addition, there were 10 commentors that were in favor of the proposed activity. The majority of the opposition comments noted degraded water quality, boat safety/traffic, shoreline erosion, loss of aquatic habitat, land use and land management. The comments in favor of the proposed activity stated the economic benefits to the area, and work the current owners have done to improve the marina.

The commentors noted the possible increase of degraded water quality with the proposed commercial covered floating boat slips. The use of the additional commercial covered floating boat slips could degrade water quality through the inadvertent spillage of petroleum products associated with refueling operations and boat moorage. However, if operating safely and normal housekeeping procedures are followed adverse water quality impacts related to spillage of petroleum substances would be minor.

Concerns about the increase in boat traffic\safety and shoreline erosion due to the presence of the additional commercial covered floating boat slips was expressed by several commentors. The commentors state that the additional boat slips would increase the number boats and other watercraft using Tims Ford Lake. The commentors go on to state that Tims Ford Lake has suffered facilities and injuries due to boating accidents. Boat traffic would increase from those using the facilities for boat moorage or seeking refuge. According to Mr. Ed Carter, State Director of TWRA Boating Safety, Tims Ford Lake is one of the safest lakes in the State of Tennessee. This portion of the Elk River (Fall Lick Creek) is a navigable water of the United States, which the public has a right to freely navigate. However, the boaters must obey all State of Tennessee boating laws and regulations. Watercraft traffic would be seasonal and would increase during the summer months, especially on weekend and holidays. The increase in boat traffic would likely cause an increase in shoreline erosion, however; if the additional commercial covered floating boat slips were not constructed, the area would still be subject to wakes and wave action from boats and other watercraft utilizing this portion of Tims Ford Lake. The presence of the proposed additional commercial covered floating docks would provide some protection to the adjacent banks from wave erosion.

The TWRA, Service and several commentors expressed concern over the loss of shallow water habitat due the excavation for boat access and marina facilities. It was noted that the shallow water habitat is an important area for fish and other aquatic organisms for spawning and foraging. Both

the TWRA and the Service expressed their recommendation for the applicant to mitigate for the shallow water habitat loss by the installation of enhancement activities such as willow beds and the construction and placement of spawning benches. The applicant stated his willingness to mitigate for the loss of shallow water habitat by constructing and installing spawning benches. The proposed excavation would result in substantial alteration of the existing bottom substrate within the footprint of the boat access channel. During NSP elevation and winter drawdown, water depths within the footprint of the boat access channel would be increased resulting in reduced light penetration to the bottom substrate. The aquatic organisms that are displaced would recolonize in the adjoining areas near where the excavation is to occur. The applicant has stated his willingness to mitigate for the loss of shallow water habitat by constructing and installing spawning benches.

Several commentors expressed their concern on land use and land management. The commentors state that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). The commentors state that TDEC has not addressed the appropriate use of this property and that no permits should be granted until the use of the property has been determined. According to the applicant, he is a lease holder from TDEC, and TDEC has not objected to the proposed activities. The commentors also noted a pending lawsuit against TVA regarding land management on Tims Ford Lake. The commentors state that the lawsuit should be resolved before any additional permits are issued. According to TVA, the pending lawsuit concerns only Zone 8 Properties, which include Fanning Bend and Winchester Marina and does not pertain to the land where Holiday Land and Resort is located.

5.3. Findings of No Significant Impact. Based on a full consideration of the EA, information obtained from cooperating federal/state agencies, and comments received from the interested public, I have concluded that issuance or denial of the requested permit would not constitute a major federal action that would significantly affect the quality of the human environment. This constitutes a Findings of No Significant Impact (FONSI); therefore, the preparation of an Environmental Impact Statement is not required. This FONSI was prepared in accordance with paragraph 7a of Appendix B, 33 CFR 325 dated February 3, 1988 (effective March 4, 1988).

5.4. Clean Air Act General Conformity Rule Review. The proposed project has been analyzed for conformity applicability, pursuant to regulations implementing Section 176(c) of the Clean Air Act and it has been determined that the activities proposed under this permit will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the CE continuing program responsibility, and cannot be practicably controlled by the CE, and, for these reasons, a conformity determination is not required for a permit.

5.5. Environmental Justice Review. Executive Order No. 12898 (February 11, 1994) directs certain federal agencies, including the Department of the Defense, to consider environmental justice, as defined in the order, in the environmental reviews of their programs and activities. Environmental justice refers to the idea that no segment of the population should bear a disproportionate burden of health and environmental impacts of society's activities. Environmental justice concerns relate to the potential effects proposed actions might have on minority communities and low-income communities, and whether or not impacts are likely to fall disproportionately on minority and/or low-income people living in the vicinity of the proposed action.

Such disproportionate impacts, if they would be caused by the proposed project, would most likely affect persons living within the immediate vicinity of the project site, generally, the central portion of Franklin County, Tennessee.

The proposed project would not disproportionately impact minority or low-income populations. There are no minority or low-income communities adjacent to the proposed project area. Therefore, the proposed work would not affect minority or low-income populations at any higher rate than others in the project area.

5.6. Recommended Special Conditions. With the applicant's compliance with these special conditions, adverse environmental impacts associated with this project would be minimal. This would include the following recommended special conditions:

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them. Justification: This would ensure that all of the contractors are aware of the work that is going to be performed and conforms to the approved plans.
2. The work must be performed in accordance with the plans attached to this permit. Justification: The work being approved is based upon the plans submitted to this office.
3. The applicant must perform the excavation during winter drawdown of Tims Ford Lake. Justification: Performing the work during low flow periods and keeping the excavation equipment out of Tims Ford Lake will minimize the amount of turbidity in the water and will have less of an impact on the aquatic environment.
4. The permittee shall maintain a 10' buffer between the area that is to be dredged and the existing shoreline. Justification: To ensure that the existing 10' of shallow water habitat is maintained between the area that is to be dredged and the existing shoreline.

5. The permittee shall construct and install 32 spawning benches to mitigate for the loss of shallow water habitat due to the excavation. The permittee shall coordinate the construction and installation of the spawning benches with Tennessee Wildlife Resources Agency's Reservoir Fisheries Biologist, Mr. John Riddle, (telephone 615-781-6622). Justification: To provide ample mitigation for the loss of shallow water habitat due to the excavation and to ensure that the spawning benches are constructed and placed properly.

6. Siltation and erosion control methods must be maintained for the life of the project. Siltation and erosion control methods shall include but are not limited to entrenched silt fences, check dams and hay bales. All disturbed areas shall be properly seeded, or otherwise stabilized as soon as practicable to prevent erosion. Justification: So that the unconsolidated and disturbed material will not re-enter the waterway and increase sedimentation.

7. All excavated material shall be hauled to an off-site location and placed above Elevation 895. The excavated material must be properly stabilized, which includes placing seed, mulch, and hay over the excavated material. In addition, staked hay bales and silt fence shall be used around the material to prevent re-entry into any waterway. Justification: To ensure that the material that is removed during the excavation process does not re-enter the waterway and is properly stabilized.

8. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States. Justification: To ensure that the public has free access to the navigable waters of the United States.

9. The permittee will be advised that the facilities would be vulnerable to damage and wave wash and possible collision from passing vessels. Justification: This would ensure that the permittee is fully aware that wave wash and passing vessels could affect the facility and moored boats.

10. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities. Justification: To ensure that watercraft in the area are aware of the presence of the facilities.

11. The permittee shall notify this office in writing two weeks before work commences on the floating dock. Justification: To give this office an indication that work is about to commence so that this office can perform compliance inspections while the work is taking place.

5.7. Public Interest Determination. I have reviewed the application, responses to the Public Notice, and the EA. Comments from the Commission, Service, TWRA and the general public were taken into full consideration during the public's interest review of this permit decision. The comments that were received concerning the proposal dealt with degraded water quality, boat safety/traffic, shoreline erosion, loss of aquatic habitat and land management. The Commission

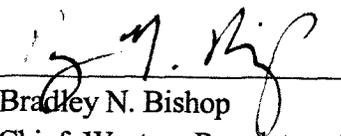
concluded with the Corps that the project area did not contain any archaeological resources eligible for listing in the National Register of Historic Places and that the work would not affect any historical properties. Comments from the Service indicate that no federally-listed or proposed endangered or threatened species occur within the area of the project. Several commentors stated that water quality would be degraded through the spillage of oil and gas into the lake by those using the additional commercial floating boat slips. The use of the additional commercial floating docks could degrade water quality through the inadvertent spillage of petroleum products associated with refueling operations and boat moorage; however, if operating safely and normal housekeeping procedures are followed adverse water quality impacts related to spillage of petroleum substances would be minor. Concerns about the increase in boat traffic and boat safety due to the presence of the additional commercial covered floating boat slips were expressed by several commentors. The commentors state that several watercraft users of Tims Ford Lake have suffered fatalities and injuries due to boating accidents. The additional facilities would likely cause an increase in boat traffic on Tims Ford Lake and in the vicinity of Holiday Land and Resort from those using the additional facilities for boat moorage or seeking refuge. According to Mr. Ed Carter, State Director of TWRA Boating Safety, Tims Ford Lake is one of the safest lakes in the State of Tennessee. This portion of the Elk River (Fall Lick Creek) is a navigable water of the United States, which the public has a right to freely navigate. All boaters must obey all State of Tennessee boating laws and regulations and would have to obey the no wake zones around Holiday Landing and Resort. Watercraft traffic would be seasonal and would increase during the summer months, especially on weekend and holidays. Along the same lines, several commentors noted that the additional covered boat slips and excavation for boat access would attract more boaters to use this portion of the lake, thus causing more wakes and wave action to erode the existing shoreline. The increase in boat traffic would likely cause an increase in shoreline erosion, however; if the additional commercial covered floating boat slips were not constructed, the area would still be subject to wakes and wave action from boats and other watercraft utilizing this portion of Tims Ford Lake. The presence of the proposed additional commercial covered floating docks would provide some protection to the adjacent banks from wave erosion. The TWRA, Service and several commentors expressed concern over the loss of shallow water habitat due to the excavation for boat access for the additional commercial floating docks. The TWRA and Service have expressed their recommendation for the applicant to mitigate for the shallow water habitat loss by the installation of enhancement activities such as willow beds and the construction and placement of spawning benches. The applicant has stated his willingness to mitigate for the loss of shallow water habitat by constructing and installing spawning benches. The aquatic organisms that are displaced would recolonize in the adjoining areas near where the excavation and the installation of the launching ramp are to occur. The additional commercial floating docks would likely increase aquatic habitat in the area by providing shade and cover for fish and aquatic invertebrates and would also provide attachment surfaces for algae and small aquatic organisms. The several commentors contend that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30, the

area here Holiday Landing and Resort is located, and that no permits should be granted until the use of the property has been determined. TVA and TDEC partnered in the development of a land management plan for Tims Ford Lake. The plan was devised to provide a way to develop and manage the land, identify uses and minimize conflicting land uses. The applicant stated that he is a lease holder from TDEC, and TDEC has not objected to the proposed activities. Additionally, the commentors note a pending lawsuit against TVA concerning community facilities. The pending lawsuit concerns Zone 8 Properties and does not pertain to the land where Holiday Landing and Resort is located.

The excavation for boat access, construction of additional covered floating boat slips, reconfiguration of existing floating docks, construction of a floating walking bridge and construction of a launching ramp would likely increase the applicants' property values by enhancing the lake benefits of the property. Franklin County would likely see an addition to the property tax base. The excavation of the boat access and the construction of the additional commercial floating boat slips would benefit the contractor and sub contractor performing the work. The additional commercial floating docks would provide additional facilities for Holiday Landing and Resort to accommodate more customers to store and moor their boats. In addition, the additional docks could be used as a place for boaters to use as a place of refuge. The long-term visible impacts would result from the construction of the additional commercial floating docks would be negligible since the additional facilities would be located within an existing marina. The public had ample opportunity to express their concerns of the proposed activity. With adherence to the permit conditions, impact to waters of the United States would be minimal. The special conditions required by this permit address the adverse impacts to aquatic life and are fully justified and reasonable. Having weighed these potential benefits that may be accrued against the reasonably foreseeable detrimental effects, I conclude that permit issuance would not be contrary to the public interest.

FOR THE COMMANDER:

10/29/07
Date



Bradley N. Bishop
Chief, Western Regulatory Section
Operations Division

Appendix A



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 07-64 Date: July 20, 2007

Application No. 200200539 Expires: August 19, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn: Floyd M. Carnes

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

SUBJECT: Proposed Excavation for Boat Access, Construction of Covered Floating Boat Slips, Reconfigure Existing Floating Docks, Launching Ramp, and Walking Bridge at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act.**

APPLICANT: Holiday Landing and Resort, Inc.
P.O. Box 1556
Tullahoma, Tennessee 37388

LOCATION: Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee.
(USGS TULLAHOMA, TENN. Quadrangle
Longitude: 86-14-38.6; Latitude: 35-16-14.3)

BACGROUND: The applicant was issued a permit for the commercial facilities on April 5, 2002. The permit was modified on September 26, 2002, to include the construction of new fixed and floating docks and reconfiguration of the existing docks. The applicant has proposed excavation, new facilities and reconfiguration.

DESCRIPTION: The proposed work consists of the following:

A. Excavate approximately 11,500 cubic yards of material from Tims Ford Lake for boat access. The approximate lakeward

extension of the boat access excavation would be 209' with an approximate width of 209'. The toe of the excavation would be at Elevation 878.0. Elevation 888.0 is the Normal Summer Pool (NSP) elevation for Tims Ford Lake. The material would be removed in the dry by trackhoe, placed in a truck, and hauled upland above Elevation 895.0. The excavation would allow adequate water depth to access proposed floating boat slips.

B. The construction of a two commercial covered floating boat slips. The structures would be perpendicular to the shoreline and extend approximately 219' lakeward from the NSP elevation and would be approximately 112' wide. The structures would have an aluminum frame with Ipe decking. The structures would be supported to the shoreline by cables anchored to the banks by deadmen and spud poles. The facilities would be able to accommodate between 28 and 56 boats.

C. The relocation of a covered floating dock and construction of a two commercial covered floating boat slips, Docks C and D. The structures would parallel the shoreline and extend approximately 219' lakeward from the NSP elevation and would be approximately 112' wide. The structures would have an aluminum frame with Ipe decking. The facilities would be able to accommodate between 28 and 56 boats.

D. The construction of a floating walking bridge. The structure would be approximately 295' long and 5' wide. The structure would have an aluminum frame with Ipe decking. This structure would be located behind an existing floating dock, Dock B

In addition, the applicant proposes to construct a boat launching ramp. The deposit of fill material associated with the launching ramp meets the criteria for Nationwide Permit (NWP) # 36.

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. A permit will be granted unless the District Engineer determines that 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, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment 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 Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TNDOA). Based on the file search conducted at the TNDOA, the Corps has determined that the project, as proposed, has no potential to affect historic properties eligible for listing in the National Register of Historic Places. 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.

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. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work.

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 public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **August 19, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Ben Bean, Guntersville/Tims Ford Lake Reservation, 3696 Alabama Highway 69, Guntersville, Alabama 35976.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.

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<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.

USGS TOPOGRAPHICAL MAP
LYNCHBURG EAST, TENN

USGS TOPOGRAPHICAL MAP
TULLAHOMA, TENN

PROJECT LOCATION

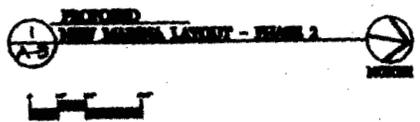
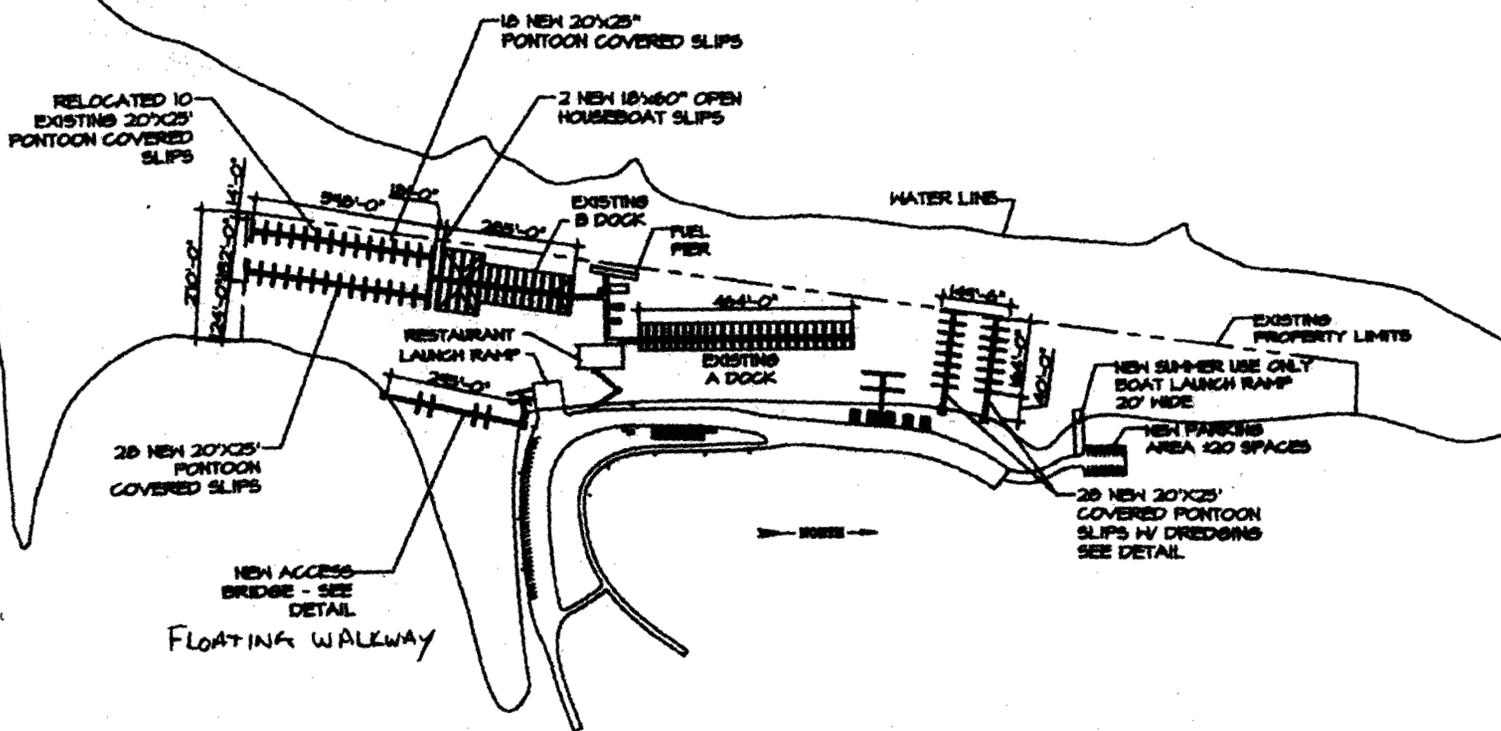
FILE NO. 200200539

PN 07-64

EXHIBIT A



OVERVIEW

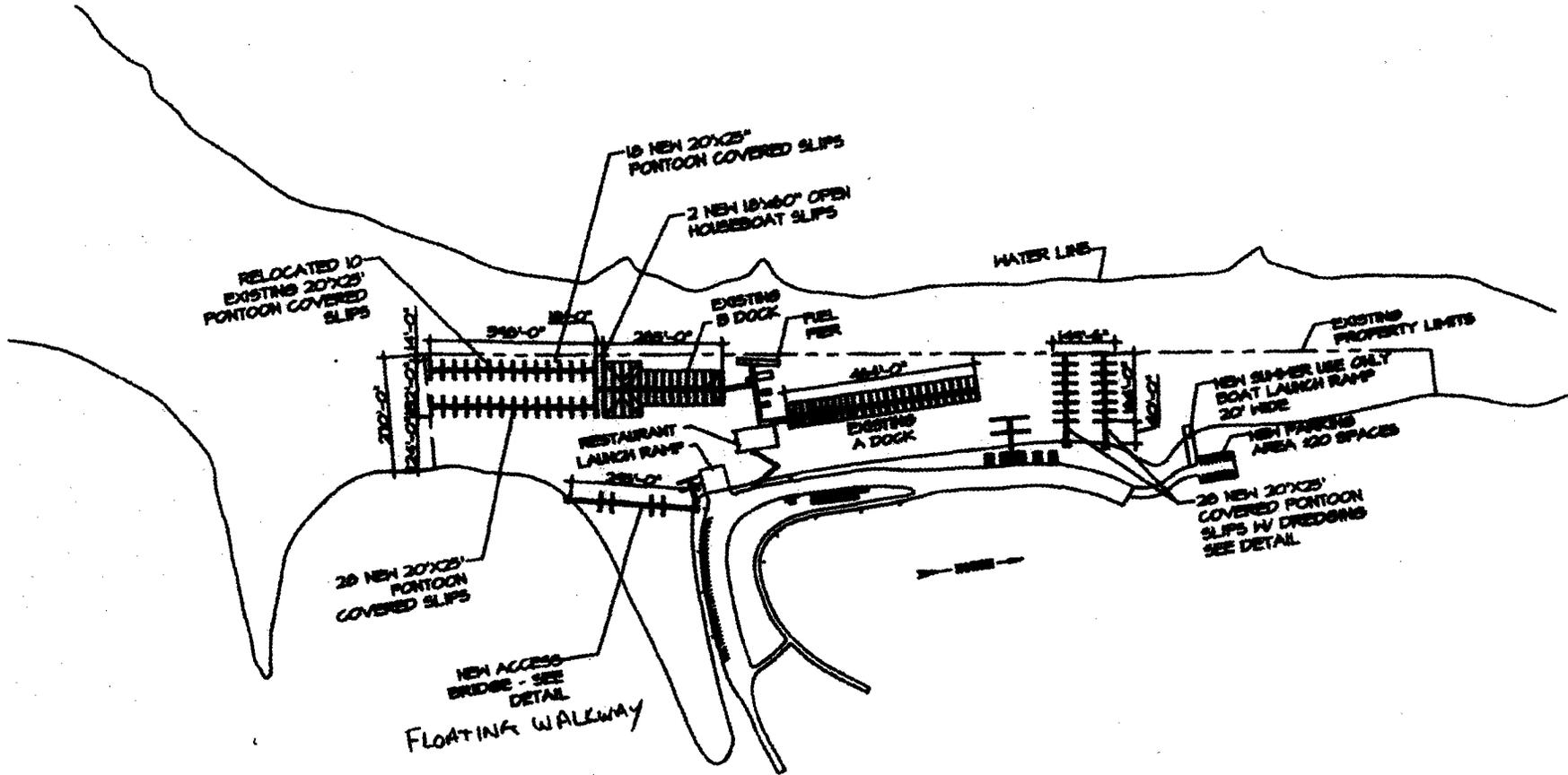


FILE NO. 200200539

PN 07-64

EXHIBIT B

OVERVIEW

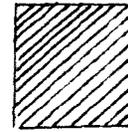


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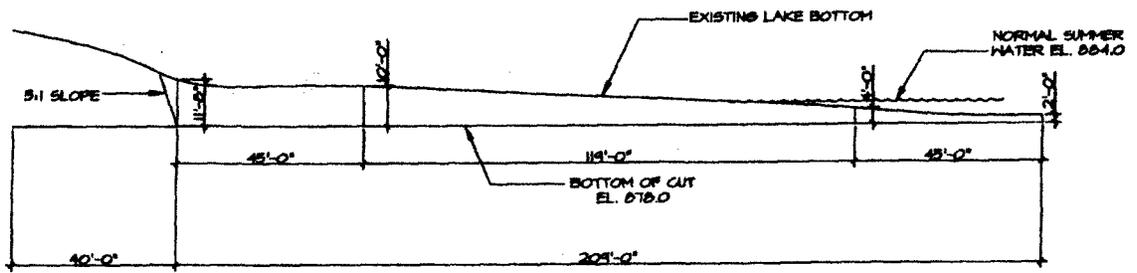
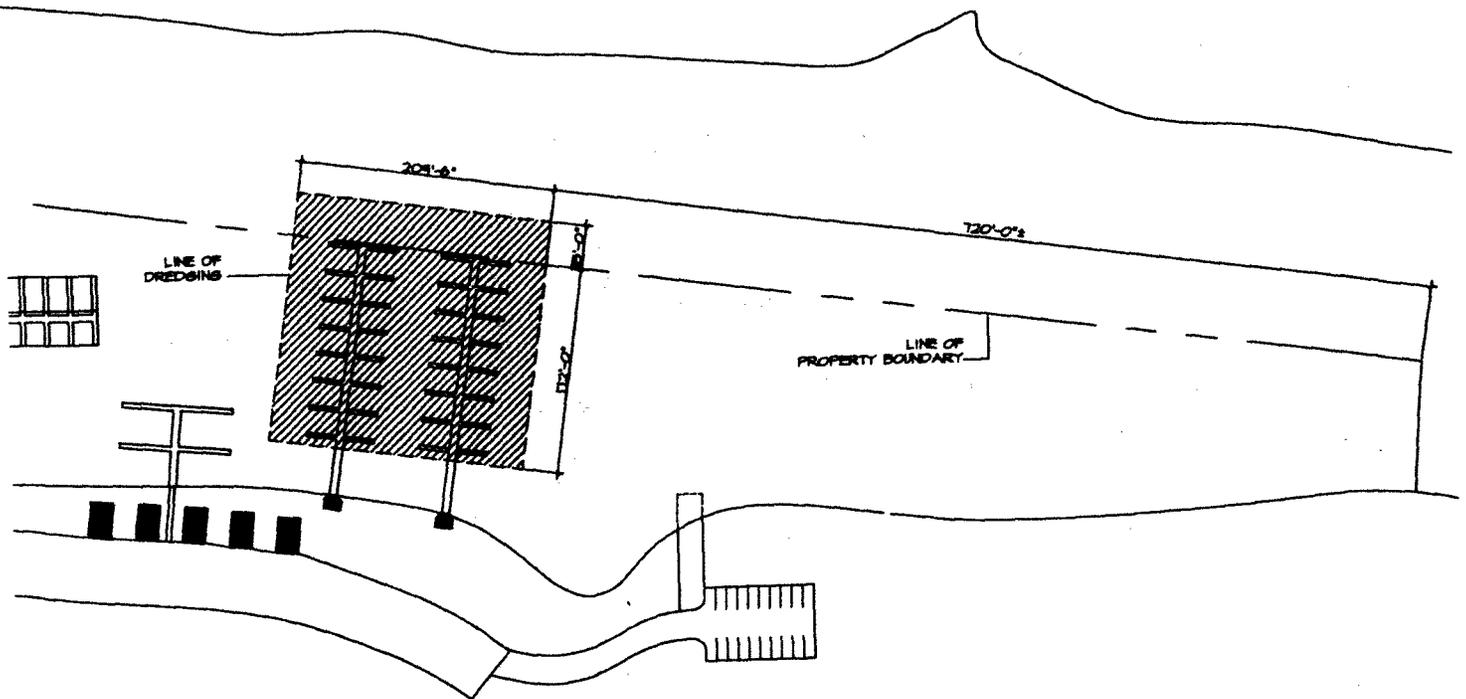
PN 07-64

EXHIBIT B

EXCAVATION



AREA TO BE
EXCAVATED



① BRIDGE DETAIL
C-5

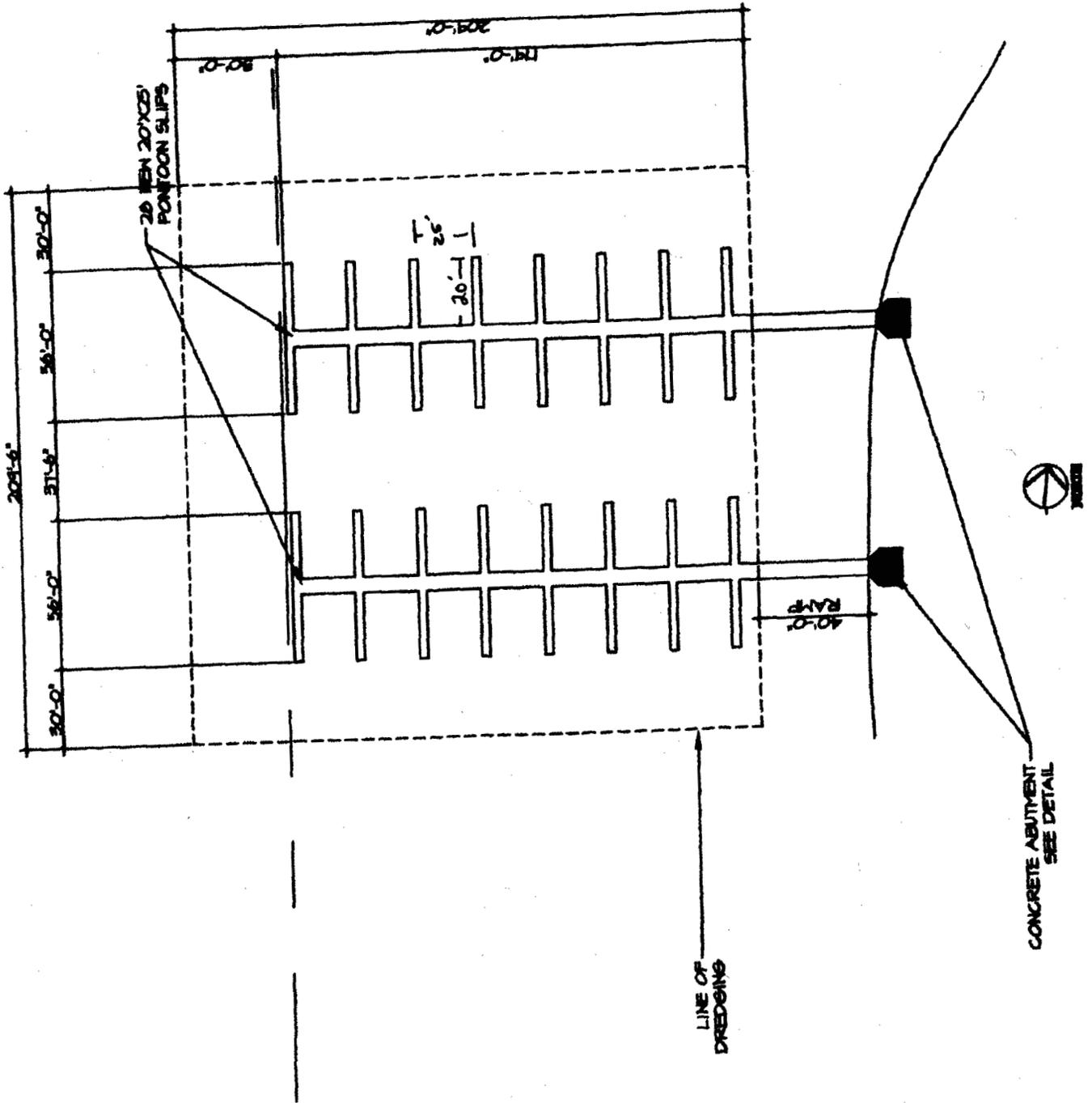
AVERAGE CUT = 6'-11"
ESTIMATED CU. YDS OF SPOIL TO BE REMOVED = 11,500

FILE NO. 200200539

PN 07-64

EXHIBIT C

COVERED FLOATING DECKS

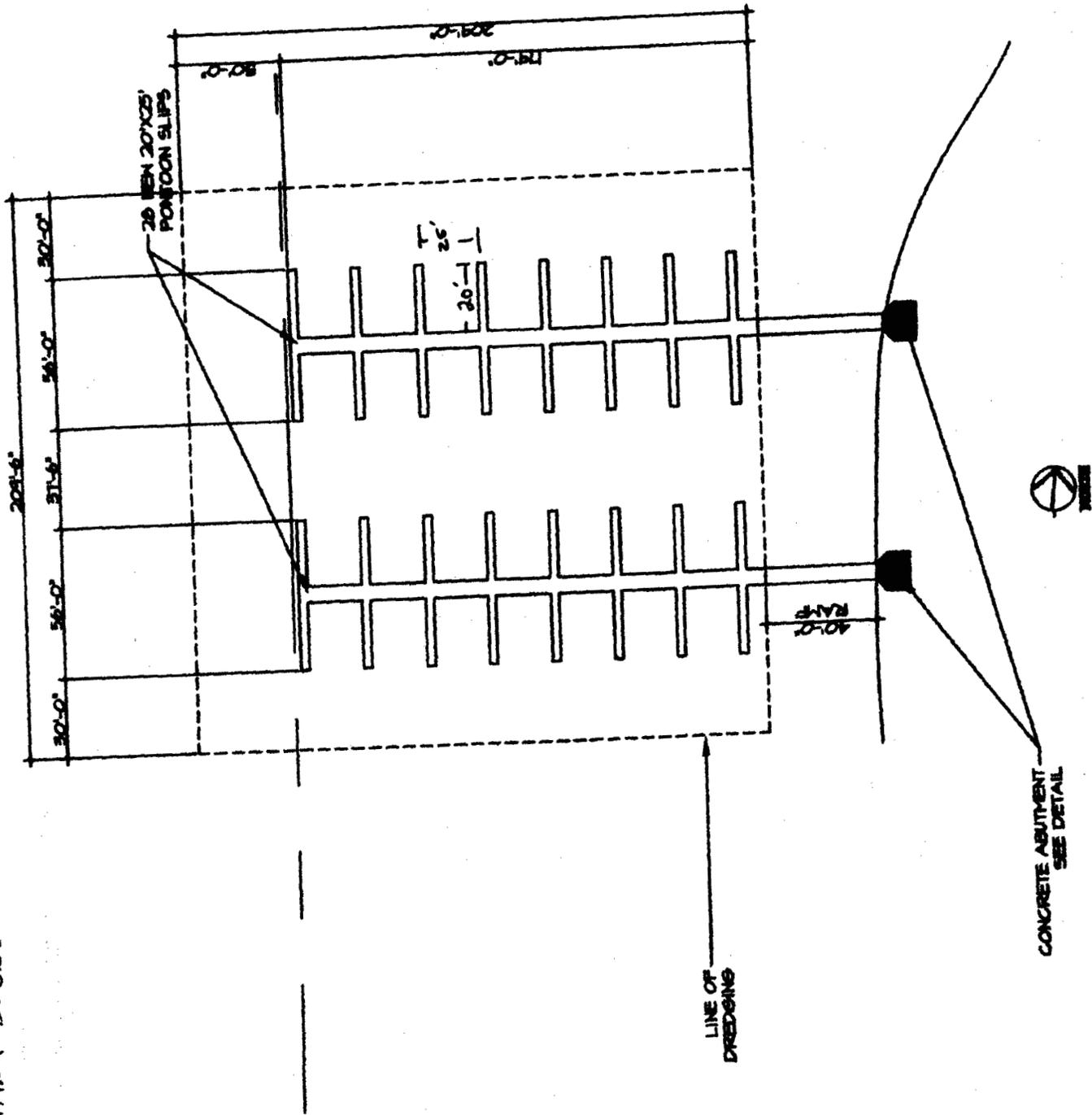


FILE NO. 200200539

PN 07-64

EXHIBIT D

COVERED FLOATING DOCKS

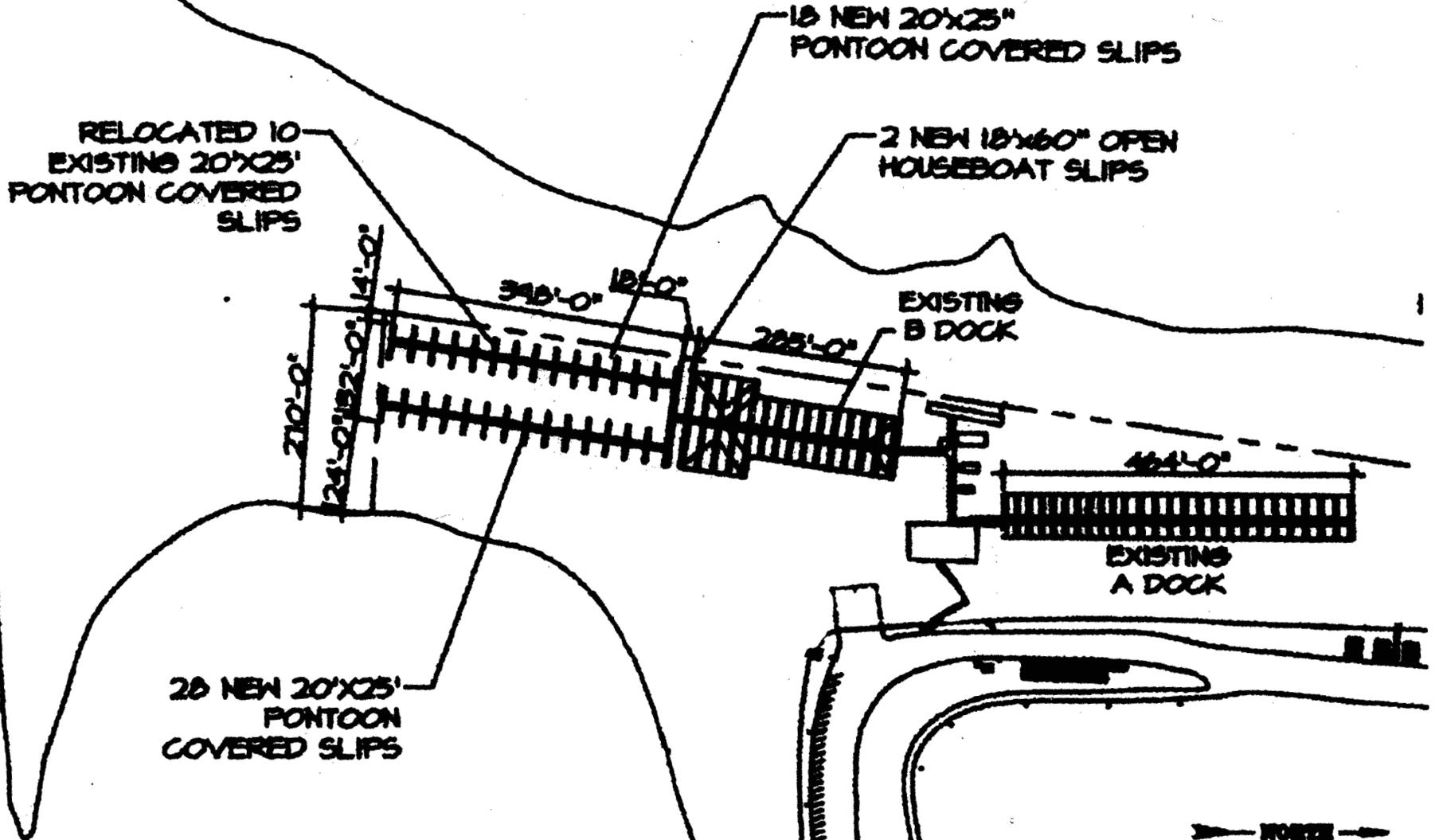


FILE NO. 200200539

PN 07-64

EXHIBIT D

NEW DOCKS + RECONFIGURED DOCKS

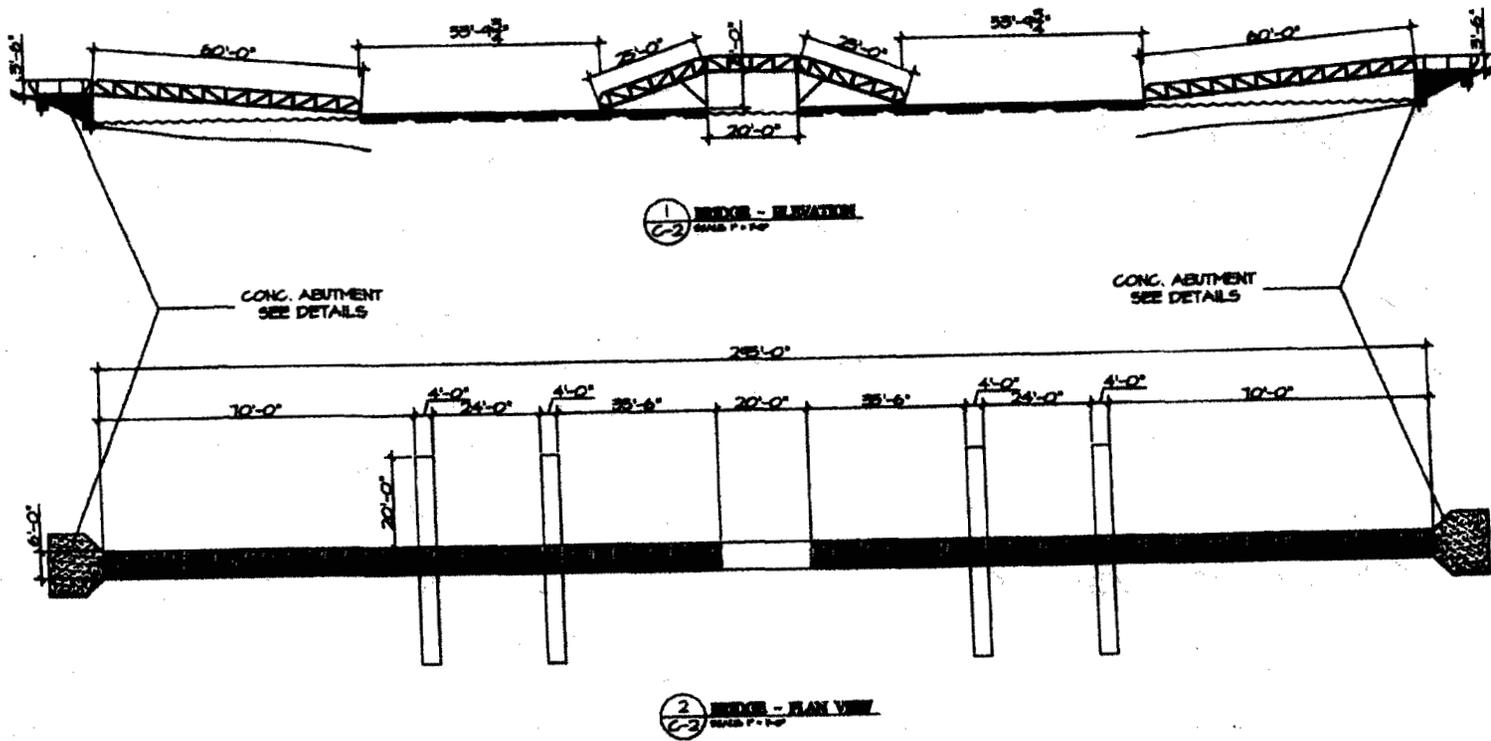


FILE NO. 200200539

PN 07-64

EXHIBIT E

FLOATING WALKWAY

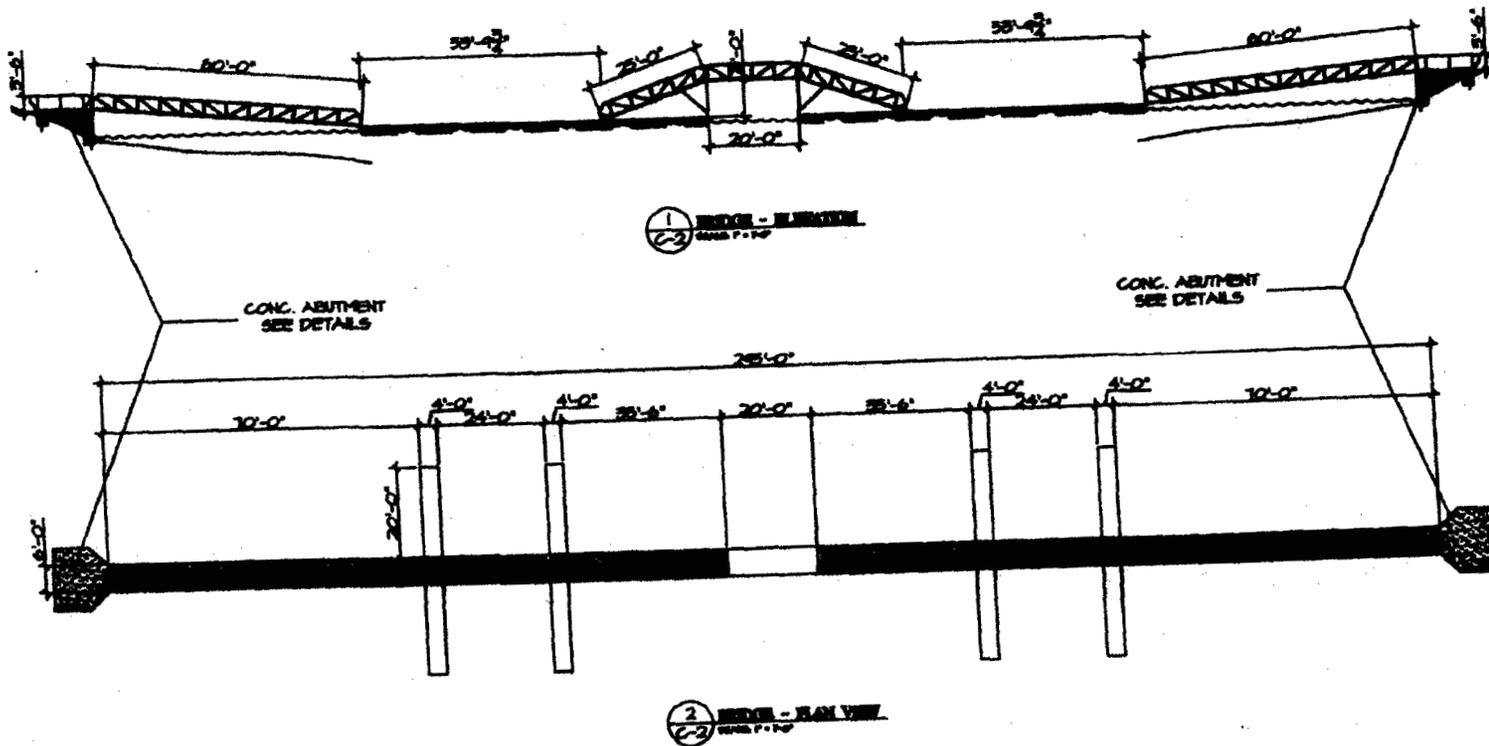


FILE NO. 200200539

PN 07-64

EXHIBIT F

FLOATING WALKWAY



FILE NO. 200200539

PN 07-64

EXHIBIT F

Appendix B

MEMORANDUM For The Record

SUBJECT: File No. 200200539: Proposed Excavation for Boat Access, Construction of Covered Floating Boat Slips, Reconfigure Existing Floating Docks, Launching Ramp, and Walking Bridge at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee

1. On 6 September 2007, an on-site inspection was conducted for the proposed excavation for boat access, construction of covered floating boat slips, reconfigure existing floating docks, launching ramp, and walking bridge at the subject location.
2. The on-site inspection was conducted so that the project could be properly assessed for the environmental impacts.
3. The on-site inspection revealed that the area is an established marina. Additionally, the on-site inspection revealed that Tims Ford Lake was approximately 10 below Normal Summer Pool Elevation of 888.
4. On July 12, 2007, our office received an application for the proposed activities.
5. The proposed work consists of the following:
 - A. Excavate approximately 11,500 cubic yards of material from Tims Ford Lake for boat access. The approximate lakeward extension of the boat access excavation would be 209' with an approximate width of 209'. The toe of the excavation would be at Elevation 878.0. Elevation 888.0 is the Normal Summer Pool (NSP) elevation for Tims Ford Lake. The material would be removed in the dry by trackhoe, placed in a truck, and hauled upland above Elevation 895.0. The excavation would allow adequate water depth to access proposed floating boat slips.
 - B. The construction of a two commercial covered floating boat slips. The structures would be perpendicular to the shoreline and extend approximately 219' lakeward from the NSP elevation and would be approximately 112' wide. The structures would have an aluminum frame with Ipe decking. The structures would be supported to the shoreline by cables anchored to the banks by deadmen and spud poles. The facilities would be able to accommodate between 28 and 56 boats.

C. The relocation of a covered floating dock and construction of a two commercial covered floating boat slips. The structures would parallel the shoreline and extend approximately 219' lakeward from the NSP elevation and would be approximately 112' wide. The structures would have an aluminum frame with Ipe decking. The facilities would be able to accommodate between 28 and 56 boats.

D. The construction of a floating walking bridge. The structure would be approximately 295' long and 5' wide. The structure would have an aluminum frame with Ipe decking. This structure would be located behind an existing floating dock.

E. Construct a boat launching ramp.

6. The dredging and the construction covered floating boat slip would allow the applicant to provide additional facilities for customers to moor their boats and to safely navigate in and around the proposed covered floating docks.

7. Photos of the site were taken.

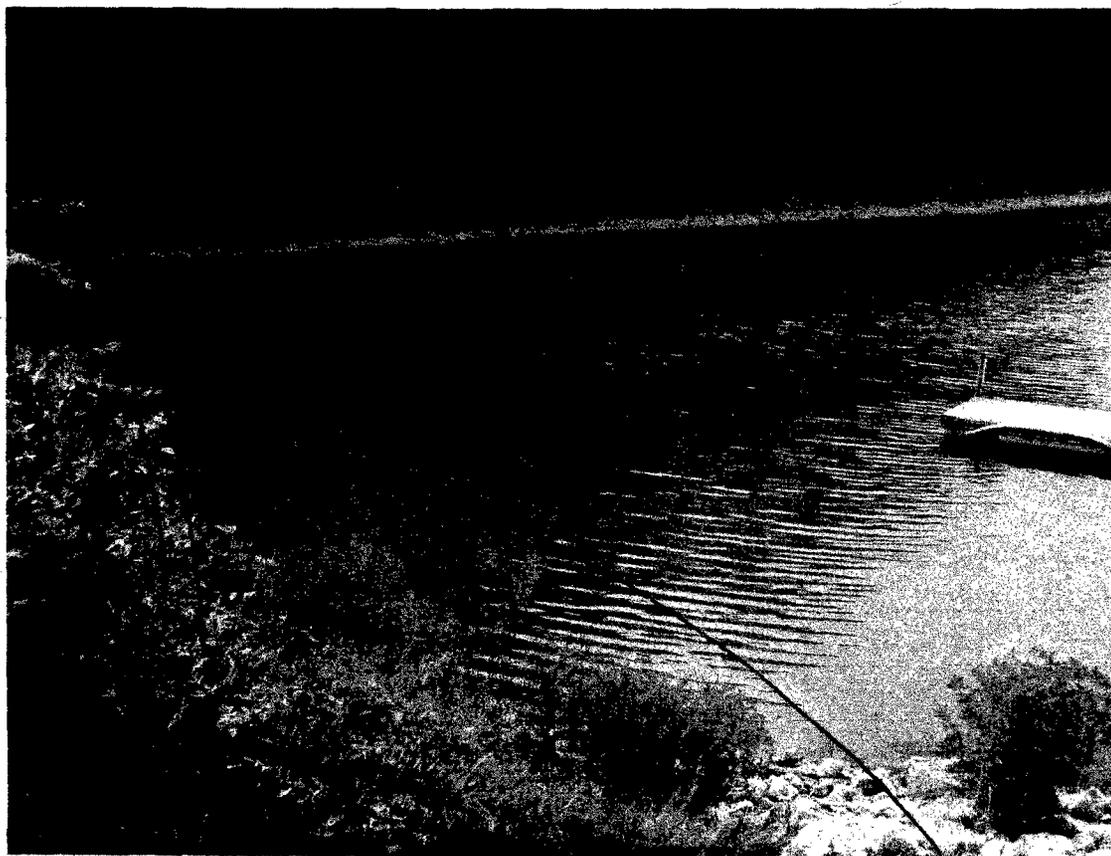
8. Due to the nature of the project it was been placed on public notice on July 20, 2007.

Floyd M. Carnes
Regulatory Specialist
Operations Division



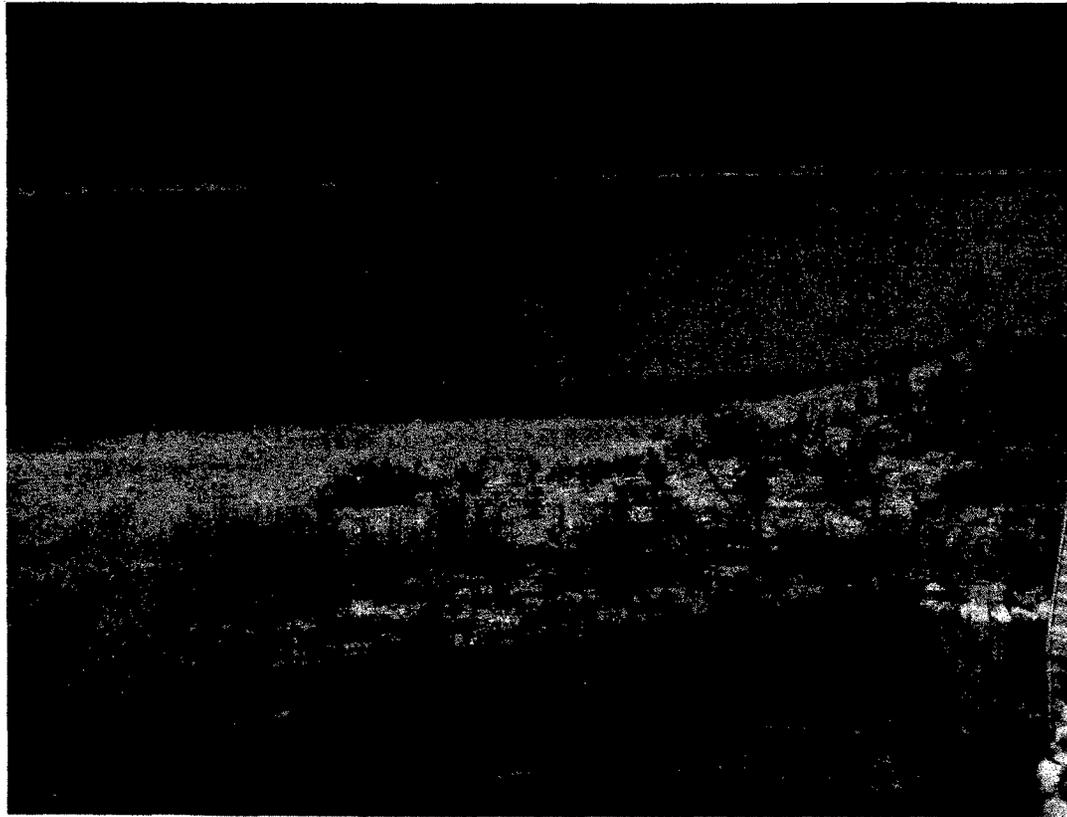
FILE NO. 200200539
HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6, 2007 PHOTO BY CARNES

EXCAVATION SITE
FLOATING DOCK SITE



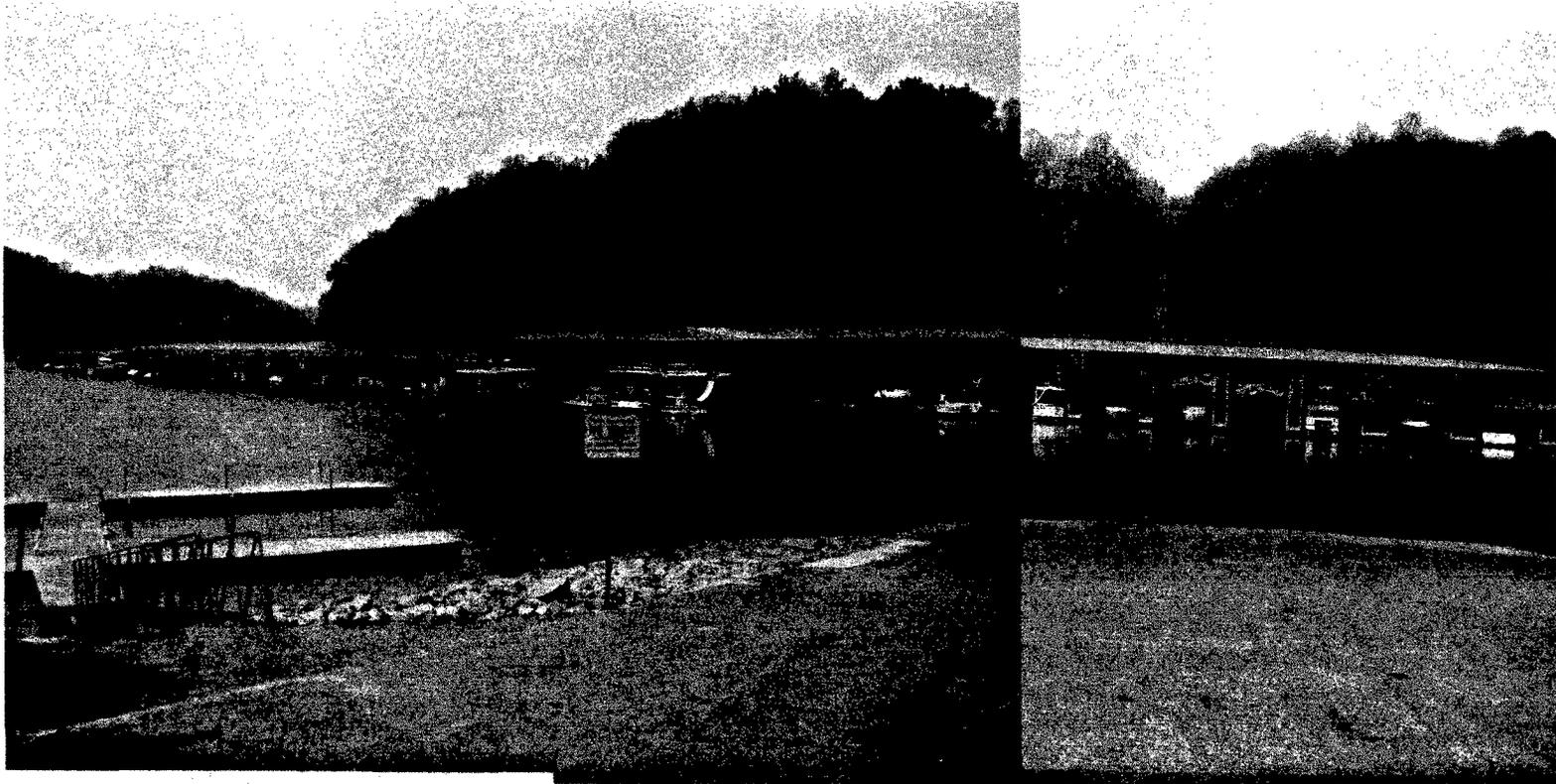
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HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6. 2007
PHOTO BY CARNES

FLOATING WALKWAY
SITE

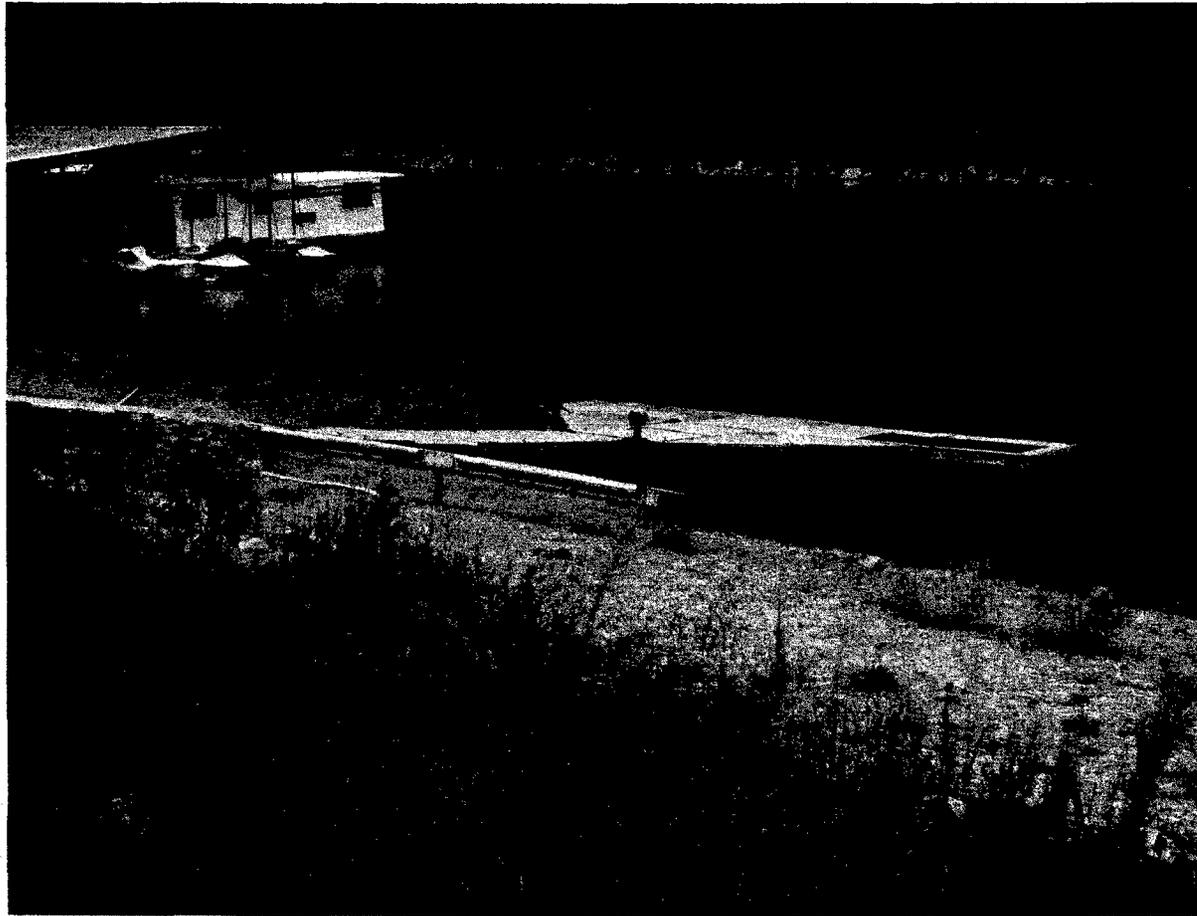


FILE NO. 200200539
HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6, 2007
PHOTO BY CARNES

LAUNCHING RAMP SITE



FILE NO. 200200539
HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6, 2007 PHOTO BY CARNES



FILE NO. 2002 00539
HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6, 2007
PHOTO BY CARNES



FILE NO. 200200539
HOLIDAY LANDING AND RESORT
FALL LICK CREEK MILE 1.2 LEFT BANK
ELK RIVER MILE 143.2 RIGHT BANK
TIMS FORD LAKE, FRANKLIN COUNTY, TN
SEPT. 6, 2007
PHOTO BY CARNES





FILE NO. 200200539

HOLIDAY LANDING AND RESORT

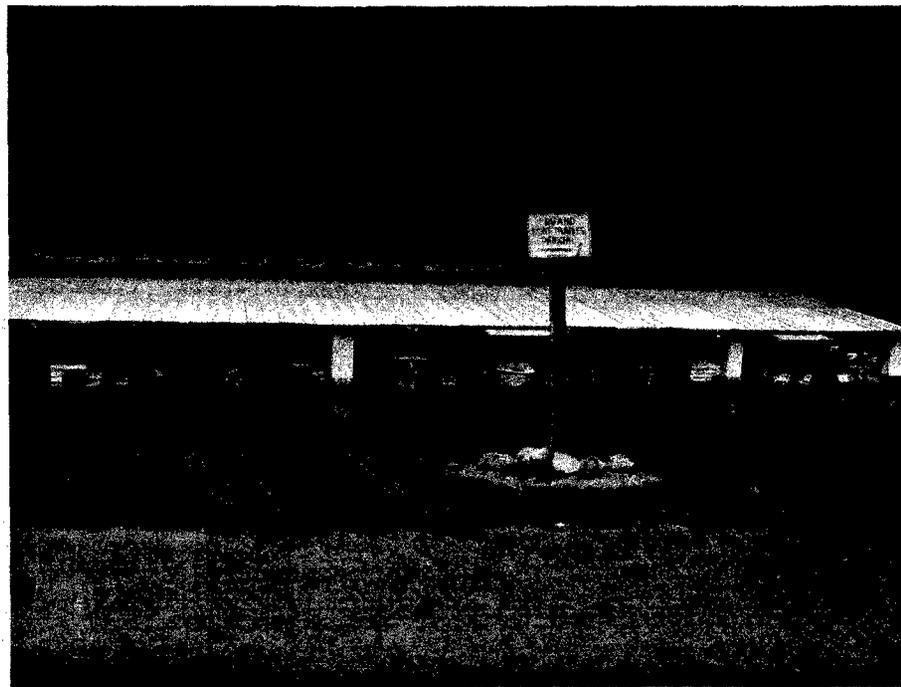
FALL LICK CREEK MILE 1.2 LEFT BANK

ELK RIVER MILE 143.2 RIGHT BANK

TIMS FORD LAKE, FRANKLIN COUNTY, TN

SEPT. 6, 2007

PHOTO BY CARNES



Appendix C



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

July 31, 2007

Mr. Floyd Carnes
U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN# 07-64/LANDING/ELK RM 143.2R, UNINCORPORATED,
FRANKLIN COUNTY

Dear Mr. Carnes:

The Tennessee State Historic Preservation Office has reviewed the above-referenced undertaking received on Tuesday, July 31, 2007 for compliance by the participating federal agency or applicant for federal assistance with Section 106 of the National Historic Preservation Act. The Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

After considering the documentation submitted, we concur that there are no National Register of Historic Places listed or eligible properties affected by this undertaking. This determination is made either because of the location, scope and/or nature of the undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, this office has no objections to your proceeding with the project.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. You may direct questions or comments to Jennifer M. Barnett (615) 741-1588, ext. 105. This office appreciates your cooperation.

Sincerely,

E. Patrick McIntyre
Executive Director and
State Historic Preservation Officer

EPM/jmb

02 AUG 2007



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

August 17, 2007

Lt. Colonel Bernard R. Lindstrom
District Engineer
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214

Attention: Mr. Floyd M. Carnes, Regulatory Branch

Subject: Public Notice No. 07-64. Holiday Landing and Resort, Inc. Proposed Excavation and Construction of Covered Floating Boat Slips, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee.

Dear Colonel Lindstrom:

Fish and Wildlife Service personnel have reviewed the subject public notice. The proposed project would involve the excavation of 11,500 cubic yards of material for boat access, construction of four commercial covered floating slips, relocation of an existing dock, and construction of a floating walking bridge in Fall Lick Creek, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee. The material would be excavated in the dry by a trackhoe and hauled to an upland location by dump truck. The applicant (Holiday Landing and Resort, Inc.) also proposes to construct a boat-launching ramp that meets the criteria for DA Nationwide Permit #36. The following constitute the comments of the U.S. Department of the Interior, provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered, (2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action.

20 AUG 2007

Our agency is concerned with the increasing number of proposals to dredge shallow-water habitats, which are also public resources, in order to accommodate private entities. Shallow water is an important nursery and foraging area for most fish species. The continued loss of these shallow-water areas will eventually cause adverse impacts to the fisheries that utilize them. Therefore, we recommend that the applicants mitigate this loss by the placement of spawning benches and other enhancement techniques near, but outside of, the proposed project area. Personnel with the Tennessee Wildlife Resources Agency can provide the applicants with information regarding designs for spawning benches, spacing and number required, and other enhancement techniques.

Assuming the applicant agrees to 1) place the dredged material at an upland location outside of the 100-year floodplain and properly stabilize it to prevent re-entry into the waterway, and 2) appropriately mitigate the loss of shallow-water habitat, the Service would have no objection to the issuance of a permit for the work described in the subject public notice. However, if the applicant does not agree to the above recommendations, we recommend that the subject permit be denied.

Thank you for this opportunity to review the subject notice. Please contact Robbie Sykes of my staff at 931/528-6481 (ext. 209) if you have questions about these comments.

Sincerely,



Lee A. Barclay, Ph.D.
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN
Dan Eagar, TDEC, Nashville, TN
Darryl Williams, EPA, Atlanta, GA



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

August 20, 2007

Floyd Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Re: Public Notice #07-64
Applicant: Holiday Landing and Resort, Inc.
Proposed Excavation of Approximately 11, 500 Cubic Yards of Material from Tims Ford
Lake for Boat Access in Conjunction with Boat Dock Facilities Expansion
Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake
Franklin County, Tennessee

Dear Mr. Carnes:

The applicant proposes to excavate approximately 11,500 cubic yards of material from Tims Ford Lake in Franklin County for boat access purposes associated with the proposed expansion of boat dock facilities.

The Tennessee Wildlife Resources Agency continues to have concerns about the cumulative loss of shallow water habitat due to excavation for boat access, community boat docks, and marina facilities. There appears to be an increasing number of these requests for excavation. Shallow water habitat is the most productive habitat in lentic waters. Shallow water habitat is utilized as nursery areas for fish and foraging areas for turtles and wading birds. The excavation for this community boat dock would result in a permanent loss of shallow water habitat. The applicant proposes to excavate an area 209 ½ feet by 209 feet (1.0 acres) to increase water depth in the channel by approximately 10 feet which would eliminate an of shallow water habitat that is currently available for wading birds in the winter and is utilized as a nursery habitat for fish in the spring and summer.

The Tennessee Wildlife Resources Agency requests that the applicant mitigate for the permanent loss of shallow water habitat. Enhancement activities such as the construction and placement of spawning benches would partially mitigate for the loss of the shallow water habitat by partial replacement of function. If enhancement activities are to be employed for this mitigation, we recommend a 4:1 ratio by acreage. We currently recommend that spawning benches be placed at least 100 feet apart at suitable depth with suitable substrate and on points. We recommend that 32 spawning benches be installed per acre of impact, or in this case 32 spawning benches, to mitigate for the permanent loss of shallow water habitat associated with this project. The location and placement of these structures should be coordinated with TWRA Region II Reservoir Fisheries Biologist, John Riddle, (telephone number: 615-781-6622) to ensure the best

The State of Tennessee

IS AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER

8.1 AUG 2007

results. We can provide information on fish spawning bench construction and placement upon request.

The Tennessee Wildlife Resources Agency requests that this permit be held in abeyance until the applicant agrees to mitigate for the permanent loss of shallow water habitat. If the applicant fails to agree to the above condition, we request that the permit be denied.

We thank you for the opportunity to comment on this permit application.

Sincerely,



Robert M. Todd
Fish and Wildlife Environmentalist

cc: David Sims, Region II Habitat Biologist
Steve Patrick, Region II Manager
John Riddle, Region II Reservoir Biologist
Andrea English, Region II Wildlife Diversity Coordinator
Dan Eagar, Division of Water Pollution Control
Lee Barclay, U.S. Fish and Wildlife Service
Darryl Williams, Environmental Protection Agency

Carnes, Mark LRN

From: Parr, Kenneth P [kpparr@tva.gov]
Sent: Thursday, October 18, 2007 10:03 AM
To: Carnes, Mark LRN
Subject: FW: Holiday landing info

Attachments: Dredge Spoil Site Topo.pdf



Dredge Spoil Site
Topo.pdf (50...

Comment from TVA Cultural resources - "The dredge spoil disposal site lies in an area with low potential for archaeology based on the slope and disturbance from the surrounding residential development. Futhermore the area has been used as a soil disposal site prior to the proposed action."

From: Wells, Edward William III
Sent: Friday, October 12, 2007 11:09 AM
To: Parr, Kenneth P
Subject: RE: Holiday landing info

Initially I thought the Corps EA discussed the disposal site location, hence my concurrence with the SHPO's determination on Oct. 9. I updated ENTRAC comments to reflect the disposal site - No Effect.

Edward (Ted) Wells
Archaeologist
TVA, Cultural Resources
Office: 865-632-2259
Fax: 865-632-3253
Email: ewwells@tva.gov

From: Parr, Kenneth P
Sent: Friday, October 12, 2007 10:56 AM
To: Wells, Edward William III
Subject: RE: Holiday landing info

Didn't see this on your CEC comments - what about the spoil disposal area?? any cultural impacts?

From: Wells, Edward William III
Sent: Friday, October 12, 2007 10:55 AM
To: Parr, Kenneth P
Subject: RE: Holiday landing info

Yes.

Edward (Ted) Wells
Archaeologist
TVA, Cultural Resources
Office: 865-632-2259
Fax: 865-632-3253
Email: ewwells@tva.gov

From: Parr, Kenneth P
Sent: Friday, October 12, 2007 10:54 AM
To: Wells, Edward William III
Cc: Guinn, Ella Christina; Bean, Benjamin Josheb
Subject: RE: Holiday landing info

Ted - What about the spoil area? Did you folks review it?

Appendix D

SENATOR JERRY W. COOPER
14TH SENATORIAL DISTRICT

G-19 WAR MEMORIAL BLDG.
NASHVILLE, TENNESSEE 37243-0214
PHONE: (615) 741-6694
FAX: (615) 741-2180
E-MAIL ADDRESS:
www.legislature.state.tn.us



MEMBER
STATE & LOCAL GOVERNMENT
TRANSPORTATION

Senate Chamber
State of Tennessee
NASHVILLE

July 31, 2007

Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tn. 37214

Reference: Public Notice No. 07-64

Attention: Mr. Floyd M. Carnes

Dear Mr. Carnes:

I would like to comment on the above referenced project as proposed by Holiday Landing and Resort, Inc. Holiday Landing is a leasee of the State of Tennessee and administered by the Department of Environment and Conservation. Holiday is currently managed by Mr. David Patton, a person I have known for several years.

The mission of Holiday Landing is to provide a first class boating and water recreation experience for the citizens of Tennessee. TDEC shares that mission and thus provided an opportunity for Holiday Landing.

I am pleased to report that Holiday Landing has exceeded all expectations since its purchase in 2002. The "Clean" marina status Holiday has obtained from TVA is further proof of the solid professional commitment of Holiday to operate a true asset to Tims Ford Lake and the State Park system.

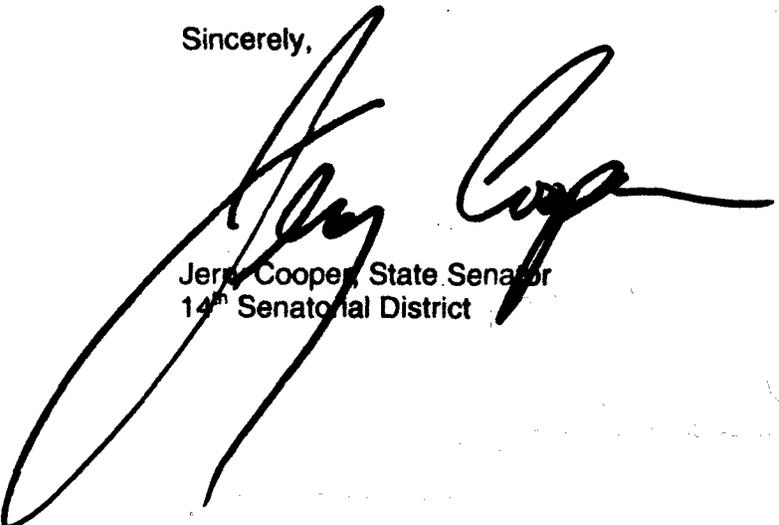
As I understand the project, much of the work is to be renovation in nature. This will result in less lake environmental invasion, as older boats will be replaced by newer ones. It will also result in eliminating almost all open cell foam flotation. Once again, Holiday proves it has an environmental awareness.

Economically, this expansion will benefit - not just the lake - but all the surrounding areas. Tourist dollars are greatly appreciated, and facilities like Holiday are the stimulus for attracting those visitor dollars.

1 AUG 2007

The benefits appear to far outweigh any detriments. I have full confidence that the Corp of Engineers and TVA will make the right decision for Holiday and the citizens of Tennessee. Thanks for the opportunity to comment.

Sincerely,



Jerry Cooper, State Senator
14th Senatorial District

County Mayor of Coffee County
DAVID PENNINGTON



1329 McArthur Street
Suite 1
Manchester, TN 37355

931-723-5100
Fax 931-723-5152
Email: mayor@coffeecountytn.org

July 31, 2007

Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Attention: Mr. Floyd M. Carnes
Nashville, TN 37214

Reference: Public Notice No. 07-64

Dear Mr. Carnes;

Please accept this letter providing comments on the above referenced project as proposed by Holiday Landing and Resort, Inc. I am in full support of this project.

The recent history of Holiday Landing bears proof that Mr. Patton (president of Holiday) is fully capable of building and renovating this marina. Mr. Patton has taken an environmental and economic failure and turned Holiday Landing into a first class facility.

Holiday Landing has also been awarded the "Clean" marina designation from TVA. Further proof of his attitude toward Tim's Ford Lake and surrounding environment.

The proposed expansion will directly benefit Coffee County. Tim's Ford lake visitors spend time and money in Tullahoma and adjacent communities when they visit. Any additional visitors as a result of improved facilities on the lake help drive our local and State economies. There will also be additional employment opportunities, which we are always receptive to.

I have full faith in the Corps and TVA's abilities to make the correct decision here. I have full faith in Mr. Patton's abilities to build and manage a clean safe marina that benefits all the citizens. The positives dwarf the negatives.

Thanks for the opportunity to comment.

Best Regards,


David Pennington, Coffee County Mayor

2 AUG 2007



House of Representatives
State of Tennessee

Nashville

July 31, 2007

JUDD MATHENY
STATE REPRESENTATIVE
47TH LEGISLATIVE DISTRICT

MEMBER OF COMMITTEES
COMMERCE
JUDICIARY

SUB-COMMITTEES
CRIMINAL PRACTICE
UTILITIES & BANKING

LEGISLATIVE OFFICE
205 WAR MEMORIAL BUILDING
NASHVILLE, TN 37243
(615) 741-7448

rep.judd.matheny@legislature.state.tn.us

HOME OFFICE
113 CRESTWOOD DRIVE
TULLAHOMA, TN 37388
(931) 461-7455

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Rd.
Nashville, TN 37214

Dear Mr. Carnes,

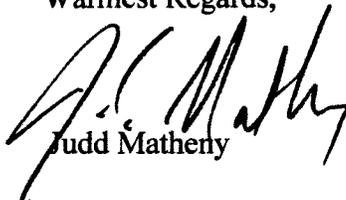
I write this letter to you today in support of the marina expansion at Holiday Landing and Resort on Tims Ford Lake. As one of the individuals privileged to represent many of the people who use the lake daily, I am very encouraged at the opportunity for continued and well thought out development of this vital economic center.

Holiday Landing and Resort is a beautiful facility worthy of our appreciation for its attention to adhering to sound business and environmental practices. I have had the pleasure of working with its operators on several projects on the state level and have always been met with an attitude of cooperation and professionalism. The facility has been consistently upgraded to its current status and I fully support the next phase of their growth.

The lake is an important part of my everyday life and the lives of the people I am elected to represent. This letter comes to you as a ringing endorsement for the past, present and future plans of Holiday Landing and Resort. I am totally confident that this establishment will continue to be a good steward of the environment while enabling residents and visitors of the lake to continue making the most of the natural beauty found here.

Please do not hesitate to contact me to discuss Public Notice 07-64 further. I and my colleagues within Tennessee General Assembly stand ready to assist you in any way.

Warmest Regards,


Judd Matheny

3 AUG 2007

FRANKLIN COUNTY, TENNESSEE

RICHARD STEWART, COUNTY MAYOR

NO. 1 SOUTH JEFFERSON ST.
WINCHESTER, TN 37398

OFFICE: (931) 967-2905
FAX: (931) 962-0194
richard.stewart@franklincotn.us



August 6, 2007

US Army Corps of Engineers
Regulatory Branch, %Floyd M. Carnes
3701 Bell road
Nashville, TN 37214

Attn: Floyd M. Carnes

Dear Mr. Carnes:

In regard to the proposed excavation for Boat Access construction of covered floating boat slips to reconfigures existing floating docks, launching ramp, and walking bridge at Fall Lick Creek Mile 1.2, left bank, Elk River mile 143.2, right bank on Tims Ford Lake in Franklin County, Tennessee, I am in support of this project for Franklin County applicant Holiday Landing and Resort, Inc., as represented by David Patton.

The applicant for this improvement runs a responsible and clean facility and desires to provide additional access for the Tims Ford reservoir above the dam for both local recreation and tourism.

Your support of this project is greatly appreciated.

Best regards,

Richard Stewart
Mayor of Franklin County

RS/jb

07 AUG 2007

CITY OF TULLAHOMA



P.O. Box 807
Tullahoma, TN 37388

Phone 931/455-2648
Fax 931/455-0038

August 9, 2007

Nashville District Corps of Engineers, Regulatory Branch
Floyd M. Carnes
3701 Bell Road
Nashville, TN 37214

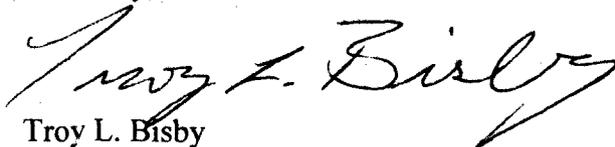
RE: Holiday Landing and Resort, Inc. Application No. 200200539

Dear Mr. Carnes,

As Mayor of Tullahoma, Tennessee, I would like to express my strong support and hardy endorsement of the proposed improvements at the Holiday Landing and Marina, Tims Ford Lake, Franklin County, Tennessee. The Marina and the associated restaurant, Blue Gill Grill, are a significant draw to this area. We often boast about our close proximity to these popular attractions.

Although these assets are not located in our City, they still greatly contribute to Tullahoma's economy and quality of life. Many of our citizens regularly visit the restaurant and/or house their boats at the marina. The proposed expansion and improvements would further serve to increase tourism and attract visitors to Tullahoma.

Sincerely,



Troy L. Bisby

14 AUG 2007

LINCOLN DAVIS
4TH DISTRICT, TENNESSEE

SENIOR WHIP



COMMITTEES:
FINANCIAL SERVICES
AGRICULTURE

Congress of the United States
House of Representatives
Washington, DC 20515-4204

August 9, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

Re: Holiday Landing & Resort
Tims Ford Lake

Dear Mr. Carnes,

This letter is regarding the Holiday Landing & Resort on Tims Ford Lake and its possible expansion. Such an expansion is a vital step in continuing the economic impact of tourism that surrounds Tims Ford.

Due to the track record of Holiday Landing concerning its compliance with business and environmental regulations, I strongly support the proposed next phase of growth. I truly believe that they will continue this high standard in their business practices.

Thank you for your time and consideration in this matter. Please feel free to contact our office should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lincoln Davis".

Lincoln Davis
Member of Congress, TN-04

20 AUG 2007

410 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6831
FAX: (202) 226-5172

629 NORTH MAIN STREET
JAMESTOWN, TN 38556
(931) 879-2361
FAX: (931) 879-2389

477 NORTH CHANCERY STREET
SUITE A-1
MCMINNVILLE, TN 37110
(931) 473-7251
FAX: (931) 473-7259

1064 NORTH GATEWAY AVENUE
ROCKWOOD, TN 37854
(865) 354-3323
FAX: (865) 354-3316

1804 CARMACK BOULEVARD
SUITE A
COLUMBIA, TN 38401
(931) 490-8699
FAX: (931) 490-8675

72 Woodmont Drive
Winchester, TN 37398
August 6, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

07 AUG 2007

Dear Mr. Carnes:

I am writing in opposition to the construction at Holiday Marina on Tims Ford Reservoir as described in Public Notice No. 07-64. This construction involves several elements: 1) Excavating approximately 11,500 cubic yards of material from Tims Ford Reservoir. 2) Construction of two commercial covered floating boat slips. 3) Relocation of a covered floating dock and construction of two commercial floating boat slips. 4) Construction of a floating walking bridge. 5) Construction of a boat launching ramp.

I am opposed to this construction for the following reasons.

WATER QUALITY DEGRADATION

According to TVA studies, water quality in Tims Ford is fair to poor, and is becoming worse. This is caused by the discharge of municipal sewage into the reservoir, spillage of marine products from boating activity, fertilizers, pesticides and septic tank effluent from the 20 or more residential developments around the lake, and natural materials resulting from area geology. Any additional development on Tims Ford, including the proposed expansion of Holiday Marina, will further degrade water quality

Tributary reservoirs have notoriously low flow-through rates (the time required for water entering the reservoir to exit at the dam). The flow-through time for Lake Guntersville (a main-stream reservoir) is seven days, while for Tims Ford flow-through is 286 days. Because of this low flow-through, there is inadequate flushing, and pollutants remain in the reservoir for a significantly longer time.

Lick Creek, the branch of Tims Ford Reservoir where Holiday Marina is located, is a wet-weather stream only, and there is little or no flow in periods of low precipitation. Consequently, Lick Creek does not have sufficient capacity to flush pollutants which will find their way into Tims Ford Reservoir from the expansion of Holiday Marina. Regardless of the care taken by boaters and marina operators, intentional or unintentional spillage of gasoline and oil products will occur. The expansion of Holiday Marina will only make a bad situation worse.

BOATING SAFETY PROBLEMS

Tims Ford is one of the most dangerous lakes in the TVA system. In 2000, 2001, 2002 and 2004 Tims Ford had the most boating accidents per surface acre of water of any lake in the TVA system. Please refer to Map #1 produced by TVA which shows the magnitude of boating safety problems on Tims Ford. Holiday Marina is located in an area of the reservoir designated as the second most dangerous area. Probably more importantly, Lick Creek feeds into Hurricane Creek which feeds directly into what is the most dangerous part of the lake. Additional boating activity on the reservoir stemming from the proposed marina expansion will increase the danger to boaters throughout the reservoir, resulting in increased accidents and potentially additional injuries and loss of life.

SOIL EROSION

TVA recently studied shoreline erosion on its reservoirs. In a study of seven reservoirs, it was shown that Tims Ford had the worse erosion problem. Under "Future Trends", the study said ".....increased boat traffic would likely accelerate the erosion of shorelines." Increased boating activity in Lick Creek, Hurricane Creek, and on Tims Ford in general, resulting from the expansion of Holiday Marina, will likely increase shoreline erosion.

MARINA EXPANSION SUPPORTS NON-CONFORMANCE WITH TFLMDP

The expansion of Holiday Marina violates certain land use provisions of the Tims Ford Land Management and Disposition Plan (hereinafter called the Plan) issued by TVA in 2000. Additionally, this expansion circumvents the intent of the Plan regarding the expansion of residential development on Tims Ford Reservoir.

Land Use Violations

The Plan establishes 8 categories of land use, as follows:

- Zone 1 Committed Land (including the Tims Ford State Park)
- Zone 2 Project Operations
- Zone 3 Sensitive Resource Management
- Zone 4 Natural Resource Conservation
- Zone 5 Industrial/Commercial
- Zone 6 Proposed State Park Expansion
- Zone 7 Residential Development
- Zone 8 Conservation Partnership

As you can see from Map #2 (taken from the Plan), the site of the expansion of Holiday Marina is located in Zone 6 which is designated as a proposed site for the expansion of the Tims Ford State Park. Before any expansion of Holiday Marina is approved, the intent of the Tennessee Department of Environment and

Conservation regarding the expansion of the state park in this area should be ascertained.

Violation of Restrictions on Residential Development

There are only two zones in the Plan which allow additional residential developments, Zone 7s (Residential Development) and Zone 8s (Conservation Partnership). Zone 7s involve 5 planned residential developments such as the one recently completed at Fanning Bend. Zone 8s involve 51 areas around the reservoir where (with the approval of TVA) developers may construct private community boat docks for the exclusive use of their subdivisions located behind the Zone 8s. TVA may give access to the reservoir for residential development across Zone 7s and Zone 8s, but not across any other zones. As you can also see from Map #2, there are no Zone 7s or Zone 8s in the vicinity of Holiday Marina, thus no developers should expect lake access for subdivisions in Lick Creek.

Map #3 shows the location of the existing Holiday Marina complex (docks, slips, restaurant, boat ramp), and the proposed expansion. Map #3 also shows the location of two pending residential developments, Holiday Pointe at Tims Ford and The Pointe at Tims Ford which are immediately adjacent to Holiday Marina. Holiday Pointe at Tims Ford is a traditional subdivision with 31 proposed lots. The Pointe at Tims Ford, however, is a cluster residential development with 640 dwelling units. Together, these developments will place 671 additional housing units on flow-restricted Lick Creek.

The proposed ramp will serve the residents of Holiday Pointe at Tims Ford, and to a lesser extent The Pointe at Tims Ford. This does not conform to the intent of the Plan which was to encourage additional residential development only in Zone 7s and behind Zone 8s, not behind Zone 6s. With the proximity of Holiday Pointe at Tims Ford and The Pointe at Tims Ford, the construction of the new boat ramp will encourage new residential development on the reservoir behind a Zone 6 which is in direct opposition to the restrictions in the Plan.

Equally as non-conforming as the ramp is the proposed new floating access bridge between The Pointe at Tims Ford and the marina complex. This is also a facility designed to encourage residential development behind a Zone 6 which does not conform to the Plan.

To maintain conformance with the Plan, the Corps and TVA must ensure there is no physical link between Holiday Pointe at Tims Ford and The Pointe at Tims Ford and the Holiday Marina complex. The Corps and TVA should especially not allow Holiday Pointe at Tims Ford direct access to the new dock and ramp which is proposed for construction. Doing so will violate the Plan which encourages residential access across TVA land only in Zone 7s and Zone 8s.

Private developers are obviously free to construct subdivisions on their own land, as they should be. However, land which is owned by TDEC or TVA should be used for public purposes only, especially when providing access to the reservoir across TVA Zone 6 land is in conflict with the Plan which they paid for and should support.

It is important to understand that the concerns previously expressed about the expansion of Holiday Marina (water quality degradation, boating safety problems, soil erosion) will all be made worse by the 671 housing units at Holiday Pointe at Tims Ford and The Point at Tims Ford which are directly in the watershed of the reservoir. The public sector should not contribute to these problems, especially when doing so violates the provisions of the Plan.

As I am sure you are aware, an organization called the Friends of Tims Ford has filed suit in federal court to force TVA to prepare a supplemental environmental impact statement before additional boat docks and slips are approved for Tims Ford Reservoir. It would seem to me that prior to the approval of any additional construction at Holiday Marina it would be prudent for the Corps to wait until the supplemental environmental impact statement is completed, if this is the decision of the court.

As an aside, but related to my comments on Public Notice No. 07-64, I am concerned that either the owners of Holiday Marina did not tell the Corps about the two proposed residential developments, or the Corps failed to reveal this information in the Public Notice. It was only because I went to the Franklin County Regional Planning Commission, after being alerted by a neighbor, and asked questions that I became aware of the two residential developments and their relationship with Holiday Marina. Certainly the Planning Commission meetings are open to the public and I could have been informed at that time, but the public just does not go to meetings such as this unless they have a specific interest on the agenda.

I think this lack of disclosure stems from a much larger problem of fragmentation of decision making whereby the various federal, state, and local agencies which are involved in reviewing and approving what is proposed for Tims Ford look at it only through the narrow perspective of what they are responsible for. The "whole should be greater than the sum of its parts", but because of this fragmentation it is often the "parts" which are seen, not the "whole". I am not sure whose responsibility this is, but the public is being short-changed because there is no central review authority such as the old A-95 review process.

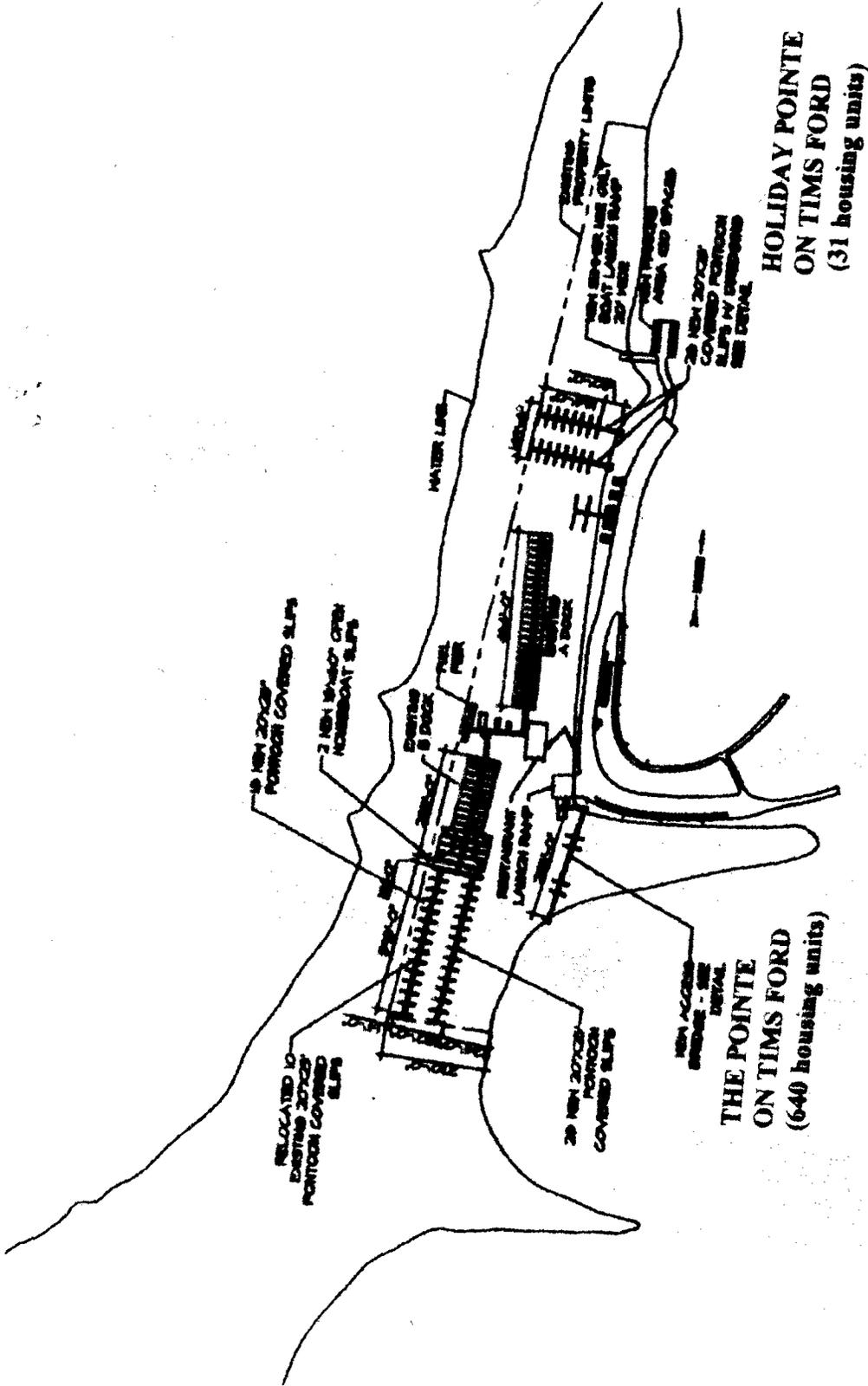
Thank you very much for the opportunity to comment on Public Notice 07-64.

Sincerely,



Michael E. McGuire

OVERVIEW



FILE NO. 200200539

PN 07-64

EXHIBIT B

MAP #1



MAP #2



July 25, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.

2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was # 1 in 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.

3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:

- # 19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (To be completed in Year 2) (This will assist in addressing point 2 above)

- # 39 - Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (To be completed in Year 5)

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. Based on my research, it does not appear that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Steve Hammond
1203 Arrowhead Drive
Brentwood, TN. 37027
(615) 371-5069

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

July 26
, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

My comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir follow:

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. This request must require that a **Supplemental Environmental Impact Statement (SEIS) be completed by TVA before any additional boat docks are approved.** There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted. (TVA has delayed other decisions pending resolution.)
2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. According to the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was # 1 in 2000, 2001, 2002, & 2004. Approving additional public boat docks will put more boats on the water, especially during already congested weekends, and increase the possibility of additional boating accidents.
3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be **developing a Tims Ford State Park Strategic Management Plan** to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:
 - # 19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (To be completed in Year 2) (This will assist in addressing point 2 above)

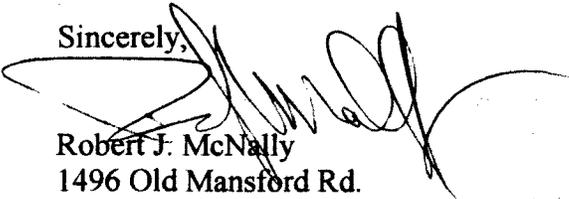
27 JUL 2007

- # 39 - Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (To be completed in Year 5)

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. It does not appear that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Robert J. McNally
1496 Old Mansford Rd.
Winchester, TN. 37398
(615) 512-8829

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

July 26, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC) located on Tims Ford Reservoir.

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.
2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was #1 in 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.
3. In Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issues this plan Feb., 2002, which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:

3 0 JUL 2007

- #19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (to be completed in Year 2). (This will assist in addressing point 2 above.)
- # 39 – Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (to be completed in Year 5).

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. I do not believe that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Bill Huddleston
1444 Old Mansford Road
Winchester, TN 37398

cc: Commissioner James Fyke
Tennessee Dept. of Environment
and Conservation
401 Church Street
Nashville, TN 37243

SCOTT RANSOM
901 WILDWOOD TRACE
37398

July 31, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

As a property owner in Heatherwood subdivision on Tim's Ford Lake I am opposed to the proposed action by the USCOE and the TVA. Putting more boats on the lake by providing more boat slips increases the odds that Tim's Ford Lake will continue to enjoy the dubious distinction of having more accidents than any other TVA lake per square mile. Why ignore safety concerns simply to increase revenue for private industry?

Please allow the process to work, with an environmental impact study by TVA, public participation in the land use plan for Tim's Ford and completion of the Tims Ford State Park Strategic Management Plan prior to considering the application for expansion of Holiday Marina.

Sincerely,


Judy and Scott Ransom
Heatherwood Subdivision
Winchester, TN

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

July 25, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.

2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was # 1 in 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.

3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:

- # 19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (To be completed in Year 2) (This will assist in addressing point 2 above)

02 AUG 2007

- # 39 - Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (To be completed in Year 5)

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. Based on my research, it does not appear that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Laurel & Doug Renegar
107 Sanders Dr.
Lynchburg, TN 37352

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

July 27, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.

2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was # 1 in 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.

3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:

- # 19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (To be completed in Year 2) (This will assist in addressing point 2 above)

02 AUG 2007

- # 39 - Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (To be completed in Year 5)

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. Based on my research, it does not appear that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Robert and Susan Greving
536 Shasteen Bend
Winchester, TN 37398
913-968-1120

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

2 Aug 07
Sir;

For reasons of safety &
water quality, we object to
the proposed addition to
any marina.

Trina Ball
Katherine W. Ball

190 Leatherwood Rd.
Wine, TN 37398

8 AUG 2007

July 25, 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am opposed to the proposed action by the USCOE and the TVA for the following reasons:

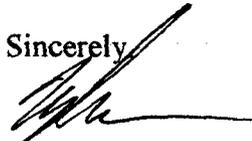
1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.
2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system. Tims Ford was # 1 in 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.
3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 which established the necessary strategies to address issues related to the management of the park properties. In Section I (Strategies) it identified the following required activities:
 - # 19 – Identify safety and security needs and study the uses and impacts of the additional boat ramps (To be completed in Year 2) (This will assist in addressing point 2 above)

- # 39 - Develop a land use plan (incorporating the Land Zoning criteria) for the park including existing and future lands (as delineated in the Land Management and Disposition Plan) (To be completed in Year 5)

The parcel where the Holiday Marina is located (#30) identifies this as land that may be included in Tims Ford State Park as determined by TDEC's Park Management plan. Based on my research, it does not appear that TDEC has finalized the above strategies which are needed to address the appropriate use and impact of any expanded use of this property (more specifically, the safety and environmental impacts). These actions should be completed with public participation before any additional permits are granted for this site.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely



Mike Levine
2501 Shadow Cove
Franklin TN 37069

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

5 August 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

I am writing to request a public hearing regarding the application for a marina expansion by Holiday Marina on Tims Ford Reservoir as described in Public Notice 07-64.

I am opposed to the issuance of a permit by the USCOE and the TVA permit for the proposed work for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.

2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system for the years 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.

3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 and established the steps necessary to address issues related to the management of the park properties, to wit:

• # 19 - Identify safety and security needs and study the uses and impacts of the additional boat ramps.

• # 39 - Develop a land use plan incorporating the Land Zoning criteria for the park including existing and future lands as delineated in the Land Management and Disposition Plan.

Parcel 30 (Holiday Marina) is identified as land that may be included in Tims Ford State Park by TDEC's Park Management plan. Since it does not appear that TDEC has completed the steps mentioned above which are needed to address the appropriate use of this property, it is my opinion that no permits should be granted for this site until these actions are completed with public participation.

I thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Dr. Elyse Kerce
123 Muberry St
Lynchburg, TN 37352
(931) 759-7038

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

DAVID GILBERT
1024 Tyne Boulevard
Nashville, TN 37220

August 7, 2007

Nashville District Corps of Engineers, Regulatory Branch
Floyd M. Carnes
3701 Bell Road
Nashville, TN 37214

Dear Mr. Carnes

RE: Holiday Landing and Resort, Inc. Application No. 200200539

I have been told that the owners of Holiday Marina have made many improvements to their facilities over the past few years and have personally witnessed the quality of their work. I believe that they are a great asset for a public recreational park and marina. In response to the public notice from the TVA and the US Army Corps of Engineers, I would like to voice my support and appreciation towards the owners of the marina and all the hard work remodeling and replacing the old structures and boat slips that have certainly improved the environmental and structural quality of the marina, as well as the desirability of the park and marina for recreational use.

My family and I are frequent users of the marina and we completely support their proposed plans for continued improvements and all of the additions proposed.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Gilbert', with a long horizontal stroke extending to the right.

David Gilbert

09 AUG 2007

18 - FAR PA
LPA 71 37583

August 2nd, 2007

Nashville District Corps of Engineers, Regulatory Branch
Floyd M. Carnes
3701 Bell Road
Nashville, TN 37214

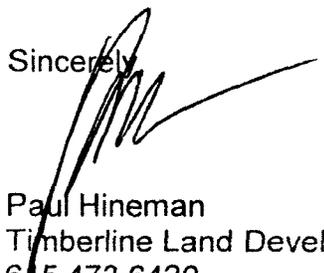
Dear Mr. Carnes

RE: Holiday Landing and Resort, Inc. Application No. 200200539

In response to the public notice from the TVA and the US Army Corps of Engineers, I would like to support the current owners of the marina and all the improvements they have made to date. I have a boat slip at the marina and support the additions proposed. Additional slips will allow for continuous improvement and financial viability of the surrounding area.

We own a home building company and we have just started a few projects on the lake. We are excited about being at Tim's Ford and hope to be building high quality homes here for a long time!

Sincerely,



Paul Hineman
Timberline Land Development, LLC
615.473.6420

LAND MANAGEMENT GROUP, INC.

August 7, 2007

Nashville District Corps of Engineers, Regulatory Branch
Floyd M. Carnes
3701 Bell Road
Nashville, TN 37214

RE: Holiday Landing and Resort, Inc. Application No. 200200539

Dear Mr. Carnes,

As you may be aware, the owners of Holiday Marina have made many improvements over the past few years and locally have a strong reputation of being good stewards of the recreational park and marina. In response to the public notice from the TVA and the US Army Corps of Engineers, I would like comment on our appreciation towards the current owners of the marina and all the hard work remodeling and replacing the old structures and boat slips that have certainly improved the environmental and structural quality of the marina.

We own property adjoining the marina and we agree with their proposed plans for continued improvements and all of the additions proposed.

Thank You,



Bill Charles
President, CEO

09 AUG 2007
09 AUG 2007

5 August 2007

Mr. Mark Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

I am writing to request a public hearing regarding the application for a marina expansion by Holiday Marina on Tims Ford Reservoir as described in Public Notice 07-64.

I am opposed to the issuance of a permit by the USCOE and the TVA permit for the proposed work for the following reasons:

1. Based on environmental data provided by Tennessee Valley Authority, the water quality in Tims Ford Reservoir is already degraded. Allowing additional community boat docks or additional marina docks, with the resulting spillage of oils, gasoline, and cleaning materials will further degrade the quality of the water in the reservoir. This application requests authority to add spaces for approximately 150 boats. A Supplemental Environmental Impact Statement (SEIS) should be completed by TVA before any additional boat docks are approved. There is currently a pending lawsuit between the Friends of Tims Ford and TVA & TDEC which should proceed to final adjudication before any more permits are granted.
2. The construction of additional boat docks on Tims Ford will make an existing water safety problem even worse. Based on data from the Tennessee Wildlife Resources Agency, Tims Ford already has the highest boating accident per surface acre of water of any reservoir in the TVA system for the years 2000, 2001, 2002, & 2004. Approving additional boat docks will put more boats on the water, and increase the possibility of additional boating accidents.
3. In the Tims Ford Land Management & Disposition Plan issued in June of 2000, it is noted that TDEC will be developing a Tims Ford State Park Strategic Management Plan to determine the ultimate use of Parcel 30 (Holiday Marina). TDEC issued this plan in Feb. 2002 and established the steps necessary to address issues related to the management of the park properties, to wit:
 - # 19 - Identify safety and security needs and study the uses and impacts of the additional boat ramps.
 - # 39 - Develop a land use plan incorporating the Land Zoning criteria for the park including existing and future lands as delineated in the Land Management and Disposition Plan.

13 AUG 2007

Parcel 30 (Holiday Marina) is identified as land that may be included in Tims Ford State Park by TDEC's Park Management plan. Since it does not appear that TDEC has completed the steps mentioned above which are needed to address the appropriate use of this property, it is my opinion that no permits should be granted for this site until these actions are completed with public participation.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir.

Sincerely,



Kevin Kerce
93 Martin Hollow Road
Fayetteville, TN 37334
(931) 438-8860

cc: Commissioner James Fyke
Tennessee Department of Environment & Conservation
L & C Annex, 1st Floor
401 Church Street
Nashville, TN. 37243

IS Investments
4521 Trousdale Drive
Nashville, TN. 37204
615-333-0100

August 7, 2007

Nashville District Corps of Engineers
Floyd M. Carnes
3701 Bell Road
Nashville, TN 37214

Dear Mr. Carnes,

This letter is in regards to the proposed expansion of the Holiday Landing and Resort Inc. Application #200200539. IS Investments has ownership of property adjacent to this location and we have been made aware of the improvements that the Marina has been doing over the past few years. I would like to address in this correspondence how much we approve of these changes and feel that the owners are making great advances on the quality of this marina. We also are in agreement with the improvements going forward and wanted to show our support of the newest proposals that have been presented.

Thank you for your time and consideration to this matter.

Sincerely,



Scott Sohr
President

13 AUG 2007

5105 Fountainhead Drive
Brentwood, TN 37027
(615) 373-5824

August 13, 2007

Mr. Floyd M. Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers (USCOE) or Tennessee Valley Authority (TVA) regarding the application for a marina expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am opposed to the proposed action by USCOE and TVA for the following reasons:

- **Ecological Health Rating:** TVA has rated the Ecological Health of the Tims Fords Reservoir as poor for many years. The increase of approximately 150 additional boat slips for Holiday Marina, with the resulting spillage of oils, gasoline, and cleaning materials and increased wave action from having more boats on the lake will further degrade water quality in the reservoir.
- **Boating Safety:** According to Tennessee Wildlife Resources Agency annual boating accident reports, Tims Ford already has the highest boating accidents per surface acre of water of any reservoir in the TVA system. Considering the facts that boat density below 10 acres of water surface per boat is considered very hazardous and most benchmarks specifies at least 20 acres per boat is needed for safe water skiing and for boats over 10 horsepower and TVA's projection in its 2000 FEIS that Tims Ford will have a density of 5.1 acres per boat, extremely dangerous boating conditions will continue to exist on Tims Ford. The expansion of Holiday Marina will only add to the extremely dangerous boating conditions already in existence on Tims Ford Reservoir.
- **Erosion:** TVA has conducted an extensive analysis of the shoreline conditions of each reservoir in its system and according to Section 4-16 of TVA's Reservoir Operations Study dated May, 2004, Tims Ford, with over than 72% of its shoreline rated less than good, has the worst problem with bank erosion of all reservoirs in the study. This study states and I quote, "*Sediments from eroded soils can alter tailwater water storage capability. Erosive forces can cause stream and reservoir banks to recede, resulting in loss of land and vegetation that provides important canopy cover for habitat. Sediments and nutrients, particularly nitrogen and phosphorus, from eroded soils are the cause of water quality impairment of more miles of rivers and streams in the United States than any other pollutants.*" This study also states in *Future Trends*, quote, "*Without a change in reservoir operations, erosion in the reservoirs is anticipated to continue through the 2030 study period. Factors such as the 16-percent projected increase in recreational boating (see Section 4.24, Recreation) and the associated boat waves would likely accelerate the erosion of shorelines.*" Also Tims Ford is more vulnerable than most other reservoirs because of the low flow-through averaging 280 days to replenish the lake.
- **Violation of NEPA Requirements:** U.S. Environmental Protection Agency environmental regulations, (<http://ceq.eh.ee.gov/nepa/nepanet.htm> Section 1502.9(c)(1)(i)), require federal agencies to conduct a supplemental EIS if that federal agency "makes substantial changes in the proposed action that are relevant to environmental concerns." This request for approximately 150 additional boat slips will almost double the number of boat slips at Holiday Marina further adding to the substantial changes already made to the Tims Ford DEIS without the required Supplemental EIS being conducted.

In summary, TVA rates Tims Ford's Ecological Health as "poor" and identifies its bank erosion as the "worst" in the TVA system. TWRA annual boating accident reports shows Tims Ford as one of the more unsafe lakes in the State. TVA's Tims Ford Final Land Management and Disposition Plan helps to explain this high accident rate projecting a boat density on Tims Ford of 5.1 acres of water surface per boat compared to a commonly accepted standard for safe boating at a minimum of 10 acres of water surface per boat on average for safe boating and at least 20 acres per boat for water skiing or high powered boats. In addition most boat density evaluation methods significantly adds more water surface per boat for lakes like Tims Ford that is made up of many coves with very few wide open areas for boating. TVA has made many significant changes on Tims Ford without a supplemental EIS as required by NEPA regulation and this additional significant change should not be approved without a supplemental EIS being made. It is my belief, supported by TVA's own data, that a properly conducted supplemental EIS of Tims Ford will confirm that the actions currently being taken by TVA and supported by USCOE eventually will lead to the demise of Tims Ford Reservoir.

Thank you for the opportunity to provide comments to the proposed application for additional boat use facilities on Tims Ford Reservoir and please help us save this very vulnerable resource.

Sincerely,



Robert E. Taylor

14 AUG 2007

41 Brown Road West
Winchester, TN 37398-4320

August 13, 2007

Mr. Floyd M. Carnes
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN. 37214

Dear Mr. Carnes:

The purpose of this letter is to provide comments regarding Public Notice 07-64 and to request a public hearing before any decision is made by the U.S. Army Corp of Engineers or TVA regarding the application for an expansion by Holiday Marina (operated by Holiday Landing & Resort under a license from the Tennessee Department of Environment & Conservation (TDEC)) located on Tims Ford Reservoir.

I am against the proposed expansion for the following reasons:

- The addition of 150 boat slips at the Holiday Marina would represent one more in a growing series of situations which are not being considered in a NEPA requirement for a supplemental EIS when substantial changes are to occur. Until such a study is conducted, no expansion of the marina should be allowed.
- Tims Ford Reservoir is already pushing the limits with regard to water quality, boating capacity, and shoreline erosion. The proposed expansion can only exacerbate the decline of this wonderful resource.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Michael Budnick

14 AUG 2007

16 August 2007

Robert L. Colvin
210 Prince Lane
Tullahoma, Tennessee 37388

Nashville District Corps of Engineers, Regulatory Branch
ATTN: Mr. Floyd M. Carnes
3701 Bell Road
Nashville, Tennessee 37214

SUBJECT: Public Notice No. 07-64

Dear Mr. Carnes:

Please consider the following:

Additional slips at Holiday would only increase the already congested area and be a detriment to the safety of boaters

Excavation in the area described would destroy a primary bedding source for the smallmouth bass. This may also reroute the creek channel, which will add to erosion problems and decrease the water quality.

The walking bridge would limit access to the back of the slough. If a walking bridge is necessary, it is better to repair the earth bridge at the back of the slough which was previously destroyed during a heavy rainstorm.

Numerous water quality issues already exist at Holiday Landing that must be corrected before allowing an additional 112 boat slips.

No expansion of any marinas should be allowed until the Winchester Marina proposal is approved. The safety and welfare of the public is affected by increased boat traffic going to and from the existing marinas.

Did Holiday Landing comply with all the proposals in the 26a Permit issued in 2002?


Sincerely,
Robert L. Colvin

17 AUG 2007

Appendix E

HOLIDAY LANDING AND RESORT INC.
ELK RIVER MILE 143.2R
P.O. BOX 1556
TULLAHOMA, TENNESSEE 37388

931.455.3151
Fax: 931.455.2701

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TN. 37214

AUGUST 23, 2007

MR. FLOYD CARNES, PROJECT MANAGER, REGULATORY BRANCH

SUBJECT: FILE # 200200539, PROPOSED WORK HOLIDAY LANDING
AND RESORT, TULLAHOMA, TN. 37388

DEAR MR. CARNES;

I HAVE REVIEWED THE LETTERS AND COMMENTS CONCERNING THE
ABOVE REFERENCED PROJECT AND WOULD LIKE TO OFFER THE
FOLLOWING RESPONSE.

IT APPEARS THE LETTERS CAN BE SORTED QUITE NATURALLY INTO
THREE CATEGORIES. 1. SUPPORT 2. OPPOSITION 3. SUPPORT WITH
CONDITIONS.

AUTHOR	SYNOPSIS OF CONTENT
1. SUPPORT	
U.S. REP. LINCOLN DAVIS	ECONOMIC IMPACT, GOOD TRACK RECORD
MAYOR TROY BISBY	ECONOMICS, TOURISM AND RESTAURANT
SOHR, CHARLES, HINEMAN, GILBERT	TRACK RECORD IMPROVING MARINA
MAYOR RICHARD STEWART	IMPROVEMENTS, OPERATE CLEAN FACILITY

27 AUG 2007

STATE TN. REP. MATHENY	SOUND OPERATION, TRACK RECORD, POSITIVE LOCAL IMPACT, RESPONSIBLE GROWTH
MAYOR PENNINGTON	TRACK RECORD, CLEAN MARINA, TOURISM, RESPONSIBLE GROWTH
STATE SEN. JERRY COOPER	TDEC APPROVAL, CLEAN MARINA, ECONOMICS, TOURISM, IMPROVED ENVIRONMENT
TDEC, JIM FYKE	LETTER OF NO OPPOSITION ON FILE
TIMS FORD COUNCIL	LETTER OF NO OPPOSITION ON FILE
2. OPPOSITION	
COLVIN	SPAWNING DECREASE, BOAT SAFETY, , BRIDGE, WATER QUALITY, NEW MARINA
BALL, BUDNICK, TAYLOR, KERCE, DR. KERCE, LEVINE, McGUIRE, GREVING, RENEGAR, RANSOM, HUDDLESTON, McNALLY, HAMMOND	BOATING SAFETY, POLLUTION, TDEC LAND PLAN, EROSION
3. SUPPORT WITH CONDITIONS	
TWRA, U.S. FISH AND WILDLIFE	MITIGATION OF HABITAT LOSS

Supporters are pretty much self explanatory, several elected officials that were very kind in their remarks and unmitigated in their support. I was frankly a little taken aback when I saw one from Lincoln Davis and I'm a republican, guess he knows a good project when he sees one!. TDEC completely supports this expansion as does the Tims Ford Council as Ben Bean of TVA was at their meeting when it was discussed. They, to my knowledge are the only legally incorporated group of lake residents. The others commenters are people it appears own property around the lake and are pro development.

Support with conditions I understand completely. I agree the lake and surrounding land is public property and if we if have a loss of spawning habitat we would be completely in agreement with mitigating this loss. We know the TWRA biologist John Riddle quite well, would have no trouble working with him and would not only do the minimum 32 boards) but maybe a little more. Some of he boards they speak of have already been installed by TWRA around the lake, but, since we have had two years of drought they have not been effective. The weed propagation that is on the bank and developed due to low water conditions may prove a fishing/spawning bonanza. If we get to regular pool

next Spring we could have a super spawn. Remember we derive much of our revenue from the fishery at Tims Ford and I'm sure Mr. Riddle will attest I am a strong proponent of a healthy fishery. One fact to keep in mind is by our restaurant patrons feeding of food scraps around the "BlueGill Grill" we have a standing population of 1,000 's of fish currently. Bass, bream, catfish and some huge carp feast daily. Kids love'em.

O.K. to the fun part. People against the expansion. I'll take them by the two divisions listed above.

1. Robert Colvin: Mr. Colvin used to work for me managing the Holiday Landing. He was also a small percentage owner. He left abruptly over two years ago under self inflicted duress and furthermore threatened to kill via his bare hands his replacement (we have video of this). It is my understanding he is waging a campaign to be the manager of the Winchester marina if or when it is constructed. His comments concern loss of spawning habitat which has already been addressed, boat safety see below, bridge loss of access which is not true as our plans clearly show access under our bridge, water quality see below, and new marina which he wants to manage so this is a personal conflict of interest and his comments have no merit.

2. Ball, Budnick, Taylor, Kerce, Dr. Kerce, Levine, McGuire, Greving, Renegar, Ransom, Huddleston, McNally, Hammond.

These oppositionists list basically four reasons why they are disposed to be against the project. I will answer each issue which in turn should answer each opposition letter.

A. BOATING SAFETY CONCERNS: This issue is addressed in every opposition letter. I was frankly quite intrigued by this as being a lifelong resident and boater on Tims Ford I did not know our lake was a cauldron of death. I called Mr. Ed Carter, TWRA, Boating Safety State Director. He informed me Tims Ford is below the state average in boating accidents and fatalities and he stated unequivocally that he did not share their opinion nor does the data support the contention Tims Ford is the "most dangerous lake in the state." I will defer further to him and suggest you call him if you need to confirm. Mr. Carter's number is (615-781-6682).

B. EROSION: Increased boating could cause some increased erosion out on the lake but it will not cause any in our harbor limits. We currently vehemently support our no wake zones. We also installed several thousand feet of limestone rip-rap which TVA supplied. We spent a considerable amount of labor on this project that was voluntary. Once again, we have a greater stake in Tims Ford lake quality than most anyone.

C. POLLUTION: While we will have a small net increase of boats at our marina the net result will be less pollution. The project will require removal of several older houseboats, a large amount of open cell flotation and removal of old utility lines and service. The net result is less contamination. The new slips will be state of the art ipe/aluminum pontoon and small cruiser, no additional houseboats. We also will maintain our clean marina status awarded by TVA to responsible environmentally conscious marina operators. We

allow no black water what so ever to enter Tims Ford. Tims Ford is a eutrophic lake, this is not caused or will be eliminated by anything we do at Holiday Landing.

D. TDEC LAND USE PLAN: I am a current lease holder from TDEC. I am assured in writing by Commissioner Jim Fyke the State of Tennessee has no objections to my renovation and expansion project. I do not formulate or administer the land uses around our lake. Once again from Mike Robertson (Tims Ford Park Manager) to Mr. Fyke to my elected State and Federal Representatives they say I have a good project.

CONCLUSION:

I think we have proposed a good sound project. This project will better our lake and spur economic activity including job creation. Every responsible government agency has been involved and so far concurs. I respect the oppositionists, however, they appear to be a lose collection of well intentioned and very uninformed individuals that think due to their owning property adjacent to Tims Ford Lake this somehow conveys ownership. It is my understanding Tims Ford is owned by the people of the United States of America. I urge you to do what is in the best interest to the people of our great nation and dismiss the trivial comments made by a few (14 total) selfish interlopers.

Best Regards.....David Patton, President, Holiday Landing & Resort, Inc.

A handwritten signature in black ink, appearing to read "D. Patton", with a long horizontal flourish extending to the right.

Appendix F

11 SEP 2007

MEMORANDUM FOR PUBLIC RECORD

SUBJECT: File No. 200200539; Proposed Excavation for Boat Access, Construction of Covered Floating Boat Slips, Reconfigure Existing Floating Docks, Launching Ramp, and Walking Bridge at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee

1. Holiday Landing and Resort, Inc., proposes to excavate for boat access, construct covered floating boat slips, reconfigure existing floating docks, construct a launching ramp, and a walking bridge at the subject location. A detailed description of the proposed activity is found in Public Notice (PN) 07-64 (Encl 1). The PN was issued on 20 July 2007, and widely distributed to numerous interested parties including federal, state, and local agencies, adjacent property owners, elected officials, and local agencies. The proposed activity would provide adequate water depths for new docking facilities and an additional location to launch boats for the customers of Holiday Landing and Resort.

2. Three agency comments were received in response to the notice (Encl 2). The Tennessee Historical Commission did not have any concerns regarding the proposed activity. The U.S. Fish and Wildlife Service and the Tennessee Wildlife Resources Agency did express their concern about the loss of shallow water habitat from the proposed dredging.

3. The response of the notice generated 24 comments. Fourteen commentators opposed the proposed activity. Of the 14 opposition comments, 10 requested a public hearing. In addition, there were 10 comments that were in favor of the proposed activity. The majority of the opposition comments noted water quality, boat safety, number of boat slips, and land management. The comments in favor of the proposed activity stated the economic benefits to the area, and work the current owners have done to improve the marina (Encl 3). Congressman Lincoln Davis, Fourth Congressional District, Tennessee, along with several other locally elected officials wrote to support the proposed activity (Encl 4). The Corps responded to Congressman Davis on 23 August 2007 (Encl 5).

4. All letters and comments were forwarded to the applicant for response. The applicant responded by letter on 23 August 2007 (Encl 6).

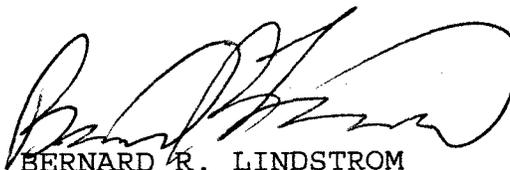
CELRN-OP-F (1145b)

SUBJECT: File No. 200200539; Proposed Excavation for Boat Access, Construction of Covered Floating Boat Slips, Reconfigure Existing Floating Docks, Launching Ramp, and Walking Bridge at Fall Lick Creek Mile 1.2, Left Bank, Elk River Mile 143.2, Right Bank, Tims Ford Lake, Franklin County, Tennessee

5. The public has had ample opportunity to express their views on this proposal through the Corps PN process. I believe that the issues have been clearly identified and can be adequately evaluated in an environmental assessment. I do not feel that a public hearing would provide any additional information or serve any useful purpose in our evaluation of the proposal.

6. Based on all factors, I have decided not to hold a public hearing. The individuals requesting a public hearing will be advised of this decision and the reasons therefore at an appropriate time.

Encls



BERNARD R. LINDSTROM
LTC, EN
Commanding

Appendix G

Special Conditions

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them.
2. The work must be performed in accordance with the plans attached to this permit.
3. The applicant must perform the excavation during winter drawdown of Tims Ford Lake.
4. The permittee shall maintain a 10' buffer between the area that is to be dredged and the existing shoreline.
5. The permittee shall construct and install 32 spawning benches to mitigate for the loss of shallow water habitat due to the excavation. The permittee shall coordinate the construction and installation of the spawning benches with Tennessee Wildlife Resources Agency's Reservoir Fisheries Biologist, Mr. John Riddle, (telephone 615-781-6622).
6. Siltation and erosion control methods must be maintained for the life of the project. Siltation and erosion control methods shall include but are not limited to entrenched silt fences, check dams and hay bales. All disturbed areas shall be properly seeded, or otherwise stabilized as soon as practicable to prevent erosion.
7. All excavated material shall be hauled to an off-site location and placed above Elevation 895. The excavated material must be properly stabilized, which includes placing seed, mulch, and hay over the excavated material. In addition, staked hay bales and silt fence shall be used around the material to prevent re-entry into any waterway.
8. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
9. The permittee will be advised that the facilities would be vulnerable to damage and wave wash and possible collision from passing vessels.
10. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities.
11. The permittee shall notify this office in writing two weeks before work commences on the floating dock.