

***JOE W. McCALEB and Associates***

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November 15, 2007

**RE:** Guntersville Reservoir – Jagger Branch Embayment, Marshall County

**Public Comments Regarding Permit Application:**

**Corps-TVA Joint Public Notice No. 06-115 (Application No. 2006-02127,  
Jagger Branch Homeowners Association.**

(TVA Public Hearing, November 15, 2007, 5pm – 8pm, Marshall County Courthouse)

The following comments are submitted on behalf of the Honeycomb Community Association (“HCA”), an Alabama Non-Profit Corporation composed of riparian landowners on Jagger Branch and Honeycomb Creek, and other individuals who will be directly and indirectly impacted by proposed construction projects, including but not limited to the construction of community boat slips, dredging activities in the Jagger Branch embayment, and clearing of the mountainous hillside east of White Elephant Road, approximately 180 acres known as TVA tract No. XGR-204, and including 15 proposed waterfront lots laying between the Jagger Branch embayment and White Elephant Road.

Two documents were previously submitted at a TVA Open House meeting, held May 8, 2007 in Guntersville, AL for Application No. 2006-02127, Jagger Branch Homeowners Association, and resubmitted as attachments to the October 16, 2007 letter this office submitted to TVA as a further comment for the record in the public hearing held that date regarding the Shady Acres Subdivision. (Application No. 2006-01175). Many of the issues that were discussed in those two earlier documents pertain to the entire Jagger Branch embayment, and are not isolated to each individual permit application. We are not again re-submitting those documents but direct reference is made to those documents in support of this comment, and they are incorporated into this comment verbatim to be considered by TVA and the applicant.<sup>1</sup>

The Jagger Branch Homeowner’s Association permit application, proposing to locate two (2) oversized community water-use facilities in the narrow and shallow embayment of Jagger

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<sup>1</sup> (1) May 15 comments submitted by Joe W. McCaleb & Associates and (2) “Adverse Environmental Impacts Associated with Proposed Shady Oaks and Jagger Branch Developments” submitted by Mark A. Quarles of “Globally Green Consulting,” on behalf of HCA.

Branch will result in detrimental impacts to water quality, other natural resources, and the character and community of the Jagger Branch embayment. Furthermore, the applicants have failed to accurately consider and disclose the true extent of the impact of their proposed activities. TVA, as the responsible federal agency must assess these impacts, both direct and indirect, as well as cumulative impacts; and TVA must comply with the FEIS and Land Management Disposition Plan (LMDP) for the Guntersville Reservoir, issued in August 2001, and noticed its Record of Decision in the Federal Register on January 18, 2002 (67 FR 2725).

In view of that FEIS/LMDP, a few comments are appropriate here. First, on TVA's Guntersville Parcel Zone Allocation Map, which was prepared by the Guntersville Watershed Team in July 2001 and attached to the FEIS/LMDP, the location of the proposed community water facilities for the Jagger Branch Homeowners Association is in Zone 1 or Flowage Easement. The land directly behind the flowage easement is not zoned for residential access. Moreover, the parcel of land immediately north of the flowage easement (parcel 12) and the parcel of land immediately across the bay from the flowage easement (parcel 11) are both zoned 3, Sensitive Resource Management Areas. In fact, both parcels are identified in the FEIS as zone 3 "to protect wetland resources" and access rights are denied. (FEIS, pg. 129) TVA regulations at 18 CFR 1304-300 apply. Moreover, it is the opinion of this office that the new TVA land policy passed by the TVA Board on November 30, 2006, relative to residential use and other non-industrial commercial use applies too.

Secondly, as was clearly pointed out in this office's earlier comment dated May 15, 2007, the size of the proposed community water-use facilities in this Application greatly exceed TVA regulations for sizing of community docks and other water-use facilities. Those regulations were amended a few years ago to comply with TVA's Shoreline Management Initiative (SMI), which took effect in November of 1998 and applies to all TVA reservoirs. Furthermore, there is no discussion whatever in the Guntersville FEIS/LMDP that allows TVA to approve community docks larger than a footprint of 1000 sq.ft. Therefore, TVA is bound by its own regulations and cannot approve docks larger than 1000 sq. ft. unless it complies fully with 18 CFR 1304.206(b)(2). Finally, TVA cannot grandfather in or wave the standards imposed by the regulations because the applicant's proposed facility did not exist nor was it a part of an existing development before November 1, 1999. 18 CFR 1304.210 and 1304.212.

Thirdly, the result of the Scoping comments received by TVA from the public and summarized in Appendix A-2 of the FEIS/LMDP, clearly show that the majority of the 97 persons who completed the questionnaires wanted more recreational use areas, wanted TVA to stop disposing of land it managed for the U.S. Government and wanted TVA to use public land for public uses. The summary also shows that the participants wanted protection of natural resources, wildlife management, and more protection of water quality, endangered species, wetlands, natural land, etc. They clearly did not want more private residential development, i.e. subdivisions, around the Reservoir. Under the CEQ Rules governing the implementation of NEPA, TVA as a federal agency is bound to comply with the results of its own FEIS. 40 CFR 1505.3.

While HCA appreciates TVA's commitment of involving the public in permit decisions, and while HCA appreciates the separate Public Hearing that TVA is holding for the Jagger Branch Homeowner's Association application, HCA urges the agency to strongly consider the cumulative impact of permitting 2-4 large, community water-use facilities within less than 100 yards of each other. Oversized community boat docks and associated water-use facilities are better suited for larger areas with adequate flow and natural flushing abilities. This conclusion is supported by our May 15, 2007 comments, as well as the report submitted by Mark Quarles (Globally Green Consulting) on behalf of HCA. Moreover, this conclusion is currently being advanced in other TVA reservoirs, and is supported by expert opinion. Additionally, recreational boating capacity studies are necessary in order to determine boating safety and water quality. Improper location of community water-use facilities will detrimentally impact water resources and other natural resources, again confirmed by expert opinion.

It is our belief that the issues raised in the (1) May 15, 2007 comments submitted by this office on behalf of HCA, and (2) the report submitted by Mark Quarles (Globally Green Consulting) on behalf of HCA and the further comments made in this letter, highlight the many reasons why TVA should deny a Section 26a permit. to the Jagger Branch Homeowners Association, and Mr. Wes Long.

Thank you for the additional opportunity to submit comments, and on behalf of HCA. I request once again that you include Honeycomb Community Association as a "party of record," pursuant to 18 CFR § 1304.4 et seq.

Sincerely,

s/ Joe W. McCaleb

cc: Clients

15 November 2007

Dear Mr. Bean:

I have sent in comments as to why the application for the destruction of the Jagger Branch Embayment should be denied by TVA and the Guntersville Watershed Team. Many of my neighbors on the embayment have also sent in comments. Yet, it seems that comments are not heard by TVA, COE or the Guntersville Watershed Team.

The following comments are offered and I am especially concerned that the TVA Watershed Team in Guntersville is being manipulated by various land developers in Marshall County in the decision being made concerning the Jagger Branch Embayment applications. As I review the Land Management section on TVA's web page, the application is not consistent with the requirements in the section or I do not understand the words in the section.

1. I have yet to find out who besides the developer belongs to the Jagger Branch Homeowners Association. Does the Guntersville Watershed Team perform any due diligence to determine the validity of an organization, its structure, its home owners.
2. The construction of community boat slips, dredging activities in the Jagger Branch embayment, and clearing of the mountainous hillside east of White Elephant Road, includes two (2) oversized community water-use facilities in the narrow and shallow embayment of Jagger Branch will result in detrimental impacts to water quality, other natural resources, and the character and community of the Jagger Branch embayment. Furthermore, the applicants have failed to accurately consider and disclose the true extent of the impact of their proposed activities. TVA, as the responsible federal agency must assess these impacts, both direct and indirect, as well as cumulative impacts; and TVA must comply with the FEIS and Land Management Disposition Plan (LMDP) for the Guntersville Reservoir. It appears to me that TVA has not assess the impacts of this application but rubber stamped the application.
3. On TVA's Guntersville Parcel Zone Allocation Map, which was prepared by the Guntersville Watershed Team in July 2001, the location of the proposed community water facilities for the Jagger Branch Homeowners Association is in Zone 1 or Flowage Easement. The land directly behind the flowage easement is not zoned for residential access. Moreover, the parcel of land immediately north of the flowage easement (parcel 12) and the parcel of land immediately across the bay from the flowage easement (parcel 11) are both zoned 3, Sensitive Resource Management Areas. In fact, both parcels are identified in the FEIS as zone 3 "to protect wetland resources" and access rights are denied. (FEIS, pg. 129) TVA regulations at 18 CFR 1304-300 apply. TVA and the Guntersville Watershed Team has not applied their on findings.
4. The size of the proposed community water-use facilities in this Application greatly exceeds TVA regulations for sizing of community docks and other water-use facilities. Those regulations were amended a few years ago to comply with TVA's Shoreline Management Initiative (SMI), which took effect in November of 1998 and applies to all TVA reservoirs. Furthermore, there is no discussion whatever in the Guntersville

FEIS/LMDP that allows TVA to approve community docks larger than a footprint of 1000 sq.ft. Therefore, TVA is bound by its own regulations and cannot approve docks larger than 1000 sq. ft. unless it complies fully with 18 CFR 1304.206(b)(2). Finally, TVA cannot grandfather in or wave the standards imposed by the regulations because the applicant's proposed facility did not exist nor was it a part of an existing development before November 1, 1999. 18 CFR 1304.210 and 1304.212.

5. The result of the Scoping comments received by TVA from the public and summarized in Appendix A-2 of the FEIS/LMDP, clearly show that the majority of the 97 persons who completed the questionnaires wanted more recreational use areas, wanted TVA to stop disposing of land it managed for the U.S. Government and wanted TVA to use public land for public uses. The summary also shows that the participants wanted protection of natural resources, wildlife management, and more protection of water quality, endangered species, wetlands, natural land, etc. They clearly did not want more private residential development, i.e. subdivisions, around the Reservoir. Under the CEQ Rules governing the implementation of NEPA, TVA as a federal agency is bound to comply with the results of its own FEIS. It is my belief that the issues raised by residents and stakeholders in the Jagger Branch Embayment have highlighted the many reasons why TVA should deny a Section 26a permit to the Jagger Branch Homeowners Association, and Mr. Wes Long. The Permit application should not have been approved.

Respectfully,



James H. Curtis, Jr.

TVA Public Hearing November 2007 Jagger Branch Permit  
Application 2006-02127

Thank you for responding to our request for a Public Hearing. However not to consider the combined environmental affects of both the Shady Acres and the Jagger Branch developments together is a bureaucratic absurdity. TVA has designated Jagger Branch as an environmentally sensitive area and by it's own policies must consider the overall impact to the environment. We are talking about doubling the amount of boathouses in this tiny embayment.

We would not be here tonight if TVA had a comprehensive and consistent and equally applied Shoreline Development Policy. This development should have been denied originally because it didn't meet TVA's own policies and procedures. This permit if allowed to proceed violates all common sense and will only set a precedent for more and more uncontrolled development. I am not against community boat houses where the developer owns the shore line and conforms to TVA policies. . But this development does not fit that description. If these two permits are allowed to proceed they will open a pandora's box of proliferation of excessive and hazzardous development. Any person with off lake property will be looking to buy any sized lot to service that property. If TVA cannot see the outcome of this policy then I wonder why they have changed their policy since these applications were applied for. This is also a slap in the face to all those people who over the years had to go through the rigors of TVA's requirements even for a single boat house. Where does this policy end. Should all fifty six off lake owners in Honeycomb be allowed to build three twenty slip boathouses on their community lots just because they want to enhance the value of their property. TVA has to enforce their own regulations before our lakes end up being blighted by huge boathouses.

*Judith Boy*

PAGE 1 OF 3

Besides terrible policy this permit defies all other accumulated environmental science. First of all TVA cannot ignore the extensive wetlands just a few feet from this development and say it is not jurisdictional wetlands. TVA IS THE ONLY FEDERAL RESPONSIBLE AGENCY TO PROTECT THESE WETLANDS. TVA has refused permits for rip rap because of a clump of cattails citing wetlands protection To accept jurisdiction there and ignore hundreds of acres of wet lands next to this project is crazy. That EPA or TVA have not required even a 404 mitigation statement from the developers is an outrage. Any fifth grade science class would immediately point out the potential hazzard to these wetlands and even a third grade class would understand the enormous potential for disaster in dredging 900' of this pristine embayment. No bottom samples, coring, flow studies, have been required for this development and dredging. And using several methods of the sum of areas the spoils of dredging are radically understated by the applicant.

If this were any other jurisdiction we would have the protection of State and County agencies. But TVA is our only authority. To not require an environmental impact statement on a project this size and with so many environmental issues also defies all logic. Our own assessment by Globally Green and submitted to TVA points out all these issues.

There are other issues that make this permit flawed. The TVA regulations require a homeowners association to be in place before the permit. The developer would have us believe that the covenants and conditions of the meets and bounds survey of the other lots would suffice. This is erroneous. And if this is not a community boat house then other requirements and conditions apply. And then this would not be a 26 a Permit application.

The applicant has stated to me in May that they had no intention of developing this property. We heard the same comment in a

*Judith Bay Page 2 of 3*

meeting with the County Commissioner. So then what is the intent of this application. It should and must be pointed out that the applicant and associates operate at least two other commercial marinas and are in the boat business. And this permit appears to be a commercial venture. A large launching ramp, day pier, and forty four, YES FORTY FOUR, boathouses is by common sense a marina. BECAUSE THE WAY THIS PERMIT IS WORDED THERE WOULD BE NOTHING TO KEEP THE APPLICANT FROM STORING AND LAUNCHING 200 BOATS FOR THE SUPPOSED DEVELOPMENT. AT WHAT POINT DOES THIS VENTURE BECOME A MARINA! TVA must consider the ramifications of granting this permit and cannot simply say it is land use issue.

Another very serious hazzard to this application is the fact, pointed out to TVA, that there is no jurisdictional fire protection on White Elephant Road. Again this is not just a land use issue.

Finally, this permit does not rise to the standards TVA requires. There are no pressing recreational or community needs for this facility. There are currently two new major marinas under permit on Honeycomb Creek. That's where they belong. Not on this tiny, pristine little bit of residential water. This permit is an ecological nightmare. For this and other reasons you will hear tonight this permit must be denied.

Judith Bay  
885 Honeycomb Road Lots 32,34,36  
Grant AI 35747





# HOUSE OF REPRESENTATIVES

ALABAMA STATE HOUSE

MONTGOMERY, ALABAMA 36130

DISTRICT NO. 27  
MARSHALL COUNTY

**JEFFREY MCLAUGHLIN**

321 BLOUNT AVENUE  
GUNTERSVILLE, ALABAMA 35976  
DELEGATION OFFICE  
256/582-0619  
LAW OFFICE 256/582-0619  
LEGISLATIVE OFFICE 334/242-7765  
FAX 256/582-7049

COMMITTEES:  
EDUCATION APPROPRIATIONS  
VICE CHAIR, ALLOCATIONS  
SUBCOMMITTEE  
COUNTY AND MUNICIPAL GOVERNMENT  
VICE CHAIR, GOVERNMENT  
REGULATIONS SUBCOMMITTEE  
TENNESSEE VALLEY CAUCUS

November 15, 2007

TVA Hearing Set 11-15-07

**Re: TVA Guntersville RLR #172732**

To Whom It May Concern,

I have communicated with the Tennessee Valley Authority in the past on the issue of subdivision of water access rights on TVA restricted land below the 600 foot contour line on the Guntersville Lake Reservoir, and on this particular request involving Jagger Branch. I understand that a public hearing is being held this evening in Guntersville to hear from adjoining property owners and other interested parties. I will be unable to attend this hearing but offer this brief letter instead.

Please note my concern about and opposition to subdivision of any lot historically deeded as single family or single access lots to Lake Guntersville. In addition to the problems that excessive traffic will cause for the neighbors of proposed multi-slip boat houses, the adverse environmental impact of significant dredging, and the general increase in the numbers of people using a relatively limited area or inlet of the lake, I am most concerned about the precedent set by allowing a multi-slip facility in the middle of otherwise privately owned single family properties.

TVA controls these properties and has sole authority to prevent an unwanted proliferation of multi-slip boat houses on this lake. Once this precedent is established it will be difficult to prevent others from following suit. Let me assure you that, if this development is allowed, the appetite of developers will be voracious to obtain other parcels of property located in the proximity of a lake access lot to tie subdivision ownership with rights to that access lot. This will ultimately be detrimental to recreation, navigation, water quality, and the natural environment on Guntersville Lake.

Thank you for your consideration of the forgoing. Please do not hesitate to call if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey McLaughlin".

Jeffrey McLaughlin

JM/ibl

November 15, 2007

Barbie Peek  
1140 Honeycomb Road  
Grant, AL 35747

### TVA Public Hearing

I am a land owner and resident of 1140 Honeycomb Rd., Grant, AL and would like to express my opposition to Application Number 2006-02127 for Jagger Branch. I appreciate the opportunity to participate in this public process and also appreciate the public hearing that TVA is conducting with regards to Jagger Branch.

While growth and development is an integral part of communities – responsible managed growth is of the utmost importance and should be spearheaded, in particular, by government agencies supported by taxpayers. Jagger Branch is a relatively narrow body of water with a fairly shallow channel that has decreased in depth over the years due to sedimentation. An increase in the number of boats in this area and the construction of new multi-tenant boat houses will most likely increase the movement of silt and sediments, impacting channel depth and impacting the boater's ability to enjoy the area. These 44 boatslips will be located in the shallowest sector of the entire slew, even if you provide dredging. In addition, the proposed dredging and environmental impact will be more substantial than the previous application for 20 boat houses. Over-development of a small area such as Jagger Branch is sure to have adverse effects on the wildlife and the ecosystem that exist there today. A comprehensive plan needs to be

developed that takes into account not only what is happening in the Jagger Branch slew but the new development at Snug Harbor and its impact to the area. I would like to request that the Environmental Protection Agency (EPA) be contacted and asked to do a 404 Statement (Wetlands Protection Act) before these boathouses are approved.

The Jagger Branch channel is currently fairly congested. The addition of 44 more permanent boats would impact our access. We are not opposed to single family home and boathouse developments. In addition to the residents located directly on the water, there are more than 50 more property owners with shared easements to this same Branch. There are also general public access areas on these easements, which will be impacted by increased traffic on the Branch. We currently have 103 boat slips directly in Jagger Branch and Snug Harbor has 57 – increasing our number of slips by 44 will seriously overpopulate our small area. This represents a potential 44% increase in the boating population in Jagger Branch with just two developments. Each of these 44 boats will have to pass through the slew in order to get to the boating areas. It has been publicly noted by residents of Jagger Branch that there have been many instances of near-misses and accidents in the slew. In addition to the boats/jet skis that reside in our slew, many other boaters launch their boats from the public launch and then come back into the slew to partake in water activities. This proposed increase in the number of boats residing in the slew comprises the safety of navigation and creates dangerous situations!

Due to the location of these proposed boathouses, it harmfully affects the whole area. TVA has a responsibility to all taxpayers to create planned

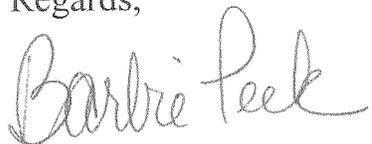
shoreline development that develops public waterways dutifully. Can you sincerely think that this development in a small populated slew is responsible considering the large amounts of land that TVA owns that is more appropriate and currently not developed? Is there any real concern for the existing residents and users of the existing public facilities? As well the developer has filed to disclose the true extent of the direct and indirect impact of their development. Do you think there is a reason for this lack of information?

There are undistributed areas on the upper reaches of the Branch with habitat that supports sport fishing and bird watching. Most recently a bald eagle was spotted and documented feeding and meeting his mate in our slew. It is highly probable they have nested but it has been hard to get to the back of the slew. There are guidelines with regards to wildlife and in particular Bald Eagles that need to be adhered to. TVA and the U.S. Army Core of Engineers have a great responsibility to preserve this habitat – will the developers feel the same responsibility? It is easy to ask for forgiveness instead of permission. Our citizens need stable waters on which to recreate and this increase in boat traffic could disturb and impact them. Canoes and other non-powered boats also utilize this Branch and the new boat traffic could impact their ability to safely enjoy the waters. Our family and most along Jagger Branch swim in the waters of the Branch and additional traffic will impact our ability to enjoy the waters.

It is with great distress that I also note that not one resident of Jagger Branch come forward at the last public hearing in support of this development –

only the developers. I would like to once again object to any and all community boathouses in this narrow slew and request that the Tennessee Valley Authority disapprove Application Number 2006-02127 due to the many reasons stated above on the basis that this is an over-development of the Jagger Branch area and it violates policies previously established by TVA and the US Army Core of Engineers which have been followed by all existing residents. All we are asking for is that TVA provides a balanced and reasonable use of the Jagger Branch area and its waterways.

Regards,

A handwritten signature in cursive script that reads "Barbie Peek". The signature is written in dark ink and is positioned below the typed name.

Barbie Peek

# Long/Jagger Branch Proposal Comment Form

Public Hearing  
November 15, 2007

Name VICTOR J. ISTENES

Mailing Address 4108 TOFTOY DR. S.W. H'VILLE, ALABAMA 35806

Comments I OPPOSE THE CONSTRUCTION  
OF THE 2 BOATHOUSES <sup>(BOATING)</sup> THE CONSTRUCTION  
OF THE BOATHOUSES WOULD BRING AN  
UNDESIRABLE ELEMENT (CRIMINALS) INTO  
THE AREA. WOULD YOU WANT THAT.  
THE ACCIDENT RATE WOULD BE ON  
THE RISE WITH THE ADDITION OF  
MORE BOATERS IN THE AREA

# Long/Jagger Branch Proposal Comment Form

Public Hearing  
November 15, 2007

Name STEVE A. ISTEVENES - PERSON OF RECORD

Mailing Address 1080 HONEYCOMB RD.  
GRANT, AL. 35747

Comments \_\_\_\_\_

- 1) WE'VE NOT CONSTRUCTED A BOAT HOUSE TO PRESERVE THE ENVIRONMENT - AND WE'VE OWNED JAGGER BRANCH WATER FRONTAGE FOR 50 YRS.
- 2) CAN T.V.A. GRANT ALL ASKERS THE PERMIT TO CONSTRUCT IN THIS BASIN?
- 3) SURELY T.V.A. CAN LOOK AT THE NORTHERNMOST NEWLY CONSTRUCTED PIER OFF WHITE ELEPHANT ROAD AND DETERMINE IT'S LENGTH IS EXCESSIVE. I BELIEVE IT IS ALSO TOO LOW!
- 4) TO GRANT THIS PERMIT WOULD DEGRADE THE WATER QUALITY THROUGH POLLUTION AND DISRUPT THE WATER ~~QUALITY~~ FRONT SERENITY THE RESIDENTS ENJOY.
- 5) ONLY HUMANS FIT INTO NO ECOSYSTEMS. THE CONSTANT MARINE TRAFFIC WOULD CLOUD THE WATER FURTHER WITH DISPERSED SILT.
- 6) A WASTEWATER LAGOON IN GRANT, AL. DUMPS INTO HONEYCOMB CREEK HEADWATERS.

(OVER)

7.) A PERMIT WILL DEGRADE PROPERTY VALUE!

Speech presented at public hearing on Jagger Branch Development 11/15/2007

Good afternoon. My name is Juergen Paetz and I live at 560 Honeycomb Rd in the Honeycomb subdivision.

I am speaking tonight in opposition to the proposed 44 slip boathouse, launch ramp and pier at Jagger Branch Honeycomb Creek.

I share the concerns of the people in this room concerning the environment, the risk to the lake itself, safety, wildlife, etc. that the proposed construction of the proposed community boatslip presents.

However, I would like to address something that is of particular concern to me.

Each organization responsible for approving these plans is by necessity looking at the proposal from their own point of view. The corps considers the physical aspects of the development, the county doesn't worry about infrastructure until the development brought about by the building of the boathouse is done, and water patrol only worries about safety after it becomes a problem and then controls access by enforcing no wake zones.

The problem is that nobody is responsible for the big picture. In the city, there is a planning commission and a city council to oversee the impact on the city. There are inspection departments to ensure proper construction. There is nothing here in the county that is ultimately responsible for protecting the use and development of the lake. That puts the responsibility on TVA to protect the overall impact both long term and short term for the well-being of the area you (TVA) have been entrusted with.

I realize that this meeting addresses 1 proposal. What I am asking of you is to consider the long term cumulative impact on the lake of the 4 planned developments in the Honeycomb Area (Shady Oaks, Jagger Branch, Erwin Marine, Snug Harbor Retreat). They impact the county infrastructure and the beautiful lake you are tasked with protecting. Developers are interested in the Honeycomb area because it is so close to Huntsville. But if the long term impact is that in 10 years it is not safe to participate in water sports because of traffic or swim because of the degradation of water quality from over-development or put out a house fire and keep it from spreading because there is no fire protection or even if people are killed on a little 2 lane road because there is no way or money to widen it, then we all lose - TVA, the general public, the people living there today and also those moving into the area without realizing the issues. By limiting community boathouses to areas more appropriate than the Jagger branch area, you can control and protect the lake itself.

To summarize my position, I would like to list both the pros and cons to the proposed construction.

Cons –

1. Potential safety on White Elephant Road – a road not capable of handling the additional traffic from the proposed 44 slips + the additional 20 slips already proposed.
2. Additional stress on an already stressed infrastructure in the valley such as water.
3. Water quality of the lake affected by drastically increased water craft traffic
4. Water quality of the lake affected by proposed dredging
5. Potential safety on the water – an area too small to handle the increased water traffic
6. Destruction of wildlife habitats
7. Destruction of wetlands

Pros –

1. Profit for the developer

All of us have at 1 time or another been denied requests to construct or use the water access on our property. We've had friends fined for cutting trees on White Elephant Road. I personally received a warning for having a volleyball net in the water inside the boundaries of my pier. We did not like it but it because in the long run it meant that TVA was protecting this wonderful resource.

I ask that you, TVA, continue your long standing policy of protection of the lake system and the public and wildlife that use the lakes and deny this request. Progress is great, development is necessary but not when it means the gain of 1 versus the loss of many. Indeed, this change in policy actually means the loss to the masses for the gain of 1 with nothing left for our children in the future.

Thank You

  
JURGEN PARITZ

November 15, 2007

Mr. Ben Bean  
Guntersville/Tims Ford  
Watershed Team  
Tennessee Valley Authority  
3696 Alabama Highway 69  
Guntersville, AL 35976

RE: Public Notice 06-115  
Application No.: 2006-02127

Gentlemen:

I am a homeowner at 1629 White Elephant Rd, Honeycomb Lake and I am writing to express my opposition to the referenced Wesley Long application for two community Boathouses (44 Slips), Boat Channel Dredging, Fixed Pier and Riprap Bank Stabilization. My family has owned our property since the 1950s and I know that this proposed project would create a situation that is unsafe to the public and bad for the environment.

The proposed boathouses are not in the greater public interest because they would seriously contribute to overcrowded water navigation problems that currently exist in the Honeycomb/Jagger Branch area. Honeycomb consists of all single-family dwellings that have complied with TVA standards in the construction of boathouses. These proposed Boathouses do not comply with TVA Standards and the application should be rejected. There are two public boat ramps within a two-mile span of the proposed boathouse. Additionally, Sunrise Marine Dry Storage and Campground already offers boat storage and provides additional access to the lake. I am certain that Sunrise could accommodate the boats that would go into this boathouse.

Safety issues are a huge concern. Honeycomb already draws too many boaters to this relatively small body of water for fishing, skiing/tubing and jet skiing due to the appearance of calm water. The location of these proposed boathouses is particularly dangerous because it is at the end of the cove where most jet-skis and boats pulling skiers, are making their turns. The additional pressures of 44 more boats from these boathouses that would emerge and converge to this tiny spot in the cove and would only add to an already congested and dangerous waterway. We have already had boats collide in this area. Also note that water foliage/milfoil has effectively blocked off a large portion of the lake that parallels US HWY 431 to and beyond CR-5 / CATHEDRAL CAVERNS HWY. Thus most of the water traffic stays cooped-up in the cove

where these boathouses are proposed. The congestion is particularly bad on weekends and we often have to wait until water traffic calms down before we can go out on the lake.

Additionally I am concerned about the road traffic on White Elephant Rd, which is the only road access to the proposed boathouses. My family has owned the property at 1629 White Elephant Rd for more than 40 years. White Elephant Rd is a narrow and winding road that is already marginal for the existing traffic. I would dare say that every one of us has had "near-miss accidents" at one time or another in negotiating this narrow and curving road. The prospect of adding 44+ vehicles on a regular bases to White Elephant Rd is dangerous and should not be allowed.

This area is one of the last undeveloped areas on the lake. I very often take a canoe trip back into this area just to see this natural habitat for many animals such as beaver, fox, bald eagle and other birds and fish. I can't imagine how this would survive the massive dredging that this proposed project will require. The thought of putting a 44-boat slip facility in water that's only a couple of feet deep just doesn't make sense. And when the developers have made their money and are gone who gets to pay for the maintenance dredging that will be required on a pretty frequent basis. But that's probably not a concern for the developer. Please have someone at least do a water depth study to get an accurate dredging requirement.

I respectfully request that you gentlemen visit this site and meet with the residents of the Honeycomb lake area to determine the real impact to the community. Go out on the lake and see where this would go. Stick your paddle in the water and see the real depth. Most of us on White Elephant Rd are longtime property owners who have respectfully followed the rules set forth by TVA and the COE in order to preserve a safe and beautiful piece of our land. Let's don't destroy a beautiful area by over-building and over-populating it, just so some investor can make money. But most importantly, don't create an unsafe accident waiting to happen.

I respectfully request that an Environmental Impact Statement be completed before any decision is made. I thank you for your time and attention to this matter.

Best Regards,



Ralph A. Schuler  
1629 White Elephant Rd  
Grant, Al  
256-535-0955  
schuler10@comcast.net

November 15, 2007

Comments regarding Application No. 2006-02127, Jagger Branch – 44 slip community boathouse

My name is David Nast and my family and I own a home on Jagger Branch at 2047 White Elephant. We are opposed to the proposed commercial developments on Jagger Branch for the following reasons:

**Safety** – We have too much recreational water traffic on this small body of water. Accidents and injuries are occurring and eventually someone is going to be seriously hurt if any additional traffic is introduced in the area. We have several developments in the works, 2 boat ramps, a campground and a fully developed shoreline already. Jagger Branch cannot safely handle additional traffic.

**Environmental Impact** – The proposed boathouse should never be allowed adjacent to the environmentally sensitive area on Jagger Branch. Water quality, wildlife and aquatic life in the area will all be impacted by this development. The significant dredging proposed will also create problems for water quality and wildlife.

**TVA Guidelines** – the proposed boathouse is well beyond the size guidelines that all residents must follow. The only agency that can enforce the rules is TVA and we strongly believe this permit is outside TVA guidelines and should be denied.

Some questions I want answered:

Who is the Jagger Branch Homeowners Association?

How can anyone feel this commercial development makes any sense in this small residential area?

Who will be responsible when someone is fatally injured because of the all the water traffic?

Who speaks for the lake and protects it from unbridled development?

How will thousands of pounds of sludge be disposed of properly?

Can I build a 44 slip boathouse on my property?

I ask you to do the right thing and deny the permit. I can find no reason to allow this development and urge to exercise your own rules to deny this permit.

David Nast  
2047 White Elephant Road

A handwritten signature in black ink, appearing to read 'D. Nast', is written over the typed name and address.

# Long/Jagger Branch Proposal Comment Form

Public Hearing  
November 15, 2007

Name HEIN F. PAETR

Mailing Address 500 HONEYCOMB ROAD GRANVILLE, AL 35747

Comments I AM OPPOSED TO THE LONG JAGGER BRANCH  
COMMUNITY FACILITY PLANNED FOR HONEYCOMB LAKE.

- THE LAKE IS TOO SMALL TO SUPPORT AN ADDITIONAL  
44 BOATS ON AN ALREADY CROWDED LAKE.
- THE END OF THE LAKE IS VERY SHALLOW & NOT  
SUITABLE FOR RECREATIONAL BOATING. SOMEONE  
ON A WAVE RUNNER IN THE SHALLOW WATERS WILL BE  
SEVERELY INJURED OR KILLED.
- HOW WILL THE NEW DEVELOPMENT HANDLE RECREATION  
THE CANAL FROM THE BOATHOUSE AFTER THE DEVELOPER  
LEAVES, BECAUSE THIS WILL RUN ON THE HOMEOWNERS  
HOW WILL YOU ENSURE THAT THE HISTORIC DORMED  
MURPHY OF THE LAKE?
- COMMUNITY BOATHOUSE SHOULD BE BUILT IN  
OPENED COMMUNITIES SUCH AS GOOSE POND &  
ST. CHRISTOPHERS BOAT.
- LOGS, TRUCKS, TRACTORS & OTHER FACTS OCCASIONALLY  
HURTLE THE BANK OF THE LAKE. THE NEW DEVELOPMENT  
WILL DESTRUCTURE THE WILDLIFE AT THE END OF THE  
LAKE.

# Long/Jagger Branch Proposal Comment Form

Public Hearing  
November 15, 2007

Name Leslie Moorer

Mailing Address 6608 Chadwell Road. Huntsville, AL 35802

Comments I strongly oppose the approval of the community boat houses on Jagger branch. I feel it will bring too much traffic to the area and cause the area to become unsafe for boaters and swimmers. Currently there is already a problem with overcrowding and this would just make the problem worse.

Environmental issues are also of concern. More boats will mean more boat pollution.

This development will also require dredging water which will disrupt the ~~area~~ wildlife. Thank you for considering our concerns.

## Public Hearing

My name is Pete Leberte. I am a resident at 450 Honeycomb Road on Jagger Branch of the Guntersville Reservoir. I am speaking in opposition to the proposed construction project including 2 community boat houses (44 boat slips) as described in Joint Public Notice Number 06-115, dated October 27, 2006.

I want to thank you for holding this public hearing so that "we the people" can be heard. First let me say that I am surprised that this permit request has not been denied by the TVA. The TVA has been charged by Congress for providing proper use of lands under their control for the purpose of social development of the Tennessee Valley region. This land which TVA stewards contains some of the most important resources in the area. Many of the parks, recreation areas and wildlife refuges that are so important for the regions quality of life grew up from lands that TVA made available. As stewards of this important resource, TVA has a duty to manage its lands wisely for present and future generations. In my opinion, the people of this community deserve your denial of this permit which obviously does not meet TVA regulations with regard to boathouse size requirements, dredge quantities, marina design standards, nor does it meet USACE small boat basin design standards.

How this permit was considered beyond the local office is beyond me. With the obvious deviation from area use of

TVA managed land, this proposed commercial type facility has no place in this residential community. Also, the lack of need for such a facility, the safety concerns, the pollution concerns, and the habitat destruction should have been reason enough to have denied this permit request immediately upon its submittal.

The Corp of Engineers and TVA should weigh the need for such a facility against the impacts to so many sensitive and natural resources. Available boat access and storage options in the vicinity of the proposed facility suggest that there is no need for the additional boat slips. There are two boat ramps within two miles of the proposed development and dry storage is also available within the area.

Water safety is presently a concern due to the number of boats that frequent Jagger Branch by local residents and non-residents that use the area for fishing and water sports. Boat density for safe recreational boating established by TVA in 2002 allows 10 acres per boat maximum. Of the 166 total acres of Jagger Branch, approximately 63 acres are usable for boating due to water depths and aquatic weeds. Based on the usable acres more than 6 boats at any one time would present a safety concern. There are presently 65 boat slips on the eastern shoreline and 42 on the western shoreline for a total of 107 slips. Eleven more are under construction. With just 5.6% of the existing boats on the water, safety becomes a concern. This does not count the numerous boats in the area from the public boat ramps on Honeycomb Creek. An additional 44 boat slips

on Jagger Branch would significantly increase the already existing water safety problem. In addition, the Snug Harbor Retreat development presently under construction will further increase the number of boats in the area at any given time.

Roadway access to the proposed sight is a narrow winding dead ending road. This road is currently dangerous for residential and school bus traffic. The proposed development could more than double the traffic and significantly increase the chances of a severe accident.

Motorized watercraft can be a source of numerous pollutants into the environment. Marine engines emit petroleum hydrocarbons and oxides of nitrogen adversely affecting air and water quality. Outboard motors discharge their exhaust directly into the water, and inboard motors discharge their exhaust below or at the water line thus polluting the air and water. North Marshall Utilities draws water for use in providing potable water for residents in this area. Additional boats in the area created by the added boat slips will increase the existing pollution by adding toxins from operation, and gasoline and/or oil spills. These additional boating activities have a potential to further degrade the water quality by increasing the main pollutants that have for years continued to plague the reservoir. Almost every boat house or dock currently located in the Jagger Branch embayment is either a single or double slip structure. Permitting two 20+ slip boat houses in this unique embayment would be wholly contrary to the

prevailing permitted practices and would thus destroy the character of the community. Marina type boat houses in a residential community would be incompatible with surroundings and inconsistent with an approved TVA reservoir land management plan.

We are sometimes reminded that our government is for “we the people” and government agencies like TVA should make decisions for “the people”. So, “we the people” of this community are asking you to deny this permit for our interest and the best interest of all the people of the Guntersville area.

Presented at TVA public hearing - November 15, 2007  
Marshall County Court House, Commission Chambers,  
Guntersville, Alabama.