

**Appendix E – Public Notice Responses
(including Agency Responses and Applicant’s Rebuttal)**

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DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mallard Bay Association, Inc.
c/o Realty Resource Systems
P.O. Box 51767
Knoxville, TN 37950

Dear Sir or Madam,

We received your letters dated 4/22/08, 4/30/08, 5/26/08 & 6/4/08 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

→ DT
CS
6/5

**Mallard Bay Association, Inc.
C/o Realty Resource Systems
P.O. Box 51767
Knoxville, TN 37950
Phone: (865) 584-9099; Fax: (865) 584-9095**

June 4, 2008

Ms. Deborah T. Tuck
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road
Nashville, TN 37214

RE: Jefferson Park Application for Boat Dock Permits

Dear Ms. Tuck:

Enclosed is a letter the Mallard Bay Homeowners Association has sent to TVA Little Tennessee Watershed Team that outlines their opposition to any applications for boat docking facilities to serve any of the lots within the new residential development, Jefferson Park, that are not lakefront lots.

The Mallard Homeowners Association would like to request a public hearing be held due to the reasons stated in the enclosed letter.

Thank you for your prompt attention to this matter.

The Mallard Bay Homeowners Association

65 JUN 2008

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2008-00262
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May 26, 2008

Ms. Deborah T. Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Dear Ms. Tuck,

The undersigned are members of the Mallard Bay Association, Inc.

We want to express our concerns regarding the "Jefferson Park Application for Boat Dock Permits" consistent with the objections and concerns expressed by The Mallard Bay Homeowners Association in a letter to Ms. Janet Duffy on April 22, 2008, a copy of which is included. We are a group of neighbors who live directly across from the proposed docks, and will certainly be negatively effected by the over population of docks and boats as described in the letter by our association representatives.

Regards, and thank you for your consideration.

<u>Tracy & Kathy Saffert</u>	<u>17401 MALLARD BAY DR.</u>
<u>Chris & Julie Ramsay</u>	<u>12325 Mallard Bay Dr.</u>
<u>Ann & Gayle Goldfeld</u>	<u>12316 Mallard Bay Lane</u>
<u>Bill & Judy Poley</u>	<u>12310 Mallard Bay Drive</u>
<u>SCOTT & NANCY KRAHL</u>	<u>12206 Mallard Bay DR.</u>
<u>Carolyn Whithurst</u>	<u>12518 Dockside Ln.</u>
<u>Leonard T Jones</u>	<u>12292 Mallard Bay Dr.</u>
<u>Tracy & Ellen</u>	<u>12506 Dockside Lane</u>
<u>Mr & Mrs John Kanigh</u>	<u>12500 Dockside Lane</u>
<u>Mr & Mrs Dale Read</u>	<u>12505 Dockside Lane</u>
<u>Mr & Mrs. Casey Watkins</u>	<u>12125 Mallard Bay Dr.</u>

<u>Jimmy O'Hara</u>	<u>12122 MALLARD Bay Dr.</u>
<u>Donna</u>	<u>12515 Gatewater Dr</u>
<u>Juan & Bruce Chandler</u>	<u>12508 Gatewater Lane</u>
<u>Lamus Storer</u>	<u>12118 MALLARD BAY DR.</u>
<u>Kay Scott Nowinski</u>	<u>12501 Mallard Bay Dr.</u>
<u>Ernie Zoff</u>	<u>12109 Mallard BAY Dr.</u>
<u>James J. Butler</u>	<u>12501 CLIFFROCK LANE</u>
<u>Terri Hale</u>	<u>12007 Mallard Bay Dr.</u>
<u>Ken & Theresa Hudak</u>	<u>12000 Mallard Bay Dr</u>
<u>Wallie & Donna Lubbreth</u>	<u>12509 Mallard Bay Dr.</u>
<u>Aly E Fathy</u>	<u>12506 Mallard Bay Dr.</u>
<u>Steve & Joan Shindler</u>	<u>12500 Mallard Bay Dr.</u>
<u>Patricia Mascard</u>	<u>12501 Mallard Bay Dr</u>
<u>Jeddy & Christina Phillips</u>	<u>12423 Mallard Bay Dr.</u>
<u>W. & Cheryl Fogna</u>	<u>12419 Mallard Bay Dr.</u>
<u>George & Beth Cox</u>	<u>12317 Mallard Bay Dr.</u>
<u>John E. Denton</u>	<u>12322 Mallard Bay Dr.</u>
<u>Kenneth Jones</u>	<u>12415 Mallard Bay Dr.</u>
<u>[Signature]</u>	<u>12418 MALLARD BAY DR.</u>
<u>[Signature]</u>	<u>12521 MALLARD bay Dr.</u>

~~D. J. ...~~

~~E. ...~~

~~Kay ...~~

~~Kim ...~~

~~Amey ...~~

~~Ch. ...~~

Mary L. Albrecht

~~...~~

~~...~~

St. M. ...

Jane Koopmans

~~...~~ J. Down Keller

Fran McKeen

Kim McKeen

Michael ...

~~...~~

James L. ...

Gene & Cindy ...

Alpen ...

Stacy ...

12010 Mallard Bay Drive

12612 Bayview Dr.

12617 Bayview Dr.

12625 Bayview Dr.

12641 Bayview Dr.

12649 Bayview Dr.

12659 Bayview Dr.

12665 Bayview Drive

12678 Bayview Dr.

LOT 81

12678 Bayview Dr.

12660 Bayview Dr.

12648 Bayview Dr.

12642 Bayview Dr.

12636 Bayview Dr.

12624 Bayview Dr.

12515 Clifcock Lane

12104 Mallard Bay Dr.

12126 Mallard Bay Dr.

12215 Mallard Bay Dr.

Johnnie Barry	12701 Mallard Bay Drive
Jon Barry	12701 Mallard Bay Drive
Bije + Martha Tomb	12683 Bay View Drive
Albert + Linda Bull	12717 Mallard Bay Dr.
Jackie Windham	12705 Mallard Bay Dr
Thomas O'Neil	" " " "
George + Lisa Jones	12613 Mallard Bay Dr.
Rod + Sandy Rzeutko	12607 Mallard Bay Dr
John + Nancy Martin	12 Mallard Bay Dr
Brett + Allyson Milz	1101 Blue Teal Ln
Patsy + Ron Barker	1115 Canvas Back Lane
John + John	1123 Canvas Back Lane
Vito + Colleen Greco	1122 Canvas Back Lane
Bary + Kunc Ducky	1114 CANVAS BACK LN
Michael + Terri Borch	1108 Canvas Back Ln
Margaret Morris	1101 Canvas Back Lane
Jennifer Bow	1100 Canvas Back Ln.
Doug + Denise Krause	12677 Bayview Drive
Keith + Joe Casper	12710 Mallard Bay Drive
Diana + Damon Falke	1107 Blue Teal Lane

Mallard Bay Association, Inc.
C/o Realty Resource Systems
P.O. Box 51767
Knoxville, TN 37950
Phone: (865) 584-9099; Fax: (865) 584-9095

April 22, 2008

Janet Duffy
TVA Little Tennessee Watershed Team
260 Interchange Park Drive
Lenoir City, TN 37772

RE: Jefferson Park Application for Boat Dock Permits

Dear Ms. Duffy:

The Board of Directors of Mallard Bay Subdivision, which is located across the Little Turkey Creek embayment from the new residential development known as Jefferson Park would like to lodge their objections to any applications for boat docking facilities to serve any of the lots within Jefferson Park that are not lakefront lots. It is our understanding that the developer of Jefferson Park has made application for docking facilities that would be appurtenant to interior lots within the subdivision.

The Board has based their objections upon the fact that the embayment, being of limited size, already accommodates substantial boat traffic with the existing level of development, which boat pressure naturally will increase with the addition of what appears to be an additional 33 lakefront lots within Jefferson Park. The further addition of docking facilities for homeowners who do not own direct lake frontage would unnecessarily expand the number of boats using the embayment and increase all of the consequences that go with such increased traffic. More boat congestion in this relatively small but heavily populated embayment would increase the risk of accidents on the water and contaminates from fuel.

The Board opposes these day use facilities and is concerned about pollution, gas and oil spills remaining in the area due to limited flow of water, safety, lighting, traffic, noise, small size of cove relative to size of facility requested.

Of particular concern to the Mallard Bay homeowners is the precedent that would be set if approval of these requests were granted. Most individuals do not expect boat docking privileges connected to their residence unless they own a lakefront lot. By granting docking capacity for lots internal to a lakeside subdivision, why wouldn't every such subdivision expect to obtain the same accommodation? What is now an almost untenable level of traffic will surely become absolutely dangerous when Jefferson Park, Mallard Bay, Montgomery Cove, The Woods and future subdivisions on currently undeveloped land on the embayment all seek additional docking privileges for internal lot owners.

April 22, 2008
Page 2

For all of these reasons, we would respectfully request on behalf of the Mallard Bay Homeowners that the Jefferson Park requests be denied and that if any sort of hearing or meeting is scheduled in connection with this matter, that you please notify the Mallard Bay Association so that the homeowners can attend and be heard.

Thank you for your attention to this matter.

The Mallard Bay Homeowners Association

**Mallard Bay Association, Inc.
C/o Realty Resource Systems
P.O. Box 51767
Knoxville, TN 37950
Phone: (865) 584-9099; Fax: (865) 584-9095**

April 30, 2008

Janet Duffy
TVA Little Tennessee Watershed Team
260 Interchange Park Drive
Lenoir City, TN 37772

RE: Jefferson Park Application for Boat Dock Permits

Dear Ms. Duffy:

The Board of Directors of Mallard Bay Subdivision, which is located across the Little Turkey Creek embayment from the new residential development known as Jefferson Park would like to lodge their objections to any applications for boat docking facilities to serve any of the lots within Jefferson Park that are not lakefront lots. It is our understanding that the developer of Jefferson Park has made application for docking facilities that would be appurtenant to interior lots within the subdivision.

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April 30, 2008
Page 2

For all of these reasons, we would respectfully request on behalf of the Mallard Bay Homeowners that the Jefferson Park requests be denied and that if any sort of hearing or meeting is scheduled in connection with this matter, that you please notify the Mallard Bay Association so that the homeowners can attend and be heard.

Thank you for your attention to this matter.

The Mallard Bay Homeowners Association



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. & Mrs. Joe Campbell
12665 Bayview Drive
Knoxville, Tennessee 37922

Dear Mr. & Mrs. Campbell,

We have received your letter dated June 9, 2008 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

Joe and Jackie Campbell
12665 Bayview Dr.
Knoxville, TN 37922

June 9, 2008

RE: Application No. 2008-00262

Ms. Deborah T. Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Dear Ms. Tuck:

We are requesting a public hearing to address the negative impact of the proposed fixed community docks at Little Turkey Creek by the developers of Jefferson Park Subdivision.

These large community docks would house 38 boats for non-lakefront properties, greatly changing the aspects of this cove. We would like to see an Environmental Impact Study of such a marina in a small cove that appreciates little circulation of water. The water pollutants from gasoline and oil, as well as the sound and light pollutants, would have an adverse affect on this natural resource.

Presently, the neighboring communities of Montgomery Cove, The Woods, and Mallard Bay, as well as many other people, enjoy this cove for recreation and swimming. If this docking facility is permitted, water safety issues would be inevitable due to the increased traffic.

Please take into account the needs and welfare of the entire community when considering this proposal.

Sincerely,

A handwritten signature in black ink that reads "Joe & Jackie Campbell". The signature is written in a cursive, flowing style.

Joe and Jackie Campbell



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Paul Becker
12638 Woodcove Lane
Knoxville, TN 37922

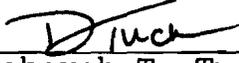
Dear Mr. Becker,

We have received your letter dated June 5, 2008 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,



Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

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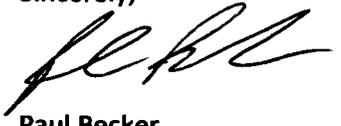
Paul Becker
12638 Woodcove Lane
Knox. TN 37922

June 5, 2008

Dear Ms. Deborah T. Tuck,

I am writing this letter to protest the building of the common docks for the Jefferson Park neighborhood in Knoxville Tennessee. I currently own property on the water in Mallard Bay (lot 14) and live on the lake in The Woods of Montgomery Cove (12638 Woodcove lane). I use the Little Tennessee water way significantly. I can attest to the increase traffic in the past two years without the added lake lot access of Jefferson Park let alone the proposed common dock access. I protested the building of the common dock for 20 personal water craft in Preston Park neighborhood for the same reason and this fell on unconcerned ears. The community standard for all the neighborhoods on the Little Tennessee water way allows lake lots to have boat docks and inland lots to have ramp access only, no common docks for mooring boats. But, I understand that money is a main motivator in the United States. Therefore, if this common dock gets approved I would expect to build a common dock on my lake lot to sell to inland lots so I can make some passive income. I know people want access to the water, but some standard must be upheld for the safety of my four children that swim, fish, and canoe in the cove. I would appreciate attention to this matter or at least a public hearing.

Sincerely,



Paul Becker

Cell 865-254-7122

06 JUN 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Jeffrey P. Belk
12223 Mallard Bay Dr.
Knoxville, TN 37922

Dear Mr. Belk,

We have received your letter dated June 3, 2008 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

→DT
or
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Jeffrey P. Belk
12223 Mallard Bay Drive
Knoxville, TN 37922

June 3, 2008

RE: Marina at Jefferson Park Subdivision

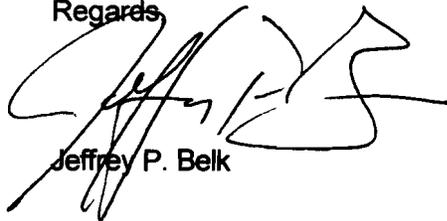
Ms. Deborah T. Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Dear Ms. Tuck,

I wanted to take a moment to write to you protesting the proposed 38 slip marina in Little Turkey Creek as part of the new Jefferson Park Development off of North Shore Rd. in Farragut, TN. Currently I live in Mallard Bay on Little Turkey Creek and I can assure you that if a marina is built, in addition to the 36 planned docks that will go in with the lake front lots which have waterfront access, this cove will become unusable as a recreation area. In addition I strongly believe that it will have a tremendous negative environmental effect to have that many motorized water craft in a very small body of water. Furthermore, this small body of water is already very shallow and does not receive adequate flow due to the physical nature of the lake. The only wash of the area comes from rain water run off and nothing from the natural flow of the river. I'm curious if an environmental impact study has been performed and if so if that is something of public record to review? Additionally I can attest to the fact that currently on weekends there is so much activity in the cove that it is unusable to swim or fish in from the constant wakes of boats coming and going. The area currently is a high traffic safety concern for Mallard Bay, Montgomery Woods, Preston Park and The Woods at Montgomery Cove subdivisions. I am quite certain that if the TVA allows an additional 36 individual boat docks and an additional 38 community boat docks totaling 74 in all, the congestion in this tiny body of water will be so great that it will without doubt pose a serious water safety risk.

For the record I am not against the owners of individual lake front lots in Jefferson Park having private docks and water access. That certainly is the benefit of lake front living and that is the value in which they are purchasing. With that said, currently there is no other neighborhood on Little Turkey Creek, including Mallard Bay, Preston Park, Montgomery Cove or the Woods at Montgomery Cove that have a private marina. I would strongly request that the TVA not allow this. Additionally, I would request that if you are considering this, that a public hearing be held so that all land owners in the aforementioned developments that presently enjoy Little Turkey Creek can be present to voice their opinions.

Regards,



Jeffrey P. Belk

05 JUN 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Daniel Roling
12415 Mallard Bay Dr.
Knoxville, TN 37922

Dear Mr. Roling,

We have received your letter dated May 28, 2008 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

→DT
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6/4

Daniel Roling
12415 Mallard Bay Drive
Knoxville, TN 37922

May 28, 2008
Ms. Deborah T. Tuck
Nashville District Corps of Engineers,
Regulatory Branch
3701 Bell Road Nashville,
TN 37214

To Whom It May Concern.,

I am writing you regarding the proposal by the developer of Jefferson Park to extend his privileges as a homeowner of Mallard Bay to the residences of his development. I am opposed to this idea for many reasons, including increased traffic in a residential area not designed to accommodate it, increase noise, increase in pollution, as well as issues related to safety – both on the water and in the street.

I respectfully request that a public hearing be held to discuss both sides of this issue. It is my belief that when Mallard Bay was designed and approved for development that access to the water was part of the consideration and it was never the intention to extend the docking privileges beyond the planned development. The cove at Mallard Bay is already heavily used and contains much boat and jet-ski traffic, to add more docking space and invite in surrounding developments to share in the limited facilities would, in my opinion, put a strain on both the Mallard Bay community and the facilities.

Another concern I have regarding this request is the precedent it would set, should it be approved, for other developers of land locked lots and their approach to attaining access to water for their developments. The purchase of one lot in a water front community by a developer would be a small price to pay to gain access for significant number of lots in a land locked development. The economic impact on waterfront communities however would be, in my opinion, quite damaging. There would no longer be a need to purchase a home in a waterfront community to have the same privileges if they could be exported to adjoining, land-locked developments. Thus, the value of homes in the water front developments would deteriorate, which could ultimately lead to a re assessment for tax purposes.

It is my view that the economic impact on existing developments would be significant. In addition, I would be concerned about traffic, noise, safety, pollutions, to name a few of my concerns. Therefore, I respectfully request that a public hearing be held to discuss this issue.

Sincerely,

Daniel Roling
12415 Mallard Bay Drive
Knoxville, TN 37922

Lot 13 and Lot 14

MAY 29 2008

JUN 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

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SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Gary A. Price
12215 Mallard Bay Dr.
Knoxville, TN 37922

Dear Mr. Price,

We have received your letter dated June 2, 2008 commenting on the proposed work at the subject location.

Your comments and request for public hearing are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

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Sincerely,


Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

→PT
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6/3

Gary A. Price
12215 Mallard Bay Dr.
Knoxville, TN 37922
865-671-0391

June 2, 2008

Ms. Deborah T. Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

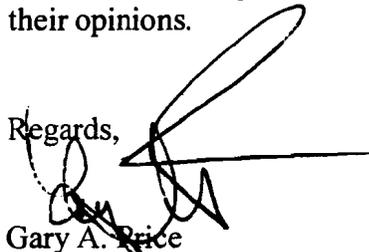
Dear Ms. Tuck;

I wanted to take a moment to write to you protesting the proposed 38 slip marina in Little Turkey Creek as part of the new Jefferson Park Development off of North Shore Rd. in Farragut, TN. I live in Mallard Bay on Little Turkey Creek and I can assure you that if a marina is built, in addition to the 37 planned docks that will go in with the lake front lots which have waterfront access, the cove will be unusable as a recreation area.

Additionally, I strongly believe that it will have a tremendous negative environmental effect to have that many motorized water craft in a very small body of water. I can personally tell you that on weekends today there is so much activity in the cove that it is unusable to swim or fish in from the constant wakes of boats coming and going. If the TVA allows 75 more private docks to be constructed in this tiny body of water the congestion will be so great that it will pose a water safety risk.

I am not against the owners of individual lake front lots in Jefferson Park having private docks and water access, as that is what they are buying, but there is no other neighborhood on Little Turkey Creek, including Mallard Bay, Preston Park, Montgomery Cove or the Woods at Montgomery Cove that have a private marina. I would strongly request that the TVA not allow this. Additionally, I would request that if you are considering this, that a public hearing be held so that all land owners in the aforementioned developments that presently enjoy Little Turkey Creek can be present to voice their opinions.

Regards,


Gary A. Price

02 JUN 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. & Mrs. Aron Goldfeld
12316 Mallard Bay Drive
Knoxville, TN 37922

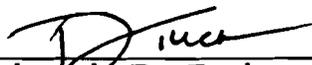
Dear Mr. & Mrs. Goldfeld,

We have received your letter dated May 28, 2008 commenting on the proposed work at the subject location.

Your comments are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,



Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

→DT
or
c/r

**Hayley and Aron Goldfeld
12316 Mallard Bay Drive
Knoxville, TN 37922
Phone: (865) 288-0911**

May 28, 2008

Ms. Deborah T. Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

RE: Jefferson Park Application for Boat Dock Permits

Dear Ms. Tuck:

As a homeowner in the Mallard Bay Subdivision, which is located across the Little Turkey Creek embayment from the new residential development known as Jefferson Park, we would like to lodge our objection to any applications for boat docking facilities to serve lots within Jefferson Park that are not lakefront lots. It is our understanding that the developer of Jefferson Park has made application for docking facilities.

As a homeowner, parent, lake patron and boat owner, we request that you reject any application for such additional facilities. The traffic, congestion, noise pollution and water pollution would be a detriment to the community. The danger from the boats speeding by or the danger from the water pollution is something that strongly worries us. The proposed docking facilities would be in an area where the cove size is small and where there is a limited flow of water. Our strongest objection and concern is that our children swim in the lake close to the proposed docking facilities.

We recently moved to Tennessee last summer and were impressed by the beauty of Tennessee, the lovely lakes and how clean they were. We hope an environmentally conscience state would reject the additional boat slips.

Please realize that the addition of the Jefferson Park docking facilities to this residential area would be detrimental to the communities surrounding Jefferson Park. This does not just affect Mallard Bay; it affects Montgomery Cove and The Woods at Montgomery Cove. In addition to these communities there are other communities and homes that are on the water or near the water. The sound echoes to many of these communities and the safety issues and water pollution affects all.

Should you need to contact us, please feel free to call us at the above number.

Thank you for your consideration in this matter.

Sincerely,


Hayley and Aron Goldfeld

02 JUN 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262, Public Notice 08-11; Two Proposed Community Docks, Riprap, One Boat Ramp and Two Private Water Intakes (at each dock) at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Thomas M. Hale
Kramer Rayson LLP
P.O. Box 629
Knoxville, TN 37901-0629

Dear Mr. Hale,

We have received your letter dated March 11, 2008 commenting on the proposed work at the subject location.

Your comments are being made a part of the record and will be considered in making a final determination on the permit request. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons thereof. A copy of your letter has been forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. A copy has also been forwarded to the Tennessee Valley Authority.

Thank you for your comments on this proposal. If you have any questions, please contact me at our above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN

KRAMER RAYSON LLP
ATTORNEYS AT LAW

POST OFFICE BOX 629
KNOXVILLE, TENNESSEE 37901-0629

tomhale@kramer-rayson.com

E. H. RAYSON
JOHN B. RAYSON
JOHN T. JOHNSON, JR.
WARREN L. GOOCH
WAYNE R. KRAMER
EDWARD G. PHILLIPS
THOMAS M. HALE
JACKSON G. KRAMER
BEECHER A. BARTLETT, JR.
ROBERT W. KNOLTON
JOHN C. BURGIN, JR.
ADRIENNE L. ANDERSON
CHARLES M. FINN
ROBERT A. CRAWFORD
ROBERT P. MURRIAN
JOHN E. WINTERS
ROBERT L. BOWMAN
CHARLES C. YOUNG, JR.
FRANCIS L. LLOYD, JR.
AMANDA M. BUSBY
STEVEN E. KRAMER
ANN E. BARTWELL
KATE E. TUCKER
BETSY J. BECK
WILLIAM J. CARVER
SUSAN SCHULTZ DAVIS

SPECIAL COUNSEL
SHANNON D. COLEMAN

OF COUNSEL
DONELSON M. LEAKE
HUGH W. MORGAN
G. WILSON HORDE

OFFICES
FIRST TENNESSEE PLAZA, SUITE 2500
800 SOUTH GAY STREET
KNOXVILLE, TENNESSEE 37929
TELEPHONE 865 525-5134
TELECOPIER 865 522-5723

105 OONNER DRIVE, SUITE B
OAK RIDGE, TENNESSEE 37830
TELEPHONE 865 220-5134
TELECOPIER 865 220-5132

R. R. KRAMER (1988-1999)
CARTER B. WALL (1918-1988)
ANDREW JOHNSON (1918-1988)
JACKSON C. KRAMER (1921-1993)
R. ARNOLD KRAMER (1916-1993)

March 11, 2008

Ms. Rachel Terrell
TVA Little Tennessee Watershed Team
260 Interchange Park Drive
Lenoir City, Tennessee 37772

RE: Jefferson Park Application for Boat Dock Permits

Dear Ms. Terrell:

We have been requested by certain residents of Mallard Bay Subdivision which is located across the Little Turkey Creek embayment from the new residential development known as Jefferson Park to lodge their objections to any applications for boat docking facilities to serve any of the lots within Jefferson Park that are not lakefront lots. It is our understanding that the developer of Jefferson Park has made application for docking facilities that would be appurtenant to interior lots within the subdivision.

The parties that we represent base their objections upon the fact that the embayment, being of limited size, already accommodates substantial boat traffic with the existing level of development, which boat pressure naturally will increase with the addition of what appears to be an additional 33 lakefront lots within Jefferson Park. The further addition of docking facilities for lot owners in the subdivision who do not own direct lake frontage would unnecessarily expand the number of boats using the embayment and increase all of the consequences that go with such increased traffic. More boat congestion in this relatively small but heavily populated embayment would increase the risk of accidents on the water and contaminates from fuel.

Of particular concern to our clients is the precedent that would be set if approval of these requests were granted. Most individuals do not expect boat docking privileges connected to their residence unless they own a lakefront lot. By granting docking capacity for lots internal to a lakeside subdivision, why wouldn't every such subdivision expect to obtain the same accommodation? What is now an almost untenable level of traffic would surely become absolutely dangerous if and when Jefferson Park, Mallard Bay, Montgomery Cove, The Woods

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TVA - LTWT

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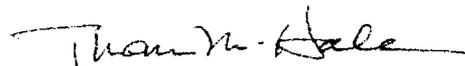
Ms. Rachel Terrell
March 11, 2008
Page 2

and future subdivisions on currently undeveloped adjacent land all seek additional docking privileges for internal or non-waterfront lots.

For all of these reasons, we would respectfully request on behalf of our clients that the Jefferson Park requests be denied and that if any sort of hearing or meeting is scheduled in connection with this matter, that you please notify the undersigned so that we and our clients can attend and be heard.

Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink that reads "Thomas M. Hale". The signature is written in a cursive style with a long horizontal flourish at the end.

Thomas M. Hale

TMH/pm

cc: Jeff Fuqua, M.D.
George Counts
Chris Ramsey, M.D.
Chuck Mascioli, M.D.

→ DT
or
6/3

THE WOODS AT MONTGOMERY COVE HOMEOWNER'S ASSOCIATION

June 4, 2008

Ms. Deborah Tuck
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

RE: Public Notice No. 08-11; Application Number 2008-00262

Dear Ms. Tuck:

I am the current President of the Board of Directors for the Homeowners Association for The Woods at Montgomery Cove ("Woods") a subdivision that is located in the same lake cove area as where the Jefferson Park Subdivision is now being constructed and the proposed site of two fixed community boat docks (hereinafter referred to as "Docks") that are described in the above-referenced Public Notice.

In the Public Notice, the decision as to whether to allow or disallow the permit to ultimately build the Docks is based on the evaluation of the probable impacts including the cumulative impact of the activity on the public interest. The benefit, as written in the Public Notice, which reasonably may be expected to occur, must be balanced against its reasonably foreseeable detriments – hence the benefit must exceed the cost to implement. This is a standard against which most decisions are made, which in this instance and at its core, requires an assessment as to the "benefits" to be derived from the Docks. Currently all the subdivisions that exist within the Cove identified as Little Turkey Creek on the Map accompanying the Public Notice, permit the use of individual boat docks for lakefront property but require other owners to utilize the resources of other public docks, which would include Concord Park Marina, Lakeside Marina to name a few. Since I am not a boat owner, I am not aware of all the available public docks in the area though I am of the opinion that there are adequate resources to meet the current demand.

● 5 JUN 2008

I am at a loss as to how the construction of two community docks that are available to service only the needs of the homeowners that live in a particular neighborhood would yield a benefit to the general public. I understand that it may make that particular neighborhood more appealing, which serves to increase the value of that particular neighborhood, thus benefitting the builder, but not the general public.

Our Board's concerns and those of the Boards of Mallard Bay, and Montgomery Cove to name a few, are more focused on the "costs" of creating these Docks. Specifically, we are concerned about the potential for higher incidences of gas and oil spills and the environmental impact thereon, the increased boating traffic in an already limited area (meaning that the permit to allow for some 38 additional boats (16 on Common Lot 1 and 22 on Common Lot 2) in a relatively small cove. Higher boat traffic using the embayments in these existing subdivisions would of course increase the risk of boating accidents and as mentioned above likelihood of higher and potentially unacceptable levels of contaminates, as well as pollution (noise and litter). These are just some of the "costs" that are being weighed against the "benefits."

As importantly, if the current proposal is accepted, what would preclude other neighborhoods with undeveloped land from proposing similar fixed docks for non-lakefront property homeowners designed to increase the "benefit" of living in that subdivision. And, if a "benefit" to be derived is the visibility or attractiveness of a particular community to offer non lakefront fixed boat docks, how then could any of the other subdivisions **not** be afforded this opportunity. I believe that the granting of this permit to Jefferson Park provides for a "slippery slope" toward a much larger problem.

It is based on the circumstances outlined above that we respectfully request that the permit for the Fixed Docks at Jefferson Park be denied that in this particular application, cost of the project relative to the general public far outweigh the benefits provided therein.

Sincerely,



Jerry L. Felix
President

Cc: Ms. Janet Duffy, TVA Little Tennessee Watershed Team
Ted Butcher, Vice President
Angel Norman, Treasurer

----- Original Message -----

From: Tuck, Deborah T LPN

Sent: Wednesday, August 20, 2008 12:12 PM

To: 'Barry'

Subject: RE: Conditions at the Little. Turkey Creek Embayment, Tennessee River, Vicinity of Farragut, TN

Importance: High

Dear Mr. Totten,

TVA forwarded me a copy of their letter sent in response to your email below. Like TVA, we also consider erosion impacts in our Environmental Assessment, but we are not the regulating body.

I forwarded your email to TDEC, Knoxville Field Office for their information. We do work closely w/TDEC in all projects involving the discharge of fill/dredged material directly into the waterway, which is what we regulate under the Clean Water Act. Examples of this would be the bank stabilization and boat ramp projects, such as TVA mentioned and/or the applicant applied approval for. However, specific erosion control, stormwater runoff, upland development erosion control is controlled by the State. Therefore, we forward these issues of concern to them.

Thanks again.

Deborah T. Tuck

Regulatory Specialist

U.S. Army Corps of Engineers 3701 Bell Road

Nashville, TN 37214

Ph: (615) 369-7518

Fx: (615) 369-7501

deborah.t.tuck@usace.army.mil

May You Always Have Love to Share,
Health To Spare and Friends Who Care

Duffey, Janet L

From: Duffey, Janet L
Sent: Tuesday, August 19, 2008 4:00 PM
To: 'Barry'
Cc: 'Tuck, Deborah S LRN'
Subject: RE: Conditions at the Little Turkey Creek Embayment, Tennessee River, Vicinity of Farragut, TN

Dear Mr. Totten:

Thank you for your e-mail regarding construction activities at the newly platted Jefferson Park Subdivision.

In managing the river system, TVA uses an integrated method that balances water quality with the other demands on the system. However, TVA doesn't have the authority to regulate water pollution. The EPA and each of the Valley states that share the river set their own pollution regulations and grant discharge permits. Those controls are mostly focused on business and industrial operations located along the river, not on the activities of the general public. For specific information on local and state regulations that may apply to this development, please contact the Tennessee Department of Environment and Conservation Division of Water Pollution Control at 1-865-594-6035 or visit www.state.tn.us/environment . Knox County Stormwater Management is also an excellent resource regarding erosion control and management at (865)215.5800 or visit www.knoxcounty.org/codes/erosion .

Specifically, you stated that you are concerned about the removal of trees and other vegetation along the shoreline as well as the continued erosion of the bank at the currently platted Jefferson Park Subdivision. Because this is privately owned property, TVA cannot require limitations to the removal of vegetation or require that the owners stabilize their privately owned shoreline, although we encourage both. In the case of Jefferson Park Subdivision, TVA has issued approvals for shoreline stabilization at all of the individually owned lots and the developer has requested approval of shoreline stabilization at the two community lots as well.

If you have any other question, please call me.

Janet L. Duffey
TVA Little Tennessee Watershed Team
260 Interchange Park Drive
Lenoir City, Tennessee 37772

Direct Phone 865.632.1302
Direct Fax 865.632.9358
Team Phone 865.632.1300

From: Barry [mailto:bntotten@aol.com]
Sent: Tuesday, August 19, 2008 12:51 AM
To: Duffey, Janet L
Cc: jackieannk@tds.net
Subject: FW: Conditions at the Little Turkey Creek Embayment, Tennessee River, Vicinity of Farragut, TN

Ms. Duffey, Request your assistance in the matter below that I conveyed to the Commander of the Nashville Engineer District.

We greatly appreciate your engagement and support.

Thx,
Barry Totten

----- Original Message -----

From: Barry [mailto:bntotten@aol.com]
Sent: Friday, August 15, 2008 4:59 PM
To: 'Bernard R.'
Cc: Deborah.T.Tuck@usace.army.mil; jackieannk@tds.net
Subject: Conditions at the Little Turkey Creek Embayment, Tennessee River, Vicinity of Farragut, TN

Dear LTC Bernard,

Request your assistance and attention into a matter of great importance to our neighborhood (Mallard Bay subdivision) and the adjacent area.

I'm writing in response and to expand upon a previous dialogue between a member of your staff (D. Tucker) and the president of the Homeowners Association where I reside near Farragut, TN.

The matter relates to the continuing deterioration of the river bank, increased sedimentation into the cove, and the pending permit submitted by the Jefferson Park development, File No. 2008-00262.

Over the past six months, the developer has removed trees, bushes, and ground cover from the street to the shoreline, in preparation for housing starts. The installed silt fence may serve to reduce runoff, but does nothing to mitigate on-going erosion to the 2+ miles of unprotected shoreline. Each day and especially on weekends, wake from passing boats reduces the shoreline and adds to the silting of the water body. The red clay discolored water is visible from quite a distance. Recent heavy seasonal rains have compounded the problem.

We are concerned about the impacts to the ecosystem—water, land, plants, and creatures. The Little Turkey Creek Embayment is a "back water cove" off the main channel of the Tennessee River. There are maybe two or three intermittent streams supporting the cove. In view of the fact that Jefferson Park is a new development and the "flash to bang time" to build out, it will be several years before the waterfront properties will be sold and built upon. If left unprotected, their land will be diminished by erosion, as will the water quality in our cove.

The evidence to date provides indicators of lacking environmental stewardship. I understand there have been multiple requests for a public hearing related to the permit request. Permit

award may be eminent.

Consistent with your Commander's intent: Protect the People from Water, Protect the Water from People, and Make Water Useful, there needs to be immediate action taken to preclude further environmental damage to the water quality, shoreline, and surrounding ecosystem.

Respectfully request your assistance and a stay to processing this permit and any related permits until the following occurs:

- a ground survey by COE/TVA/state personnel
- public hearing
- developer provides an appropriate mitigation/restoration plan

It is my attention to also bring attention of this matter to the appropriate authorities at TVA and the state of Tennessee.

Appreciate all that you do and thank your for your consideration.

Essayons!

VR,

Barry N. Totten

COL(R), EN

865.621.9647 mobile

File copy



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214-2660

REPLY TO
ATTENTION OF

October 6, 2008

Regulatory Branch (1145b1)

SUBJECT: Freedom of Information Act Request

Mr. Joe R. Judkins
Judkins Law Firm
1143 Oak Ridge Turnpike
Suite 202
Oak Ridge, Tennessee 37830

Dear Mr. Judkins:

This is in response to your August 18, 2008 Freedom of Information Act request for documents relative to the proposed community facilities at Jefferson Park Subdivision located on Little Turkey Creek, Miles 1.8 and 2.0, Right Bank, a tributary to Tennessee River Mile 616.4, Right Bank, Fort Loudoun Lake, Knox County, Tennessee. Our file number is 2008-00262.

As requested, we have enclosed copies of documents pertaining to the proposal and the applicant's request for a Department of the Army permit. There is no charge for these documents.

If you have any questions regarding this matter, please contact Mr. William L. James at the letterhead address, telephone (615) 369-7508, or e-mail at william.l.james@usace.army.mil.

Sincerely,


Ronald E. Gatlin
Chief, Regulatory Branch
Operations Division

Enclosures

CF: OC (Pam Schmaltz)

August 28, 2008

Joe R. Judkins
Judkins Law Firm
Central Park Building
1143 Oak Ridge Turnpike, Suite 202
Oak Ridge, TN 37830

Dear Mr. Judkins:

This responds to your letter to Janet Duffey in TVA's Lenoir City office dated August 18, 2008, in which you requested information under the Freedom of Information Act (FOIA) 5 U.S.C. § 552 (2000 & Supp. V 2005). You asked for all records regarding the Jefferson Park Subdivision, specifically any applications for a community boat dock or docks.

Enclosed are two applications for fixed community docks that are responsive to your request. Please note that these applications are still under review and no decision has been made with regard to issuance of permits. We have redacted a small amount of personal information from the enclosed records pursuant to FOIA exemption 6. FOIA exemption 6 protects the personal privacy rights of individuals.

You may appeal this initial determination of your FOIA request by writing to Ms. Emily J. Reynolds, Senior Vice President, Communications, Government & Valley Relations, Tennessee Valley Authority, One Century Plaza, Suite 100, 26 Century Boulevard, Nashville, TN 37229-2409. See 18 C.F.R. § 1301.9 (2003). Any appeal must be received by Ms. Reynolds within 30 days of the date of this letter.

Sincerely,

original signed by

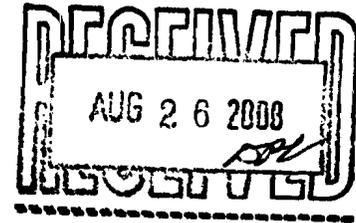
Denise Smith
TVA FOIA Officer

Enclosures

bc: Janet L. Duffey, LCB 1A-LCT

[Joe R Judkins #3483]

JUDKINS LAW FIRM
Central Park Building
1143 Oak Ridge Turnpike, Suite 202
Oak Ridge, Tennessee 37830



Joe R. Judkins
Attorney At Law

(865) 482-7877
(865) 482-3434 (facsimile)

August 18, 2008

Ms. Deborah Tuck
Army Corps of Engineers
3701 Bell Rd.
Nashville, TN 37214

IN RE: Community Boat Docks at Jefferson Park Subdivision

Dear Ms. Tuck:

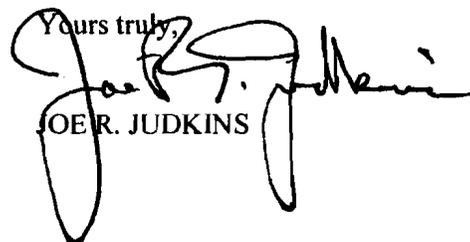
I am attorney for the homeowners association at the Woods at Montgomery Cove in Knox County, Tennessee. This letter is in regard to the community boat docks for which approval has been requested by the developers at Jefferson Park Subdivision in Knox County, Tennessee.

The homeowners association opposes the granting of permission to install those community boat docks at Jefferson Park Subdivision. Those docks would adversely affect the properties at the Woods at Montgomery Cove and the other subdivisions in the area.

Also, please accept this letter as a request under the provisions of the Freedom of Information Act for all records in the archives regarding the Jefferson Park Subdivision, including, without limitation, any applications, and supporting documents, for permission to construct and maintain a community boat dock or docks at Jefferson Park Subdivision. I request that any action on the application for a community boat dock or docks at Jefferson Park Subdivision be at least deferred until those records are provided and reviewed by the Homeowners Association at the Woods at Montgomery Cove.

The cove between The Woods at Montgomery Cove and Montgomery Cove Subdivisions is narrow and shallow, and is not an appropriate area for high-speed water vehicles. Regardless of the action taken regarding the applications for community docks at Jefferson Park Subdivision, the homeowners association at The Woods at Montgomery Cove request that the area in the vicinity of our cove be made a "no wake" zone so that water vehicles do not unreasonably interfere with the safety of our subdivision.

I look forward to your early reply.

Yours truly,

JOE R. JUDKINS

JRJ/sec
cc: Carson Sandefur, President
Woods at Montgomery Cove HOA

19 AUG 2008



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

June 6, 2008

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

Attention: Ms. Deborah T. Tuck, Regulatory Branch

Subject: Public Notice No. 08-11. Scott Davis, Proposed Community Boat Docks and Riprap,
Little Turkey Creek, Fort Loudon Lake, Knox County, Tennessee.

Dear Colonel Lindstrom:

Fish and Wildlife Service (Service) personnel have reviewed the subject public notice. The proposed project would involve the construction of two community boat docks for residential use at Tennessee River Mile 616.4, Right Bank, Fort Loudon Lake, Knox County, Tennessee. The first dock would measure 58 feet wide by 110 feet long, with a 5-foot by 50-foot walkway. The proposed dock would be capable of mooring 16 vessels. The second dock would be constructed along an 8-foot-wide fixed boardwalk measuring 528 feet in length. This dock would be capable of mooring 22 vessels. The structures would be constructed of wood, with wooden support piers. The applicant (Scott Davis) also proposes to place riprap along 692 linear feet of shoreline for bank stabilization. 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. 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.

FDI
#2008-0026
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6/9

09 JUN 2008

We do not anticipate that significant adverse impacts occurred to fish and/or wildlife or their habitats as a result of this project. Therefore, the Service has no objection to the issuance of an after-the-fact permit for the work described in the subject public notice.

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,

A handwritten signature in black ink that reads "Lee A. Barclay". The signature is written in a cursive style with a large, prominent initial "L".

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN
Dan Eagar, TDEC, Nashville, TN
Darryl Williams, EPA, Atlanta, GA
Janet Duffey, TVA, Lenoir City, TN

Tuck, Deborah T LRN

From: Jennifer Barnett [Jennifer.Barnett@state.tn.us]
Sent: Monday, June 02, 2008 8:11 AM
To: Tuck, Deborah T LRN; Wright, Kyle D LRN
Cc: Joseph Garrison
Subject: RE: PN 08-11 Mesana Investments

Deb and Kyle,

I spoke to Joe this morning. He is home from the hospital, but will be recovering for a while yet.

I mentioned this project to him. He said that there are historical resources near the proposed boat facilities. What he needs from you is...

1. Kyle check the maps at the THC and note the resources in the vicinity 2. Photographic documentation that demonstrates that the docks won't be visually intrusive on the historic properties.

Have a great day,

Jennifer

>>> "Tuck, Deborah T LRN" <Deborah.T.Tuck@usace.army.mil> 5/30/2008

>>> 11:22 AM >>>

Ok, thanks. I'll ask Kyle for his help to reconcile these.

Deborah T. Tuck
Regulatory Specialist
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, TN 37214
Ph: (615) 369-7518
Fx: (615) 369-7501
deborah.t.tuck@usace.army.mil
May You Always Have Love to Share,
Health To Spare and Friends Who Care

-----Original Message-----

From: Jennifer Barnett [mailto:Jennifer.Barnett@state.tn.us]
Sent: Thursday, May 29, 2008 3:38 PM
To: Tuck, Deborah T LRN
Subject: Re: PN 08-11 Mesana Investments

Hi Deb,

Sorry for the confusion. The "May Adversely Affect" letter is in reference to some architectural resources. Joe Garrison wrote that letter, so I don't know what he was referring. He is currently out ill, but may be checking his email in the next few days.

The archaeological part is indeed clear, but you will have to check with Joe about the above-ground

stuff.

Have a great rest of the day,

Jennifer

>>> "Tuck, Deborah T LRN" <Deborah.T.Tuck@usace.army.mil> 5/29/2008 2:33

>>> PM

>>>

Jennifer,

On May 15, 2008, I forwarded you a letter from Kyle regarding the arch survey that had been performed. By letters dtd May 15, 2008 & May 19, 2008 from Mr. McIntyre, they both have different PN numbers noted in subject line. I believe he was responding to this project for Mesana, Jefferson Park, Knox Co on both accounts.

So, in crossing letters, the one dtd May 19 states that the project 'may adversely affect.....'. is this still the case since receipt of our letter, stating that we find 'no effect.'??

Thanks.

Deborah T. Tuck
Regulatory Specialist
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, TN 37214
Ph: (615) 369-7518
Fx: (615) 369-7501
deborah.t.tuck@usace.army.mil <mailto:deborah.s.tuck@usace.army.mil>
May You Always Have Love to Share,
Health To Spare and Friends Who Care



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

May 19, 2008

Ms. Deborah T. Tuck
COE-Nashville District
3701 Bell Road
Nashville, Tennessee, 37214

RE: COE-N, PN# 0~~8~~⁸-11/FIXED COMMUNITY DOCKS, UNINCORPORATED, KNOX COUNTY

Dear Ms. Tuck:

In response to your request, received on Tuesday, May 13, 2008, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed MAY ADVERSELY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. You should now begin immediate consultation with our office. Please direct questions and comments to Joe Garrison (615) 532-1550-103. We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg

20 MAY 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214-2660

REPLY TO
ATTENTION OF:

15 May 2008

Regulatory Branch

SUBJECT: Proposed Fixed Community Dock at Little Turkey Creek,
Miles 1.8R & 2.0R, Tennessee River Mile 616.4R, Fort Loudon Lake,
Knox County, Tennessee

Mr. E. Patrick McIntyre
Tennessee Historical Commission
Deputy State Historic Preservation Officer
2941 Lebanon Road
Nashville, TN 37243-0442

Dear Mr. McIntyre:

The U.S. Army Corps of Engineers, Nashville District (Corps), is in receipt of an application for a Department of Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1889. A public notice for the proposed project was provided to your office for review (Public Notice 08-11). The project consists of the construction of two fixed community docks for the potential homeowners of the Jefferson Park Subdivision. A detailed project description and plan maps were included within the Public Notice supplied to your office. Due to previous grading and construction within the subdivision, the Corps has determined the Area of Potential Effect to be the 24 acres of undisturbed shoreline for the Jefferson Park subdivision.

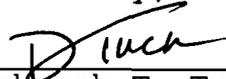
An initial field reconnaissance by TVA cultural resource staff found evidence of a historic property within the project area for the #2 Community Dock. In compliance with requirements of Section 106 of the National Historic Preservation Act, TVA requested a Phase I archaeological survey from the permit applicant. A report, *Cultural Resources Survey (Phase I) of the Proposed Jefferson Park Subdivision off Northshore Road, Knox County, Tennessee*, was supplied to the Corps from TVA. Two new sites were recorded as a result of the survey. Copies of the report are included for your review.

Based on review of the report provided by TVA cultural resource staff it is the finding of the Corps that no historic properties listed on or eligible for listing on the National Register of Historic Places will be affected by this project. The Corps requests your concurrence with our finding that no historic properties will be affected by this undertaking.

-2-

If you have any questions or need additional information, please contact myself at (615/369-7518) or Kyle Wright, Archaeologist (615/736-2553).

Sincerely,



Deborah T. Tuck
Regulatory Specialist
Regulatory Branch



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

May 15, 2008

Ms. Deborah Tuck
U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN# 08-011/DOCKS/TRM 616.4R, UNINCORPORATED, KNOX COUNTY

Dear Ms. Tuck:

The above-referenced undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

We concur with your agency that in order to complete our review of this undertaking, we will need to receive from you a detailed archaeological survey report on the area of potential effect.

Upon receipt of the survey report, we will complete our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 105.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

19 MAY 2008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214-2660

REPLY TO
ATTENTION OF:

6 August 2008

Regulatory Branch

SUBJECT: Proposed Fixed Community Docks at Little Turkey Creek,
Miles 1.8R & 2.0R, Tennessee River Mile 616.4R, Fort Loudon Lake,
Knox County, Tennessee

Mr. E. Patrick McIntyre
Tennessee Historical Commission
Deputy State Historic Preservation Officer
2941 Lebanon Road
Nashville, TN 37243-0442

Dear Mr. McIntyre:

The U.S. Army Corps of Engineers, Nashville District (Corps), is in receipt of an application for a Department of Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1889. A public notice for the proposed project was provided to your office for review (Public Notice 08-11 dated May 12, 2008). The project consists of the construction of two fixed community docks for the potential homeowners of the Jefferson Park Subdivision. A detailed project description and plan maps were included within the Public Notice supplied to your office. Due to previous grading and construction within the subdivision, the Corps has determined the Area of Potential Effect to be the 24 acres of undisturbed shoreline for the Jefferson Park subdivision.

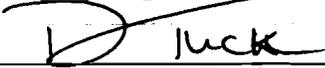
An initial field reconnaissance by TVA cultural resource staff found evidence of a historic property within the project area for the #2 Community Dock. In compliance with requirements of Section 106 of the National Historic Preservation Act, TVA requested a Phase I archaeological survey from the permit applicant. A report, *Cultural Resources Survey (Phase I) of the Proposed Jefferson Park Subdivision off Northshore Road, Knox County, Tennessee*, was supplied to the Corps from TVA. Two new sites were recorded as a result of the survey. Copies of the report were included in the original May 15, 2008 letter from the Corps to the THC concerning this project.

The permit applicants developed a screening plan utilizing trees to minimize adverse effect to the Prater House. The screening plan is included for your review. In a letter dated June 11, 2008 to TVA, the THC reviewed the above mentioned survey and the proposed screening plan and concluded that the project, with the screening plan, will not adversely affect any property eligible for listing in the National Register of Historic Places.

Based on review of the report provided by TVA cultural resource staff, review of the screening plan and the June 11, 2008 letter by the THC, it is the finding of the Corps that the project would have no adverse effect upon historic properties listed or eligible for listing on the National Register of Historic Places.

The Corps requests your concurrence with our finding that the project as proposed, and with the vegetative screening, would have no adverse effect upon historic properties. If you have any questions or need additional information, please contact myself at (615/369-7518) or Kyle Wright, Archaeologist (615/736-2553).

Sincerely,



Deborah T. Tuck
Regulatory Specialist
Regulatory Branch



September 5, 2008

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

09 SEP 2008

Ms. Deborah T. Tuck
COE-Nashville District
3701 Bell Road
Nashville, Tennessee, 37214

RE: COE-N, FIXED DOCKS/TRM 616.4R, UNINCORPORATED, KNOX COUNTY

Dear Ms. Tuck:

In response to your request, received on Wednesday, August 6, 2008, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process. You may also find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at <http://www.tennessee.gov/environment/hist/federal/sect106.shtml>.

Based on available information, we concur that the project as currently proposed will NOT ADVERSELY AFFECT ANY NATIONAL REGISTER OF HISTORIC PLACES-LISTED PROPERTY SO LONG AS THE FOLLOWING CONDITION (S) ARE MET:

The line of vegetative screening between the project and the historic property is planted before construction begins.

Unless project plans change, and so long as the condition is met, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional action, if any, is necessary. Questions and comments may be directed to Joe Garrison (615) 532-1550-103. Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg



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

May 23, 2008

(Name)
Address
Address
Address
Address

Dear _____:

TENNESSEE VALLEY AUTHORITY (TVA) PHASE I CULTURAL REOURCES SURVEY
OF JEFFERSON PARK SUBDIVISION ON FORT LOUDON RESERVOIR, LITTLE
TURKEY CREEK RM 1.5R, KNOX COUNTY, TENNESSEE

TVA has received a permit request from Mesana Investments, LLC for 35 residential waterfront facilities and two community waterfront facilities for the proposed Jefferson Park Subdivision which is on private land. No previous cultural resources survey has been conducted on this subdivision tract.

Due to the number and types of requested permitted actions, TVA recommended the entire subdivision, approximately 127 acres, be reviewed for cultural resources. To better define the area of potential effects (APE), TVA Cultural Resources staff visited the subdivision to conduct a reconnaissance level investigation. Construction had already begun and the infrastructure had been completed. Most of the land had been graded to subsoil and all the main roads were paved. The only remaining portion of the subdivision that had potential for intact archaeological deposits was the residential/community lots adjacent to the shoreline. TVA recommends the APE for archaeological resources to be the 37 waterfront lots in the subdivision. The draft cultural resources survey report, entitled *Cultural Resources Survey (Phase I) of the Proposed Jefferson Park Subdivision off Northshore Road, Knox County, Tennessee*, is on the enclosed compact disc.

Background research was conducted using TVA land acquisition maps and identified a historic homestead which consisted of a one-story log and frame structure, a shed and an outhouse. A cultural resources survey was conducted in April 2008. Two previously unrecorded archaeological sites, 40KN300 and 40KN301, were identified within the survey area. 40KN300 is the homestead depicted on the 1941 TVA land acquisition map and is a mid-nineteenth to twentieth century historic house site. The area had already been significantly disturbed by ground disturbance. 40KN300 is recommended ineligible for listing on the National Register of Historic Places (NRHP) because no intact deposits or features were identified. 40KN301 is a remnant of a late nineteenth-century rock quarry. The site follows a small cove on the lake. A few artifacts, such as drill fragments and wedges, as well as drill holes were identified. Due to the quarry being dramatically altered by the inundation of Fort Loudon Reservoir and lacking integrity, 40KN301 is recommended ineligible for listing on the NRHP. Our office agrees with the

recommendations of the author. Therefore, it is TVA's findings that there will be no effects on historic properties with the implementation of the project.

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

Please provide your comments or direct any questions to me at pbezzell@tva.gov or at 865-632-6461.

Sincerely,



Patricia Bernard Ezzell
Historian/Native American Liaison

MS:PBE:IKS
Enclosure
cc: EDMS, WT 11D-K

Stringfield, I Kathleen

From: Ezzell, Patricia Bernard
Sent: Wednesday, July 09, 2008 8:58 AM
To: Howard, Anthony Eric; Shuler, Marianne M; Stringfield, I Kathleen
Subject: FW: Jefferson Park Subdivision
Attachments: Jefferson Park Subdivision, Knox county, tn, 8 -july - 08.pdf

For your files.

From: Tyler B. Howe [mailto:tylehowe@nc-chokeee.com]
Sent: Tuesday, July 08, 2008 3:12 PM
To: Ezzell, Patricia Bernard
Subject: Jefferson Park Subdivision

Pat:

Attached you will find our comments regarding the Jefferson Park Subdivision Phase I cultural resources report. Please do not hesitate to contact me should you have any questions or comments.

Additionally, thank you for all your assistance regarding the Seven Falls project in NC. Russell and I had a very productive meeting with the USACE, and Paul Webb. I believe that we are working out the issues that we had earlier raised. At this point, I thank we are working out the issues, but I will keep you up to speed on any changes, and continue to copy you on all the emails that I send to the USACE.

Sincerely,

Tyler B. Howe
Tribal Historic Preservation Specialist
Eastern Band of Cherokee Indians
828-554-6852



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

DATE: 8 - July - 08

TO: Tennessee Valley Authority
Patricia Bernard Ezzell
400 W. Summit Hill Drive
WT 11D-Cultural Resources
Knoxville, TN 37902

PROJECT(s): Comments regarding Phase I Cultural Resources Survey of Jefferson Park Subdivision on Ft. Loudon Reservoir, Knox County, Tennessee.

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

The EBCI THPO recognizes that archeological sites 40KN300 and 40KN301 were encountered during the recent phase I field investigations. However, the EBCI THPO also recognizes that both sites are associated with mid-nineteenth to twentieth century farmsteads. Additionally, this office concurs with the archeologist's recommendation that neither are considered eligible for inclusion on the National Register of Historic Places (NRHP). As such, the EBCI THPO believes that the proposed project may proceed as planned. In the event that project plans change, or cultural resources are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

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

Sincerely,

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

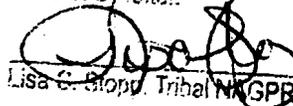


Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

May 23, 2008

Ms. Lisa Stopp
Interim Director, Language, History and Culture &
Acting Tribal Historic Preservation Officer
United Keetoowah Band
of Cherokee Indians in Oklahoma
Post Office Box 746
Tahlequah, Oklahoma 74464

The United Keetoowah Band of Cherokee Indians in Oklahoma has no objection to the referenced project. However, if any remains, artifacts or other items are inadvertently discovered, please cease construction immediately and contact us at 918-456-6533 or by letter.


Lisa C. Stopp, Tribal NAGPRA POC 5/28/08
Date

Dear Ms. Stopp:

TENNESSEE VALLEY AUTHORITY (TVA) PHASE I CULTURAL RESOURCES SURVEY OF JEFFERSON PARK SUBDIVISION ON FORT LOUDON RESERVOIR, LITTLE TURKEY CREEK RM 1.5R, KNOX COUNTY, TENNESSEE

TVA has received a permit request from Mesana Investments, LLC for 35 residential waterfront facilities and two community waterfront facilities for the proposed Jefferson Park Subdivision which is on private land. No previous cultural resources survey has been conducted on this subdivision tract.

Due to the number and types of requested permitted actions, TVA recommended the entire subdivision, approximately 127 acres, be reviewed for cultural resources. To better define the area of potential effects (APE), TVA Cultural Resources staff visited the subdivision to conduct a reconnaissance level investigation. Construction had already begun and the infrastructure had been completed. Most of the land had been graded to subsoil and all the main roads were paved. The only remaining portion of the subdivision that had potential for intact archaeological deposits was the residential/community lots adjacent to the shoreline. TVA recommends the APE for archaeological resources to be the 37 waterfront lots in the subdivision. The draft cultural resources survey report, entitled *Cultural Resources Survey (Phase I) of the Proposed Jefferson Park Subdivision off Northshore Road, Knox County, Tennessee*, is on the enclosed compact disc.

Background research was conducted using TVA land acquisition maps and identified a historic homestead which consisted of a one-story log and frame structure, a shed and an outhouse. A cultural resources survey was conducted in April 2008. Two previously unrecorded archaeological sites, 40KN300 and 40KN301, were identified within the survey area. 40KN300 is the homestead depicted on the 1941 TVA land acquisition map and is a mid-nineteenth to twentieth century historic house site. The area had already been significantly disturbed by ground disturbance. 40KN300 is recommended ineligible for listing on the National Register of Historic Places (NRHP) because no intact deposits or features were identified. 40KN301 is a remnant of a late nineteenth-century rock quarry. The site follows a small cove on the lake. A few artifacts, such as drill fragments and wedges, as well as drill holes were identified. Due to the quarry being dramatically altered by the inundation of Fort Loudon Reservoir and lacking integrity, 40KN301 is recommended ineligible for listing on the NRHP. Our office agrees with the



Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

May 29, 2008

TENNESSEE VALLEY AUTHORITY
400 WEST SUMMIT HILL DR.
KNOXVILLE, TN 37902-1499

**RE: TENNESSEE VALLEY AUTHORITY (TVA) PHASE I CULTURAL
RESOURCES SURVEY OF JEFFERSON PARK SUBDIVISION ON FORT
LOUDON RESERVOIR, LITTLE TURKEY CREEK RM 1.5R, KNOX
COUNTY, TENNESSEE.**

To Whom It May Concern:

Reference is made to your letter dated May 23, 2008, concerning the above-proposed project.

After thorough review of the documents submitted, it has been determined that there will be no significant impact in regards to the Jena Band of Choctaw Indians.

Should you have any questions, please feel free to call me.

Sincerely,

Lillie McCormick
Environmental Director
Jena Band of Choctaw Indians
318-992-8258
lstrangejbc@centurytel.net



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

May 23, 2008

Ms. Jennifer Barnett
Tennessee Division of Archaeology
1216 Foster Avenue, Cole Building #3
Nashville, Tennessee 37210

Dear Ms. Barnett:

TENNESSEE VALLEY AUTHORITY (TVA) PHASE I, CULTURAL RESOURCES
SURVEY OF JEFFERSON PARK SUBDIVISION ON FORT LOUDON RESERVOIR,
LITTLE TURKEY CREEK, RM 1.5R, KNOX COUNTY, TENNESSEE

TVA has recently received a permit request from Mesana Investments, LLC for 35 residential waterfront facilities and two community waterfront facilities for the proposed Jefferson Park Subdivision. No previous cultural resources survey has been conducted on this subdivision tract.

Due to the number and types of requested permitted actions, TVA recommended the entire subdivision, approximately 127 acres, to be reviewed for cultural resources. To better define the area of potential effects (APE), TVA Cultural Resources staff visited the subdivision to conduct a reconnaissance level investigation. Construction had already begun and the infrastructure had been completed. Most of the land had been graded to subsoil and all the main roads were paved. The only remaining portion of the subdivision that had potential for intact archaeological deposits was the residential/community lots adjacent to the shoreline. TVA recommends the APE for archaeological resources to be the 37 waterfront lots in the subdivision. The recommended APE for historic structures is a 0.5-mile radius surrounding the proposed subdivision. The draft cultural resources survey report, entitled *Cultural Resources Survey (Phase I) of the Proposed Jefferson Park Subdivision off Northshore Road, Knox County, Tennessee*, is enclosed.

Background research was conducted, using the TVA land acquisition maps and identified a historic homestead which consisted of a one-story log and frame structure, a shed and an outhouse. A cultural resources survey was conducted in April 2008. Two previously unrecorded archaeological sites, 40KN300 and 40KN301, were identified within the survey area. 40KN300 appears to be the homestead depicted on the 1941 TVA land acquisition map and is a mid-nineteenth to twentieth century historic house site. The area had already been significantly disturbed by ground disturbance. 40KN300 is recommended ineligible for listing on the National Register of Historic Places (NRHP) because no intact deposits or features were identified. 40KN301 is a remnant of a late nineteenth-century rock quarry. The site follows a small cove on the lake. A few artifacts, such as drill fragments and wedges, as well as drill holes were identified. Due to the quarry being dramatically altered by the inundation of Fort Loudon Reservoir and lacking integrity, 40KN301 is recommended ineligible for listing on the NRHP. Our office agrees with the recommendations of the author. Therefore, it is TVA's findings that there will be no effects on historic properties (archaeology) with the implementation of the project.

Ms. Jennifer Barnett
Page 2
May 23, 2008

The historic structures survey identified three historic structures (Locus A-C) within the architectural APE. The Elsie Prater Farm, (Locus A), consists of a large red barn and smaller structure on the north side of Northshore Road and a farm complex that includes a smokehouse, well house, and barns in addition to other buildings on the south side of Northshore Road. The farm has previously been certified as a Century Farm by the Center for Historic Preservation at Middle Tennessee State University. The Elsie Prater Farm, Locus A, is considered potentially eligible for listing on the NRHP. Our office agrees with the findings of the author. A barn and smaller structure within the complex, located on the north side of Northshore Drive may be visually affected by the construction of homes on the western side of the subdivision. The existing view shed is completely open to the subdivision and construction closer to Northshore Drive. However, the remaining portion is periodically altered due to deciduous trees. TVA proposes an evergreen tree line buffer to be planted to minimize visual effects of the new subdivision to the Elsie Prater Farm (Figures 1-3).

Locus B is an old barn that has been converted into boat storage and a garage, and Locus C is a modern farm that contains a barn and other outbuildings that appear to be 50 years old. Locus B and C are recommended ineligible for listing on the NRHP due to significant alterations to the original structures. Our office agrees with these recommendations.

Pursuant to Section 106 of the *National Historic Preservation Act* and its implementing regulations at 36 CFR § 800, TVA:

1. is initiating consultation with your office;
2. seeks your concurrence on the considered APE;
3. seeks your concurrence with our findings and recommendations that archaeological sites 40KN300 and 40KN301 and historic structures Locus B and C are ineligible for listing in the NRHP;
4. our office finds that Locus A (Prater Farm) is potentially eligible for listing in the NRHP and seeks your opinion regarding an evergreen tree line buffer to minimize visual effects to outbuildings in the complex.

TVA Cultural Resources staff spoke with Ms. Prater during a field visit and she was agreeable to the proposed evergreen tree line buffer. TVA Cultural Resources opinion is that no historic properties eligible or listed on the NRHP will be adversely affected by the undertaking.

If you have any questions or comments please contact Marianne Shuler at mmschuler@tva.gov or 865-632-2464.

Sincerely,



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

MS:IKS
Enclosures
cc: EDMS, WT 11D-K

Figure 1. Line of Sight From Historic Structures To Subdivision

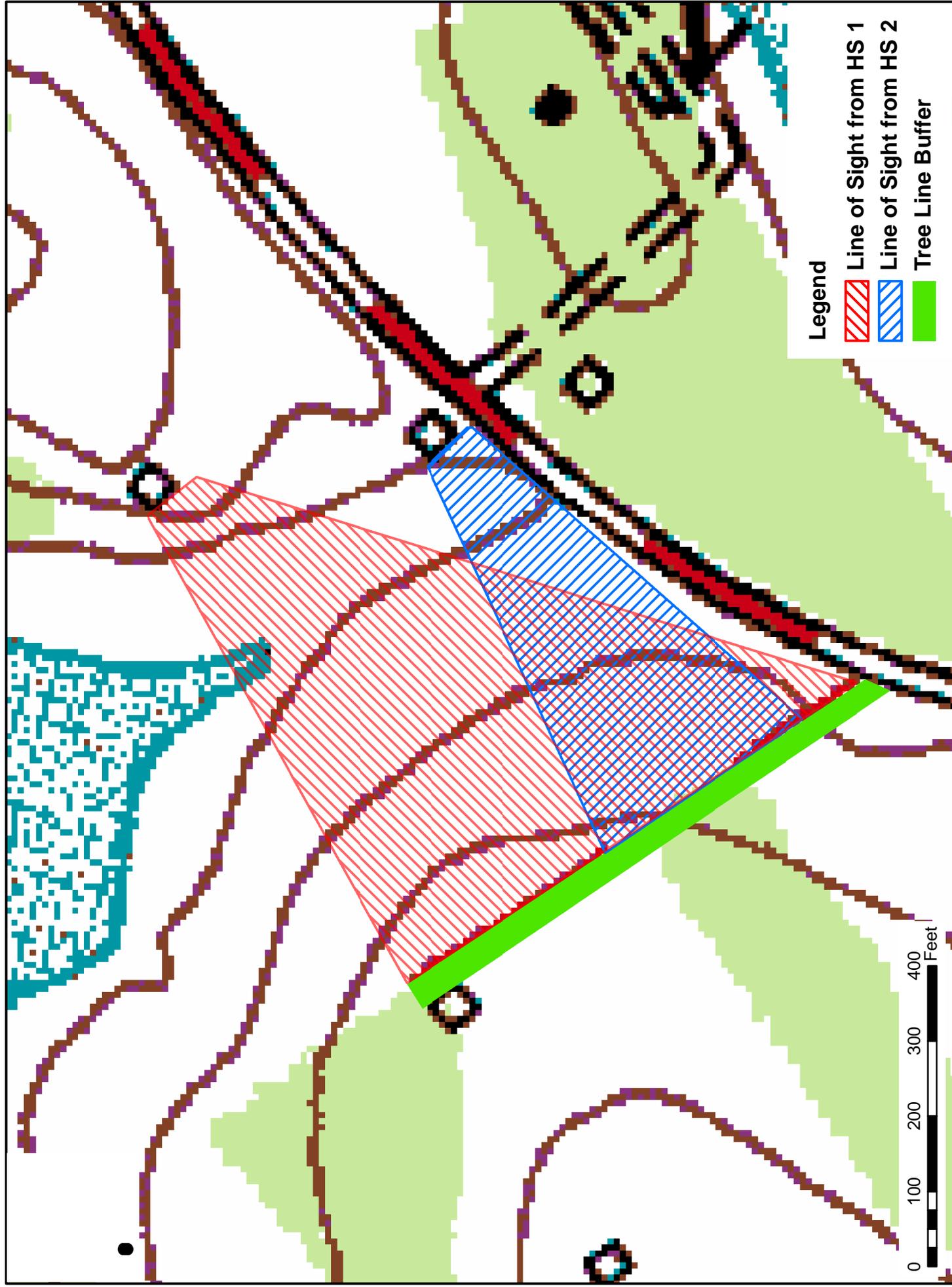
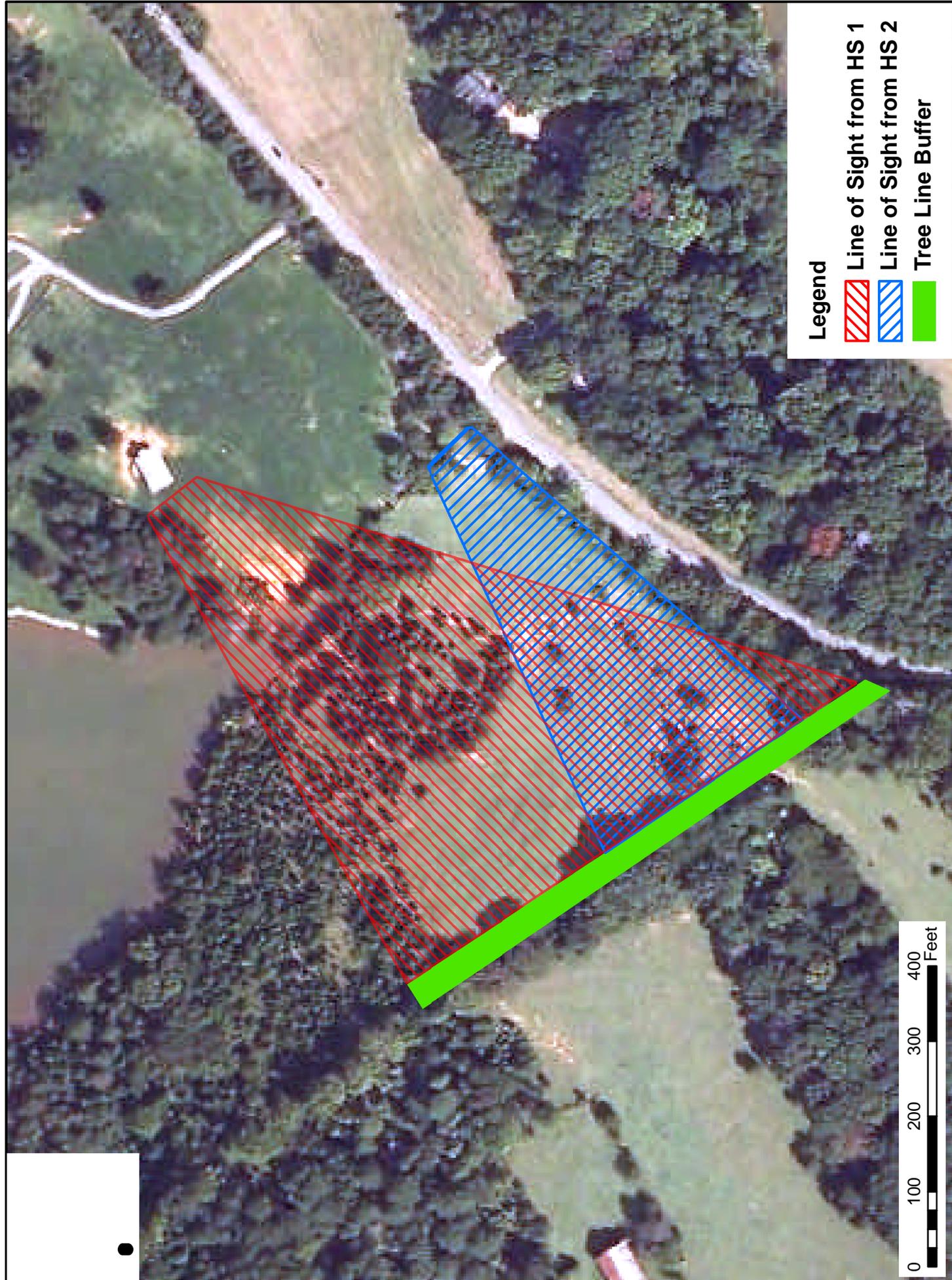


Figure 2.

Line of Sight From Historic Structures To Subdivision





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

June 11, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 W. Summit Hill Drive
WT 11D - Cultural Resources
Knoxville, Tennessee 37902

RE: TVA, JEFFERSON PARK SUBDIVISION, UNINCORPORATED, KNOX COUNTY

Dear Dr. Maher:

Pursuant to your request, this office has reviewed the above referenced cultural resources survey report and proposed use of trees to minimize adverse visual effects to the Prater House. This is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, we concur that the project as currently proposed with vegetative screening will not adversely affect any property that is eligible for listing in the National Register of Historic Places. Therefore, this office has no objection to the implementation of this project. Please direct questions and comments to Jennifer M. Barnett (615) 741-1588, ext. 105. We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



JEFFERSON PARK

Tuesday, February 26, 2008

Deborah T. Tuck
Department Of The Army
3701 Bell Road
Nashville, TN 37214

RE: File No. 2008-00262; Jefferson Park: Knoxville, TN

Dear Ms. Tuck,

Thank you for giving me the opportunity to speak with you on Tuesday regarding our applications for Jefferson Park subdivision in Knoxville, Tennessee.

As per your request, please find additional information and drawings.

In addition, the following narrative applies to the subdivision.

1: Narrative:

Jefferson Park is a new single family residential subdivision located in West Knoxville, Knox County, Tennessee. The property is located in Little Turkey Creek on Fort Loudoun Lake. The overall development consists of 158.4 acres with 127 acres above the 813 contour line. There is a total of 4,890 linear feet of shoreline. The development is approved for 299 single family homes. Phase I of the development is complete and consists of 100 interior and 35 lake front home sites.

Jefferson Park has 35 lake front lots on the 4,890 linear feet of shoreline. There are more than twelve acres of green space/common area. Within the subdivision, there are two common areas consisting of approximately six acres and 1,339 linear feet of shoreline. The common areas are accessible via walking trails throughout the subdivision. With a total of 299 home sites and 35 lake front sites, 264 home sites do not have access to Fort Loudoun Lake.

The development was designed to provide two common areas whereby homeowners, who are not lake front owners, could have access to the lake and recreational amenities. Docks have been applied for in the common areas as well as a boat ramp to enable interior home owners access to the lake and recreation.

The proposed work for the common areas consists of the construction of permanent community docks and a concrete launching ramp. The dock structure in Common Area #1 would contain 8 covered double berth boat slips having the capacity to moor a total of 16 boats. The overall dimensions of the structure would measure 58' wide x 110' in length. This would be connected to the shore with a ramp measuring 5' x 50'. Each berth slip would measure 22' x 26' with 4' fingers and a 6' main walk. In addition, the boat ramp would be of concrete construction and would measure 14' x 50'.

The dock structure in Common Area #2 would contain 8 uncovered finger slips having the capacity to moor a total of 16 boats. The structure would consist of an 8' wide shore based boardwalk and 8 finger slips; 4 slips would measure 4' x 20', 2 slips 4' x 24' and 2 slips 4' x 22'. A round open air gazebo measuring 20' across is also being proposed.

2: Adjacent Property Owners:

West: Frank Venable
1306 Waterside Lane
Knoxville, TN 37922

East: Marty Fletcher
12000 Northshore Drive
Knoxville, TN 37922

3: Plan Views:

See Enclosed

4: Close Up Plan View:

See Enclosed

5: Method of construction and erosion control:

The facilities will be built via land based construction with dock pylons placed via barge. Erosion control methods will adhere to "best management practices" with multiple tiers of run off protection utilizing natural mulch, silt fencing and rip rap.

Please let me know if you need additional information.

Sincerely,



Scott W. Davis
Mesana Investments, LLC
865-806-8008

cc: Janet L. Duffy
TVA Little Tennessee Watershed Team



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

February 22, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262; Proposed Community Docks, Riprap, Boat Ramp and Private Water Intake at Two Locations of Little Turkey Creek, Miles 2.0R and 1.8R, Opposite Tennessee River Mile 616.4, Right Bank, Fort Loudoun Lake, Knox County, Tennessee

Mr. Scott Davis, Chief Mgr.
Mesana Investments, LLC
P.O. Box 11315
Knoxville, Tennessee 37939

Dear Mr. Davis,

We received a copy of your application for a Department of the Army (DA) permit for the subject work.

Before we can make a determination on your request, we will need the following additional information for your application **(for the community docks and riprap)** to be considered complete. Please submit all plans on 8 ½" x 11" paper for publishing the Public Notice. We will need the following:

- 1) narrative of the overall proposed project development, indicating the existing conditions, your project purpose and need at each area
- 2) two adjacent private property owners (name/address)
- 3) legible plan views (on contour map with elevations preferably) of all existing (if any) and/or proposed water-dependent and upland facilities, their relation to one another, and distance between all water-dependent structures. A large scale plan view is fine for office use only. If available, please also include a plat map.
- 4) close-up plan view (with dimensions, profiles, elevations etc) of the proposed community docks (covered or uncovered?)
- 5) method of facilities construction and erosion control

Upon receipt of this information, we will make a decision on your permit request as soon as possible. If this information is not received within 30 days from the date of this letter, your application will be considered withdrawn. You will not receive any further notification.

If after that time you decide to pursue the proposed work, you may submit a new application.

Private Non-Potable Water Intake: This activity could be authorized by a Regional Permit, provided you submit a typical plan for review.

Boat Ramp: To the extent the U.S. Army Corps of Engineers has jurisdiction over discharge of dredged or fill material, the proposed boat launching ramp meets the criteria for Nationwide Permit (NWP) #36, as described under the March 12, 2007, Federal Register, Reissuance of Nationwide Permits (72 FR 11092), effective March 19, 2007, provided you comply with all terms and conditions of the enclosed material. This NWP will expire two years from date of letter, unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid. It should be noted that if you fail to comply with any of the conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5(d). The NWP authorization does not obviate the requirement to obtain state or local assent required by law for the activities. In order for this permit to be valid, you must also have approval from TVA and TDEC.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

The Tennessee Valley Authority and the State of Tennessee would also require approval for the above activities. Upon receipt of this information, a copy will be forwarded to each agency for their review. However, you will need to apply directly to each agency for their respective approvals.

Specifically, the State of Tennessee denied without prejudice 401 water quality certification for the NWP. In order for the NWP to be valid, you must obtain an individual water quality certification from the state. You must provide our office with a copy of the required certification or waiver of certification from the state prior to proceeding with the work. You must also comply with all conditions of the state permit.

We appreciate your awareness of our regulatory program. **No work should be performed in the waterway below ordinary high water without a validated DA permit.** If you have any questions, you may contact me at the above address, telephone (615) 369-7518, or email deborah.s.tuck@usace.army.mil.

Sincerely,

/s/



Deborah T. Tuck
Regulatory Specialist
Operations Division

Copy Furnished:

Ms. Janet Duffy (via email)
TVA Little Tennessee
Watershed Team
260 Interchange Park Dr. (LCB 1A-LCT)
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliott (via email)

CERTIFIED MAIL- RETURN RECEIPT REQUESTED



JEFFERSON PARK

Friday, April 11, 2008

Deborah T. Tuck
Department Of The Army
3701 Bell Road
Nashville, TN 37214

RE: File No. 2008-00262; Jefferson Park: Knoxville, TN

Dear Ms. Tuck,

As per your request, please find additional information and drawings.

In addition, the following narrative changes apply to the subdivision.

1: Narrative:

Jefferson Park is a new single family residential subdivision located in West Knoxville, Knox County, Tennessee. The property is located in Little Turkey Creek on Fort Loudoun Lake. The overall development consists of 158.4 acres with 127 acres above the 813 contour line. There is a total of 4,890 linear feet of shoreline. The development is approved for 299 single family homes. Phase I of the development is complete and consists of 100 interior and 35 lake front home sites.

Jefferson Park has 35 lake front lots on the 4,890 linear feet of shoreline. There are more than twelve acres of green space/common area. Within the subdivision, there are two common areas consisting of approximately six acres and 1,339 linear feet of shoreline. The common areas are accessible via walking trails throughout the subdivision. With a total of 299 home sites and 35 lake front sites, 264 home sites do not have access to Fort Loudoun Lake.

The development was designed to provide two common areas whereby homeowners, who are not lake front owners, could have access to the lake and recreational amenities. Docks have been applied for in the common areas as well as a boat ramp to enable interior home owners access to the lake and recreation.

Common Area #1 contains 647 linear feet of dedicated shoreline. The proposed work for the common area #1 consists of the construction of permanent community dock and a concrete launching ramp. The dock structure in Common Area #1 would contain 8 covered double berth boat slips having the capacity to moor a total of 16 boats. The overall dimensions of the structure would measure 58' wide x 110' in length for a total coverage area of 6,380 square feet. This would be connected to the shore with a ramp measuring 5' x 50'. Each berth slip would measure 22' x 26' with 4' fingers and a 6' main walk. In addition, the boat ramp would be of concrete construction and would measure 14' x 50'.

14 APR 2008

Common Area #2 contains 692 linear feet of dedicated shoreline. The proposed work for the common area #2 consists of the construction of permanent community dock. The dock structure in Common Area #2 would contain 11 uncovered finger slips having the capacity to moor a total of 22 boats. The structure would consist of an 8' wide shoreline based boardwalk above the 813 contour line and would measure 528 feet in length. The dock would consist of 11 finger slips measuring 4' x 22'. The total dock area is 22' wide x 312' in length for a total coverage area of 6,864 square feet. A round open air gazebo measuring 20' across is also being proposed.

2: Plan Views:

See Enclosed

3: Close Up Plan View:

See Enclosed

Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott W. Davis', with a long horizontal flourish extending to the right.

Scott W. Davis
Mesana Investments, LLC
865-806-8008



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

May 12, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262; Proposed Community Docks, Riprap, Boat Ramp and Private Water Intake at Two Locations of Little Turkey Creek, Miles 2.0R and 1.8R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Scott Davis, Chief Mgr.
Mesana Investments, LLC
P.O. Box 11315
Knoxville, Tennessee 37939

Dear Mr. Davis,

Thank you for providing the information needed to complete your application for a Department of the Army (DA) permit.

Enclosed is your copy of the 30-day public notice (PN 08-11) to be issued, advertising the proposed work. A copy of the PN can also be found at our website <http://www.lrn.usace.army.mil/cof/> under Public Notices. If any substantive objections or comments are received in response to the public notice, we will forward them to you and provide you an opportunity to resolve or rebut the stated concerns. We will make a decision on your permit request as soon as possible after expiration of the public notice and receipt of any other approvals, if required.

If the proposed work is determined to not be contrary to the public interest, a permit will be issued. Prior to permit issuance, you will be required to submit a \$100.00 fee payable to the Corps of Engineers, Nashville District, to help cover administrative costs in processing your permit. We will advise you in writing when it is time to submit the permit fee.

You must contact the Tennessee Department of Environment and Conservation (TDEC) for their review and approval of the boat ramp construction and bank stabilization activities. They may be reached at the Knoxville Environmental Field Office (EFO-K) at (865) 594-6035.

It is noted that you have already contacted the Tennessee Valley Authority for approval.

This is not an authorization to begin work. **No work should be performed in the waterway below ordinary high water without a validated DA permit.** If you have any questions, you can contact me at the above address, telephone (615) 369-7518, or email at deborah.t.tuck@usace.army.mil.

Sincerely,

/s/ 
Deborah T. Tuck
Regulatory Specialist
Operations Division

Enclosure

Copy Furnished:

Ms. Janet Duffy (via email)
TVA Little Tennessee
Watershed Team
260 Interchange Park Dr. (LCB 1A-LCT)
Lenoir City, TN 37772-5664

Mr. Jonathon Burr (via email)
TDEC, WPC EFO-K
3711 Middlebrook Pike
Knoxville, TN 37921

CELRN-OP-F/E, Elliott (via email)



JEFFERSON PARK

Friday, June 27, 2008

Deborah T. Tuck
Department Of The Army
3701 Bell Road
Nashville, TN 37214

RE: Jefferson Park, App. # 2008-00262

Dear Ms. Tuck,

I am writing this letter in response to the tree screening requirements for Jefferson Park.

Presently, no lots bordering the existing Prater property have been sold.

Maintaining tree screening for Jefferson Park on the East side of the development adjacent to the Prater Farm will be the responsibility of the individual property owners. A substantial old growth tree buffer exists between the Prater property and Jefferson Park. The final plat for the lots bordering the Prater Farm will identify the Do Not Disturb and Maintenance Requirement Buffer Zone for the individual lot owners.

Mesana Investments, LLC, the developer for Jefferson Park, will be responsible for planting leyland cypress trees and other native vegetation along the property line in the areas where a buffer currently does not exist.

Thank you for your time and attention to this matter. Please let me know if I need to provide additional information.

Sincerely,

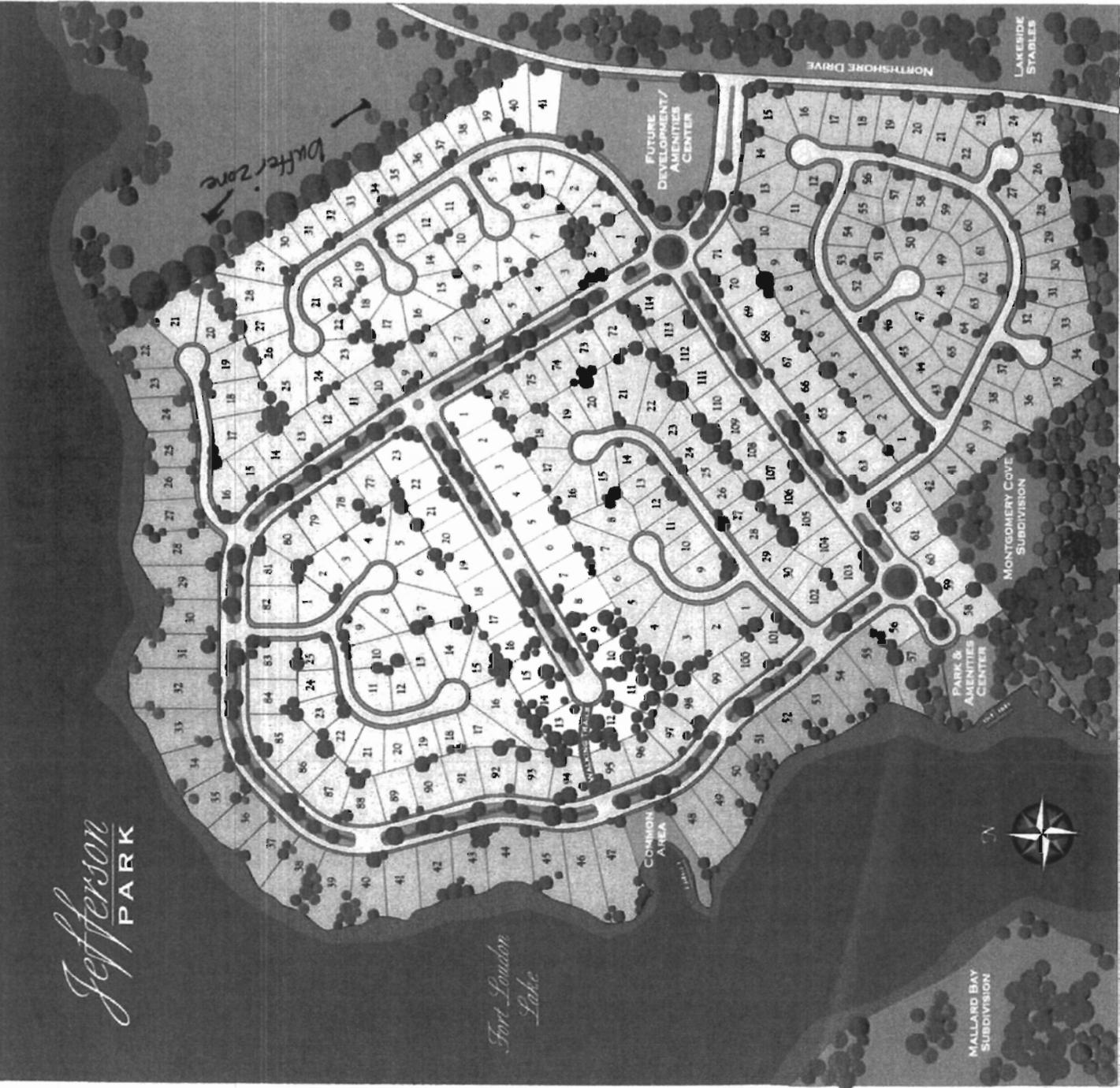
Scott W. Davis
Mesana Investments, LLC

30 JUN 2008

Jefferson PARK

Fort Loudon
Lake

Buffer Zone



MALLARD BAY
SUBDIVISION

MONTGOMERY COVE
SUBDIVISION

LAKE
SIDE
STABLES

NORTHSHORE DRIVE

COMMON
AREA

PARK &
AMENITIES
CENTER

FUTURE
DEVELOPMENT/
AMENITIES
CENTER



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

June 17, 2008

Regulatory Branch

SUBJECT: File No. 2008-00262; Proposed Community Docks, Riprap, Boat Ramp and Private Water Intake at Two Locations of Little Turkey Creek, Miles 1.8R and 2.0R, Tennessee River Mile 616.4, Right Bank, Jefferson Park S/D, Fort Loudoun Lake, Knox County, Tennessee

Mr. Scott Davis
Mesana Investments, LLC
P.O. Box 11315
Knoxville, Tennessee 37939

Dear Mr. Davis,

This letter is to notify you of the following objections to the subject proposal.

Numerous letters objecting the subject proposal were submitted in response to Public Notice 08-11. Copies of these letters by various individuals and nearby homeowners associations are included as an attachment to this notification. Generally, the concerns expressed involve additional boating traffic (congestion), navigational safety, increased noise, pollution from boat fuel/oil spills, increased wave activity, limiting swimming and fishing opportunities, and the appearance of privatizing a marina for inland lot owners access/benefits. Many responders also requested a public hearing to further state their concerns.

As part of the review process, these comments are forwarded to you for your information. It is your option to rebut or resolve these concerns. However, a permit determination cannot be made until these concerns have been addressed. Upon consideration of this, you may elect to (or not) contact them regarding their concerns. Either way, it would be beneficial for you to notify me of your decision and the outcome. I will address these concerns, and your response (whether to resolve or rebut), in our assessment of the proposal.

Thank you for your cooperation in this matter. If you have any questions or need further assistance, please contact me at the above address, telephone (615) 369-7518 or email at deborah.t.tuck@usace.army.mil.

-2-

Sincerely,

/s/



Deborah T. Tuck
Regulatory Specialist
Operations Division

Enclosures

Copy Furnished:

Janet Duffey (via email)
TVA Little Tennessee
Watershed Team
Lenoir City, TN 37772-5664

CELRN-OP-F/E, Elliot (via email)
Lenoir City, TN



JEFFERSON PARK

Thursday, June 19, 2008

Deborah T. Tuck
Department Of The Army
3701 Bell Road
Nashville, TN 37214

RE: Jefferson Park, App. # 2008-00262

Dear Ms. Tuck,

This letter is in response to the Public Notice and comments regarding the application for the Proposed Fixed Community Docks at Little Turkey Creek for Jefferson Park Subdivision in Knoxville, Tennessee.

On June 20th, 2008 I met with the Homeowner's Association Board for Mallard Bay to address their concerns and questions regarding the proposed common docks for Jefferson Park. I am willing to work with them as well as the homeowner's association for The Woods at Montgomery Cove to address their concerns.

During the design and layout stage for Jefferson Park, Janet Duffy and her staff were very gracious with their time and met with us on several occasions. We discussed TVA's current policy whereby we could apply for 1,000 square feet of common dock space for every 100 feet of shoreline dedicated as common area. The Jefferson Park design team was charged with preserving as many trees as possible, protecting shorelines and providing common areas for public use and access to the lake. The current 100/1000 TVA policy was referenced throughout the design stage and in determining the amount of shoreline to be dedicated as common area.

Jefferson Park has more than 1,330 linear feet or 1/4 mile of shoreline dedicated to common areas and more than 12 acres of green space for public use which accounts for almost 10% of the total acreage of the development. As we discussed in our meetings with TVA, the 100/1000 policy was conceived to encourage developers to protect shorelines and to provide public access to the lake and shoreline. If all of the lake front lots were sold to individuals, the lake would not be accessible to anyone other than those individuals.

I find it unconscionable that the homeowners of Mallard Bay expressed concerns that "land locked" lots may be afforded access to a dock considering the fact that Mallard Bay has a dock that is for the specific and defined benefit of lots 24, 25 & 26 in Unit 4 which are all "land locked" lots. The lake access for these lots is via an easement across lot 23R. (see attached) In addition, Mallard Bay has two separate dock locations and a launching ramp for the use and benefit of "land locked" lots. Of the 75 signatures on the Mallard Bay Association, Inc. petition only 9 were from lakefront lot owners the remaining signitures were from interior or "land locked" locks.

I appreciate and understand the concerns of homeowners of The Woods at Montgomery Cove and Mallard Bay. I have addressed each concern as I have understood them to be:

Boat Traffic: The area North of Northshore Drive servicing Little Turkey Creek currently has nearly 150 individual docks, the Bridgewater Homeowner's Association dock space and boat launch, two Mallard Bay Homeowner's Association dock locations, The Woods at Montgomery Cove dock space, the Montgomery Cove Homeowner's Association dock space and a Knox County Parks and Recreation public boat launch. The addition of 38 boat slips will have minimal impact on the total boat traffic in Little Turkey Creek. An assumption can be made that a large percentage of lot owners will moor a boat at Concord Marina or keep a boat in their driveway which is consistent with owners of non-lake front homes in The Woods at Montgomery Cove, Montgomery Cove and Mallard Bay. Therefore, the addition of 38 slips will have minimal impact on the total boat traffic in Little Turkey Creek.

Navigational Safety: The geographical location of the two proposed community dock locations as designed will have negligible navigational impact. The proposed Common Dock #1 is located in a cove offset out of the main waterway and Common Dock #2 is located in an old rock quarry where there is currently no navigational traffic.

Increased Noise: The addition of 38 slips on a percentage basis will have little impact on increased noise levels.

Pollution From Boat Fuel/Oil Spills: No fueling docks have been applied for.

Increased Wave Activity: The addition of 38 slips on a percentage basis will have little impact on increasing wave activity. I will gladly join the homeowners of Mallard Bay, The Woods at Montgomery Cove and Montgomery Cove in applying for a no wake zone for the area of concern.

Limiting Swimming and Fishing Activities: By setting aside 1,330 linear feet of undisturbed shoreline, we have increased swimming and fishing opportunities as opposed to multiple docks and limited access to individual lot owners only. The two common areas offer swimming and fishing activities for homeowner's that cannot afford a lake front lot.

The Appearance of Privatizing a Marina for Inland Lot Owners: Mallard Bay, The Woods at Montgomery Cove, Montgomery Cove and Bridgewater all have common dock space for use by inland homeowners in each of the respective subdivisions. The common area docks will be very similar in size and scope to the common dock areas for Montgomery Cove, The Woods at Montgomery Cove, Mallard Bay and Bridgewater.

The proposed common area docks would be owned by the Home Owner's Association and would not be a for profit enterprise. Revenues generated from dock space would go to the association and could only be used for long term maintenance and upkeep of the docks which would insure long term safety and aesthetic integrity.

Hypothetically, what if the majority of homeowners in Mallard Bay voted not to put any more money into the maintenance and upkeep of the common dock space? Inevitably, the docks

would come under disrepair, they would become unsafe and would be an aesthetic detriment to the area.

The proposed Common Area #1 is across the lake and nearly 700 feet from Mallard Bay and 800 feet from The Woods at Montgomery Cove. Common Area #1 is visible from 10 lots in Mallard Bay and 1 lot in The Woods at Montgomery Cove.

The proposed Common Area #2 is across the lake nearly 600 feet from Mallard Bay and over 1,500 feet from The Woods at Montgomery Cove. Common Area #2 is visible from 6 lots in Mallard Bay. Common Area #2 is not visible from The Wood at Montgomery Cove.

Presently, directly across the lake from the proposed Common Area #1, Mallard Bay has a covered structure that measures 72 feet in width and 45 feet in depth. Mallard Bay has one common dock location accommodating three piers that have a coverage area of 100 feet in width and 50 feet in depth. The second common dock location has one dock measuring 125 feet in length and 9 feet in width, a second dock measuring 42 feet in length and 7 feet in width and a launching ramp.

I would assume the common dock facilities for Mallard Bay, The Woods at Montgomery Cove, Montgomery Cove and Bridgewater were approved by TVA to provide recreational access for inland users. To deny Jefferson Park the same would be arbitrary and capricious.

I appreciate and understand the concerns of the homeowners of Mallard Bay and The Woods at Montgomery Cove. I feel I have been very responsible and diligent in the design and layout of Jefferson Park. I have maintained the integrity of the surrounding neighborhoods and I have provided lake access for recreational activities to those who may not be able to afford lake front property. The common areas and shoreline dedication were designed with the understanding that we could apply for community docks using the current TVA 100/1000 policy. A policy I understand was put in place for this very purpose; to encourage developers to preserve shoreline and to provide non-restrictive access for recreational purposes.

Based on precedent and our adherence to TVA's current 100/1000 policy, it is my sincere hope the community dock permits for Jefferson Park will be approved as requested.

Please let me know if I need to provide additional information.

Sincerely,



Scott W. Davis
Mesana Investments, LLC

cc: Janet Duffy, Little Tennessee Water Shed Team

THIS INSTRUMENT PREPARED BY:
Joseph H. Huie, Attorney
CROLEY, DAVIDSON & HUIE PLLC
1500 First Tennessee Plaza
Knoxville, TN 37929
File No. 82632

STEVE HALL
REGISTER OF DEEDS
KNOX COUNTY

DECLARATION OF EASEMENTS AND MAINTENANCE AGREEMENT

THIS DECLARATION OF EASEMENTS AND MAINTENANCE AGREEMENT is made this 15 day of OCTOBER, 2005, by MALLARD BAY PROPERTIES, a Tennessee general partnership, and JOSEPH KERR CONSTRUCTION, a Tennessee general Partnership (collectively herein "Declarants");

W I T N E S S E T H:

WHEREAS, Declarants hereby declare that they are the owners of certain real property being more fully described as Lots 23, 24, 25 and 26, as shown on the Final Plat of Mallard Bay, Unit 4, recorded as Instrument No. 200308260023033, in the Knox County Register's Office, together with an area identified on the aforesaid plat as "DOCK ACCESS ESMT." (hereinafter "Lots 23, 24, 25 and/or 26" and the "Dock Easement Area"), Mallard Bay Properties being the owner of Lot 23, and Joseph Kerr Construction being the owner of Lots 24, 25 and 26 and the Dock Easement Area; and

20051007003216

WHEREAS, Declarants, as such owners, desire to establish easements for pedestrian access and for the use of a dock constructed on the Dock Easement Area for the benefit of Lots 24, 25 and 26.

NOW, THEREFORE, Declarants, as owners, hereby declare and grant to the future owners of Lots 24, 25 and 26 a permanent, non-exclusive easement for pedestrian access 20 feet in width along and inside the south line of Lots 23, 24 and 25 in the area identified as such on the aforesaid plat. Such easement shall be used for pedestrian access to the Dock Easement Area. Although the easement is referred to for pedestrian access, the owners of Lots 24, 25 and 26 may use golf carts to travel upon said easement area. However, no other motorized vehicles shall be permitted to utilize said easement.

Declarants further declare and grant to the future owners of Lots 24, 25 and 26, a permanent easement to use, maintain, repair and replace the dock located upon the Dock Easement Area as shown on the aforesaid plat. Use of said dock shall include the utilization of the same for docking pleasure boats and personal watercraft.

The owners of Lots 24, 25 and 26 shall bear equally the expense of maintaining the pedestrian access easement, the dock and the dry land contained within the Dock Easement Area. Such maintenance shall include keeping the area mowed and any vegetation trimmed. Any gravel or pavement shall be kept in a neat and smooth condition. Rip-rap located upon the Dock Easement Area shall be maintained so as to prevent shore erosion. The dock shall be maintained in a neat and usable condition. Maintenance shall also include the removal of any trash or litter from both easement areas. The party performing necessary maintenance on the aforesaid easements shall invoice the other parties for costs of such maintenance. Failure by a party to pay its share of such necessary maintenance shall be actionable at law by the paying party. Each owner shall maintain insurance protection for its interest in the aforesaid easements.

COUNTERSIGNED

STATE OF TENN.
COUNTY OF KNOX

PERSONALLY appeared before me, the undersigned authority, a Notary Public in and for said County and State, M.A. SCHUBERT JR., with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the MANAGING PARTNER of MALLARD BAY PROPERTIES, the within named bargainer, a Tennessee general partnership, and that he as such MANAGING PARTNER being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as MANAGING PARTNER.

WITNESS my hand and official seal at office this 1st day of OCTOBER, 2005.

William M. Kidd
Notary Public

My Commission Expires: 3-4-06

STATE OF TENN
COUNTY OF KNOX

PERSONALLY appeared before me, the undersigned authority, a Notary Public in and for said County and State, M.A. SCHUBERT JR., with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the MANAGING PARTNER of JOSEPH KERR CONSTRUCTION, the within named bargainer, a Tennessee general partnership, and that he as such MANAGING PARTNER being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as MANAGING PARTNER.

WITNESS my hand and official seal at office this 1st day of OCTOBER, 2005.

William M. Kidd
Notary Public

My Commission Expires: 3-4-06

