APPENDIX K

Previous Corps and TVA Permits
For Road and Parking Fi Below EL 729

File No 2002·000 7

Laurel Marina and Yacht Club Inc

South Fork Holston River Mile 56 5 Sullivan County T

DEPARTMENT OF THE ARMY PERMIT

Permittee Laurel Boat Dock

Permit No. 50,345

Issuing Office Nashville District, Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The work will consist of the discharge of approximately 51,539 cubic yards of fill material below ordinary high water Elevation 1729.0 of South Holston Lake associated with the construction of an access road and parking areas. All fill material will be obtained from the roadway excavation. The fill areas will be stabilized with riprap up to Elevation 1730.0 and the remaining areas will be seeded to prevent erosion.

Project Location: Mile 57.7, Right Bank, South Fork Holston River, South Holston Lake, immediately downstream of the US 411 Highway Bridge, approximately eight miles east of Bristol, Tennessee (Sullivan County).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 22 July 1993. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(SEE CONTINUATION SHEET 1)

Further Information

Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

✓ Dale J. Thomas ✓ 7/16/88

(PERMITTEE) *(DATE)*

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

EDWARD A. STARBIRD
COLONEL, CORPS OF ENGINEERS

7/22/88

(DISTRICT ENGINEER) By: Ronald E. Gatlin *(DATE)*

Ronald E. Gatlin
Project Manager, Operations and Readiness Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) *(DATE)*

☆U.S. GOVERNMENT PRINTING OFFICE: 1986 — 717-425

CONTINUATION SHEET 1
SPECIAL CONDITIONS

Special Conditions:

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

2. You must insure that the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

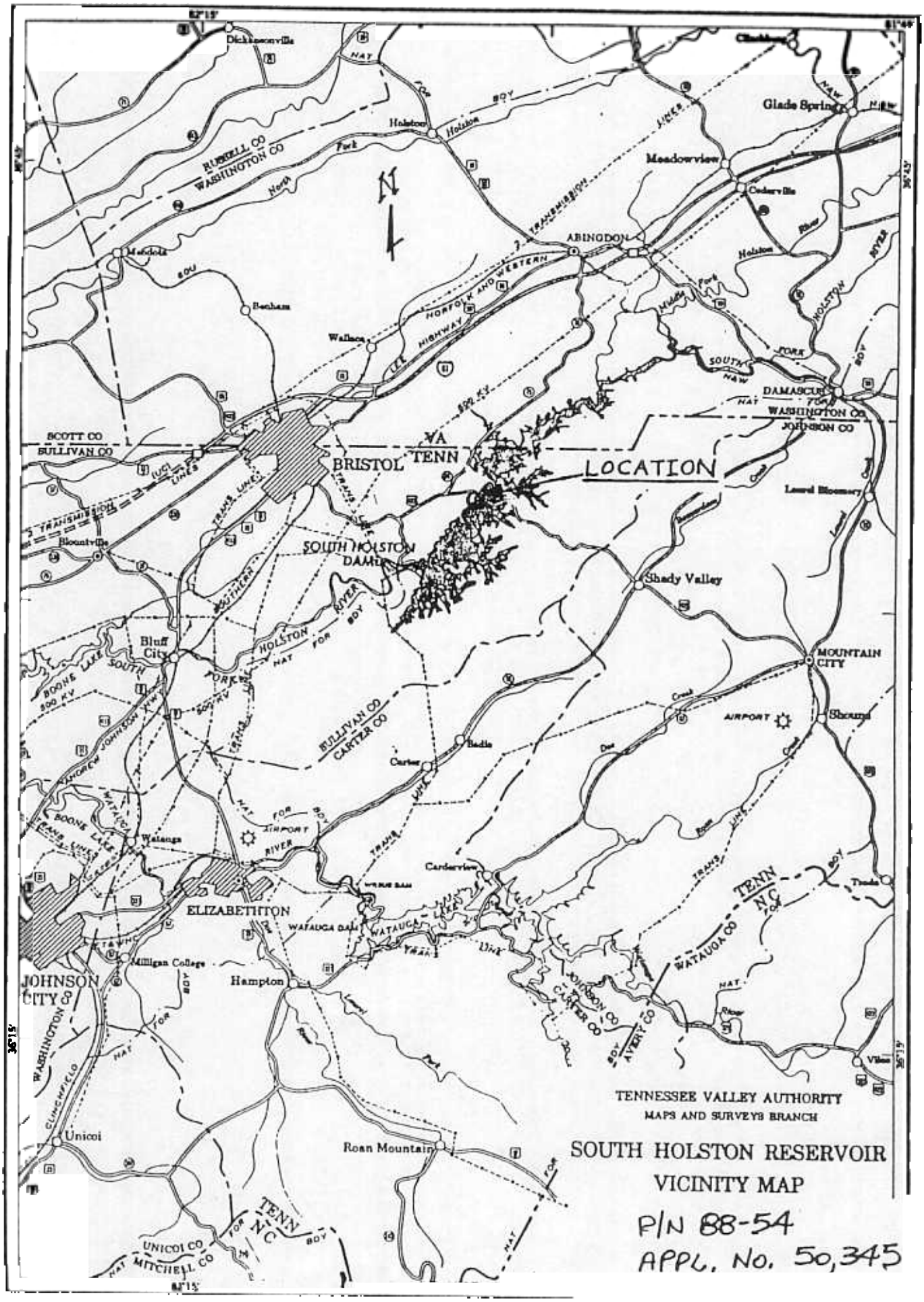
3. You must institute and maintain a strict erosion and sediment control program for the life of the project and all disturbed areas must be properly seeded, riprapped, or otherwise stabilized as soon as practicable to prevent erosion. Straw bales and/or silt fences must be installed between the fill areas and the lake during construction and must remain until the fill slopes have stabilized.

4. That all fill work will be performed in the dry to the maximum extent practicable during winter draw down periods of the lake.

5. That riprap shall be placed on all fill slopes up to normal maximum pool Elevation 1730.0. The riprap shall be quarry-run stone (18" minimum diameter) or its equivalent, i.e. , clean material free of waste metal products, organic materials, unsightly debris, etc.

6. You must insure that the disturbance to riparian vegetation is kept to a minimum during construction.

7. You must arrange a preconstruction meeting with your contractor and members of this office prior to performing any work below ordinary high Elevation 1729.0. Please contact Mr. Ron Gatlin, telephone (615) 736-5181, at least 10 working days prior to construction to arrange the meeting.



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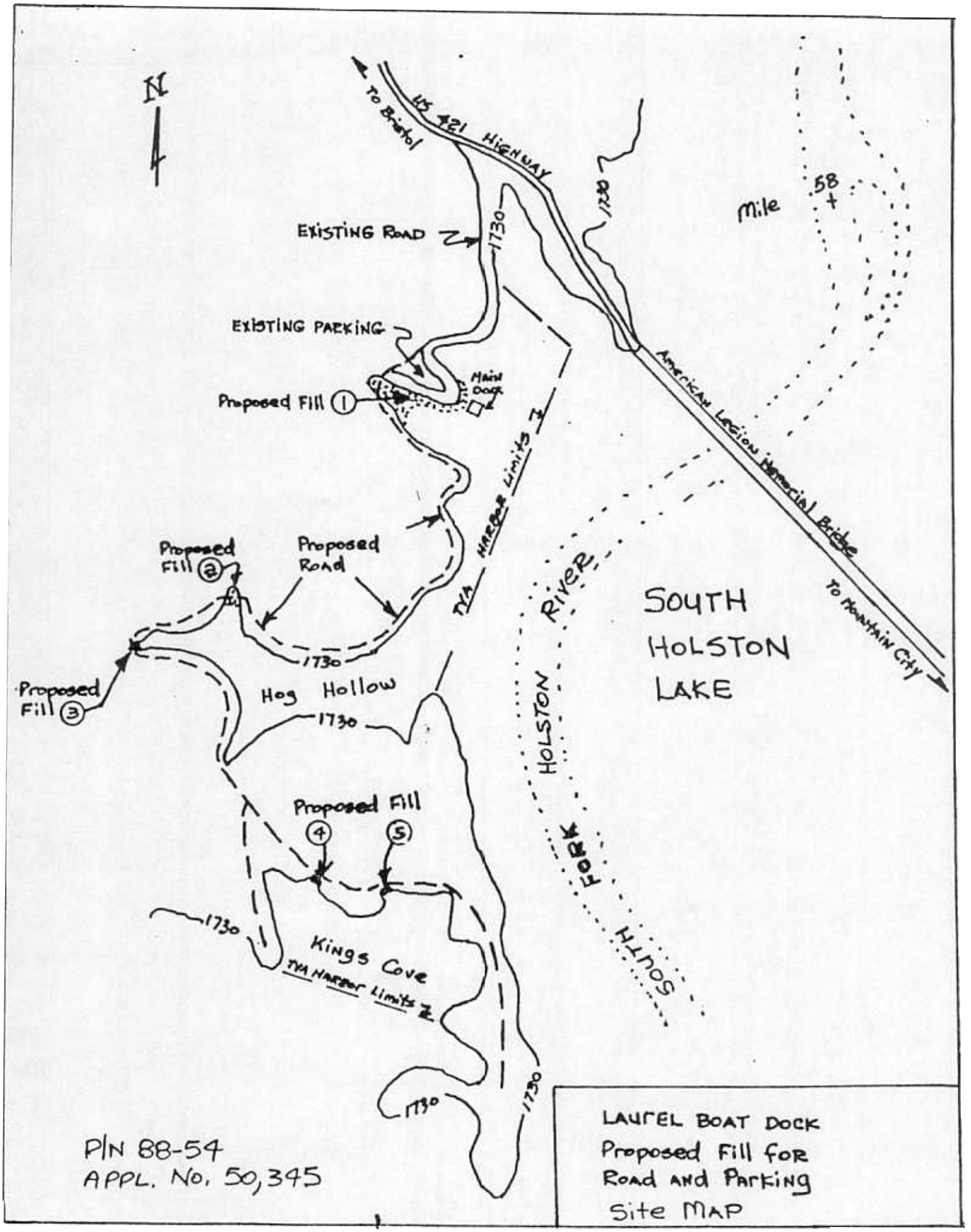
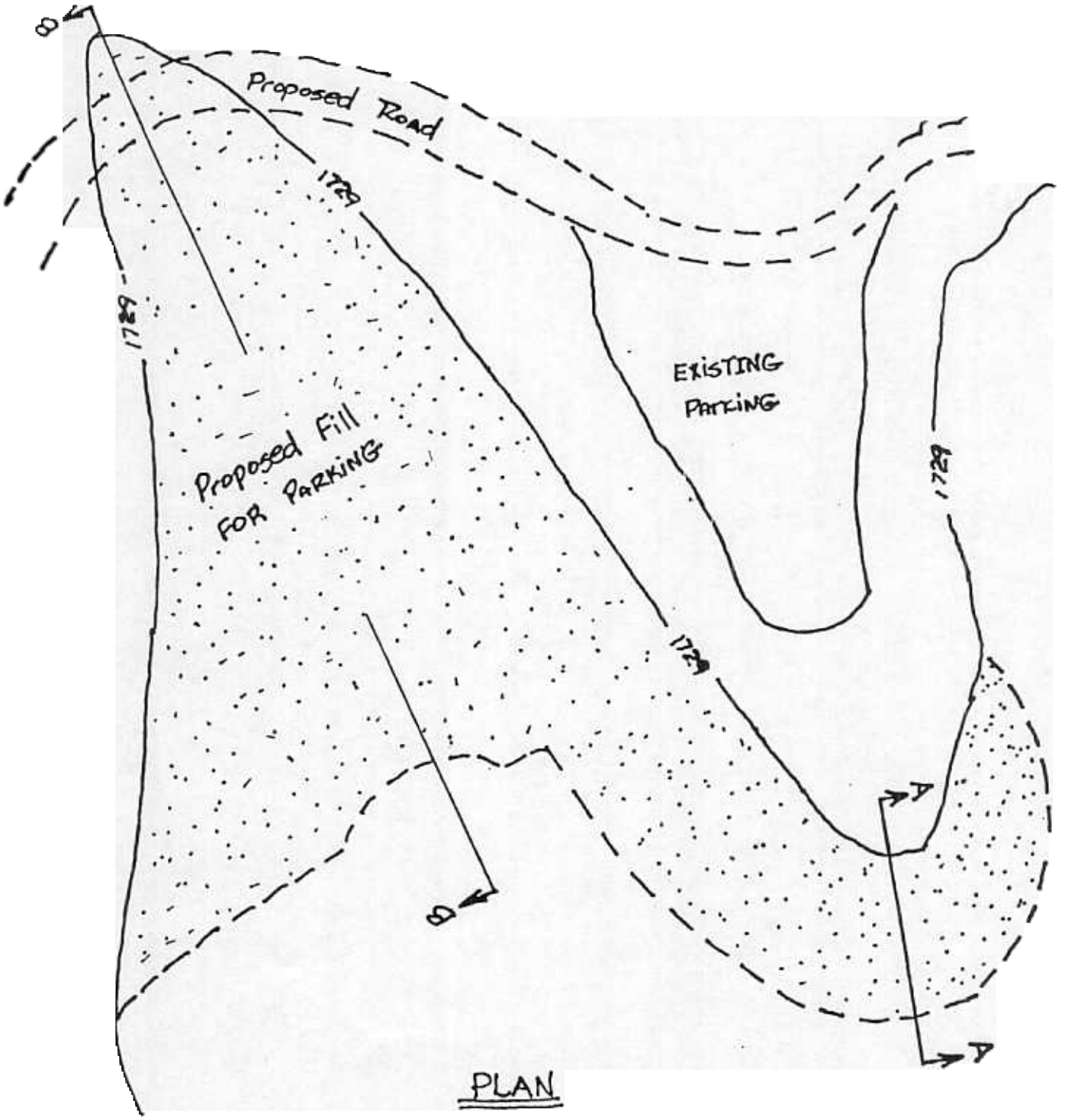

N
To Bristol
US 421 Highway
1730
1730
Mile 58
Existing Road
Existing Parking
Main Dock
Proposed Fill 1
American Legion Memorial Bridge
To Mountain City
TVA Harbor Limits
Proposed Fill 2
Proposed Road
1730
Proposed Fill 3
Hog Hollow
1730
South Holston River
South Holston Lake
South Fork
Proposed Fill
4
5
1730
Kings Cove
TVA Harbor Limits
1730
1730
P/N 88-54
APPL. No. 50,345
Laurel Boat Dock
Proposed Fill for
Road and Parking
Site Map

Proposed Fill ①

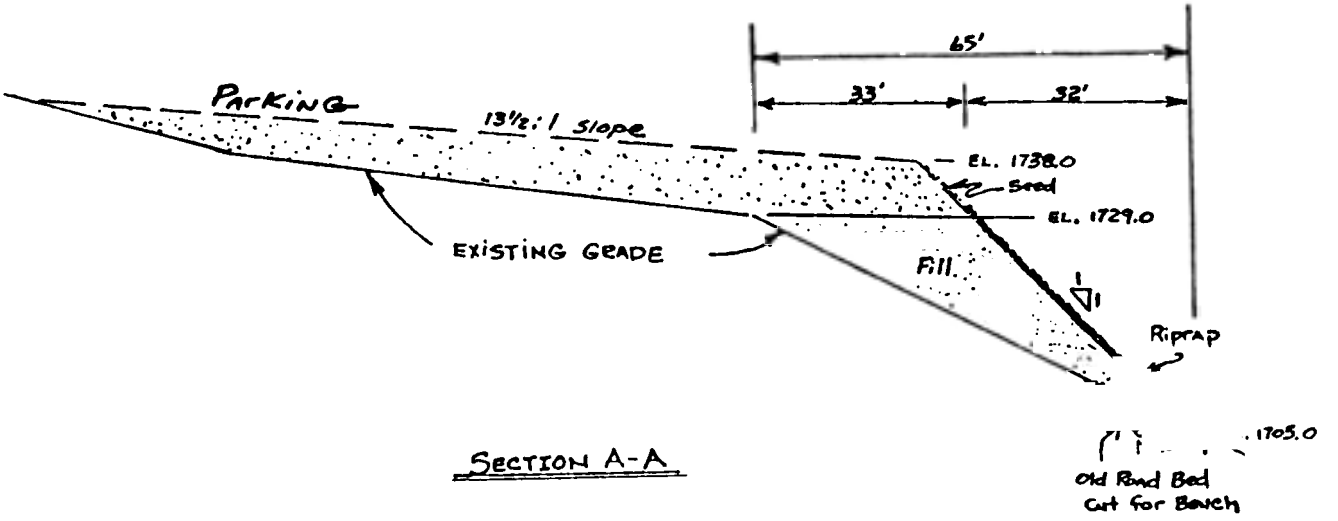


PLAN

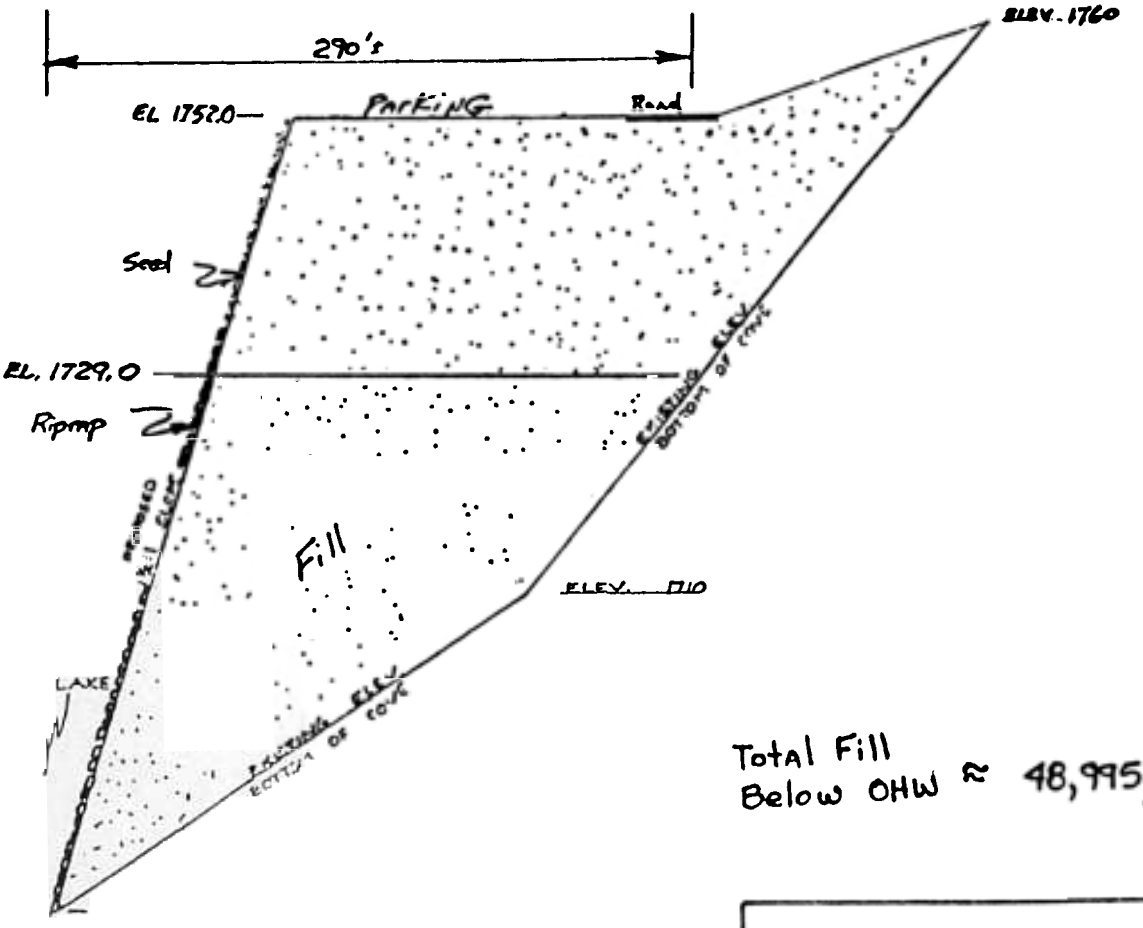
P/N 88 54
APPL No. 50 345

LAUREL BOAT DOCK
South Holston LAKE

Proposed Fill ①



SECTION A-A



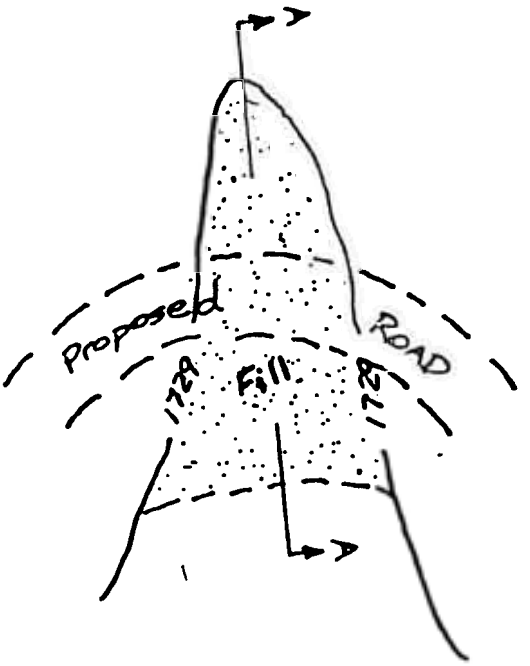
Total Fill
Below OHW ≈ 48,995 yd³

Section B-B

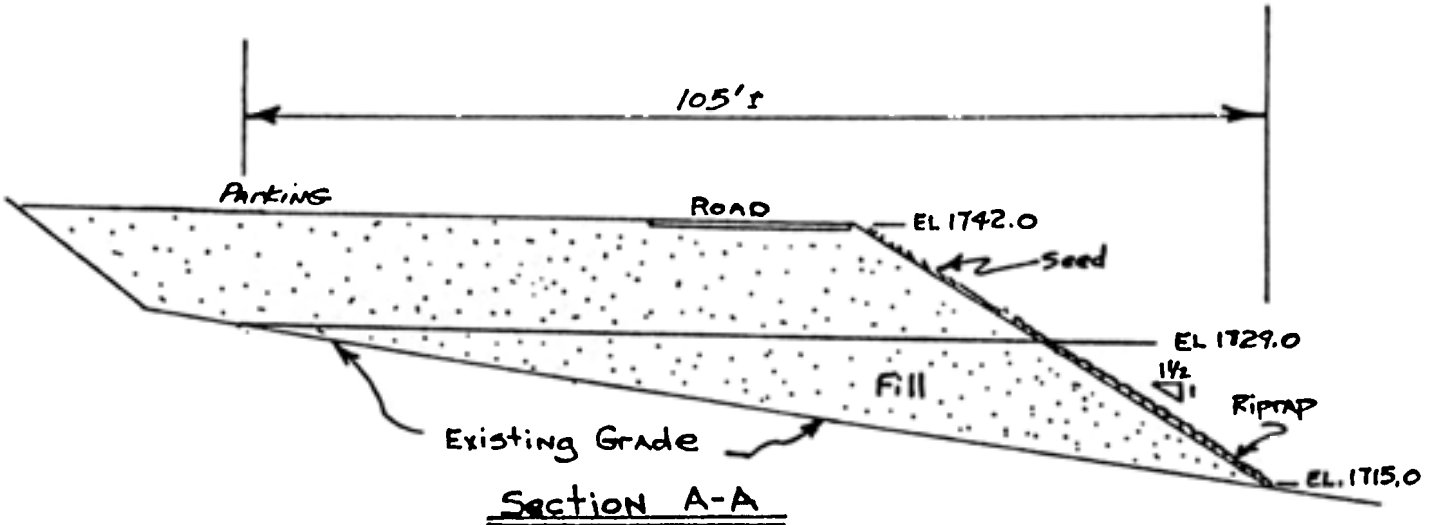
P/N 88-54
APPL. No. 50,345

Laurel Boat Dock
South Holston Lake

Proposed Fill ②



PLAN



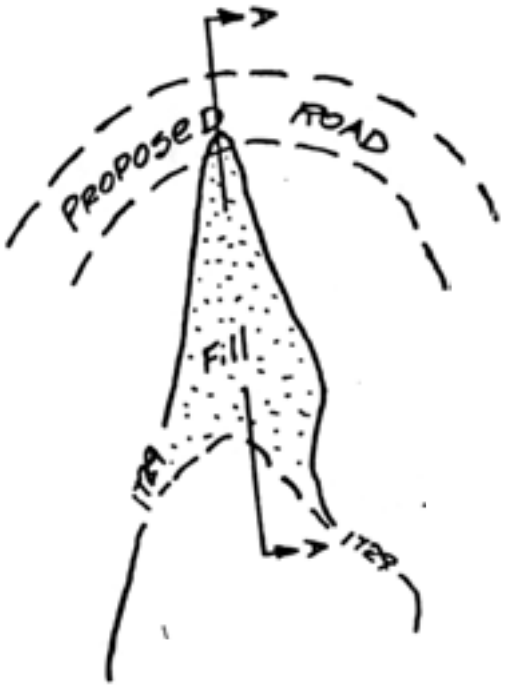
Section A-A

Total Fill
Below OHW ≈ 1970 yd³

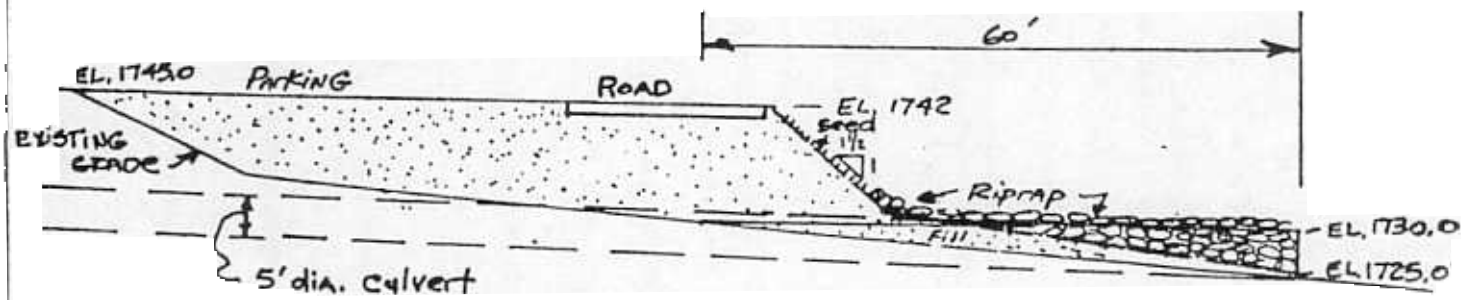
P/N 88-54
APPL. NO. 50,345

Laurel Boat Dock
South Holston Lake

Proposed Fill ③



PLAN

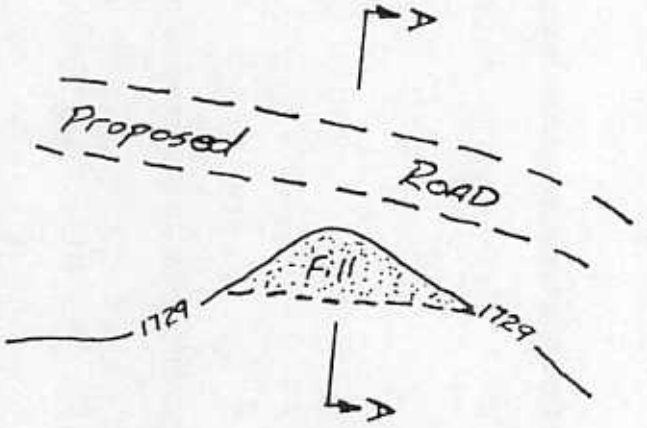


Section A-A

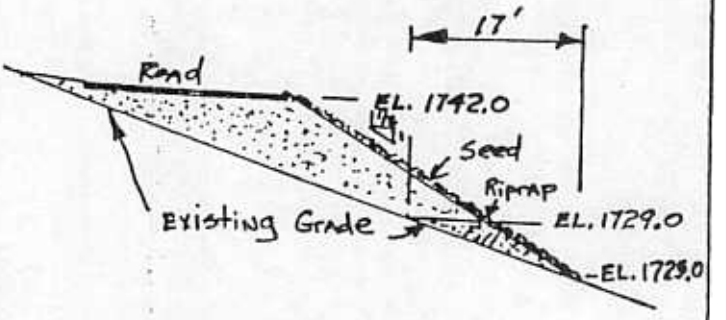
Total Fill
Below OHW ≈ 12 yd³

LAUREL BOAT DOCK
South Holston Lake

Proposed Fill ④



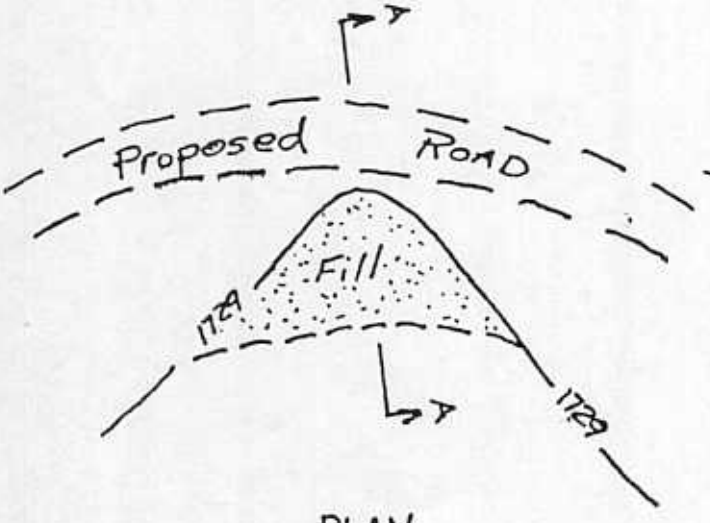
PLAN



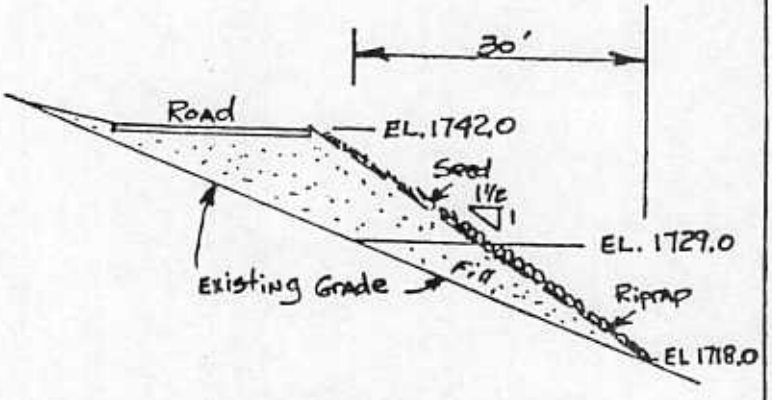
Section A-A

Total Fill
Below OHW ≈ 76yd³

Proposed Fill ⑤



PLAN



Section A-A

Total Fill
Below OHW ≈ 386yd³

P/N 88-54
APPL. NO. 50,345

LAUREL BOAT DOCK
South Holston Lake

B 1-2

OR-F (Action)

TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT
Bureau of Environment
T.E.R.R.A. BUILDING
150 NINTH AVENUE NORTH
NASHVILLE, TENNESSEE 37219-5404
Division of Water Pollution Control

July 11, 1988

CERTIFIED MAIL

Laurel Boat Dock
c/o Mr. Dale T. Thomas
207 Front Nine Blvd.
Plainwell, Michigan 49080

Re: § 401 - Water Quality Certification
PN No.: 88-54, Appl. No. 50,345
proposed roadway and parking fill
South Fork Holston River mile 57.7 R
Sullivan County, Tennessee

Dear Mr. Thomas:

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), the State of Tennessee is required to process a certification for the above referenced activity. In accordance with this statute, the Division of Water Pollution Control requires reasonable assurance that the activity will not violate applicable provisions of Tennessee law or of sections 301, 302, 303, 306 or 307 of the Federal Water Pollution Control Act.

Subject to conformity with approved plans, specifications, data and other information submitted in support of the referenced application, the State of Tennessee hereby issues § 401 water quality certification. This shall serve as a permit pursuant to the Tennessee Water Quality Control Act, TCA § 69-3-101 et seq. and is subject to the following conditions:

The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3.03 of the Rules of The Tennessee Department of Health and Environment. This includes but is not limited to the prevention of any discharge which causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the State for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, and domestic water supply.

Causing pollution or failing to comply with the terms of certification shall result in penalty in accordance with § 69-3-115 of the Tennessee Water Quality Control Act of 1977.

The State of Tennessee reserves the right to modify or revoke this certification should the State determine that the activity has resulted in more than an insignificant violation of the Tennessee Water Quality Control Act of 1977.

If you disagree with the action of this Division, you may appeal to the Water Quality Control Board. If you elect to exercise your right to appeal the action, you should file a Petition requesting a hearing before the Board within thirty (30) days after receipt of this notice. In such Petition you must state your contentions and number the paragraphs, describing how the activity you propose would be lawful and the action of the State is inappropriate. Such a Petition must be prepared on 8 ½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Mr. Paul E. Davis, Director; Division of Water Pollution Control; 150 9th Avenue North; Nashville, Tennessee 37219-5404. Any hearing would be in accordance with Sections 69-3-110 and 4-5-301 et seq., Tennessee Code Annotated, and with the Rules and Regulations on file in the office of the Secretary of State, Chapter 1200-4.

If further information is needed concerning this correspondence, please contact Mr. Robert Baker at 615-741-7883.

Sincerely

Larry C. Bowers

Larry C. Bowers, Manager
Natural Resources Section

cc: Tom Welborn, U.S.E.P.A.
Thomas Talley, U.S.F.W.S.
Dan Sherry, T.W.R.A.
Betsy Bunting, T.D.C.
Earl C. Leming, T.D.W.P.C.
Howard Boatman, U.S.C.O.E.

TENNESSEE VALLEY AUTHORITY
NORRIS, TENNESSEE 37828

JUL 25 1988

Mr. Dalie T. Thomas
207 Front Nine Boulevard
Plainwell, Minnesota 49080

Dear Mr. Thomas:

LAUREL BOAT DOCK

This is to notify you of TVA's approval of the plans submitted with your April 23 request for a proposed fill located at South Fork Holston River between miles 57.2 and 57.7, South Holston Reservoir.

This approval is subject to the following conditions:

1. You accept the same terms and conditions with regard to the proposed fill as the terms and conditions contained in our previous Approval of Plans dated March 2, 1951, for construction of a commercial floating dock, which approval is incorporated herein by reference.

2. You may proceed with the construction of your proposed project upon payment to TVA in the sum of $11,300, which is the value of the flood and power storage that will be lost due to construction of the proposed project.

3. The applicant will conduct all land-disturbing activities in accordance with best management practices as defined by Section 208 of the Clean Water Act and implementing regulations to control erosion and sedimentation so as to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable Federal, State, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation.

Please indicate your acceptance by signing and returning the enclosed copy of this letter, along with a check payable to the Tennnessee Valley

Mr. Dalie T. Thomas

JUL 25 1988

Authority in the amount of $11,300, to Truitt M. Fore, Manager, Property Management and Administration Department, Tennessee Valley Authority, Norris, Tennessee 37828.

Sincerely,

Lawrence L. Calvert, Manager
Land Resources

Enclosure

Accepted: _____

Date: _____

cc: Mr. Ronald E. Gatlin (App. No. 50,345)
U.S. Army Corps of Engineers
Post Office Box 1070
Nashville, Tennessee 37202-1070

Russell Harris III, Manager, Property Administration, 108 NRB-N

Robert G. Thress, Manager, Property Management, Morristown

November 29, 1989

26a FILE NO. 827 - LAUREL MARINA AND YACHT CLUB (FORMERLY LAUREL BOAT DOCK) - PROPOSED HARBOR LIMIT REVISION - SOUTH HOLSTON RIVER MILE 57.7L, SOUTH HOLSTON RESERVOIR - TRACT NO. SH-371

Attached for your review and further handling is a request from the owner, Dale Thomas, of Laurel Marina and Yacht Club (formerly Laurel Boat Dock) for a harbor limit revision. We have also attached a location map which shows the current harbor area and the proposed expansion, along with a cover sheet for the harbor revision and a copy of map 6D for your future use.

Mr. Thomas' original proposal included extending the harbor in three areas. However, during a November 17 meeting with members of our staff, Mr. Thomas revised the request to expand only the harbor in what is called the King's Cove area. With the construction of roads and parking areas and electrical service in what is called Hog Hollow and King's Cove areas, the demand for year-round mooring of nonnavigable and manufactured houseboats as well as boathouses has increased beyond what was previously anticipated. The proposed expansion will include approximately 750 feet of shoreline mooring to accommodate this increase. In addition, the construction of several sections of covered and uncovered boat slips for runabouts and floatboats has not only attracted additional business but has increased demand for year-round mooring at the marina. With this increase in year-round mooring with boat slips that have to keep floating during winter drawdown levels, the additional area in King's Cove for mooring houseboats and boathouses is essential. Mr. Thomas plans to move all houseboats and boathouses to the King's Cove and Hog Hollow areas while slips and shoreline mooring of other vessels will be located along the main channel portion of the harbor limits.

We recommend approval of this request. Should this request be approved, please forward the formal approval to this office for further handling since the license agreement will need to be supplemented and the annual fee increased by $300.

Mike LaForest, Recreation Program, has reviewed this request and has no objection to the increased harbor limit expansion or additional licensed area that will be required. This commercial facility is showing high quality growth, and replacement of existing nonnavigable boathouses along the western shore with new floating slips should serve to improve the overall aesthetics of the area.

50,345

Russell Harris III
November 29, 1989

26a FILE NO. 827 - LAUREL MARINA AND YACHT CLUB (FORMERLY LAUREL BOAT DOCK) - PROPOSED HARBOR LIMIT REVISION - SOUTH HOLSTON RIVER MILE 57.7L, SOUTH HOLSTON RESERVOIR - TRACT NO. SH-371

The U.S. Forest Service has indicated that they were under the impression that the proposed expansion area was already a part of the harbor area that was assigned previously. They have no objection to this expansion.

We have forwarded a copy of the proposed adjustment to the U.S. Army Corps of Engineers for their information.

SBF:SD
Attachments
cc: Files, Morristown

Prepared by Susan B. Fuhr

0165H

cc: U.S. Army Corps of Engineers
P.O. Box 465
Lenoir City, Tennessee 37771

07 DEC 1989