

Appendix C

Joint Public Notice 09-03

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**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 09-03

Date: **March 19, 2009**

Nashville District Application No. **200801767** Expires: **April 18, 2009**

Please address all comments to: Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

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

SUBJECT: Proposed Commercial Marina at Mile 4.0, Right Bank, Powell River (Norris Lake), in Campbell County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), and a Tennessee Valley Authority Permit pursuant to Section 26a of the TVA Act (16 USC 831y-1).**

Before a permit can be issued, certification must be provided by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant will apply for TDEC's certification by separate application.

APPLICANT: Pointe Marina
P.O. Box 636
LaFollette, Tennessee 37766

LOCATION: Mile 4.0, right bank, Powell River (Norris Lake), south of the Heatherly Point Cabin Area, in Campbell County, Tennessee, Demory-TN Quad Map, Lat 36.316389°, Lon 84.029444° (Exhibit A).

DESCRIPTION: The proposed work consists of the construction of a 799-boat capacity commercial marina on Norris Reservoir. The proposed marina would be opened to the general public. In addition, a public boat launching ramp would be built on the western end of the property and a floating wave attenuator would be built on the eastern end.

Commercial Marina. The proposed work consists of 12 covered floating docks with 22' wide by 30' deep dual-berth slips (Exhibit B). The main walkways and slip fingers would be 6' and 4' wide, respectively. In addition, construction would include a 13,000

square feet (SF) marina store, restaurant, and gas dock platform. At the winter pool configuration, the docks would extend beyond the marina harbor limits (Exhibit C). The docks would be constructed of galvanized steel framing with either concrete, composite wood, or natural wood decking. Flotation would consist of encapsulated foam. All roofs would consist of galvanized tubular steel uprights, galvanized steel "C" purlin, and "R" panel steel roofing. Anchoring would consist of concrete blocks placed on the bottom of the lake tied to the docks by stainless steel cables and attached to winch stands. Each dock would require a concrete traveling ramp constructed along the existing lake bed grade (Exhibit D). No excavation or fill would be required associated with these ramps. The total concrete used for this application would be approximately 670 cubic yards (CY). All electrical work would comply with Article 555 of the National Electric Code related to marinas and boatyards.

Boat Ramp. A 20' wide by 200' long by 4" thick concrete boat launching ramp would be built at the western end of the marina (Exhibit E). The ramp would be constructed at a 14% grade and extend approximately 160' into the lake measured from the NSP contour. The bottom of the ramp would be approximately at El. 997.6, i.e., 22.4' below the lake's Normal Summer Pool (NSP), El. 1020. A total of 74 CY of concrete and riprap (to protect the ramp) would be placed below NSP.

Wave Attenuator. The proposed work consists of the construction of a 10' wide, L-shaped, floating wave attenuator at the eastern end of the marina harbor (Exhibit F). The longer leg would be almost perpendicular to the shoreline and measure 600' long. The shorter leg would point toward the interior of the harbor and measure 210' long. Natural or composite wood boards would cover the exterior and interior faces of the structure to form a solid curtain that would attenuate wave energy. The curtain walls would extend 6' below the deck. The wave attenuator would be constructed of galvanized steel framing with either composite or natural wood decking. Flotation would consist of encapsulated foam. Lighting for the wave attenuator would be in accordance with U.S. Coast Guard requirements.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the

work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers (COE) is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the COE to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect

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determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before April 18, 2009, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Little Tennessee Watershed Team, Attn: Mr. David Harrell, 260 Interchange Park Drive (LCB 1A-LCT), Lenoir City, Tennessee 37772-5664.

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

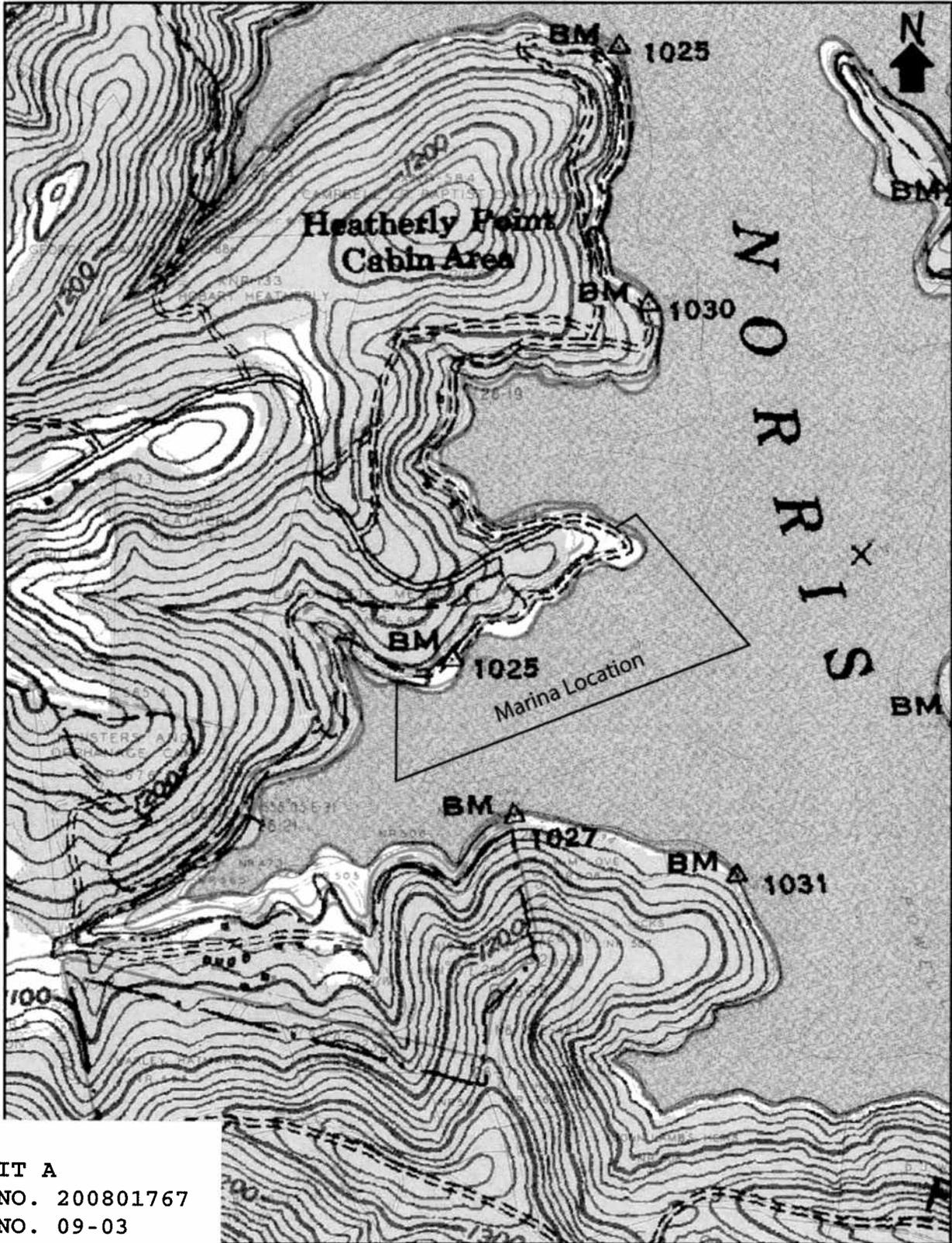


EXHIBIT A
 FILE NO. 200801767
 P.N. NO. 09-03

Topo Map

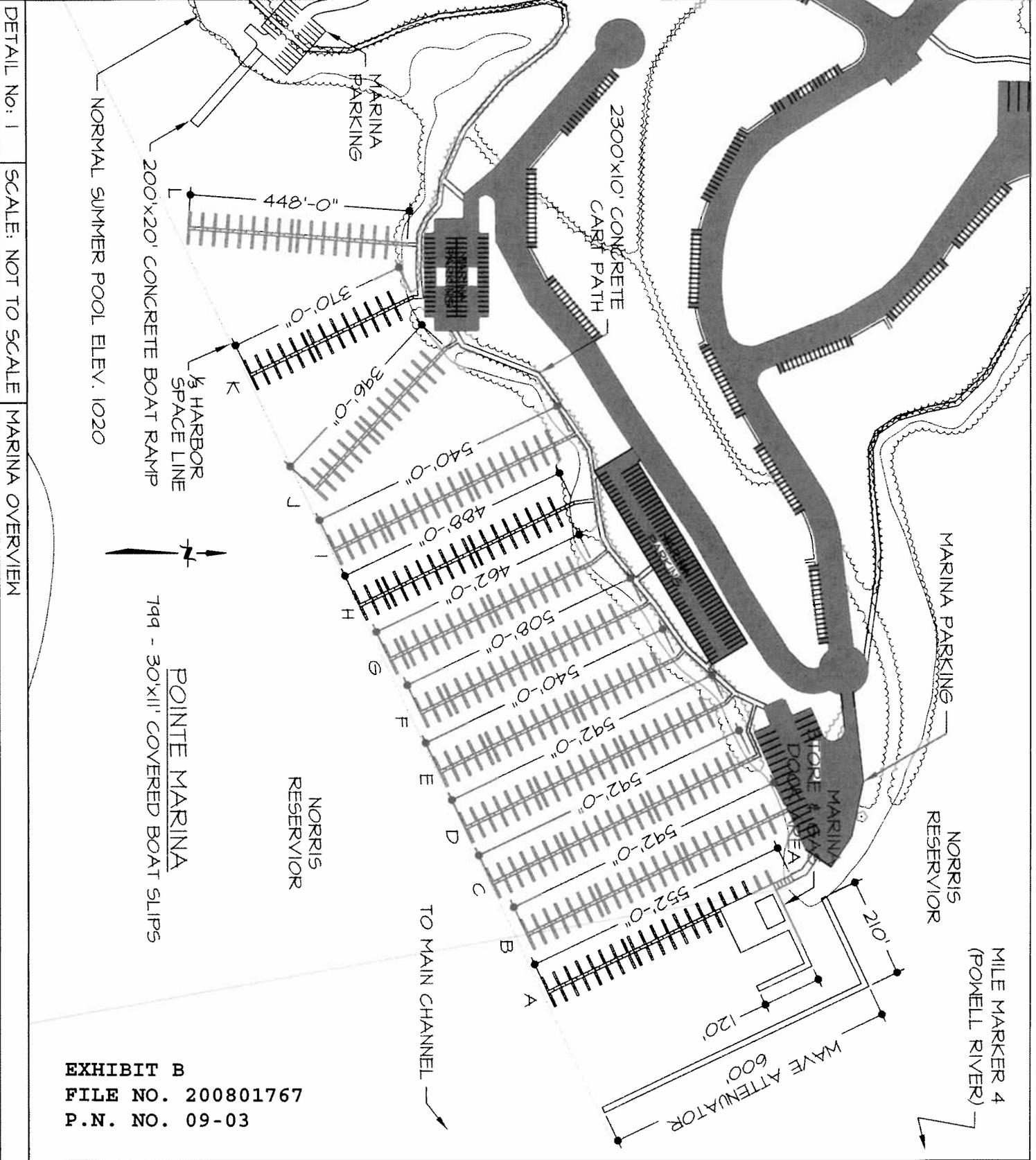
Date of Drawing: <u>11.06.2008</u>	Revisions Issued:
Drawn By: <u>Jason Flatford</u>	A: <u>Per Transmittal 8.23.08, ACE</u>
Checked By: <u>JAF</u>	B: _____
Supervised By: <u>Richard Hunt</u>	C: _____
Job Number: <u>HP.030308</u>	D: _____

Pointe Marina
 26A Permit

Eagle Steel Fabricators

1535 MAYNARDVILLE HWY.
 MAYNARDVILLE, TN 37754
 PHONE: 865-992-9262
 FAX: 865-992-9272
 E-MAIL: RJH-EAGLE@COMCAST.NET





Marina Overview

Date of Drawing: 11.06.2008
 Drawn By: Jason Flatford
 Checked By: JAF
 Supervised By: Richard Hunt
 Job Number: HP.030308

Revisions Issued:
 A: Per Transmittal 8.23.08. ACE
 B: _____
 C: _____
 D: _____

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EXHIBIT C
FILE NO. 200801767
P.N. NO. 09-03

Winter Pool

Date of Drawing: 11.06.2008
 Drawn By: Jason Flatford
 Checked By: JAF
 Supervised By: Richard Hunt
 Job Number: HP.030308

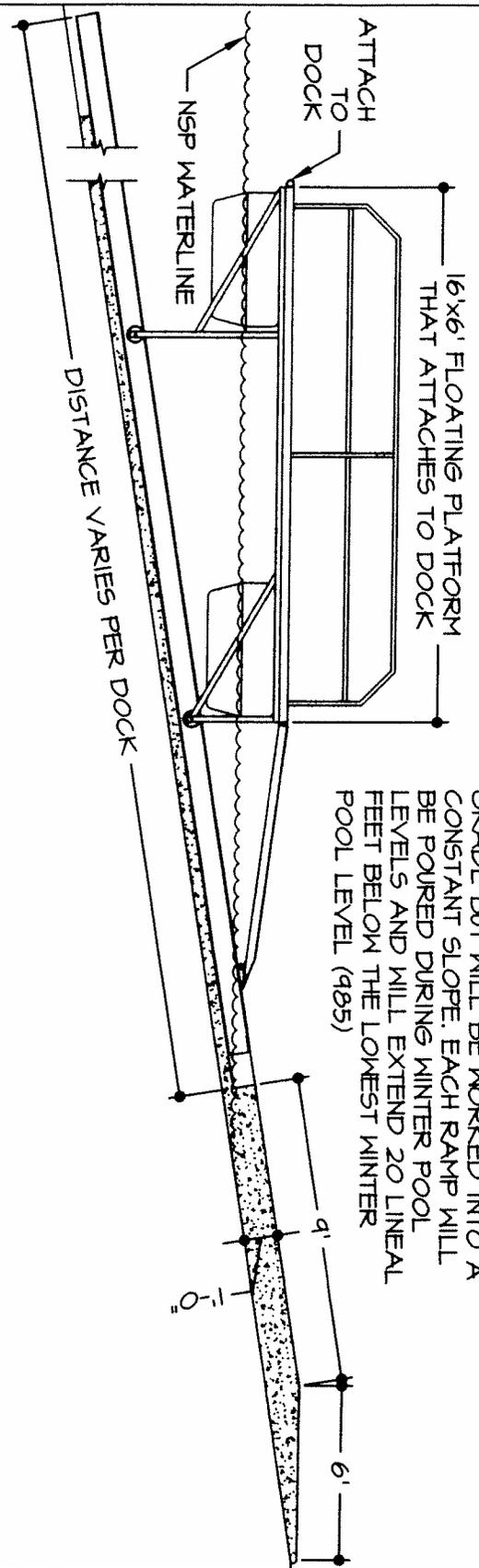
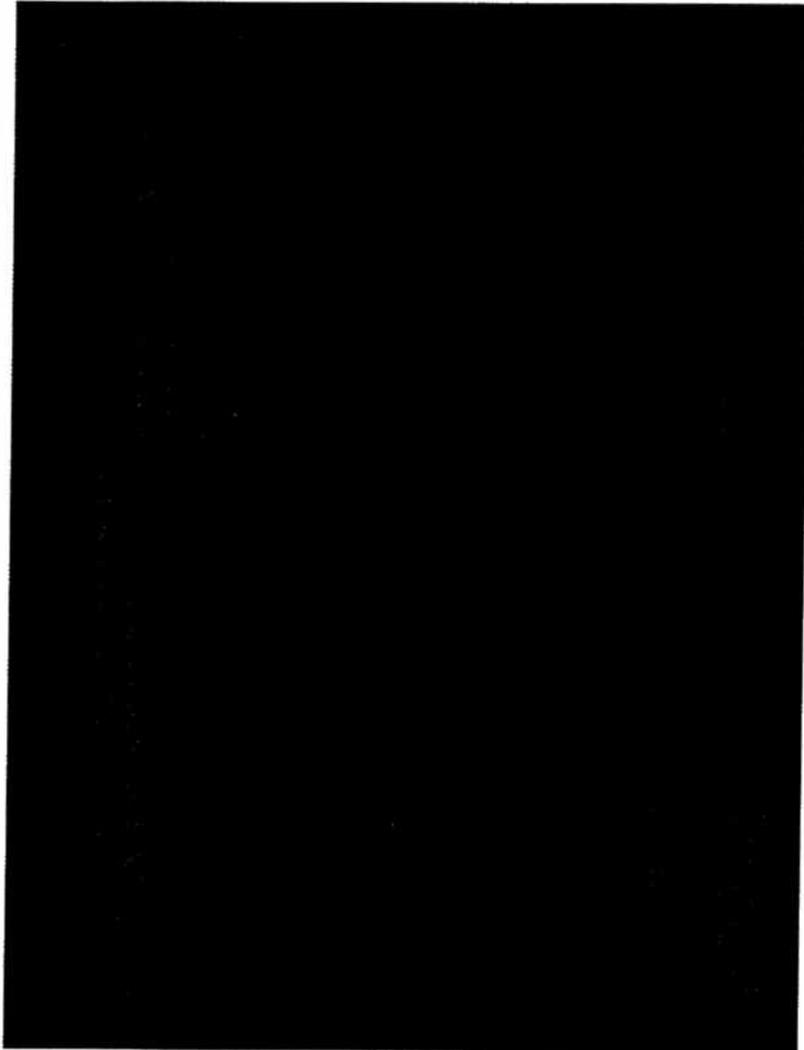
Revisions Issued:
 A: Per Transmittal 8.23.08 ACE
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NOTE:
 EACH RAMP WILL UTILIZE EXISTING GRADE BUT WILL BE WORKED INTO A CONSTANT SLOPE. EACH RAMP WILL BE POURED DURING WINTER POOL LEVELS AND WILL EXTEND 20 LINEAL FEET BELOW THE LOWEST WINTER POOL LEVEL (985)

EXHIBIT D
 FILE NO. 200801767
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Traveling Ramp

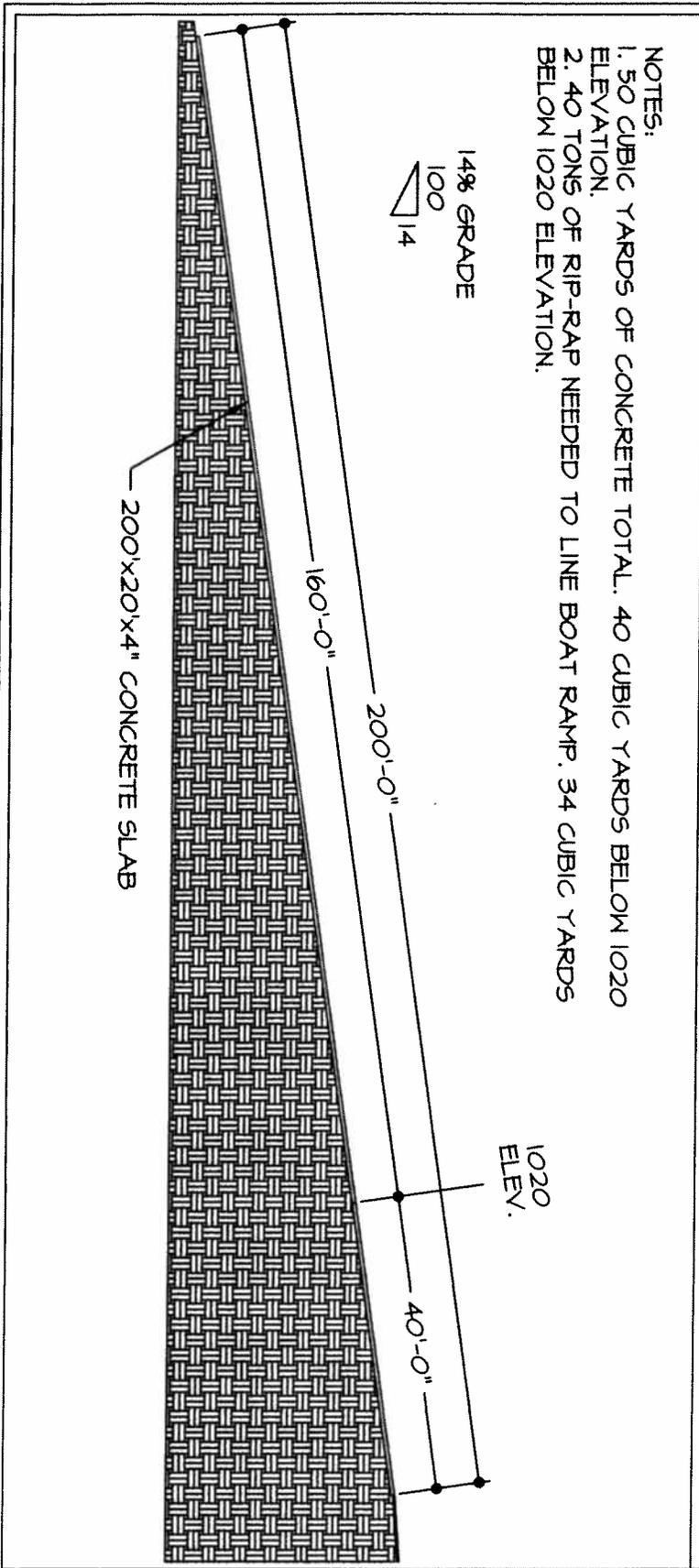
Date of Drawing: 03.07.2008 Revisions Issued:
 Drawn By: Jason Flatford A: _____
 Checked By: JAF B: _____
 Supervised By: Richard Hunt C: _____
 Job Number: HP.030308 D: _____

Pointe Marina
 26A Permit

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- NOTES:
1. 50 CUBIC YARDS OF CONCRETE TOTAL. 40 CUBIC YARDS BELOW 1020 ELEVATION.
 2. 40 TONS OF RIP-RAP NEEDED TO LINE BOAT RAMP. 34 CUBIC YARDS BELOW 1020 ELEVATION.

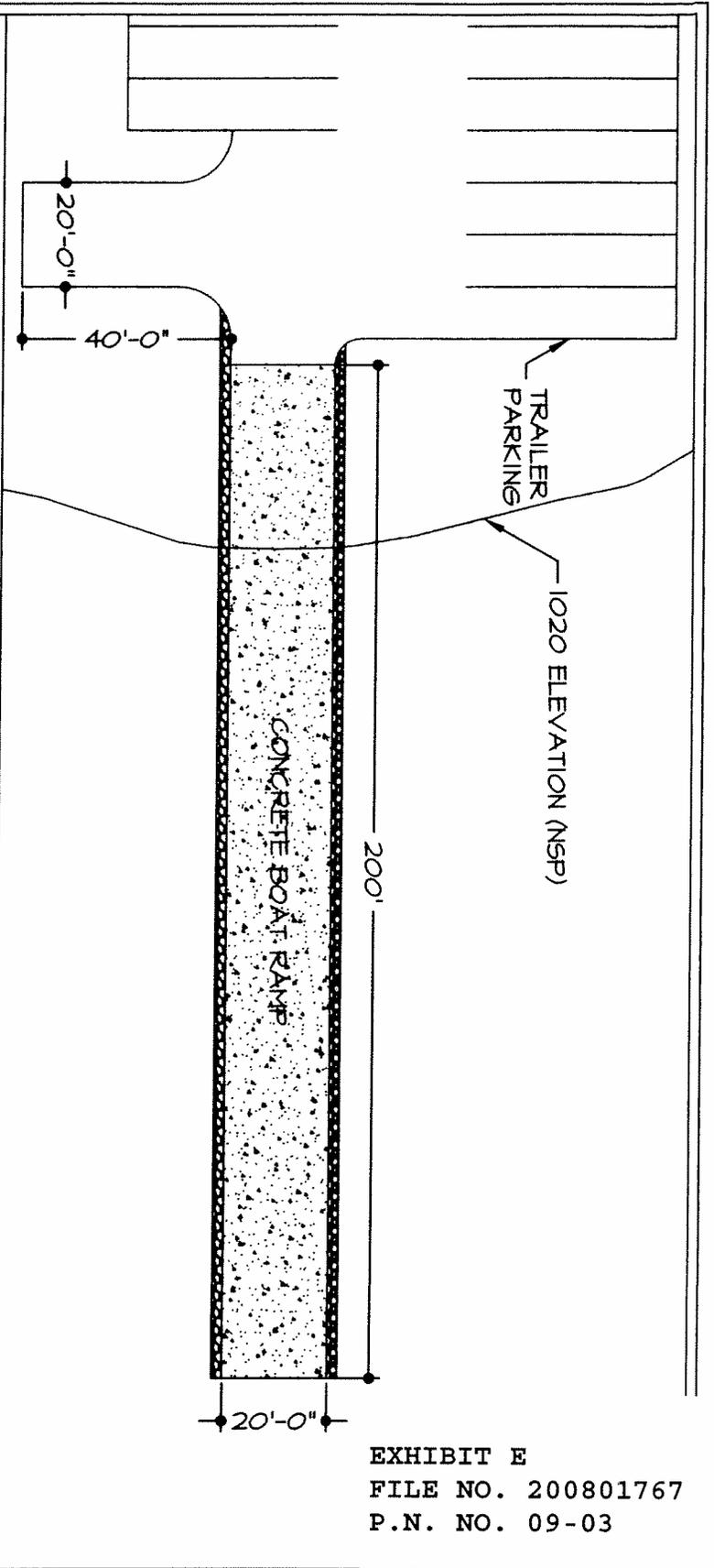


EXHIBIT E
FILE NO. 200801767
P.N. NO. 09-03

Boat Ramp

Date of Drawing: 03.07.2008
 Drawn By: Jason Flatford
 Checked By: JAF
 Supervised By: Richard Hunt
 Job Number: HP.030308

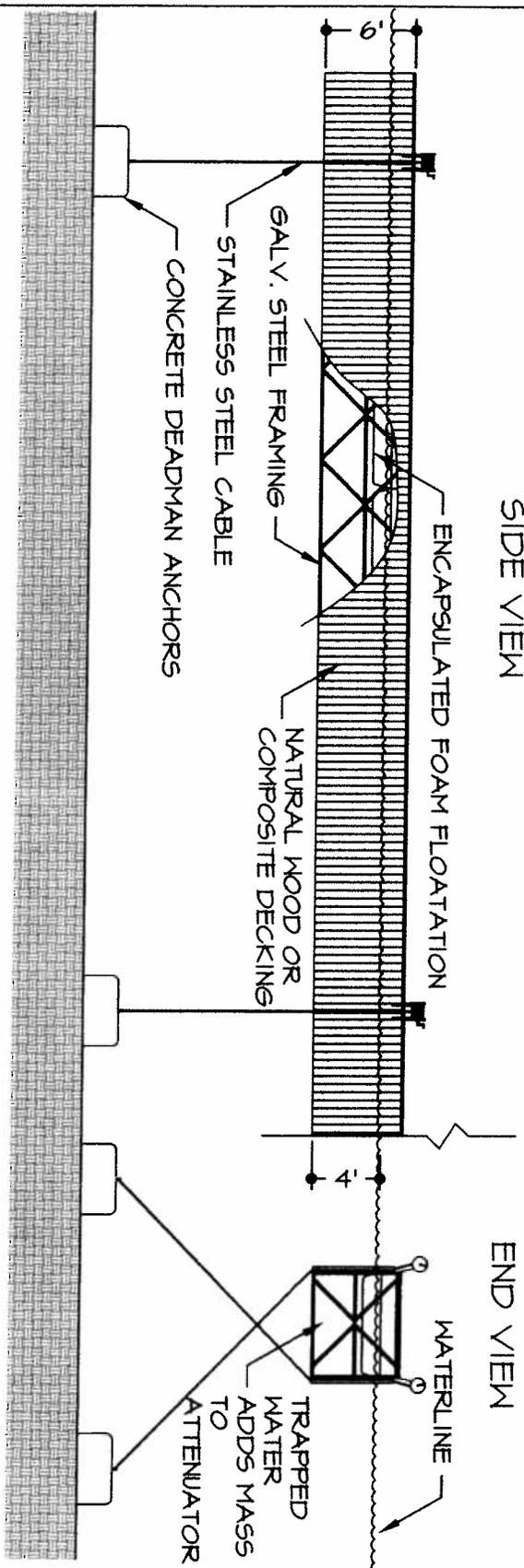
Revisions Issued:
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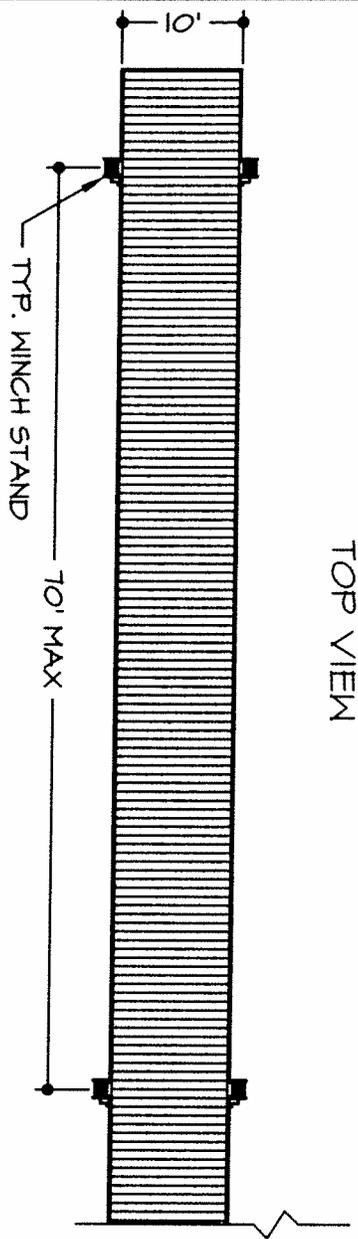
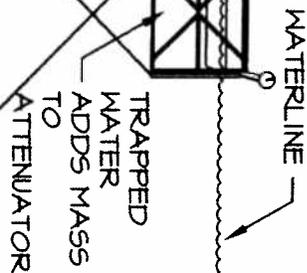
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SIDE VIEW

END VIEW



TOP VIEW

EXHIBIT F
 FILE NO. 200801767
 P.N. NO. 09-03

Wave Attenuator

Date of Drawing: 03.07.2008
 Drawn By: Jason Flatford
 Checked By: JAF
 Supervised By: Richard Hunt
 Job Number: HP.030308

Revisions Issued:
 A: _____
 B: _____
 C: _____
 D: _____

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