

Appendix F
Correspondences

Page intentionally blank



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

April 17, 2009

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

Attention: Ruben Hernandez, Regulatory Branch

Subject: Public Notice No. 09-03; Pointe Marina; proposed commercial marina at Powell River Mile 4.0 (Norris Lake); Campbell County, Tennessee.

Dear Colonel Lindstrom:

U.S. Fish and Wildlife Service biologists have reviewed the subject public notice. The project would involve construction of a 799-boat capacity commercial marina, including a boat launching ramp and a floating wave attenuator structure. Please consider the following comments.

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

Only minimal net impacts to fish and wildlife, their habitats, and human uses thereof generally are expected to result from the proposed activity. Therefore, the Service has no objection to authorization of the work.

APR 20 2009

Thank you for this opportunity to review the subject notice. Please contact David Pelren of my staff at 931/528-6481 (ext. 204) if you have questions about our 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
Todd Bowers, EPA, Atlanta, GA

4/8/09 → RH



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

March 25, 2009

Mr. J. Ruben Hernandez
COE-Nashville District
3701 Bell Road
Nashville, Tennessee, 37214

RE: COE-N, PN# 09-03/COMMERCIAL MARINA, UNINCORPORATED, CAMPBELL COUNTY

Mr. Hernandez

In response to your request, received on Monday, March 23, 2009, 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.

To complete our review of this undertaking, this office will need to receive from you a detailed and clearly marked USGS topographic 7.5 minute series map indicating the exact location of each specific project activity and a clear project narrative. You may obtain the appropriate USGS maps through the Department of Environment and Conservation, Division of Geology, Maps and Publications Sales Office at (615) 532-1516.

Upon receipt of the additional information, we will complete our review of this undertaking as expeditiously as possible. Until this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform us if this project is not funded or canceled by the federal agency. 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

APR 07 2009



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

March 26, 2009

Mr. J. Ruben Hernandez
United States Army Corps of Engineers
Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN# 09-03/MARINA/POWELL RM 4.0R, UNINCORPORATED,
CAMPBELL COUNTY

Dear Mr. Hernandez:

The above-referenced undertaking received on Wednesday, March 25, 2009 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).

In order to complete our review of this undertaking, this office will need to receive from you the review comments and recommendations of your agency's cultural resources staff regarding this undertaking's potential to affect historic properties.

Upon receipt of the additional information, 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 not funded or canceled 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

APR 01 2009



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

July 29, 2009

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
Clover Bottom Mansion
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

TVA, 26A PERMIT FOR POINTE MARINA, NORRIS RESERVOIR POWELL RIVER
MILE 4 L, CAMPBELL COUNTY, TENNESSEE

The Tennessee Valley Authority (TVA) received a 26a permit request from Mr. Mark Hoskins for a proposed Pointe Marina on Norris Reservoir, Powell River Mile 4 L in Campbell County, Tennessee. The proposed marina will consist of 715 boat slips, 3 parking areas, and a golf cart path.

TVA has identified the proposed area of potential effect (APE) for the undertaking as the proposed 715 boat slips, 3 parking areas, a golf cart path, and the road.

Therefore, it is TVA's recommendation that the proposed undertaking could affect historic properties and a Phase I cultural resources survey should be conducted over the proposed APE (Figure 1). In 2005 during a shoreline survey, the University of Tennessee identified two archaeological resources within the current proposed APE. These two resources were considered potentially eligible for the National Register of Historic Places. It is TVA's opinion that these two resources be investigated under a Phase II archaeological survey (Figure1).

By this letter TVA is seeking your concurrence and/or comments regarding TVA's recommended APE pursuant to 36CFR § 800.4 and the *Memorandum Of Understanding Between The Tennessee Valley Authority And The Tennessee Historical Commission To Facilitate Consultation Under Section 106 of the National Historic Preservation Act of 1966.*"

If you have any questions, please contact Marianne Shuler at 865.632.2464 or by email at mshuler@tva.gov.

Sincerely,

A handwritten signature in cursive script that reads "Eric Howard".

A. Eric Howard
Manager (Interim)
Cultural Resources

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



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

August 7, 2009

Mr. A. Eric Howard
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, PHASE I ARCHAEOLOGICAL ASSESSMENT, POINTE MARINA/POWELL RM 4.0L,
UNINCORPORATED, CAMPBELL COUNTY,

Dear Mr. Howard:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we concur that the project area contains archaeological resources potentially eligible for listing in the National Register of Historic Places. Archaeological sites 40CP215 and 40CP217 should either be avoided by all ground-disturbing activities or subjected to Phase II archaeological testing. We further concur that the remainder of the area of potential effect should be surveyed for the presence of archaeological resources

Upon receipt of the Phase II testing report or avoidance strategy and archaeological survey report, we will complete our review of this undertaking as expeditiously as possible. Please submit a minimum of two copies of each final report to this office in accordance with the Tennessee Historical Commission Review and Compliance Section Reporting Standards and Guidelines. Complete and/or updated Tennessee Site Survey Forms should be submitted to the Tennessee Division of Archaeology. 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



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

November 16, 2010

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

TENNESSEE VALLEY AUTHORITY (TVA), 26A PERMIT FOR POINTE MARINA,
NORRIS RESERVOIR, POWELL RIVER MILE (RM) 4L, CAMPBELL COUNTY,
TENNESSEE

TVA received a 26a permit request from Mr. Mark Hoskins for the proposed Pointe Marina on Norris Reservoir, Powell RM 4L, in Campbell County, Tennessee. The proposed marina and development will consist of 800 boat slips, a marina store, a restaurant, a golf cart path, and approximately 200 parking spaces. TVA considers the area of potential effects (APE), for archaeology, is the proposed marina and development. The recommended APE for historic structures is a 0.5-mile radius surrounding the proposed marina and development.

Prior to the survey, background research was conducted to identify any previously recorded historic properties within the APE. The shoreline in the project area was surveyed in 2005 by the University of Tennessee, and six archaeological resources (40CP172, 40CP173, and 40CP215 - 218) were identified within the APE. Sites 40CP172, 40CP173, 40CP216, and 40CP218 are considered ineligible for listing in the National Register of Historic Places (NRHP). Sites 40CP215 and 40CP217 were recommended potentially eligible for listing in the NHRP. No architectural resources were previously recorded within the APE.

The Phase I cultural resources survey was conducted and two previously unrecorded archaeological resources (40CP303 and 40CP304) were identified. A rock shelter, the remains of a 1950s to 1960s camp, and the former location of the Heatherly farmstead were also identified during the survey. To consolidate the resource documentation, the author requested one site number, 40CP303, to include the new recorded resources and supersede previously recorded sites 40CP216 and 40CP218. The Tennessee Division of Archaeology approved the site designation. Site 40CP303 is recommended ineligible for listing in the NRHP. Site 40CP304 consists of two stone piles that are recommended potentially eligible for listing in the NRHP. A commitment will be placed in the 26a permit requiring the applicant (if he purchases the property) to place a preservation covenant in his deed for 40CP304, which will include a 50-foot buffer (Figure 1) surrounding the site. The applicant has agreed to this commitment and TVA will provide the applicant with maps depicting the buffer's boundary. The applicant will be required to submit a copy of the new deed to TVA once the covenant has been added.

Mr. E. Patrick McIntyre, Jr.
Page 2
November 16, 2010

Phase II testing and a geomorphology investigations were conducted at sites 40CP215 and 40CP217. A total of 42 shovel tests, six 1x1 meter test units, and five geomorphological trenches were excavated at 40CP215. Eight shovel tests recovered modern trash and the remaining 34 shovel tests were negative. Four test units recovered modern trash and five flakes and the remaining two test units were negative. Three of the geomorphological trenches were excavated into the two sinkholes and revealed that the sinkholes were formed in a valley filled with historic alluvium eroded from the adjacent uplands. Site 40CP215 is recommended ineligible for listing in the NRHP. Three shovel tests and one 2x1meter test unit was excavated into the north flank of the stone mound (40CP217). Modern trash was recovered beneath the stone mound. Site 40CP217 is recommended ineligible for listing in the NRHP.

Five previously unrecorded historic structures (CP180 – CP184) were identified within the APE. These sites are recommended ineligible for listing in the NRHP for lack of unique characteristics and modern alterations.

Enclosed are the draft reports entitled *Phase I Survey For Archaeological Resources and Phase II Archaeological Testing of Sites 40CP215 and 40CP217, Pointe Marina on Norris Reservoir, Campbell County, Tennessee, and Architectural and Historical Assessment, Pointe Marina on Norris Reservoir, Campbell County, Tennessee.*

TVA finds that the covenant would be beneficial to 40CP304 and the site would not be adversely affected by the undertaking. Therefore, pursuant to Section 106, TVA seeks your concurrence on these findings and recommendations.

If you have any questions, please contact Marianne Shuler by telephone at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,



A. Eric Howard
Manager, Cultural Compliance
WT 11D-K

MS:EPP:IKS

Enclosures

cc: Ms. Jennifer Barnett (Enclosures)
Tennessee Division of Archaeology
1216 Foster Avenue, Cole Bldg. #3
Nashville, Tennessee 37210

Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5D-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Angela M. Sutton, LCB 1A-LCT
EDMS, WT 11D-K



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

December 6, 2010

Mr. A. Eric Howard
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, CULTURAL RESOURCES ASSESSMENT, POINTE MARINA/
NORRIS RESERVOIR, UNINCORPORATED, CAMPBELL COUNTY, TN

Dear Mr. Howard:

At your request, our office has reviewed the above-referenced cultural resources survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we concur that site 40CP304 is potentially eligible for inclusion in the National Register of Historic Places. We further concur that given the condition that a protective covenant is placed on the deed for the area that includes site 40CP304, that the project area contains no historic properties eligible for listing in the National Register of Historic Places. Upon its filing, please provide this office with a copy of the protective covenant for site 40CP304.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

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

EPM/jmb

LINCOLN DAVIS
4TH DISTRICT, TENNESSEE
SENIOR WHIP



COMMITTEES:
FINANCIAL SERVICES
AGRICULTURE

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

August 3, 2009

Mr. Thomas Hood, Jr.
Operations Manager
United States Army Corps of Engineers
East Tennessee Area Office
6699 Highway 321 S.
Lenoir City, Tennessee 37772

Dear Mr. Hood:

This letter is written on behalf of one of our constituents, William Bennett, concerning his request for a public hearing regarding a proposed marina in Campbell County. Mr. Bennett has contacted one of our offices requesting assistance in this matter.

Please review the enclosed information and note our inquiry into this particular matter. We ask that you advise our office as to how this matter may be resolved or how we may provide additional assistance to Mr. Bennett. Please keep the district office, listed below, informed should there be any updates regarding this issue.

Thank you for your time and consideration in this matter. If you should have any questions, please feel free to contact our office at any time. I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in black ink that reads "Beth Hickman".

Beth Hickman, Field Representative
Congressman Lincoln Davis
Rockwood District Office

Cc: Carol Warren, Nashville District

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

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

477 NORTH CHANCERY STREET
SUITE A-1
McMINNVILLE, TN 37110
(931) 473-7251
FAX: (931) 473-7269

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

1804 CARMACK BOULEVARD
SUITE A
COLUMBIA, TN 38401
(931) 480-8699
FAX: (931) 490-8075

LAMAR ALEXANDER
TENNESSEE

United States Senate

WASHINGTON, DC 20510

September 10, 2009

Jennifer Greer
Congressional Affairs Officer
U.S. Army Corps of Engineers (CECS-C)
Government Accountability Office Building
441 G Street, NW, Attn: CECS-C
Washington, DC 20314

Dear Jennifer,

I am enclosing comments recently received from one of my constituents, Mr. Tom Painter. Tom is concerned about the proposal of a new commercial marina on Norris Lake in Tennessee.

I'd appreciate it if you would contact him directly and provide what information you can. It would also be very helpful if you could copy my office on any reply that you send. Thanks for your assistance.

Sincerely,

Lamar

LINCOLN DAVIS
4TH DISTRICT, TENNESSEE
SENIOR WHIP



COMMITTEES:
FINANCIAL SERVICES
AGRICULTURE

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

RECEIVED
SEP 15 2009

September 14, 2009

Ms. Carol Warren
Customer Relationship Manager
United States Army Corps of Engineers
Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

CONGRESSIONAL CORRESPONDENCE

ACTION OFFICE DP-F

SUSPENSE DATE: 25 Sep 09

CONTROL NUMBER: 09-0316

ACTION OFFICE RECEIPT:

Signature & Date

Dear Ms. Warren:

This letter is written on behalf of one of our constituents, Mr. Tom Painter, regarding his concerns about the proposed marina on Norris Lake. Mr. Painter has contacted one of our offices requesting assistance in this matter.

Please review the enclosed information and note our inquiry into this particular matter. We ask that you advise our office as to how this matter may be resolved or how we may provide additional assistance to Mr. Painter. Please keep the district office, listed below, informed should there be any updates regarding this issue.

Thank you for your time and consideration in this matter. If you should have any questions, please feel free to contact our office at any time. I look forward to hearing from you in the near future.

Sincerely,

Beth Hickman, Field Representative
Congressman Lincoln Davis
Rockwood District Office

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

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

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

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

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

09-030



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

August 18, 2009

Regulatory Branch

Ms. Beth Hickman, Field Representative
Congressman Lincoln Davis
Rockwood District Office
1064 North Gateway Avenue
Rockwood, Tennessee 37854

Dear Ms. Hickman:

This is in response to your August 3, 2009, letter on behalf of Mr. William Bennett, Executive Director of Galilee Bible Camp. An e-mail from Mr. Bennett provided with your letter details his objections to the proposed construction of a commercial marina in the vicinity of the camp which is located on Norris Lake, near Lafollette, Campbell County, Tennessee.

For your information, the proposed marina also requires approval from the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act. We are working with TVA in the preparation of a joint environmental assessment to address impacts of the proposal prior to our permit decisions.

Mr. Ruben Hernandez, the Corps Project Manager reviewing the marina application, has determined that additional information is necessary to conclude our public interest review. He is working with TVA and the marina applicant to gather the information. A positive outcome from our recent discussions with the marina applicant is that the applicant has agreed to reduce the number of proposed slips and construct the marina in phases based on occupancy levels. We still foresee some opportunity for additional modifications that could result in further reductions in navigation, recreation, water quality, and aesthetic impacts, among others.

We have previously received several written comments, including comments from Mr. William Bennett, in response to our public notice which advertised the proposal. These comments express specific concerns and will be fully considered in our review. We will make a decision regarding the need for a public hearing prior to our final decision on this permit request and will notify Mr. William Bennett.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

OCT 30 2009

Great Lakes and Ohio River Division
Regional Integration Team

Mr. Thomas Painter
1628 Deerfield Way
LaFollette, Tennessee 37766

Dear Mr. Painter:

We received a letter from Senator Lamar Alexander asking us to respond to your e-mails expressing opposition to the proposed construction of a commercial marina located at Norris Lake near LaFollette, Tennessee. You also are concerned about the process for determining whether or not a public hearing should be held on the proposal.

All public notices of the U.S. Army Corps of Engineers offer the opportunity for public hearings. We have received several written comments in response to our public notice that express specific concerns and will be fully considered in our review. After we have received and reviewed all of the comments, and prior to final decision, we will make a determination regarding the need for a public hearing.

The proposed marina will also require approval from the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act. The Corps is working with TVA in the preparation of a joint environmental assessment to address impacts of the proposal prior to our permit decisions. We have determined that additional information is necessary to conclude our public interest review. We are working with TVA and the applicant to gather that information. A positive outcome from our recent discussions with the applicant is that he has agreed to reduce the number of proposed slips and construct the marina in phases based on occupancy levels. We foresee opportunities for additional modifications that could result in further reductions in impacts to navigation, recreation, water quality, aesthetics, etc.

Thank you for your inquiry regarding this proposed water resources project. I am sending a copy of this letter to Senator Alexander and the TVA. I will also provide a copy of your e-mails to the TVA. If you have any questions or need further information, please contact Ms. Avis Kennedy, Chief, Natural Resources Management Branch, Nashville District at (615) 736-2160.

Sincerely,

Steven L. Stockton, P.E.
Director of Civil Works



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

September 23, 2009

Regulatory Branch (1145b1)

Ms. Beth Hickman, Field Representative
Congressman Lincoln Davis
1064 North Gateway Avenue
Rockwood, Tennessee 37854

Dear Ms. Hickman:

This is in response to your September 14, 2009, letter on behalf of Mr. Tom Painter, resident of Deerfield Resort, on Norris Lake. An e-mail from Mr. Painter provided with your letter details his objections to the proposed construction of a commercial marina located at Powell River Mile 4.0, on Norris Lake, near LaFollette, Campbell County, Tennessee. Mr. Painter is also disappointed for not receiving notice concerning a promised public hearing on the proposal.

The proposed marina will require additional approval from the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act. We are working with TVA in the preparation of a joint environmental assessment to address impacts of the proposal prior to our permit decisions.

We have determined that additional information is necessary to conclude our public interest review. We are working with TVA and the applicant to gather the information. A positive outcome from our recent discussions with the applicant is that he has agreed to reduce the number of proposed slips and construct the marina in phases based on occupancy levels. We still foresee some opportunity for additional modifications that could result in further reductions in navigation, recreation, water quality, and aesthetic impacts, among others.

All public notices offer the opportunity for public hearings. We have received several written comments in response to our public notice which advertised such hearings. These comments express specific concerns and will be fully considered in our review. After review and prior to final decision, the Corps will make a determination regarding the need for a public hearing.

We appreciate your interest in this matter. Please contact Mr. Hernandez at the above address, or telephone (615) 369-7519, if you have any additional questions.

Sincerely,

Anthony P. Mitchell
Lieutenant Colonel
Corps of Engineers
District Engineer

09-036
9/24/09
sent to Army
Sharp to go to
HQ being
sent out from
there

We appreciate your interest in this matter. Please contact Mr. Hernandez at the above address, or telephone (615) 369-7519, if you have any additional questions.

Sincerely,

Anthony P. Mitchell
Lieutenant Colonel
Corps of Engineers
District Engineer

Copy Furnished:

Honorable Bill Jenkins
House of Representatives
410 Cannon House Office Building
Washington, D.C. 20515

CECW-IP

CELRD-DD-L

MCDANIEL/OP-F/369-7511
GATLIN/OP-F/369-7515
MATTHEWS/OP-S/7971
OWNBY/OP/7271
HILL/OC/5687
WILSON/DP
KLINGER/DE-S
MANN/XO
MAJ JUDSON/DDE
LTC MITCHELL/DE

Campbell County Highway Department

136 Mount Paran Road
Jacksboro, Tennessee 37757

Dennis Potter, Road Superintendent

Phone: 423-562-3404

Fax: 423-562-6296

May 12, 2009

Mark Hoskins
Pointe Marina
P.O. Box 636
LaFollette, TN 37766

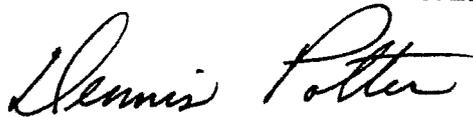
RE: County Highway Access to the Proposed Pointe Marina

Dear Mr. Hoskins:

As you requested, I have assessed the County Highway System that will be utilized by the general public to access the proposed Pointe Marina.

Taking into consideration the current traffic flow as well as the anticipated increase in traffic flow as a result of this proposed marina, it is my opinion that the existing County Highway System (Demory Road) will be sufficient to handle the increased in traffic generated by the proposed marina.

If I can be of further assistance do not hesitate to contact me.



Dennis Potter, Road Superintendent
Campbell County Highway Department



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

November 16, 2010

To those listed

TENNESSEE VALLEY AUTHORITY (TVA), 26A PERMIT FOR POINTE MARINA,
NORRIS RESERVOIR, POWELL RIVER MILE (RM) 4L, CAMPBELL COUNTY,
TENNESSEE

TVA received a 26a permit request from Mr. Mark Hoskins for the proposed Pointe Marina on Norris Reservoir, Powell RM 4L, in Campbell County, Tennessee. The proposed marina and development will consist of 800 boat slips, a marina store, a restaurant, a golf cart path and approximately 200 parking spaces. TVA recommends that the area of potential effect (APE), for archaeology, is the proposed marina and development. The recommended APE for historic structures is a 0.5 mile-radius surrounding the proposed marina and development.

Prior to the survey, background research was conducted to identify any previously recorded historic properties within the APE. The shoreline in the project area was surveyed in 2005 by the University of Tennessee and six archaeological resources (40CP172, 40CP173, and 40CP215 - 218) were identified within the APE. Sites 40CP172, 40CP173, 40CP216, and 40CP218 are considered ineligible for listing on the National Register of Historic Places (NRHP). 40CP215 and 40CP217 were recommended potentially eligible for listing in the NRHP. No architectural resources were previously recorded within the APE.

The Phase I cultural resources survey was conducted and two previously unrecorded archaeological resources (40CP303 and 40CP304) were identified within the APE. A rock shelter, the remains of a 1950s-era church camp, and the former location of the Heatherly farmstead were also identified during the survey. To consolidate the resource documentation, the author requested one site number, 40CP303, to include the new recorded resources and supersede previously recorded sites 40CP216 and 40CP218. The Tennessee Division of Archaeology approved the site designation. Site 40CP303 is recommended ineligible for listing in the NRHP. Site 40CP304 consists of two stone piles that are recommended potentially eligible for listing in the NRHP. A commitment will be placed in the 26a permit requiring the applicant (if he purchases the property) to place a preservation covenant in his deed for 40CP304 which will include a 50-foot buffer (Figure 1). The applicant has agreed to this commitment and TVA will provide the applicant with maps depicting the buffer's boundary. The applicant will be required to submit a copy of the new deed once the covenant has been added.

Phase II testing and geomorphological investigations were conducted at sites 40CP215 and 40CP217. A total of 42 shovel tests, six 1x1 meter test units, and five geomorphological trenches were excavated at 40CP215. Eight shovel tests recovered modern trash and the remaining 34 shovel tests were negative. Four test units recovered modern trash and five flakes and the remaining two test units were negative. Three of the geomorphological trenches were excavated into the two sinkholes and

revealed that the sinkholes were formed in a valley filled with historic alluvium eroded from the adjacent uplands. Site 40CP215 is recommended ineligible for listing in the NRHP. Three shovel tests and one 2x1 meter test unit was excavated into the north flank of the stone mound (40CP217). Modern trash was recovered beneath the stone mound. Site 40CP217 is recommended ineligible for listing in the NRHP.

Five previously unrecorded historic structures (CP180 – CP184) were identified within the APE. These sites are recommended ineligible for listing in the NRHP for lack of unique characteristics and modern alterations.

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

Enclosed are the draft reports on compact disc entitled *Phase I Survey For Archaeological Resources and Phase II Archaeological Testing of Sites 40CP215 and 40CP217, Pointe Marina on Norris Reservoir, Campbell County, Tennessee*, and *Architectural and Historical Assessment, Pointe Marina on Norris Reservoir, Campbell County, Tennessee*.

TVA finds that, with the above commitment, site 40CP304 would not be adversely affected. By this letter TVA is providing notification of these findings and is seeking your comments regarding this undertaking and any properties that may be of religious and cultural significance to your federally recognized tribe and may be eligible for the NRHP.

If you have any questions regarding this undertaking, please contact me by telephone at (865) 632-6461 or by email at pbezzell@tva.gov. Please respond within 30 days of receipt of this letter if you have any comments on this proposed undertaking.

Sincerely,



Patricia Bernard Ezzell
Tribal Liaison and Corporate Historian
Federal Determinations
WT 11D-K

EEP:PBE:IKS

Enclosures

cc: Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Angela M. Sutton, LCB 1A-LCT
EDMS, WT 11D-K

THOSE LISTED:

Dr. Richard Allen
Policy Analyst
Cherokee Nation
Post Office Box 948
Tahlequah, Oklahoma 74465

Ms. Augustine Asbury
Cultural Preservation Coordinator
Alabama Quassarte Tribal Town
Post Office Box 187
Wetumka, Oklahoma 74883

Second Chief Alfred Berryhill
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Mr. Charles Coleman
NAGPRA Representative
Thlopthlocco Tribal Town
Route 1, Box 190-A
Weleetka, Oklahoma 74880

Ms. Natalie Deere
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Ms. Robin DuShane
Cultural Preservation Director
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Mr. Henry Harjo
Environmental Director
Kialegee Tribal Town
Post Office Box 332
Wetumka, Oklahoma 74883

Mr. Tyler Howe
Historic Preservation Specialist
Eastern Band of the Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

cc: Mr. Russ Townsend
Tribal Historic Preservation Officer
Eastern Band of the Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

Mr. Ted Isham
Manager
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Ms. Karen Kaniatobe
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper
Shawnee, Oklahoma 74801

Ms. Lisa C. LaRue
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

Ms. Jennifer Pietarila
Archaeological Data Analyst
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61 Box 21-A
Clewiston, Florida 33440

cc: Ms. Anne Mullins
Project Coordinator
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440

cc: Mr. Willard Steele
Tribal Historic Preservation Officer
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440

Mr. Emman Spain
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Mr. Ron Sparkman
Chairman
Shawnee Tribe
Post Office Box 189
Miami, Oklahoma 74355

cc: Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe
Post Office Box 189
Miami, Oklahoma 74355

Chief Glenna J. Wallace
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Mr. Elliot York
Archaeological Data Analyst
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440

Stringfield, I Kathleen

From: Ezzell, Patricia Bernard
Sent: Wednesday, December 01, 2010 5:37 PM
To: Stringfield, I Kathleen; Broyles, Erin E; Pritchard, Erin E; Shuler, Marianne M
Subject: FW: Pointe Marina, Norris Reservoir, Powell River Mile, Campbell County, Tennessee

Date Rec'd.: 12/1/10
Saved: Pointe Marina
Sent to: EEP, MS, EB, PBE
File: ✓

For the files. Thanks--Pat

From: Kim Jumper [mailto:kjumper_shawneetribes@hotmaill.com]
Sent: Wednesday, December 01, 2010 5:11 PM
To: Ezzell, Patricia Bernard
Subject: Pointe Marina, Norris Reservoir, Powell River Mile, Campbell County, Tennessee

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

Thank you for giving us the opportunity to comment on this project.

Sincerely,
Kim Jumper, THPO
Shawnee Tribe

MEMORANDUM FOR RECORD

SUBJECT: Public Hearing Requests, File No. 2008-01767, Proposed Commercial Marina, Powell River Mile 4.0R, Norris Lake, Campbell County, Tennessee

1. On 02 September 2008, we received an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for the construction of a 799-boat capacity commercial marina including a marina store, restaurant, and gas dock platform. Other amenities would include a public boat launching ramp and a floating wave attenuator. A detailed description of the proposal can be found in Joint Public Notice 09-03 which was sent to numerous addressees including federal, state, and local agencies, adjacent property owners, and others (Encl 1).
2. Agency responses to the Notice were received from the U.S. Fish and Wildlife Service (USFWS) and Tennessee Historical Commission (THC) (Encl 2). USFWS stated that the requirements of section 7 of ESA are fulfilled and that they do not believe that significant adverse impacts to fish and wildlife or their habitats would result from the project. THC stated that they needed additional information to determine whether or not the project has any potential to affect historic properties. The Tennessee Valley Authority (TVA), which must authorize the project pursuant to Section 26a of the TVA Act, is the Lead Federal Agency regarding cultural issues and is currently in consultation with THC to comply with Section 106 of the National Historic Preservation Act.
3. Fifty-eight private individual objections were received in response to the Notice and five objections were received after the Notice had expired. One letter from a private individual contained comments favorable to the proposal. In addition to regular comments, three congressional inquiries were received during the application's public interest review process. A copy of all public comments are attached as Encl 3. Some of the most common valid public interest factors found within public comments were related to conflicts with existing recreational uses including those within the nearby bible camp, recreational navigation and boating safety, recreational carrying capacity/boating density on Norris Lake. Many other themes were addressed by public comments including general environmental concerns, water quality, roadway traffic effects, aesthetics, noise, erosion, property values, and property rights. Thirty-five of the objectors requested a public hearing.
4. Responses to the Notice were sent to the applicant. The applicant responded by letter dated 11 May 2009 (Encl 4). The applicant addressed many of the substantive issues identified by the objectors. In addition, on or about 11 March 2010, the applicant proposed to reduce the total number of boat slips from almost 800 to about 500. This would partially address objections related to conflicts with existing recreational uses and navigation as the reduced size of the

CELRN-OP-F (1145b1)

SUBJECT: Public Hearing Requests, File No. 200801767, Proposed Commercial Marina, Norris Lake, Campbell County, Tennessee

marina could be contained within harbor limits extending only one-third the width of the cove and preserving at least one-third the width of the cove for an open navigation lane. See Encl 5 for the applicant's revised plans.

5. In response to public interest factors addressed by many of the objectors, TVA conducted a boating density study to determine if the carrying capacity of the affected portion of Norris Lake would be exceeded by the addition of up to 713 new commercial boat slips and a new public boat launching ramp with 43 vehicle trailer parking spaces. Based on accepted formulations for boating use patterns and optimum recreational boating density thresholds for typical summer weekend days, the proposed commercial marina would not jeopardize recreational boating in the affected area of Norris Lake. See Encl 6 for excerpts from the study.

6. I have concluded that the public has had ample opportunity to express its views and opinions regarding this application through the Notice process. Public and agency responses to the Notice have served to fully develop the pertinent issues and there is a substantial amount of information in the record addressing these issues.

7. I have determined that a public hearing would not provide any additional substantial information which would assist me in reaching a final decision on the DA permit request. Accordingly, I have concluded that there is no valid interest to be served in holding a public hearing. The commenters who requested a public hearing will be informed of my decision and the reasons supporting it at an appropriate time.

for 
RONALD E. GATLIN
Chief, Regulatory Branch
Operations Division

Encls