APPENDIX A

Public Notice 07-01, Dated 12 January 2007

Public Notice

US Army Corps of Engineers

Nashville District

Public Notice No.07-01 Date: **January 12, 2007**

Application No.**2006-04097** Expires: **February 12, 2007**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

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

SUBJECT: Proposed Community Docks at Haw Branch, Tennessee River Mile 209.6R, Pickwick Lake, Hardin County, Tennessee

TO ALL CONCERNED: The application described below has submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** for the construction of docks on waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act.**

APPLICANT: The Preserve Marina Owners Association, Inc.
3660 Pyburns Drive
Savannah, Tennessee 38372

LOCATION: Haw Branch Embayment, Tennessee River Mile 209.6, Right Bank, Pickwick Lake, Hardin County, Tennessee (Pickwick Dam Quad; lat 35-04-15, lon 88-12-06)

DESCRIPTION: The proposed work consists of the construction of community docks for The Preserve Marina Homeowners Association. The proposed work would involve five separate dock systems. Dock A would consist of three - 20' by 20' boatslips, that would extend out 40' from the normal summer pool (NSP) Elevation 414.0' for Pickwick Lake. Dock B would consist of fifteen (15) - 20' by 24' boatslips, and extend out 48' from NSP shoreline. Dock C would consist of fifteen (15) - 20' by 24' boatslips, and extend out 38' from NSP shoreline. Dock D would consist of seven - 20' by 20' boatslips, and extend out 36' from the NSP shoreline. Dock E would consist of thirteen (13) - 20' by 20' boatslips, and would extend out 36' from the NSP shoreline.

All boatslips would be covered and floating. No dredging is proposed. A proposed boat ramp, 24' wide, would be constructed, but has previously been approved by DA Nationwide Permit #36 and TVA 26a approval in December 2006.

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. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

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

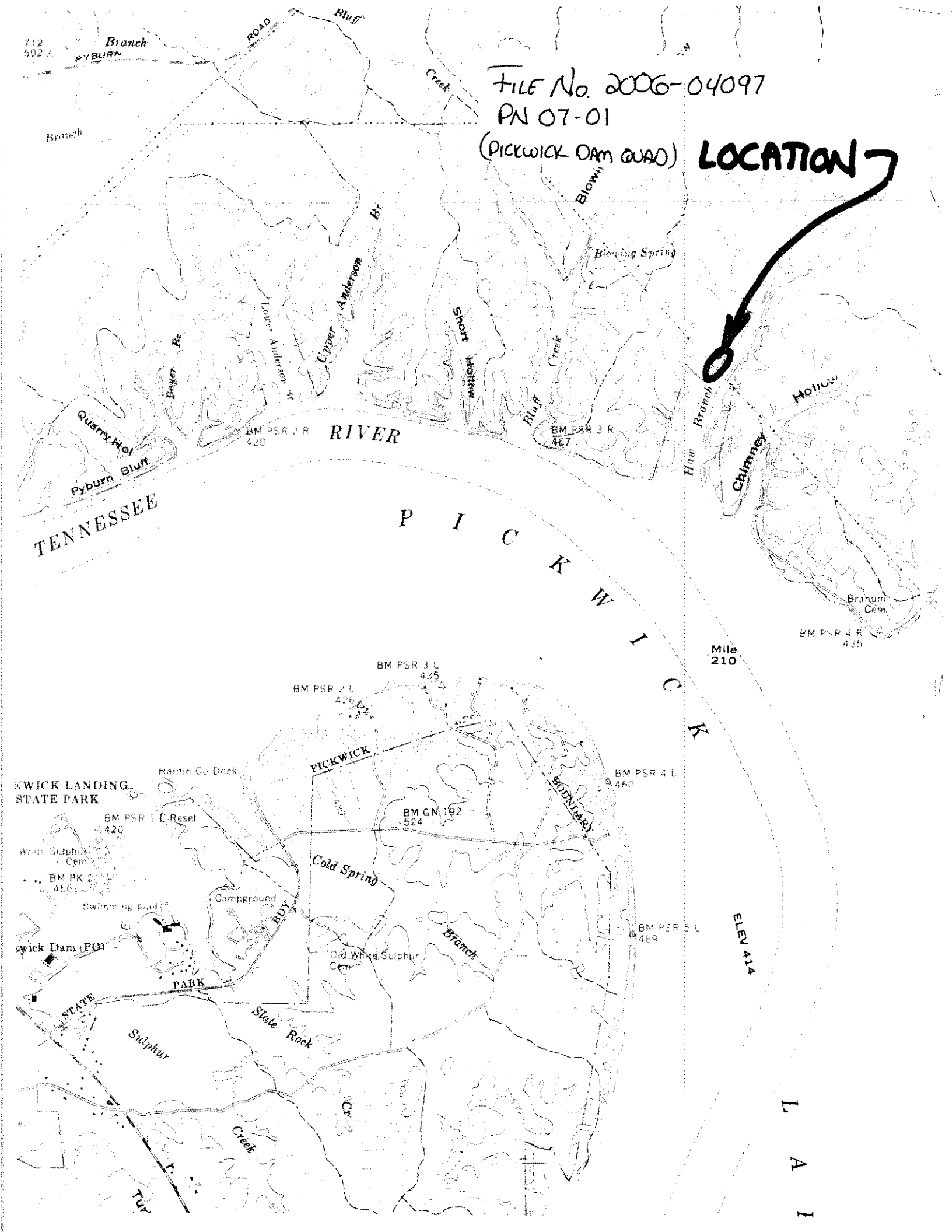
Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval is required under Section 26a of the TVA Act for the proposed work. 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.

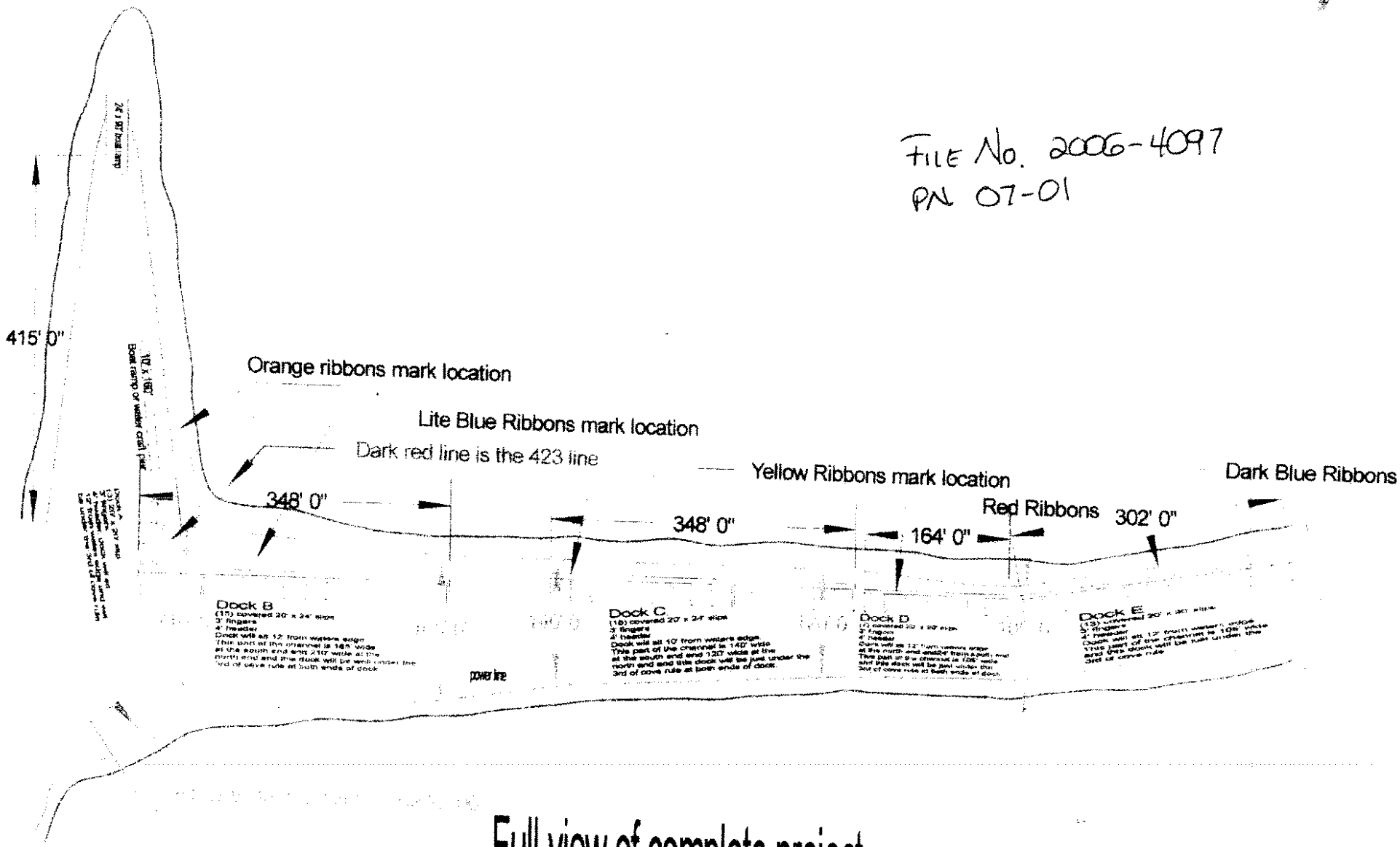
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **February 12, 2007** 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, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. 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 Mr. Kenley Austin, Tennessee Valley Authority, Pickwick Watershed, P.O. Box 1010, Muscle Shoals, Alabama 35662-1010, telephone 256-386-3456.

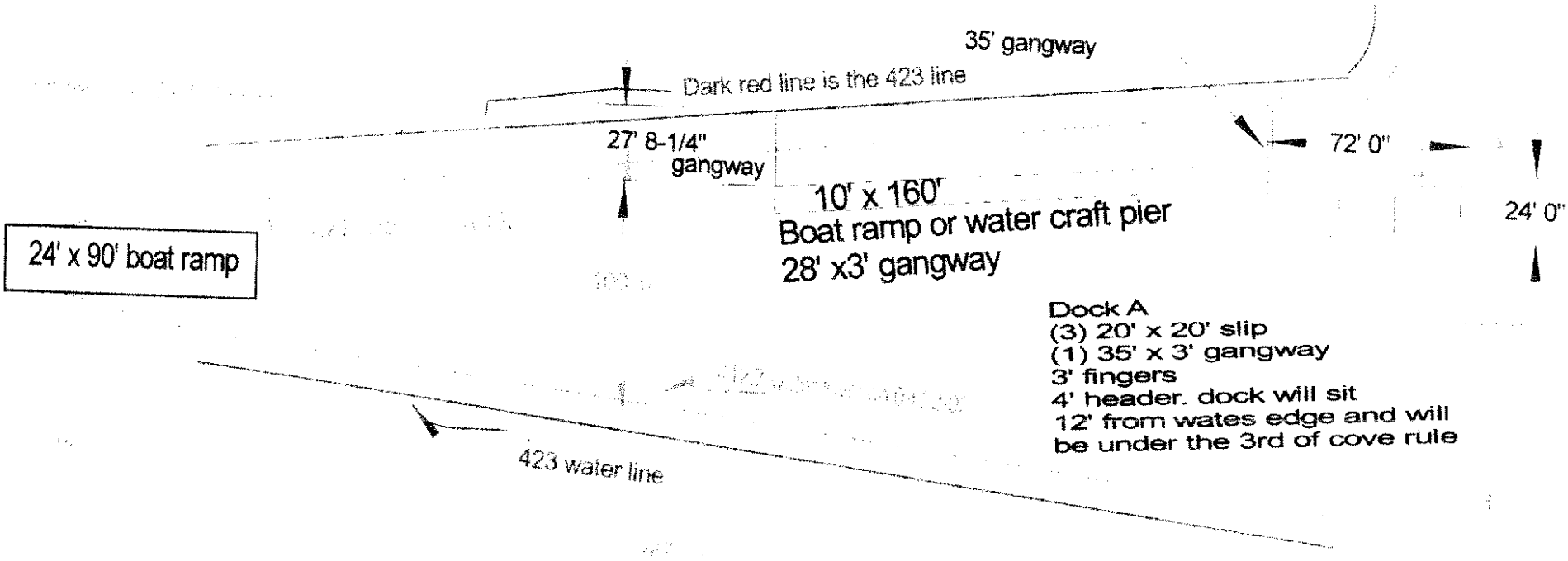
If you received this notice by mail and wish to view all of the diagrams, visit our web site at: http://www.lrn.usace.army.mil/cof/notices.htm, or contact Amy Robinson at the above address or phone number.


FILE No. 2006-04097
PN 07-01
(PICKWICK DAM QUAD)
LOCATION
712
502
Branch
PYBURN
ROAD
Bluff
Creek
Branch
Blowing Spring
Upper Anderson Br
Lower Anderson Br
Bayer Br
Short Hollow
Bluff Creek
Quarry Hol
Pyburn Bluff
BM PSR 2 R
428
RIVER
BM PSR 3 R
467
Haw Branch
Chimney Hollow
TENNESSEE
P I C K W I C K
Branum Cem
BM PSR 4 R
435
Mile
210
BM PSR 3 L
435
BM PSR 2 L
426
PICKWICK
Hardin Co Dock
KWICK LANDING
STATE PARK
BM PSR 4 L
460
BOUNDARY
BM PSR 1 L Reset
420
BM GN 192
524
White Sulphur Cem
BM PK 2
456
Cold Spring
Campground
Swimming pool
BDY
Branch
BM PSR 5 L
489
ELEV 414
wick Dam (PO)
Old White Sulphur Cem
PARK
STATE
Slate Rock
Sulphur
Creek
L A

File No. 2006-4097
PN 07-01

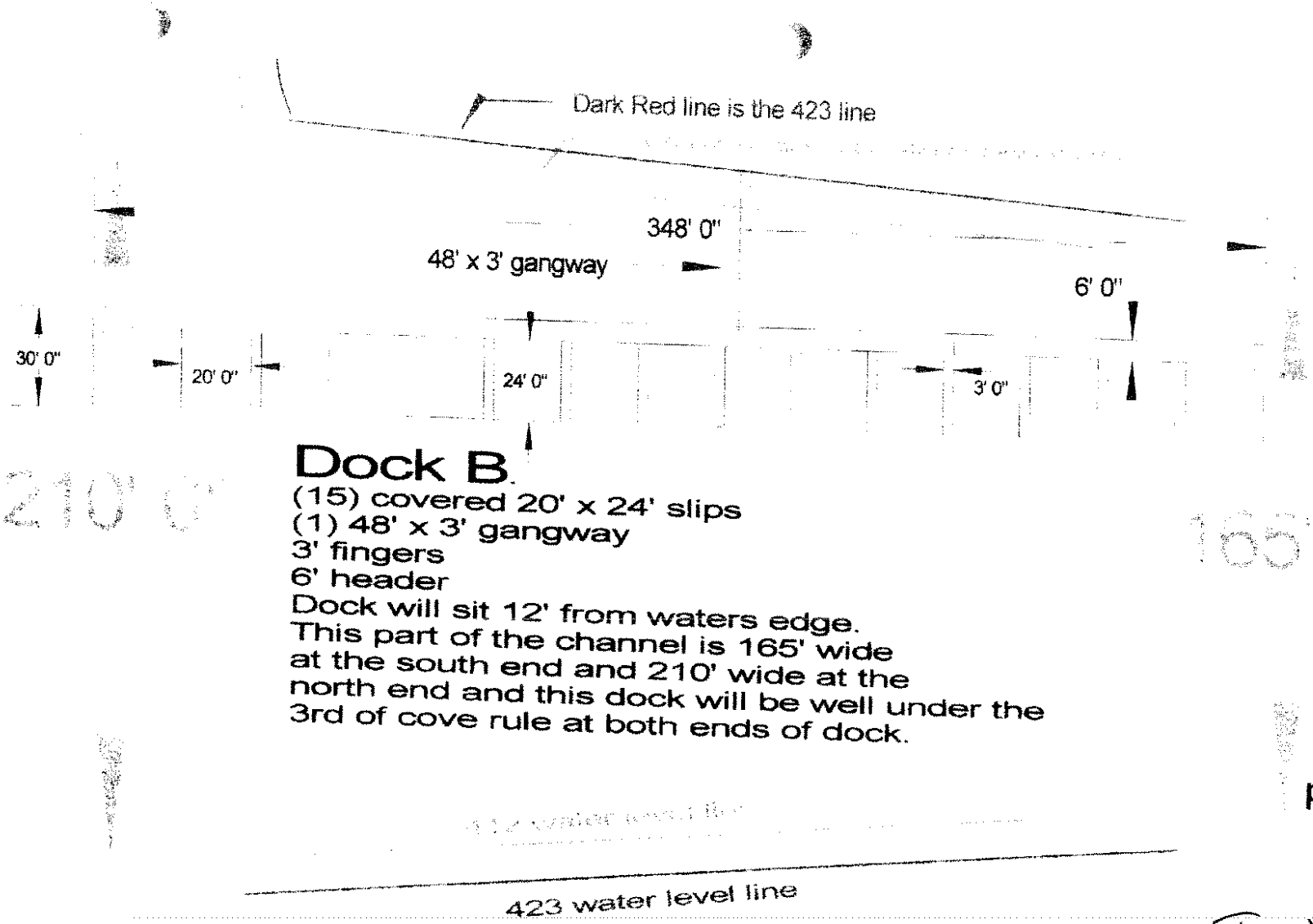


Full view of complete project.



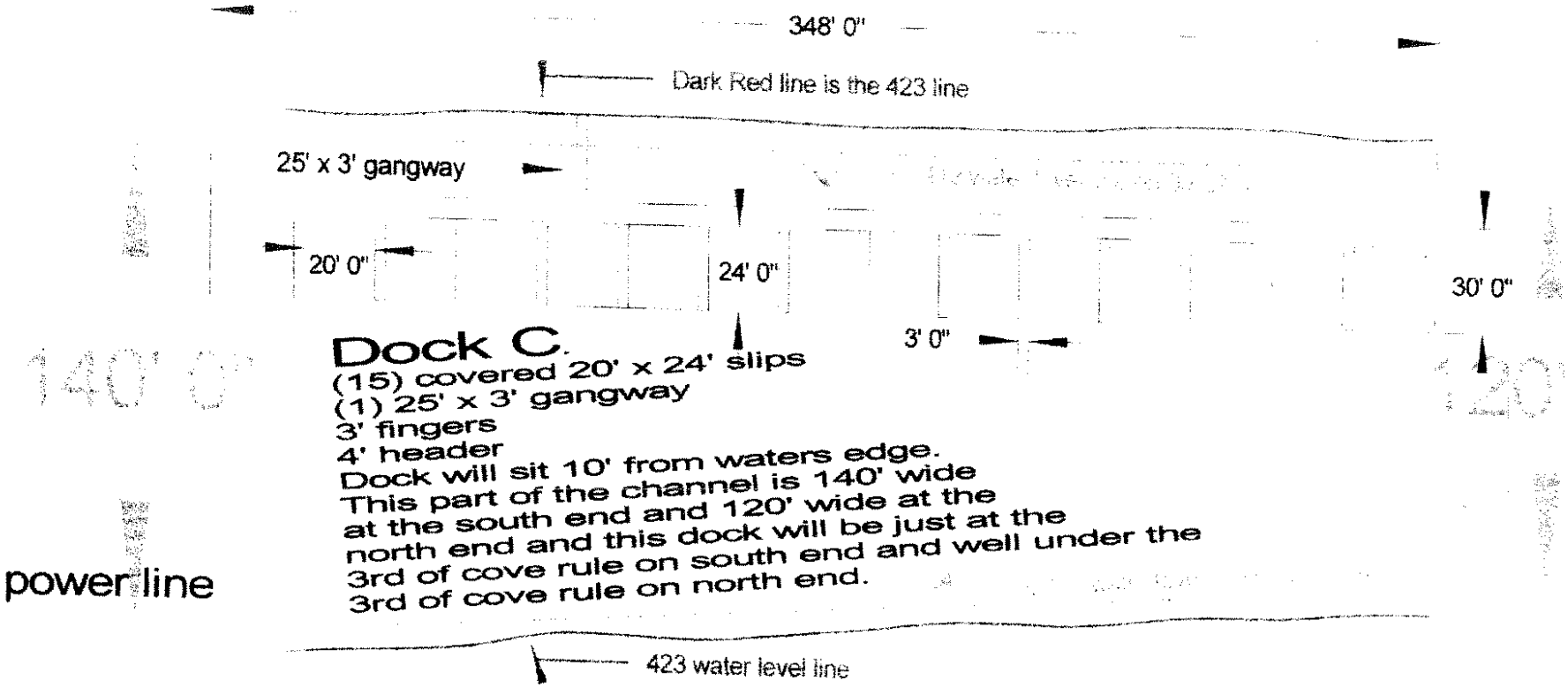
24' x 90' Boat ramp
10' x 160' boat ramp/watercraft pier
28' x 3' gangway
72' x 24' covered 3 slip dock.
35' x 3' gangway

File No. 2006-4097
PN 07-01



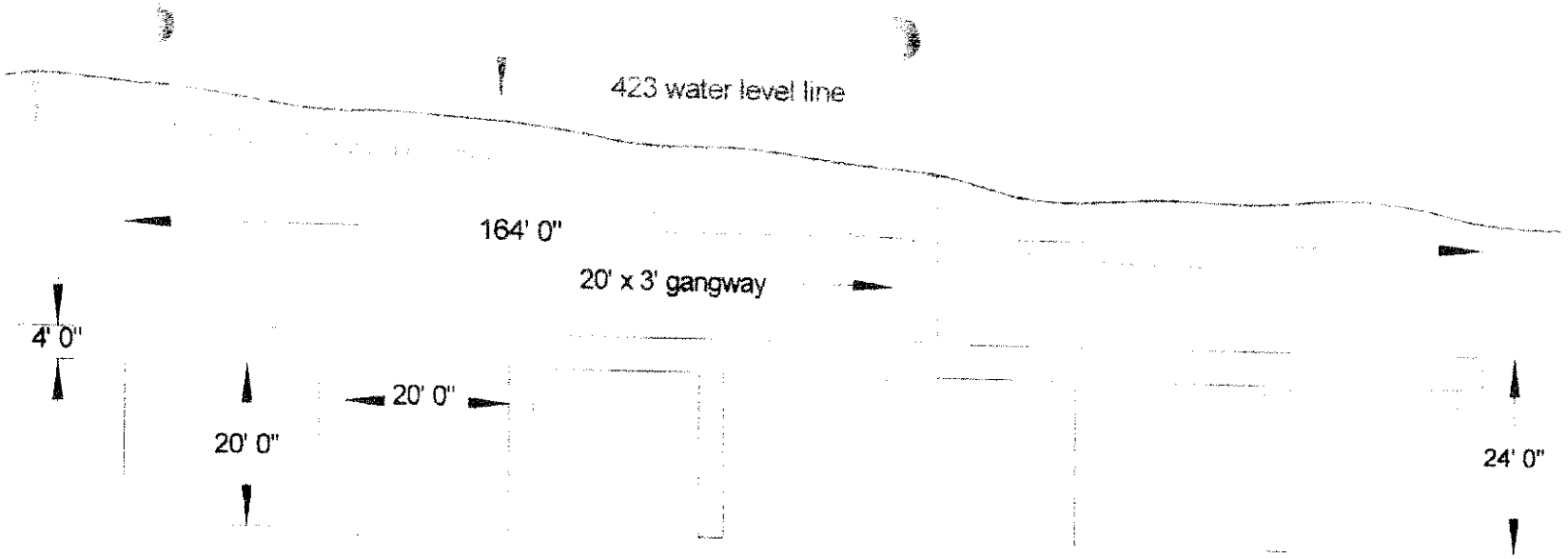
FILE No. 2006-4097
PN 07-01

348' x 30' covered 15 slip dock
48' x 3' gangway



File No. 2006-4097
PN 07-01

348' x 30' covered 15 slip dock
25' x 3' gangway



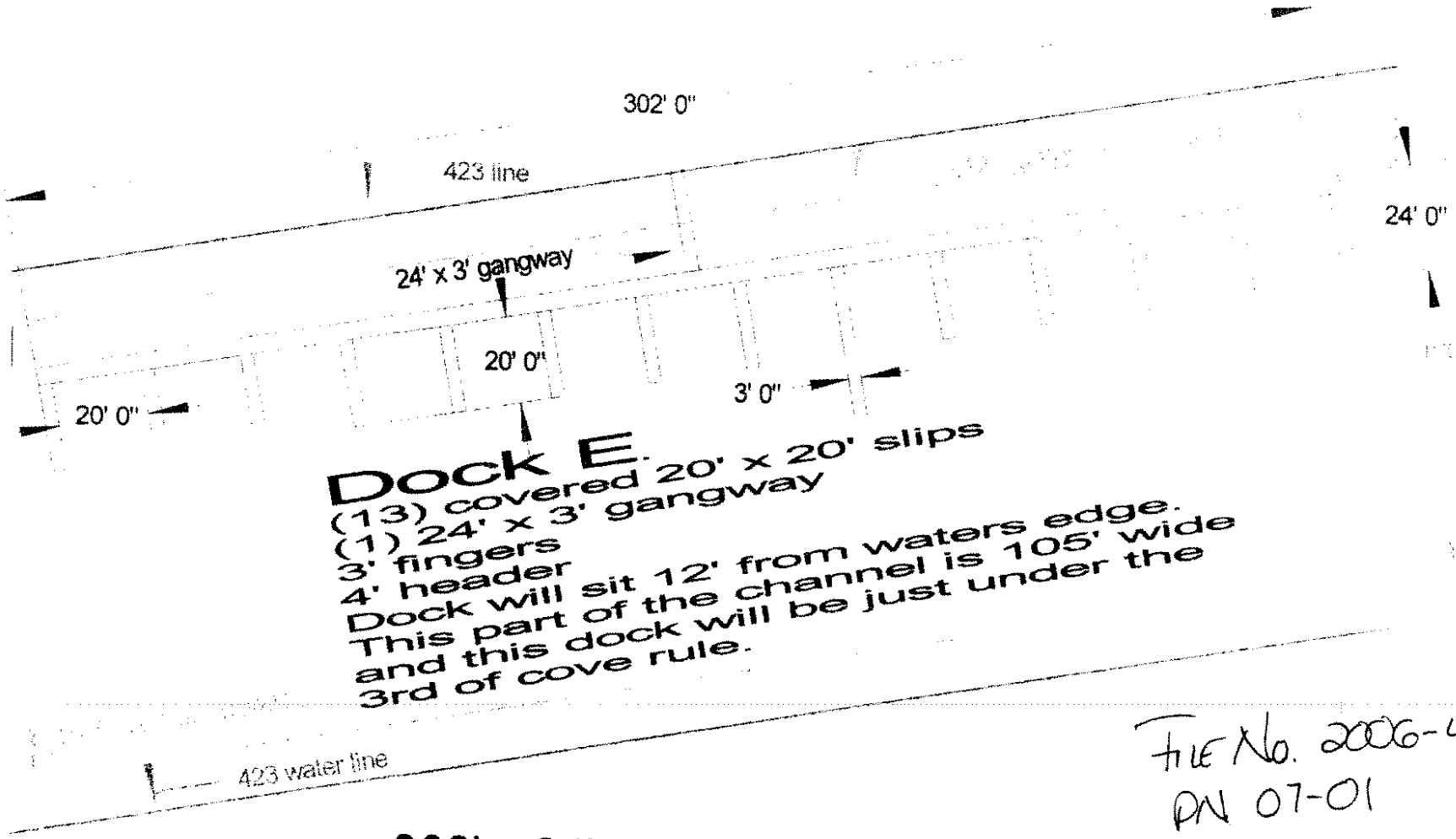
Dock D

(7) covered 20' x 20' slips
(1) 20' x 3' gangway
3' fingers
4' header
Dock will sit 12' from waters edge.
at the north end and24' from south end.
This part of the channel is 105' wide
and this dock will be just under the
3rd of cove rule at both ends of dock.

File No. 2006-4097
PN 07-01

423 line

164' x 24' covered 7 slip dock
20' x 3' gangway



FILE No. 2006-4097
PN 07-01

302' x 24' covered 13 slip dock
24' x 3' gangway

APPENDIX B

Boat Ramp Information
TVA 26a Permit
COE Nationwide Permit
TDEC General Permit

US Army Corps
of Engineers
Nashville District

Department of the Army Permit

December 19, 2006

Western Regulatory Field Office
2042 Bonnie Pond Sq.
Bldg. C, Suite 415
Decatur, AL 35601
(OPP-TR-LRR)

Applicant Name	Lake	File No. 2006-4097	1145b1
The Preserve Marina Owners Association, Inc.	Pickwick Lake	County Hardin	State TN
Address: 3660 Pyburns Drive Savannah, Tennessee 38372	River/Stream Mile Tennessee River Mile 209.5, Right Bank		
	Subdivision The Preserve	Lot No(s)	

We have reviewed your application, dated December 12, 2006, for a Department of the Army (DA) Permit. The work listed below is approved subject **to all conditions and plans attached to this permit.**

NATIONWIDE PERMIT (NWP). The following activities are approved under authority of the NWP Program. These NWP's became effective March 18, 2002. #36 Boat Ramps , is issued for the istallation of a 20' X 200' boat ramp.

The verification that the work is approved under authority of this NWP is valid until March 18, 2007.

The State of Tennessee has issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed conditions of the State General Permit. The State can be reached at telephone (615) 532-0625.

Special Conditions:

Remarks: N/A

If I can be of further assistance, please contact me at the address or phone number above.

DM

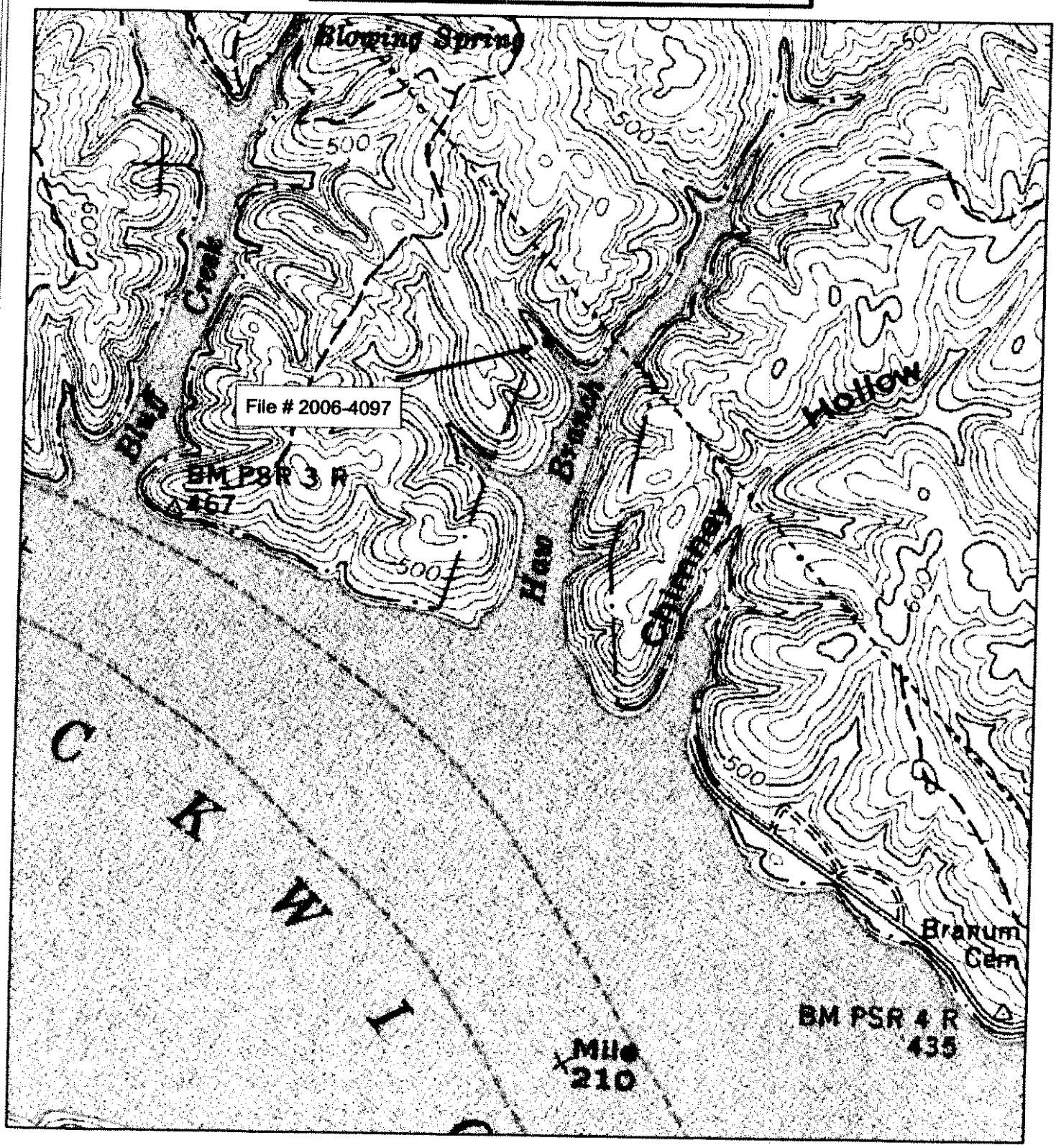
David Monroe
Regulatory Specialist
Operations Division

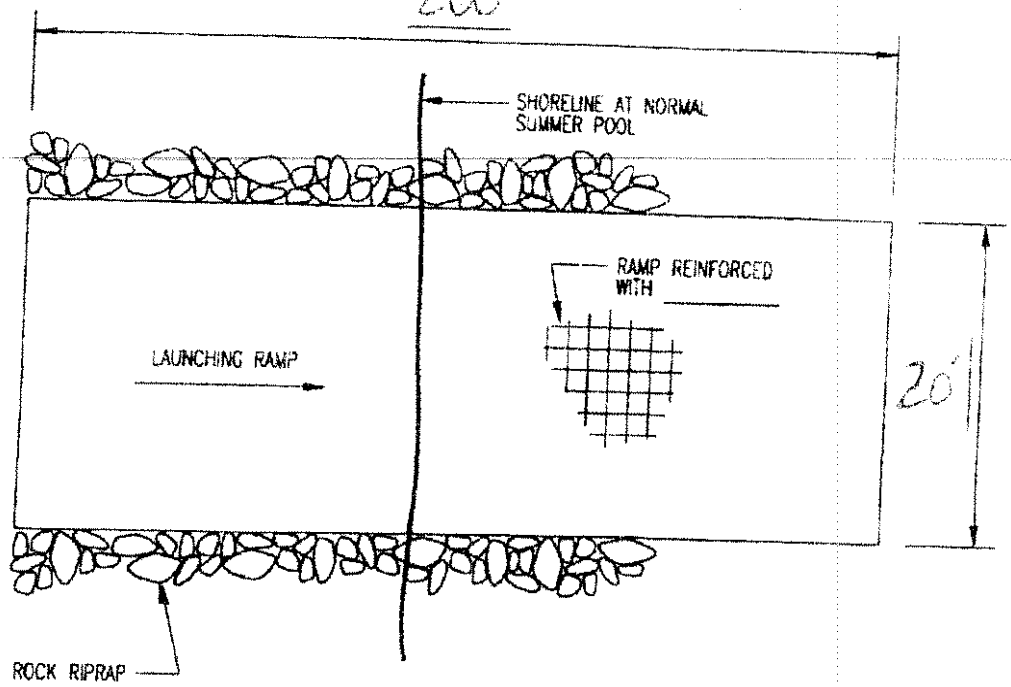
Enclosures:
Location Map
Approved Plans
Permit Conditions

Copy Furnished:
Tennessee Valley Authority
Muscle Shoals
RLR# 177127

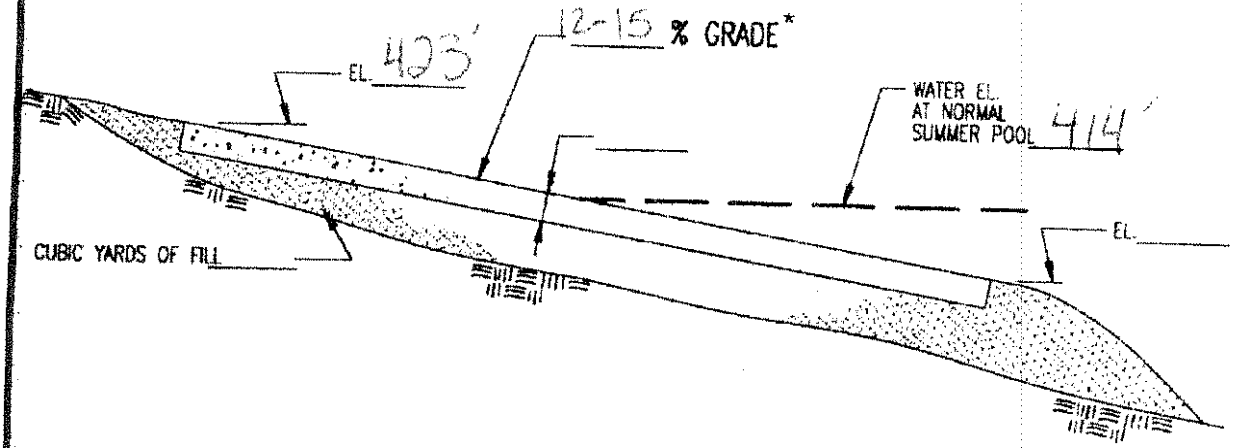
Copy Furnished:
TDEC/WPC
Daniel C. Eagar
7th Floor L&C Annex
401 Church Street
Nashville, TN 37243-1534

US Army Corps of Engineers
Western Regulatory Field Office
2042 Beltline Road SW
Building C, Suite 415
Decatur, Alabama 35601
(256) 350-5620
(256) 350-5499 fax





PLAN



SECTION THRU CONCRETE RAMP

THE NORMAL SUMMER WATER LEVEL IS:

414'

NOTE:
INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED.

* IN ACCORDANCE WITH INDUSTRY STANDARDS, A SLOPE BETWEEN 12% AND 15% IS RECOMMENDED

TYPICAL CONCRETE RAMP DETAIL

PROJECT LOCATION INFORMATION:

STREAM NAME [illegible] SUBDIVISION NAME N/A

RESERVOIR NAME [illegible] LOT NUMBER N/A

MILE MARKER [illegible] MAP NO. 2D

(APPLICANT'S NAME)

Preserve Marina Owners Assoc. Inc

RLR 197127

US Army Corps of Engineers
Nashville District

Nationwide Permit Conditions

FILE NO. 2006-4097

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.

2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.

7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a ``study river'' for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water Quality. (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA) or which will destroy or adversely modify the critical habitat of such species. Non federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the ``take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g. an ESA Section 10 Permit, a Biological Opinion with ``incidental take'' provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal ``takes'' of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at http://www.fws.gov/r9endspp/endspp.html and http://www.nfms.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

(a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

US Army Corps of Engineers
Nashville District

Nationwide Permit

File No. 2006-4097

No. 36, Boat Ramps

Activities required for the construction of boat ramps provided:

a. The discharge into waters of the U.S. does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or placement of pre-cast concrete planks or slabs. (Unsuitable material that causes unacceptable chemical pollution or is structurally unstable is not authorized);

b. The boat ramp does not exceed 20 feet in width;

c. The base material is crushed stone, gravel or other suitable material;

d. The excavation is limited to the area necessary for site preparation and all excavated material is removed to the upland; and,

e. No material is placed in special aquatic sites, including wetlands.

Another NWP, Regional General Permit, or Individual Permit may authorize dredging to provide access to the boat ramp after obtaining a Section 10 if located in navigable waters of the U.S. (Sections 10 and 404)

General Permit for Construction of Launching Ramps and Public Access Structures

Effective Date: July 1, 2005
Expiration Date: June 30, 2010

This general permit authorizes the construction of boat launching ramps and public access structures in waters of the state. Public access structures include, but are not limited to, fishing piers, handicap access ramps and greenway trails.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

1) where the proposed activity may adversely affect wetlands;
2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, where the activity will likely mobilize the contaminated sediments;
4) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
5) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
6) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

1) Notification to the division is **not** required where the activity is located within water resource development lands and waters, including flowage easement, managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USCOE).
2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application (form CN-1091) along with the following minimum information:
   (a) a cover letter explaining the scope of the project;
   (b) a USGS topographical map showing the exact location of the proposed project; and
   (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

20) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
21) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____ DATE: 6-30-05
Paul E. Davis, Director, Water Pollution Control

Tennessee Valley Authority

Section 26a Approval / Denial

Applicant Name	The Preserve Marina Owners Assc. Inc.	RLR No.	177127
Address	3660 Pyburns Drive	Subdivision	The Preserve
City, State, & Zip	Savannah, TN 38372	Lot No(s).	n/a
Reservoir	Pickwick	Category	☐ 1 ☒ 2 ☐ 3
Tract No.	XPR-204 Map No. 2 D		
River/Stream Mile	TN River 209.6 R		

This application has been reviewed. The blocks checked below indicate the status of your request.

☒ The facilities and/or activities listed below are ***APPROVED*** subject to the general and special conditions attached.

1. Launching Ramp - Concrete - 200' x 20'
2.
3.
4.
5.
6.
7.
8.

☐ The facilities and/or activities listed below are ***DENIED***.

1.
2.

In accordance with 18 CFR § 1304.6, permit decisions may be appealed to the Senior Vice President, Environmental Stewardship and Policy, Tennessee Valley Authority, 400 W. Summit Hill Drive, Knoxville, TN 37902. Appeals must be submitted within 30 days of the receipt of this decision and specify the reason why it is contended that the decision is in error.

☐ This permit ***SUPERSEDES*** the following previous TVA approval(s).

_____ permit issued to _____ for _____

_____ permit issued to _____ for _____

_____ permit issued to _____ for _____

_____ permit issued to _____ for _____

TVA Representative Angela Polly Angela Polly Date 12/20/2006

☒ Requires review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE. **No construction shall commence until you have written approval or verification that no permit is required.**

☐ ARAP (For Tennessee locations, a copy of the permit has been sent to the Tennessee Department of Environment and Conservation).

Categorical Exclusion Checklist for Proposed TVA Actions

Categorical Exclusion Number Claimed	Organization ID Number	**Tracking Number** *(NEPA Administration Use Only)*
	RLR176005	14282

Form Preparer	Project Initiator/Manager	Business Unit
Angela M Polly	Angela M Polly	RSOE - Resource Stewardship

Project Title	Hydrologic Unit Code
26a Category 3 RLR176005 The Preserve Marina Owner Association, Inc. Pickwick Reservoir	06010201-240

Description of Proposed Action *(Include Anticipated Dates of Implementation)* [X] Continued on Page 3 *(if more than one line)*

For Proposed Action See Attachments and References

Initiating TVA Facility or Office	TVA Business Units Involved in Project
Pickwick-Wheeler Watershed Team	

Location *(City, County, State)*

For Project Location see Attachments and References

Parts 1 through 4 verify that there are no extraordinary circumstances associated with this action:

Part 1. Project Characteristics

Is there evidence that the proposed action---	No	Yes	Information Source
1. Is major in scope?	X		Polly A. M. 01/25/2007
2. Is part of a larger project proposal involving other TVA actions or other federal agencies?	X		Polly A. M. 01/25/2007
*3. Involves non-routine mitigation to avoid adverse impacts?	X		Polly A. M. 01/25/2007
4. Is opposed by another federal, state, or local government agency?	X		Polly A. M. 01/25/2007
*5. Has environmental effects which are controversial?		X	For comments see attachments
*6. Is one of many actions that will affect the same resources?	X		Polly A. M. 01/25/2007
7. Involves more than minor amount of land?	X		Polly A. M. 01/25/2007

* If "yes" is marked for any of the above boxes, consult with NEPA Administration on the suitability of this project for a categorical exclusion.

Part 2. Natural and Cultural Features Affected

Would the proposed action---	No	Yes	Per-mit	Commit-ment	Information Source for Insignificience
1. Potentially affect endangered, threatened, or special status species?	X		No	No	For comments see attachments
2. Potentially affect historic structures, historic sites, Native American religious or cultural properties, or archaeological sites?	X		No	No	For comments see attachments
3. Potentially take prime or unique farmland out of production?	X		No	No	Polly A. M. 01/25/2007
4. Potentially affect Wild and Scenic Rivers or their tributaries?	X		No	No	Polly A. M. 01/25/2007
5. Potentially affect a stream on the Nationwide Rivers Inventory?	X		No	No	Polly A. M. 01/25/2007
6. Potentially affect wetlands, water flow, or stream channels?	X		No	No	Simbeck D. J. 11/15/2006
7. Potentially affect the 100-year floodplain?	X		No	No	Polly A. M. 01/25/2007
8. Potentially affect ecologically critical areas, federal, state, or local park lands, national or state forests, wilderness areas, scenic areas, wildlife management areas, recreational areas, greenways, or trails?	X		No	No	Simbeck D. J. 11/15/2006
9. Contribute to the spread of exotic or invasive species?	X		No	No	For comments see attachments
10. Potentially affect migratory bird populations?	X		No	No	Simbeck D. J. 11/15/2006
11. Involve water withdrawal of a magnitude that may affect aquatic life or involve interbasin transfer of water?	X		No	No	Simbeck D. J. 11/15/2006
12. Potentially affect surface water?	X		No	No	For comments see attachments
13. Potentially affect drinking water supply?	X		No	No	Simbeck D. J. 11/15/2006
14. Potentially affect groundwater?	X		No	No	Simbeck D. J. 11/15/2006
15. Potentially affect unique or important terrestrial habitat?	X		No	No	Simbeck D. J. 11/15/2006
16. Potentially affect unique or important aquatic habitat?	X		No	No	Simbeck D. J. 11/15/2006

Part 3. Potential Pollutant Generation

Would the proposed action potentially (including accidental or unplanned)---	No	Yes	Per-mit	Commit-ment	Information Source for Insignificience
1. Release air pollutants?	X		No	No	Polly A. M. 01/25/2007
2. Generate water pollutants?	X		No	No	Polly A. M. 01/25/2007
3. Generate wastewater streams?	X		No	No	Polly A. M. 01/25/2007
4. Cause soil erosion?	X		No	No	Polly A. M. 01/25/2007
5. Discharge dredged or fill materials?	X		No	No	Polly A. M. 01/25/2007
6. Generate large amounts of solid waste or waste not ordinarily generated?	X		No	No	Polly A. M. 01/25/2007
7. Generate or release hazardous waste (RCRA)?	X		No	No	Polly A. M. 01/25/2007
8. Generate or release universal or special waste, or used oil?	X		No	No	Polly A. M. 01/25/2007
9. Generate or release toxic substances (CERCLA, TSCA)?	X		No	No	Polly A. M. 01/25/2007
10. Involve materials such as PCBs, solvents, asbestos, sandblasting material, mercury, lead, or paints?	X		No	No	Polly A. M. 01/25/2007
11. Involve disturbance of pre-existing contamination?	X		No	No	Polly A. M. 01/25/2007
12. Generate noise levels with off-site impacts?	X		No	No	Polly A. M. 01/25/2007
13. Generate odor with off-site impacts?	X		No	No	Polly A. M. 01/25/2007
14. Produce light which causes disturbance?	X		No	No	For comments see attachments
15. Release of radioactive materials?	X		No	No	Polly A. M. 01/25/2007
16. Involve underground or above-ground storage tanks or bulk storage?	X		No	No	Polly A. M. 01/25/2007
17. Involve materials that require special handling?	X		No	No	Polly A. M. 01/25/2007

Part 4. Social and Economic Effects

Would the proposed action---	No	Yes	Commit-ment	Information Source for Insignificience
1. Potentially cause public health effects?	X		No	Polly A. M. 01/25/2007
2. Increase the potential for accidents affecting the public?	X		No	Polly A. M. 01/25/2007
3. Cause the displacement or relocation of businesses, residences, cemeteries, or farms?	X		No	Polly A. M. 01/25/2007
4. Contrast with existing land use, or potentially affect resources described as unique or significant in a federal, state, or local plan?	X		No	Polly A. M. 01/25/2007
5. Disproportionately affect minority or low-income populations?	X		No	Polly A. M. 01/25/2007
6. Involve genetically engineered organisms or materials?	X		No	Polly A. M. 01/25/2007
7. Produce visual contrast or visual discord?	X		Yes	For comments see attachments
8. Potentially interfere with recreational or educational uses?	X		No	Polly A. M. 01/25/2007
9. Potentially interfere with river or other navigation?	X		No	Polly A. M. 01/25/2007
10. Potentially generate highway or railroad traffic problems?	X		No	Polly A. M. 01/25/2007

Part 5. Other Environmental Compliance/Reporting Issues

Would the proposed action---	No	Yes	Commit-ment	Information Source for Insignificience
1. Release or otherwise use substances on the Toxic Release Inventory list?	X		No	Polly A. M. 01/25/2007
2. Involve a structure taller than 200 feet above ground level?	X		No	Polly A. M. 01/25/2007
3. Involve site-specific chemical traffic control?	X		No	Polly A. M. 01/25/2007
4. Require a site-specific emergency notification process?	X		No	Polly A. M. 01/25/2007
5. Cause a modification to equipment with an environmental permit?	X		No	Polly A. M. 01/25/2007
6. Potentially impact operation of the river system or require special water elevations or flow conditions??	X		No	Polly A. M. 01/25/2007

Description of Proposed Action *(Include Anticipated Dates of Implementation)*	☐ Continued from Page 1

Parts 1 through 4: If "yes" is checked, describe in the discussion section following this form why the effect is insignificant. Attach any conditions or commitments which will ensure insignificant impacts. Use of non-routine commitments to avoid significance is an indication that consultation with NEPA Administration is needed.

An ☒ *EA or* ☐ *EIS will be prepared.*

Based upon my review of environmental impacts, the discussions attached, and/or consultations with NEPA Administration, I have determined that the above action does not have a significant impact on the quality of the human environment and that no extraordinary circumstances exist. Therefore, this proposal qualifies for a categorical exclusion under Section 5.2._____ of TVA NEPA Procedures.

Project Initiator/Manager Angela M Polly		Date 01/29/2007
TVA Organization RSO&E	E-mail ampolly@tva.gov	Telephone

Site Environmental Compliance Reviewer

_____
Signature

Final Review/Closure

Angela M Polly 02/01/2007
Signature

Other Review Signatures *(as required by your organization)*

Freddie C Bennett 01/26/2007
Signature

_____
Signature

_____
Signature

_____
Signature

_____
Signature

_____
Signature

Attachments/References

Description of Proposed Action

Facility(s): Dock/Pier - Fixed & Floating 14(L) 3(W) Launching Ramp - Concrete 200(L) 24(W) Dock/Pier - Floating 10(L) 160(W) Dock/Pier - Fixed & Floating 14(L) 3(W) Boat Slips - Floating - Covered 24(L) 72(W) Dock/Pier - Fixed & Floating 14(L) 3(W) Boat Slips - Floating - Covered 30(L) 348(W) Dock/Pier - Fixed & Floating 14(L) 3(W) Boat Slips - Floating - Covered 30(L) 348(W) Dock/Pier - Fixed & Floating 12(L) 3(W) Boat Slips - Floating - Covered 24(L) 164(W) Dock/Pier - Fixed & Floating 14(L) 3(W) Boat Slips - Floating - Covered 24(L) 302(W)
Applicant(s): The Preserve Marina Owner Association, Inc. Post Office Box 93 Pickwick TN 38365

Project Location

County, State: Hardin, TN Land Tract(s): X PR 204 Map Sheet(s): 2 C/D Stage 24 SW Quad Sheet Streams(s): Tennessee R RM 209.6 R

CEC Comment Listing

Part 1 Comments

5. The project has local opposition and the USACE is preparing an EA which TVA will adopt. --- AMP
   By: Angela M Polly 01/29/2007

Part 2 Comments

1. The following federally listed species have been identified within Hardin County, TN: Two birds (Haliaeetus leucocephalus and Picoides borealis) and eight mussels (Cyprogenia stegaria, Hemistena lata, Lampsilis abrupta, Obovaria retusa, Plethobasus cicatricosus, P. cooperianus, Pleurobema clava and P. plenum). All mussel species are located below Pickwick Dam. The proposed actions will have no effect on this location. The P. borealis population was extirpated in the 1940's due to habitat loss. Habitat for this species does not exist in the vicinity. A H. leucocephalus nest was located in the vicinity, however, this nest has not been active since the 1990's. No active nests are known from the vicinity. No other federally protected species are known to occur in the vicinity, and habitat for these species does not exist at the proposed site. Several state listed plants have been found in the vicinity. Habitat for these species, however, does not exist at the proposed site.
   By: Damien J Simbeck 11/15/2006
2. No historic properties will be affected. Concur with approval.
   By: Erin E. Pritchard 11/01/2006
9. Removal of native vegetation and soil disturbance along the shoreline will potentially open the area for colonization by invasive species. Removal of native vegetation should be minimized. Shoreline vegetation should be removed only at access points.
   By: Damien J Simbeck 11/15/2006
12. Established vegetation is currently minimizing erosion along the shoreline at the proposed location. To prevent accelerated erosion in the vicinity, shoreline vegetation should be removed at access points only. Standard Conditions 6a, 6b, 6d, 6e and 6h apply.
   By: Damien J Simbeck 11/15/2006

Part 3 Comments

14. No site lighting is refereneced in the applicantion package. In the event that site lighting is installed, it shall be equipped with full cutoff features which limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest light emiting portion of the luminaire.
   By: Jon C Riley 11/20/2006

Part 4 Comments

7. The water use facilities, as shown in the applicant's provided drawings and pending adherence to the commitment associated therewith, would not contrast significantly with the existing landscape character. The addition of approximately seven community water use facilities, which contain approximately 53 berths, would result in an increase in the number of visually discordant elements which are presently visible in the landscape. The incremental increase in recreational reservoir traffic in the area would result in discordant views for reservoir users in the vicinity of Haw Branch; however, these discordant views would reflect overall usage patterns for the reservoir and would vary seasonally with peak use anticipated during the months of June, July, and August. Temporary visual discord would be probable during construction, but would be temporary and remain confined to the construction period.
   By: Jon C Riley 11/20/2006

Part 4 Commitments

7. The proposed open and covered water use facilities shall be designed and constructed with materials which are non-reflective and analogous in colour to the surrounding environment and the backlying shoreline landscape.
   By: Jon C Riley 11/20/2006