

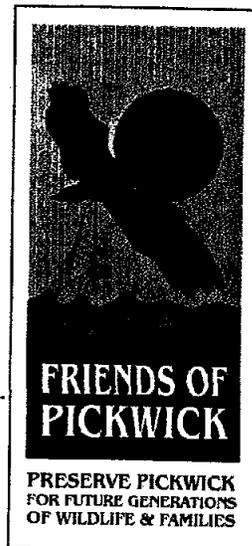
APPENDIX P

Comments to the Circulated Draft Environmental Assessment (DEA)

STAN/FOLLOW-UP HARD COPY
(sent to Mr Loney, as well.)

Thanks/Barbara Tigrett

Have a great week. Hope we can
resolve all this soon!



Begin forwarded message:

From: Barbara Tigrett <imagery@mindspring.com>

Date: August 8, 2007 2:12:36 PM CDT

To: Amy M LRN Robinson <Amy.M.Robinson@lrn02.usace.army.mil>, John M. Loney <jmloney@tva.gov>, Bradley N LRN Bishop <bradley.n.bishop@lrn02.usace.army.mil>, Stanford E. Davis <sedavis2@tva.gov>

Subject: Formal Requests from 'Friends of Pickwick, Inc.'

8 August 2007 / Re: DEA/Public Notice (07-01), Haw Branch, Pickwick

Formal Requests To TVA and COE from "Friends of Pickwick, Inc."

John Loney, Manager, NEPA Environmental Stewardship Policy

Stan E. Davis, Senior NEPA Specialist, Environmental Policy

Brad Bishop & Amy Robinson, Regulatory Division, Corps of Engineers

Thanks for earlier discussion with you, Mr. Davis on renewed attempts to arrange the conference call we discussed last week, and our request for an extension to upcoming final comment deadline of August 20th on Draft EA for major development proposed for Haw Branch cove, at mile

209.6, Pickwick reservoir (TVA / COE Joint Public Notice 07-01).

As we discussed, it appears that highly pertinent environmental information for this same area contained in TVA's 2000-2001 EIS, denied to Friends of Pickwick by TVA repeatedly in the past, was indeed released to the applicant, Montana Land Co. in June 2001, and should therefore also be made available to Friends of Pickwick and the public under the Freedom of Information Act.

And as noted in the attached letter, submitted on our behalf by the Southern Environmental Law Center, we are renewing our request for copies of any environmental assessment information and the Environmental Impact Statements prepared in 2000-2001 involving Haw Branch on the north shore of Pickwick.

Futhermore, as discussed with Mr. Davis earlier, Friends of Pickwick believes this entire EA process was based on a joint TVA/COE Public Notice (07-01) that was clearly inaccurate and inadequate, limited as it was to the so-called "community docks". Subsequently, the environmental review conducted pursuant to Public Notice (07-01) has been expanded to include the boat ramp, jet ski courtesy ramp and other facilities related to and including the major upland dry boat storage facility (for potentially 300 boats), situated adjacent to the proposed boat slips, docks, etc and protected public lands in Haw Branch.

While we commend authorities for rejecting a piece-meal approach and recognizing the value in reviewing the cumulative impact of the

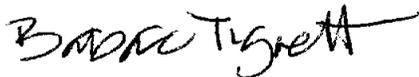
entire project for this one area, it certainly seems apparent to us that the scope of the original Public Notice is no longer valid and should be withdrawn, and properly resubmitted.

In light of this new information, we respectfully request that officials reissue a more complete and accurate version of Public Notice (07-01).

Regardless whether you agree to reissue a complete and accurate Public Notice, we are also requesting an extension of the upcoming August 20 comment deadline to 30 days after the release of this highly pertinent information contained in the 2001 EIS, to allow us time to review, analyze and share pertinent aspects and respond in best interests of the public. As you know, there are literally hundreds of people who have written letters, e-mails, signed postcards, petitions and responded to phone campaigns, all in support of preserving this last pristine cove along the north shore Pickwick Lake. We appreciate your time and attention to this very serious matter and look forward to your prompt response to our formal requests.

If you have any questions regarding these requests, you can reach me at 901.854.2075 or 901.262.1565 (cell). We look forward to hearing from you as soon as possible.

Sincerely,



Barbara Tigrett, Co-founder, Friends of Pickwick, Inc.

963 Heather Lake Drive, Collierville TN 38017

901.854.2075



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

August 15, 2007

Ms. Barbara Tigrett
Friends of Pickwick, Inc.
963 Heather Lake Drive
Collierville, Tennessee 38017

**DRAFT ENVIRONMENTAL ASSESSMENT (EA) AND PUBLIC NOTICE 07-01, HAW
BRANCH, PICKWICK RESERVOIR**

Dear Ms. Tigrett:

This responds to your August 8, 2007, request to TVA and the U.S. Army Corps of Engineers (Corps) requesting the reissuance of Public Notice 07-01 and a 30-day extension of the public comment period for the subject draft EA.

After careful consideration of your request, the content of the original Public Notice 07-01, and the content of the draft EA, TVA, and the Corps decline your request to reissue the Public Notice. The Public Notice includes the boat ramp, pier, and boat slips. It does not include the upland dry boat storage facility and the road from it to the shoreline. These facilities are, however, addressed in the draft EA. Their inclusion in the draft EA provides adequate opportunity for the public to comment on them.

We also decline your request to extend the comment period on the draft EA. As you know, the comment period on the Public Notice was extended twice, and we have provided and/or offered you other opportunities to comment on the project. Given this and the high level of knowledge of the project by you and others, the current 40-day comment period is adequate and an extension is unlikely to affect the number or content of the comments we receive.

We look forward to receiving your comments on the draft EA by August 20. Your request under the Freedom of Information Act will be addressed in separate correspondence.

Sincerely,

A handwritten signature in black ink that reads 'Jon M. Loney'.

Jon M. Loney
Senior Manager, NEPA Policy
Environmental Stewardship and Policy



18 August 2007 / Friends of Pickwick, Inc.

FRIENDS OF PICKWICK INC. RESPONSE TO TVA/COE DRAFT ENVIRONMENTAL ASSESSMENT, PUBLIC NOTICE (07-01), SUBMITTED BY 8/20 DEADLINE, BUT UNDER PROTEST, DUE TO THE FOLLOWING FACTORS, DETAILED BELOW:

Please reference and respond to all attached documents, graphics, text, etc. as part of this response, including our recent requests for an extension and new accurate Public Notice and FOIA requests based on significant, highly pertinent new information.

TO: MR. JOHN LONEY, SR MANAGER, TVA NEPA POLICY, ENVIRONMENTAL STEWARDSHIP

Dear Mr. Loney,

As referenced in email cover accompanying recent FOIA request on our behalf, by Southern Environmental Law Center, we again formally request an extension to this Aug 20 deadline for final comments on pending draft EA for major development proposed for Haw Branch cove by "Preserve Marina Owners Assn" - due to the significance of new information that your 8/15 letter appears to overlook. It is clear to us, from the two recently released letters by TVA's own Inspector General in 2001, (copies attached) that the highly pertinent environmental information (2001 EIS) for this exact same site, denied repeatedly to "Friends of Pickwick", was indeed completed afterall AND released to the applicant, Montana Land Co., contrary to all past claims by key TVA officials. Therefore, this EIS should now be made available to the public - and all public officials charged with integrating all available information and environmental values into all decision making. It certainly appears to us that to require final comments from us or anyone involved in this process, without benefit of this key information, goes way beyond obvious "Freedom of Information Act" issues here, and directly to the integrity of this entire process. Opting to ignore this new information is inexplicable to us, from a public interest perspective, therefore, we respectfully urge you to reconsider the implications of quickly dismissing our recent extension request, in your 8/15 letter, that seemed to go out of its way NOT to acknowledge that the one and only reason for our extension request, was the revelation that the full EIS done by TVA in 2001 on this exact area, WAS indeed completed and released to the applicant, contrary to prior claims by key TVA officials. Plus, the irrefutable source of this significant new information from 2001 was TVA's own Inspector General Office, no less. Yet, the decision making process on this Public Notice fraught with irregularities, moves forward, with a possible FONSI in 2-4 weeks (said Stan Davis 8/13), followed by permits potentially issued nano-seconds later by Kenley Austin (according to Shelley Campbell 8/17). Meantime, does our request for release of the critical 2001 TVA EIS just get lost, or buried, in the FOIA process? Is this correct? Or right?

These aren't rhetorical questions, Mr. Loney, and in light of all the respect you've earned in many circles, parts of your last letter seemed surprising. Before moving on to general DEA comments (to follow separately), please clarify a few things. For example, per our request that current Public Notice 07-01 be withdrawn since it no longer covers true project scope, you declined saying current "Public Notice" does include "boat slips, pier...and boat ramp".

With all due respect, all our correspondence substantiates that the original intent of Public Notice 07-01 was NOT to include the boat ramp in any overall reviews or public comments at all. In fact, from the outset, one of the main points of contention...was the "pre-approved boat ramp" via a highly questionable "Categorical Exclusion"...which we challenged saying that designation (CE) inappropriately excluded this same boat ramp from all overall project reviews, resulting in "piece-mealing", (which Lisa Morris, COE, told us upfront, was contrary to Corps policy). Regardless, both TVA and Corps officials were adamant that the boat ramp was already "pre-approved and excluded". But now you say the boat ramp is INCLUDED in overall reviews of this Public Notice but, in spite of this change, no new Public Notice will be required? Why? If boat ramp was completed months ago, are new reviews redundant?

And for the record, during our 2/22 site visit with officials, when we saw that the boat ramp was virtually already built - in spite of our formal objections that it should be included in overall project reviews in one new Public Notice - Kenley Austin and Amy Robinson both said that wasn't a problem since the boat ramp already had it's pre-approvals and permit. So when did it change and become part of this overall project & Public Notice? We noted later the ramp was not built per location specs on application. Another violation we cited, was that most of items on "Environmental Checklist" inspection, were dated 5 weeks AFTER the boat ramp permit was approved. After-the-fact approvals? Why no responses from TVA?

And, while we commend officials for finally acknowledging the potential cumulative impact that all elements of this major project could have on this once protected area, we do take issue with the position that even tho they're not included in this EA...but addressed in draft EA..."their inclusion (now) provides the public adequate opportunity to comment on them". How do you justify trying to have it both ways, at this late date? And, what 'public' do you mean? Didn't the open "public comment period" end months ago? So when was general public (a) made aware public comments beyond just community slips (Public Notice 07-01) would be officially considered? (b) How could we/they expect comments on anything outside of boat slips would be considered when officials insisted the boat ramp was excluded? (c) For the record, for months, no official would even acknowledge the applicants' own published plans for a "full service marina" or, semantics aside, a full blown boat complex that includes boat ramp, slips, docks, dry storage, lifts, parking, etc. So we were unaware, until these final days, that comments beyond the original Public Notice scope, would be officially considered here. Was general public ever given that new information or opportunity? When? Officials always said if work widens (adding dredging, for example), a new Notice required.

We also have official COE e-mails stating..."If the current application does not cover all current and future proposed work, then it will be withdrawn and a new Public Notice to cover ALL proposed work will be issued, and you will be notified." When did this policy change?

"Friends of Pickwick" respectfully resubmits requests for (a) EXTENSION to 8/20 deadline to 30 DAYS after 2001 'EIS' on this same area, is released by TVA, so this critical information can be integrated into all reviews. (b) This will also provide time for applicant & agencies to issue a NEW PUBLIC NOTICE covering all current and future work, then properly advertise it.



Barbara Tigrett & Doris Jackson Jibeault, Friends of Pickwick Inc., 963 Heather Lake, Collierville TN 38017



Haw Branch cove, looking south. Natural Treasure.



Once protected back of Haw Branch Cove, 7/07.

Photos by Charles Tigwell 7/2007

FRIENDS OF PICKWICK / PART 2 / DIRECT COMMENTS TO DRAFT EA / 8.20.07

WE URGE OFFICIALS & APPLICANT TO SUSPEND THIS PROCESS PENDING RELEASE OF THE HIGHLY PERTINENT 2001 EIS ON THIS SAME AREA, AND UPDATE THAT EIS, IF NECESSARY, TO FULLY EVALUATE THE IMPACT THIS MARINA FACILITY WILL HAVE ON THIS ONCE PROTECTED NATURAL RESOURCE CONSERVATION AREA THAT TVA SAID PUBLICALLY IN 2000, WAS WORTHY OF PRESERVATION AND IT'S ENVIRONMENTALLY RESTRICTED STATUS AT THE TIME, A POSITION TVA OFFICIALS NOW WILL NOT ACKNOWLEDGE. WHY? WE NOW KNOW TVA RELEASED THEIR ENVIRONMENTAL IMPACT STUDY FROM 2000 ON THIS AREA TO MONTANA LAND CO, BUT NOW REFUSE TO RELEASE IT TO "FRIENDS OF PICKWICK" OR THE PUBLIC. WHY? PLEASE, SUSPEND THIS 'EA' PENDING THAT RELEASE, IN THE PUBLIC INTEREST AND ON BEHALF OF FUTURE GENERATIONS OF WILDLIFE, RESIDENTS AND RECREATIONAL "FRIENDS OF PICKWICK" WHO'VE SUPPORT PRESERVING THIS NATURAL TREASURE, THE LAST PRISTINE COVE IN THIS AREA FOR MANY YEARS!

THE FOLLOWING BACKGROUND INFO IS PERTINENT TO THIS CASE & OUR COMMENTS:

Again, we take exception to this EA process moving forward without benefit of significant new information "Friends of Pickwick" recently discovered was completed, (contrary to TVA official statements) - the 2001 Environmental Impact Study TVA did on this same area during the proposed (but failed) land swap supported by TVA and Montana Land Company, in 2000.

At that time, TVA officials said the back of this same cove should be preserved and maintained as a 'natural conservation area' due to it's pristine habitat, adjacent wetlands, streams, important natural shorelines, vegetation, recreational values and more. Due to these same protected natural resources, TVA officials said this narrow back of the cove was subject to "environmental restrictions" that meant no dredging permits, etc. would be approved making area "virtually developable", which was why the landowner/developer, Montana Land Co. wanted to swap it off for TVA's public lands in front of two coves, the more lucrative "high value shoreline", open waterfront in front of two coves, Haw Branch, at mile 209.6 and Lower Anderson), the last 2 coves, that at that time were both natural, undeveloped, in a rampantly growing residential area. "Friends of Pickwick" organized to expose the fact that, to facilitate the land swap that TVA officials strongly supported, it appeared to us their appraiser underestimated the market value of prime waterfront property at only \$474K for all 23 acres, when single lots were in \$150K+ range, even back then (2000). Even editorial in The Commercial Appeal, (9/2000) nailed the economics of this proposed land swap, the most questionable aspect, a potential windfall to this one developer, (who is still a major player/partner in the current proposed project for this same cove, by the way.

In 2000, then Senator Fred Thompson and his staff were very supportive of our efforts, including advising us to request that TVA do a full Environmental Impact Study, vs lesser Environmental Assessment, due to potential adverse impact development in this cove would have on this obvious natural treasure. TVA eventually agreed to conduct full EIS, but, much later, when the new independent appraisal we insisted on, came in at over \$3 million (vs original \$474K appraisal), that killed the so-called "even land exchange". Now TVA has flip-flopped on preserving this rare natural beauty and releasing the 2001 EIS, so for 15 months, Friends of Pickwick have been trying to preserve this pristine cove. AGAIN. EA comments follow.

1. An EXTENSION pending release of TVA 2001 EIS should be implemented immediately so this highly pertinent information can be integrated into all reviews, with an updated or NEW EIS conducted, if this major project moves forward, to properly evaluate potential impact on this once protected area. Also, contrary to Mr. Loney's letter of Aug 15 and the original scope of Public Notice 07-01, on pages 2,4,49 we discover this draft EA has now been expanded to include not just the "community slips" (and pre-approved boat ramp that was originally excluded via CE). So now this DEA "incorporates a review of boat ramp, community boat slips, access road, dry storage facility and supercedes earlier environmental reviews by COE and TVA." We have letters from COE stating that the current Public Notice would be withdrawn if all current and proposed work are not included, and a new one issued. Since our group, nor the general public were ever properly notified of the expanded scope of this Public Notice, we strongly object to this maneuver since this prohibits full and fair public participation in these all important decisions. No doubt there is some sort of legal justification, word-smithing at play here, but bottom-line, this is WRONG! A NEW PUBLIC NOTICE should be required.
2. On page 1..."After review of boat ramp, TVA issued a 26a permit 20 Dec 06". TVA still never addressed the fact that on the (CE) Environmental Review checklist, the majority of items on that inspection were dated 5 weeks AFTER permit was issued! Clearly after-the-fact approval violation.
3. On page 2...again, we object to expanded scope of work without proper Public Notice. Altho we got a copy of this draft EA earlier, we were not aware of any announcement that added items now open or advertised to general public as a new (or quasi-new?) Public Notice, re-opening as a new comment period for general public? Absent that, how is this major expanded scope justified here?
4. On page 2..."No dredging is proposed". Does this mean no dredging will be done or permitted? Questionable say other officials and experts, that this self described "marina" can be built/operate without (eventual??) dredging in this narrow, shallow cove (per statements from TVA officials Buff Crosby and others in 2000, as a matter of fact). Releasing TVA 2001 EIS may well clarify this, also.
5. On page 3...the claim that agencies' suffer under statutory limitations that preclude authority over relevant actions such as upland construction, seems to ignore some potential oversight jurisdiction via what we understand are responsibilities to assess cumulative impacts of proposed projects (upland or not) related to potential environmental impact on natural resources, water quality, watershed issues, habitat, stewardship, etc. Do private interests always trump public interests?
6. On page 4...Carte blanche, it seems, for daming streams to create mini-fishing lakes, more higher priced waterfront lots...plus, another reference that "agencies decided to now include boat ramp, slips, dry storage, access road...expand Public Notice (vs requiring/advertising new one). Arbitrary?
7. On page 5...Reference to 2 extensions given Friends of Pickwick. No reference to...weeks (3+) of officials initially refusing to meet OR answer questions OR release any previous environmental informations (EA or EIS) OR suggesting perhaps we should pay to meet with TVA reps "like developers" OR refusing a site visit for weeks OR sending us over 450 pages of FOIA request on actual eve of public comment deadline, then make our extension request sound unreasonable (and refuse it).
8. On page 6...Why no mention of endangered mussels noted in area on official state agency forms?
9. On page 9...FYI: Friends of Pickwick is not just two women, as our grassroots conservation effort is too often mischaracterized by officials and others. There are literally hundreds of residents and recreational "Friends of Pickwick" who've supported this preservation effort for years, and hundreds more who are quietly grateful and supportive, but candidly lament that powerful monied and political interests always prevail. Are they right? Money vs. the merits. Even a former, top TVA official we respected very much warned us, that it was "political winds that drove most decision-making" (within TVA system). Regardless, correct your dismissive (and disrespectful) perceptions of "Friends of Pickwick" by noting the 930+ names on our petitions, letters, emails, postcards, phone campaign support lists, submitted for this effort alone. Also note, the many THOUSANDS of people who submitted comments to TVA Board not long ago, overwhelmingly favoring more PRESERVATION efforts.

10. On page 6...Reference to (first?) contact by Friends of Pickwick as March 13, 2007 with a public hearing request totally misrepresents our objections and contacts with TVA and Corps officials on a myriad of issues on this project from day one...the day after Dr. King's holiday, in Janaury. Should we copy all the emails, document phone calls and repeated efforts to get answers, a meeting, and past environmental info (refused for months). TVA still stonewalling on that, it appears. And more. This meager reference belies the early, consistent and valid objections we submitted, not only on this project, but TVA's flip flops on past positions, but throughout this entire process, all officials seemed to favor approval, no matter what. No 'lack of impartiality' (per code of ethics) from key officials or unambiguous statements. Just what appeared to be unified lockset support for a pre-determined outcome (with a few respected recent exceptions late in the game). We appreciated that.

11. On page 7...Doris Jibeault's concerns also include...loss of wildlife and habitat, impact on wetlands and streams she experienced as a child in this area (land owned by Grandfather, played on with Granville Hinton, former TDEC head and associate of Lamar Alexander. Doris and Granville grew up together, as brother and sister almost, playing in back of Haw Branch lush streams, etc. And by the way, a TVA exec was quoted in Commercial Appeal in 2001, describing this same area as "abounding with natural streams, wildflowers and wildlife...". He made that statement in support of TVA's position in 2000 that this area worthy of protection as natural resource conservation area. We also have letter from TVA's Linda Whitestone, assuring Doris that this area would remain protected as 'NRC' area. The applicant on 2000 land swap (Montana Land Co) also said that he and TVA agreed this area was noteworthy, would be "forever protected" from development, if land swap was approved. That was not quite true, of course, but that should happen. Mrs. Jibeault has also decried loss of safe harbors for area small boaters, quiet coves for anchoring, cove loved by area residents.

12. On page 8...Again, blatant misrepresentation of "Friends of Pickwick" supportive comments as only a petition with 101 names and 141 postcards. Actually 900+! I just recounted petitions, letters, lists, etc. One was results of a 2+ week long phone campaign Doris conducted to many friends and people involved in the community for years. The list of people she talked to directly almost always said, yes, put my name down in support of preserving this cove," and she did. Call anyone on that list to verify. Please. Plus, there were letters, lists, from Pickwick Boaters Assn, where I serve as VP, all totally 100% supportive of preserving this last pristine cove, as a safe harbor and anchorage for boaters. Reducing our 900+ names to 241, diminishing our support in such an obvious way is disturbing. And telling? This and other issues, casts a shadow on what should be a fairer assessment.

13. On page 9...We note that the majority of support for this project comes from, understandably, banks, real estate interests, politicians, development interests - people who will directly benefit if this project is approved. Also noted on Page 40...is fact that while approval of this marina project, will enhance bottom-line for some people personally, the "overall SOCIO-ECONOMIC of these facilities would be positive, BUT MINOR AND REGIONALLY INSIGNIFICANT"...contradicting all past claims by virtually all supporters of this project. Also note, Friends of Pickwick has no vested interests here. We're a volunteer grassroots group from varying political, professional and personal backgrounds, unified in support of preserving this cove purely for the greater good - for future generations of wildlife, families, visitors to this beautiful part of Tennessee. "A natural treasure", as TVA once said.

14. Must wrap. Skip to p/27...Wildlife...Why no mention of significant numbers of great blue heron (colonies?), rarer, wonderful eagle sitings, green herons, kingfishers, coots, armadillo, cormorants?

No use going on, so will conclude by pointing out another issue in DEA. The claim that there are other pristine coves nearby is not valid. Dry Creek is nearby but always so crowded due to diminishing number of quiet coves to anchor in. Panther cove is 8 miles away, one way! Tally the gas from State Park or Northshore. Residents also relish the unspoiled beauty of nearby Haw Branch, for fishing, an afternoon picnic and swim with family & friends in this pristine cove is just a short pontoon ride away for homeowners in this area. We again urge officials and applicants, please "PRESERVE", don't destroy, this magnificent cove as a tribute to God's work...to your impressive project's name-sake...as a 'signature feature' and potential marketing coup...and a legacy to "The Preserve". Please.



United States Department of the Interior **RECEIVED**

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

August 21, 2007

AUG 24 2007
Doc. Type: EA - ADMINISTRATIVE RECORD
Index Field: AGENCY COMMENT
Project Name: PRESERVE MARINA Docks
Project No.: 2007-18 ASSOCIATION
COMMUNITY DOCK -
HAW BRANCH

Mr. Jon Loney
Tennessee Valley Authority
NEPA Administration
Environmental Policy and Planning
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

1. Nicholson (file)
cc S. Davis
Reggie White

Re: FWS #07-FA-0826

Dear Mr. Loney:

Thank you for your letter and enclosures dated July 11, 2007, concerning preparation of an environmental assessment (EA) to evaluate the impacts of the proposed five community floating boat docks, access road, and an upland dry storage facility at Haw Branch Embayment, Tennessee River Mile 209.6R in Hardin County, Tennessee. The draft EA states that the purpose of this project would be to provide the residents at The Preserve at Pickwick residential development with boat mooring facilities and the ability to utilize a dry boat storage facility. The draft EA also indicates that no dredging is proposed. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and we offer the following comments.

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. 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.

Assuming all special conditions to minimize Environmental impacts listed in Chapter 5 of the draft EA are strictly followed during construction and throughout the life of the project, we concur that the proposed actions would result in no significant adverse impacts to fish and wildlife species.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Please contact Robbie Sykes (telephone 931/528-6481, ext. 209) of my staff if you have questions regarding the information provided in this letter.

Sincerely,



Lee A. Barclay, Ph.D.
Field Supervisor



RECEIVED

AUG 02 2007

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER SUPPLY

9th Floor, 401 Church Street
Nashville, Tennessee 37243-1549
Phone: (615) 532-0191; Fax: (615) 532-0503

Doc Type: EA-Administrative Record
Index Field: CONSERVATION COMMENTS
Project Name: PRESERVE MARINA OWNERS ASSOC.
Project No.: 2007-18 Comm. Dock - Hardin
BRANCH

July 19, 2007

Mr. John M. Loney
TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

RE: Request for Comments, Draft Environmental Assessment (EA) The Preserve Marina Owners Association Haw Branch Dock Hardin County, Tennessee.

Mr. Loney:

The Division of Water Supply has received and reviewed the draft request for comments for the Draft EA for the Preserve Marina Owners Association's Haw Branch Dock on Pickwick Reservoir, Hardin County, Tennessee and would like to thank the Tennessee Valley Authority for the opportunity to comment on this Draft EA.

Safe Dams Program:

A file review was conducted of all registered sites in the Safe dam program. None were influenced by this proposed project. The contact information for the Safe Dams Program can be obtained from Mr. Lyle Bentley Manger of the Safe Dams Section in the Division of Water Supply. Mr. Bentley may be reached by e-mail lyle.bentley@state.tn.us reached at (615) 532-0154.

Source Water Protection Program:

A review of the community and non-community water supplies in the area shows that the proposed project does not enter into a Wellhead Protection Area. The project does enter into the Source Water Protection Area for First Utility District of Hardin County. The utility should be notified so that the facility can be added to the utility's contaminate source inventory. Any information on the Source Water/Wellhead Protection areas can be directed to Mr. Scotty D. Sorrells Manager Groundwater Management Section. Mr. Sorrells may be reached by e-mail scotty.sorrells@state.tn.us or by telephone at (615) 532-9224.

Mr. Loney
Comments on Draft EA
Preserve Marina Owners Association's Haw Branch Dock
July 19, 2007
Page 2

Water Well Program:

A file review was conducted of all the registered private water wells within this proposed route. Please contact Mr. Luke Ewing with the names of the topographic quads. There are private water supplies in the proposed area. Please be advised that not all the water wells that are in existence are on this database and that there may be older wells that we have no record of as well as hand dug wells whose existence we would not have recorded. All water wells that are encountered should be plugged and abandoned by a licensed well contractor. Any information related to the Water Well Program can be directed to Mr. Luke Ewing Manager Water Well Program. Mr. Ewing can be reached by e-mail luke.ewing@state.tn.us or by telephone at (615) 532-0176.

Sincerely,



Scotty D. Sorrells
Manager Ground Water Management Section
Source Water Protection Coordinator
Division of Water Supply

c: Thomas A. Moss Deputy Director DWS

Davis, Stanford E

From: Mike Dooley [dooley@exquisitedevelopment.com]
Sent: Monday, August 20, 2007 1:25 PM
To: Davis, Stanford E
Subject: Draft EA Comments

Mr. Davis,

In response to the Draft EA I want to provide these comments.

It was mentioned in the Draft EA that the measurements provided in our wet slip application were very close to going over the allowable one third distance across the branch. In speaking to Duane Wright (Wright's Marine) who prepared the application. He stated to me that he recognized how close the distance was and measured the width of Haw Branch with a measuring tape so as to collect the exact distance which is reflected in our application. Although the water level was at the 412 elevation at time of measure the dimensions of our wet slips met the one third rule. At a full summer water level elevation of 414 feet will provide additional space to meet this one third rule.

In conclusion, we are confident that our numbers are correct and that our current wet slip dimensions are within the TVA one third rule.

Best regards,
Mike Dooley
Executive Vice President
Exquisite Development

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.484 / Virus Database: 269.12.0/961 - Release Date: 8/19/2007 7:27 AM

08/21/2007

Davis, Stanford E

From: Pat Patrick [Pat.Patrick@state.tn.us]
Sent: Monday, August 20, 2007 2:06 PM
To: Davis, Stanford E
Subject: EA-The Preserve Marina, #2006-0497

Here are a few minor comments on the EA for the Marina in Haw Branch:

Page 4, 1.4 "No other federal, state, and local approvals are required for the proposed boat slips, boat ramp, access road, and upland dry storage." This statement is misleading in that the area of the road, ramp and storage must be addressed in the Storm Water Pollution Prevention Plan as part of the permit to discharge storm water from a construction activity. Currently the SWPPP does not include the construction.

Page 50, 7. Add TDEC as an agency from which they must obtain approval for bank stabilization, unless you are limiting your statement to only the federal agencies.

Page 51, 12 The use of straw bales for erosion and sediment control is discouraged as ineffective in our EPSC course. Straw can be used as mulch.

Since the Preserve has denied the intent to provide fueling services, they should be prohibited from installing any without a modification of this permit and review process.

Thanks for the help in answering the complaint from The Friends of Pickwick. The response is currently being completed and reviewed in Nashville. I would send you my version, but I don't know how much they will change it.

**TENNESSEE WILDLIFE RESOURCES AGENCY**

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

August 24, 2007

Mr. Jon M. Loney
Senior Manager, NEPA Policy
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

Dear Mr. Loney:

I am writing regarding the proposed community floating docks at Haw Branch Embayment, TN River Mile 209.6 (right bank) Pickwick Reservoir, Hardin County, Tennessee. I understand that comments have also been submitted by Rob Todd of the TWRA Environmental Division.

While I echo concerns regarding loss of the cove to the general boating public as a protected area from winds and rough waters, I will concern my brief comments with the "wake" issues that are sure to follow should this development come to fruition. Wakes from passing boats (and even those that are a part of the development) can be a potential property damage problem for boats moored at the dock. Boats launching and mooring at the site will also present possible hazards for other boats transiting the area at greater than a no-wake speed.

Community docks do not qualify for the standard "no-wake zone" rule found in the TWRA boating rules. It is, therefore, important that construction and design plans take into consideration wave (wake) barriers to protect moored vessels, and that there be adequate passage between the structures and the opposite bank.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Ed Carter".

Ed Carter
Chief of Boating

The State of Tennessee

AN EQUAL OPPORTUNITY EMPLOYER