

APPENDIX A

Public Notice 08-78

FILE NO. 2008-01138

Proposed Recessed Excavation and Private Boat Docks

Sailboat Hollow Development

In an Embayment of Tennessee River Mile 271.3, Right Bank,
Wilson Lake, Lauderdale County, Alabama



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 08-78 Date: December 10, 2008

Application No. 2008-01138 Expires: January 10, 2009

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
Attn: Lisa R. Morris, 3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Recessed Excavation and Private Boat Docks in an Embayment of the Tennessee River Mile 271.3, Right Bank, Wilson Lake, Lauderdale County, AL (Sailboat Hollow Development)

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and approval from the Tennessee Valley Authority (TVA) pursuant to Section 26a of the TVA Act. The discharge of fill material associated with the bank stabilization and road crossing activities have been previously authorized by Nationwide Permit (NWP) #13 and #14, respectively. The Alabama Department of Environmental Management issued a water quality certification for the NWP on May 30, 2007.

APPLICANT: Sailboat Hollow Development, Inc.
2400 Highway 101
Rogersville, AL 35652

LOCATION: Tributary of the Tennessee River Mile 271.3, Right Bank, Wilson Lake, Lauderdale County, AL. USGS Quad- Killen, AL, lat: 34-48.9; lon: -87-26.2. TVA Tract #WDRE69, RLR #189371.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to excavate a 200' wide, 1,200' long, recessed channel into the hollow at the subject location to create single-family residential waterfront properties. The new shoreline would front 15 of 28 planned lots and allow for construction of one boat house per lot (up to 1,000 sq. ft.). Summer pool is Elevation 507.3; winter pool is Elevation 505.3. The property reaches elevations of 680.

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The channel would be excavated to bottom Elevation 498 and require the removal of approximately 38,000 cubic yards of sediment and alluvial material from back of the slough to restore a former shoreline. The activity would remove a combination of wetlands (0.5 acres) and emergent wetland vegetation (0.3 acres). The excavated materials would be loaded into trucks and disposed at various previously disturbed properties located within ½ mile of the site.

A wetland delineation, prepared by Geo-Source, Inc., Florence, AL, was submitted with the permit application. The Corps verified the findings of the delineation on November 20, 2008. Vegetation found within the study area consists of a variety of trees, shrubs, and herbaceous plants indicative of bottomland and marshy sites. The trees are largely red maple, boxelder, yellow-poplar, sweetgum, sycamore, elm and black willow species. According to the application, some portion of the study area, including that which has been delineated as wetlands, appears to have been an open water portion of the slough in the past. Currently, the majority of the wetland area is devoid of woody understory vegetation. To compensate for the 0.8 acres of wetlands which would be impacted during the excavation activities, the applicant intends to construct and incorporate at least 0.8 acres of wetlands into the proposed new shore line interface as "wetland shelf", as follows:

- 1,800 linear feet of proposed shoreline
- Shelf width = 20' at a 2:1 slope
- 1,800' x 20' = 36,000 sq.ft. (0.83 acre) wetland shelf area

The wetland shelf construction plan is designed such that the shelf slopes inward toward the slough channel at a rate of approximately 10% such that some portion of the shelf would be inundated at any lake elevation through the hydrologic year, with an average depth of 1' during summer pool elevation. The promotion of the shelf which is exposed would remain high enough in moisture content throughout the year to ensure hydric soil conditions and to promote and sustain the growth of obligate, facultative wetland and/or facultative species.

Following excavation, riprap or natural stone would be placed along the top edge of the shoreline, and herbaceous plant species would be established to provide a year-round cover of emergent vegetation. The terminal end of the current slough is heavily populated with water primrose on silt bars that have established over time. During the first planting season following construction of the wetland shelf, the following species would be planted by hand: Soft Rush and Bearded flatsedge (edge to 10' from the shoreline) and Buttonbush (10' to 20' from shoreline). Hand planting of these species would occur in a linear spacing of one plant per 100 linear feet for the buttonbush and one plant per 10 linear feet for the soft rush and bearded flatsedge.

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The later two species can be alternated on 5' intervals. The applicant would also provide a metes and bounds legal description for the wetland shelf and identify this area in the overall property deed, as well as with the deeds prepared for the individual lots which front the wetland. The applicant proposes to enforce restrictions relating to work or related activities within the wetland area, until can be enforced by a homeowners association.

Monitoring of the restored wetlands would begin following the initial planting of the vegetative species on a periodic basis of not less than once per years until success has been achieved in accordance with the following:

- 25% total surface area of the wetland shelf occupied by emergent vegetation at the end of the first growing season
- 50% total surface area of the wetland shelf occupied by emergent vegetation at the end of the first growing season
- 75% survival of planted stock at the end of the first growing season
- If 50% total surface area of the wetland shelf is occupied by emergent vegetation at the end of the fourth growing season, mitigation is deemed successful and monitoring program will be terminated
- Field data would be collected at least annually and used to measure success of the restored wetland.

In addition, a new road into the subdivision would cross headwater streams that feed the embayment with three culverts (double 60" dia. RCP; 48" dia. RCP; 36" dia. RCP). Plans of the proposed work are attached.

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 Corps and TVA determine that it would be contrary to the public interest.

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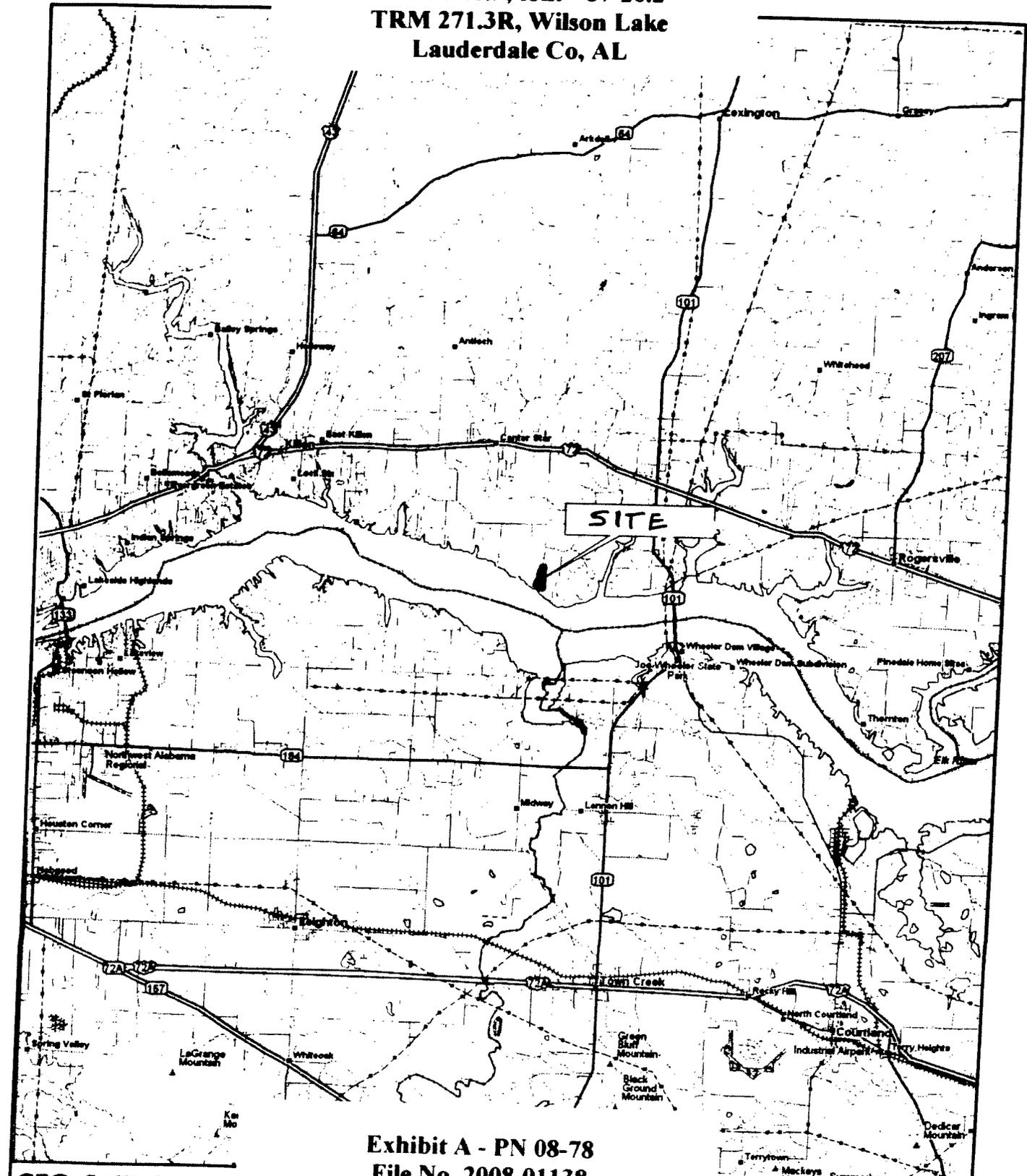
The Corps and TVA are soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) 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 EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested permits.

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 upon available information, the proposed work would 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 US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required 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 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 hearings shall state, with particularity, the reasons for holding a hearing. **Written statements received in this office on or before January 10, 2009, will become a part of the record and will be considered in the determination.** Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris. It is not necessary to comment separately to TVA since copies of all comments will be sent to them and become part of their records on the proposal. The point of contact with TVA is Heather McGee, telephone (256) 386-2561.

USGS Map - Killen AL
 lat: 34-48.9; lon: -87-26.2
 TRM 271.3R, Wilson Lake
 Lauderdale Co, AL

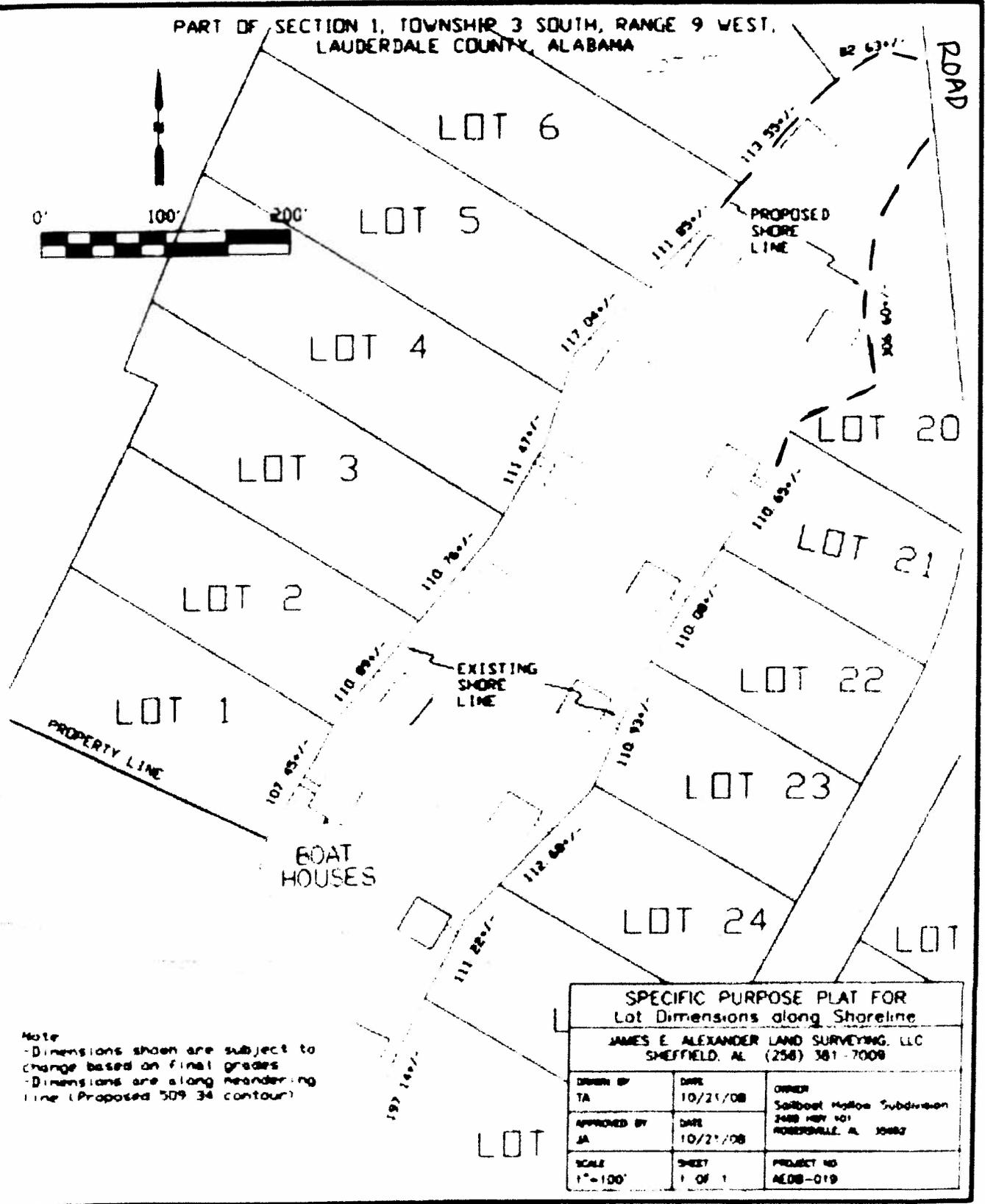
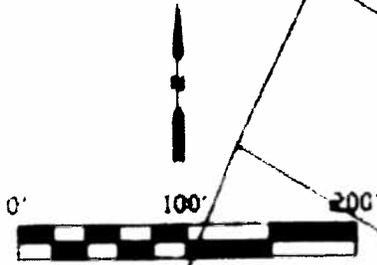


GEO-SOURCE, Inc
 Environmental Consultants
 462 N. Court Street
 Florence, Alabama 35630
 Phone (256)767-2000

Exhibit A - PN 08-78
File No. 2008-01138
Sailboat Hollow Development
Location Map
 Section 1, T3S, R9W
 Lauderdale County, Alabama

| | |
|-----------------------|----------------------|
| Drawn by: N/A | Scale: 1:200,000 |
| Project No.: 08-38 | Date: August 2008 |

PART OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 9 WEST,
LAUDERDALE COUNTY, ALABAMA

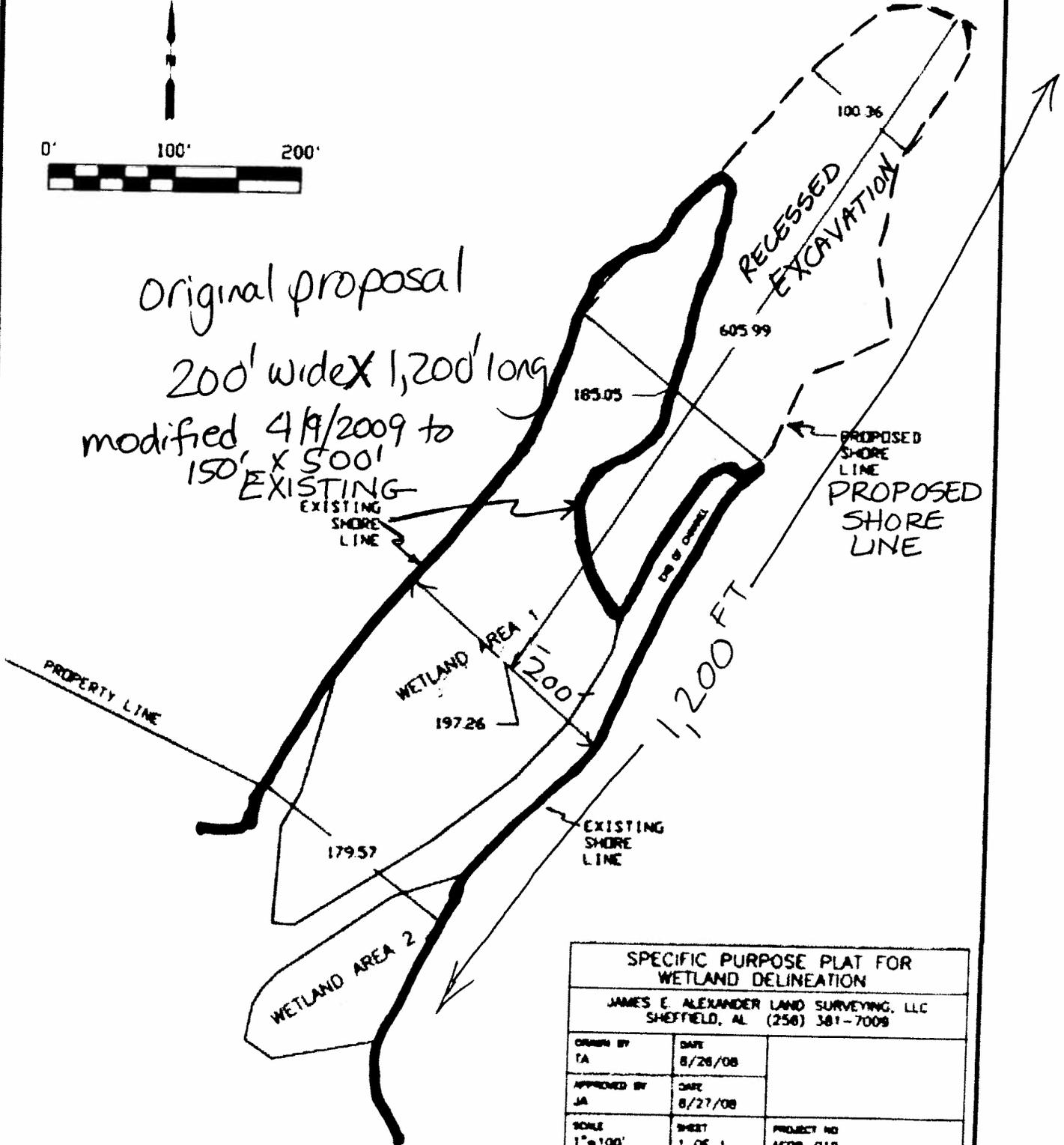


**Exhibit B - PN 08-78
 File No. 2008-01138
 Sailboat Hollow Development
 Proposed Top View**

PART OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 9 WEST,
LAUDERDALE COUNTY, ALABAMA



Original proposal
200' wide x 1,200' long
modified 4/9/2009 to
150' x 500'
EXISTING
EXISTING
SHORE
LINE



| SPECIFIC PURPOSE PLAT FOR WETLAND DELINEATION | | |
|--|-----------------|------------------------|
| JAMES E. ALEXANDER LAND SURVEYING, LLC SHEFFIELD, AL (256) 381-7009 | | |
| DRAWN BY TA | DATE 8/26/08 | |
| APPROVED BY JA | DATE 8/27/08 | |
| SCALE 1" = 100' | SHEET 1 OF 1 | PROJECT NO AEOB-019 |

Exhibit C - PN 08-78
File No. 2008-01138
Sailboat Hollow Development
Existing and Proposed Top View

NATURAL EMBANKMENT

STONE RETAINER WALL
PLACED IN THE DRY
DURING WINTER POOL

NSP EL 507.3

NWP EL 505.3

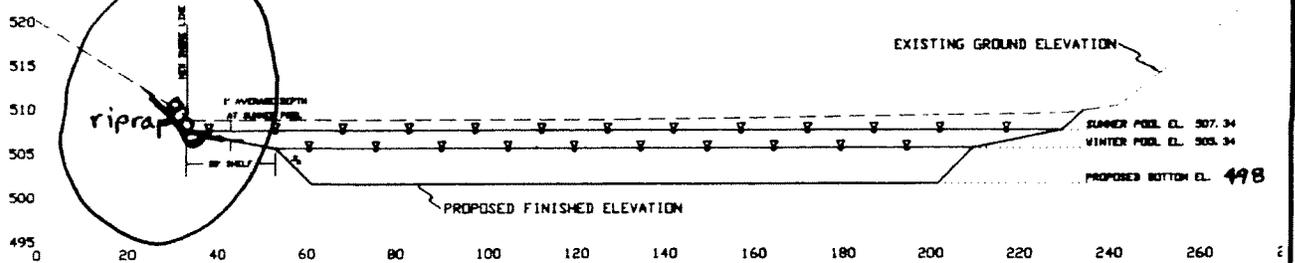
SHALLOW WATER HABITAT

20'

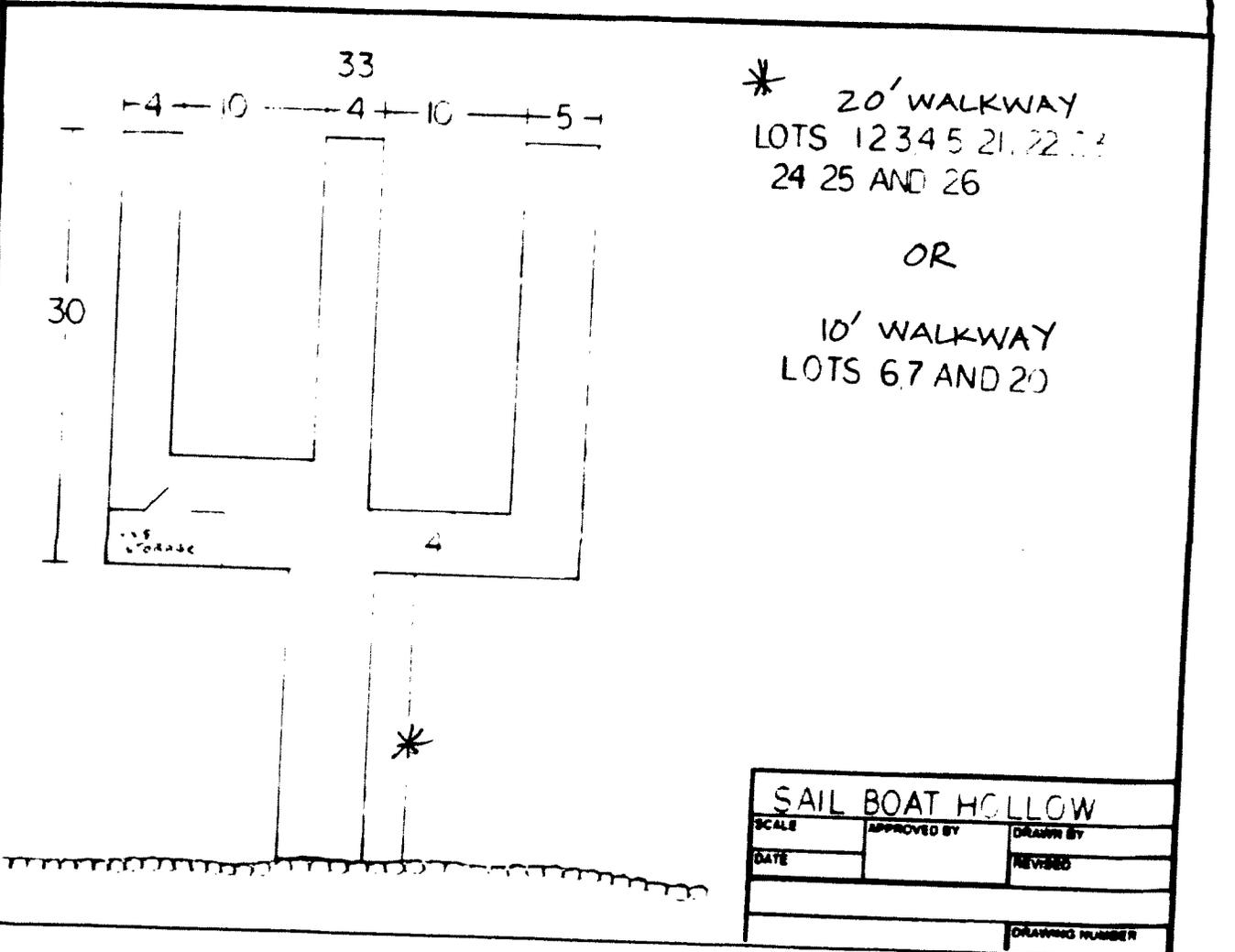
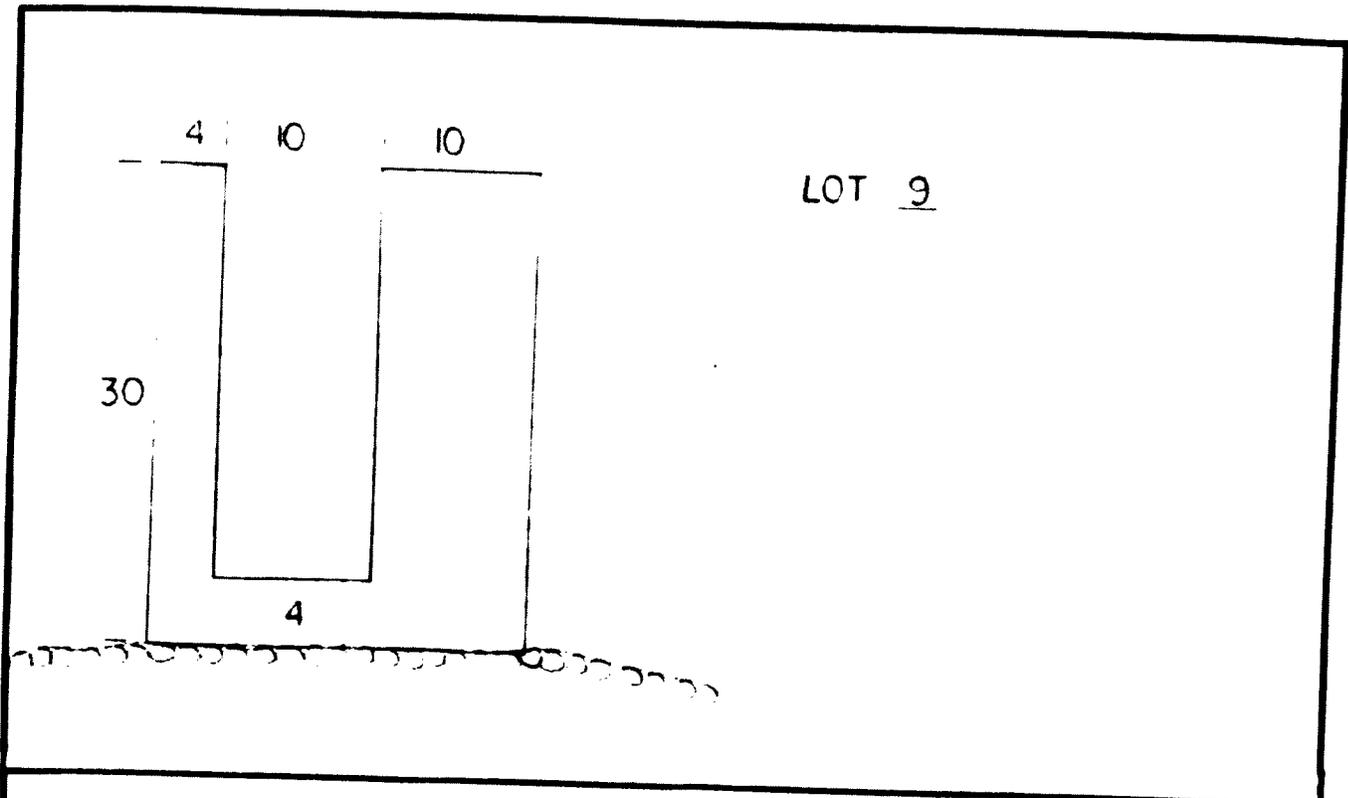
SAIL BOAT HOLLOW

| | | |
|-------|-------------|----------|
| SCALE | APPROVED BY | DRAWN BY |
| DATE | | REVISED |

Exhibit D - PN 08-78
File No. 2008-01138
Sailboat Hollow Development
Proposed Side View



| | |
|---|---------|
| PROPOSED DREDGE CROSS SECTION | |
| ALEXANDER ENGINEERING AND DEVELOPMENT, INC. MUSCLE SHOALS, AL (256) 314-1805 | |
| DRAWN BY | DATE |
| TA | 10/7/08 |
| APPROVED BY | DATE |
| TA | 10/7/08 |
| REVISION | DATE |
| SCALE | SHEET |
| 1"=30' | 2 OF 3 |
| PROJECT NO. | |
| AE08-019 | |



* 20' WALKWAY
 LOTS 12345 21, 22, 23
 24 25 AND 26

OR

10' WALKWAY
 LOTS 6, 7 AND 20

| | | |
|------------------|-------------|----------------|
| SAIL BOAT HOLLOW | | |
| SCALE | APPROVED BY | DRAWN BY |
| DATE | | REVISED |
| | | DRAWING NUMBER |

Exhibit E - PN 08-78
 File No. 2008-01138
 Sailboat Hollow Development
 Proposed Boat House Plans

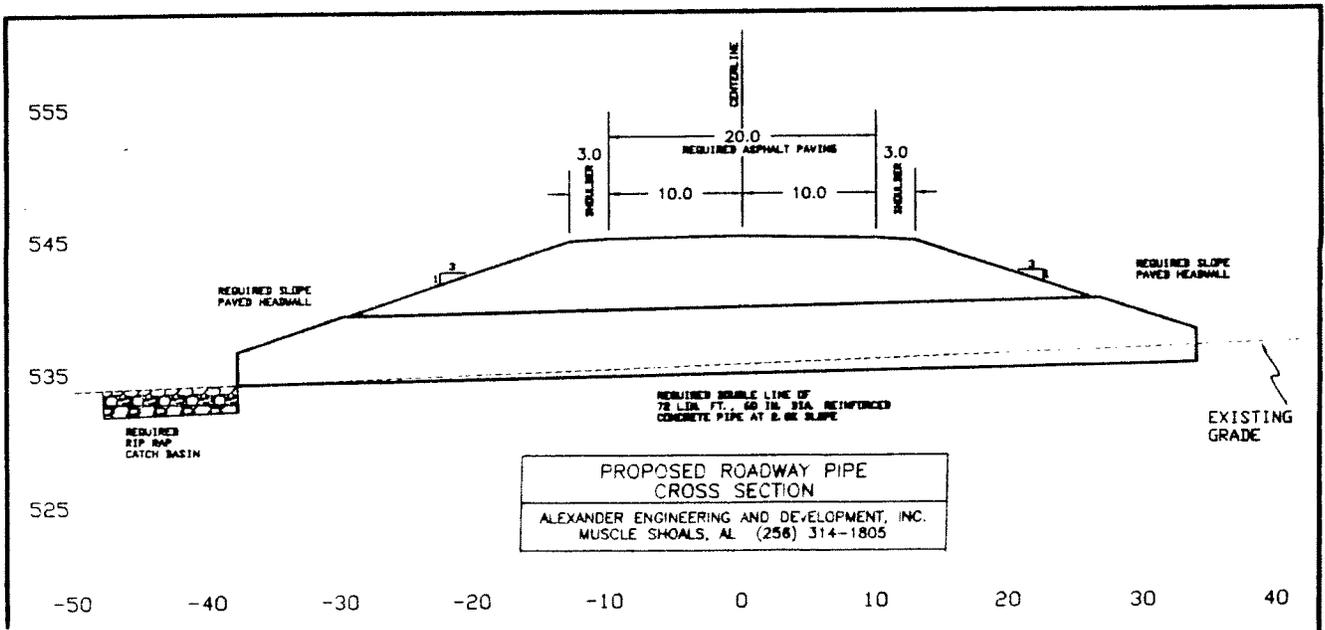
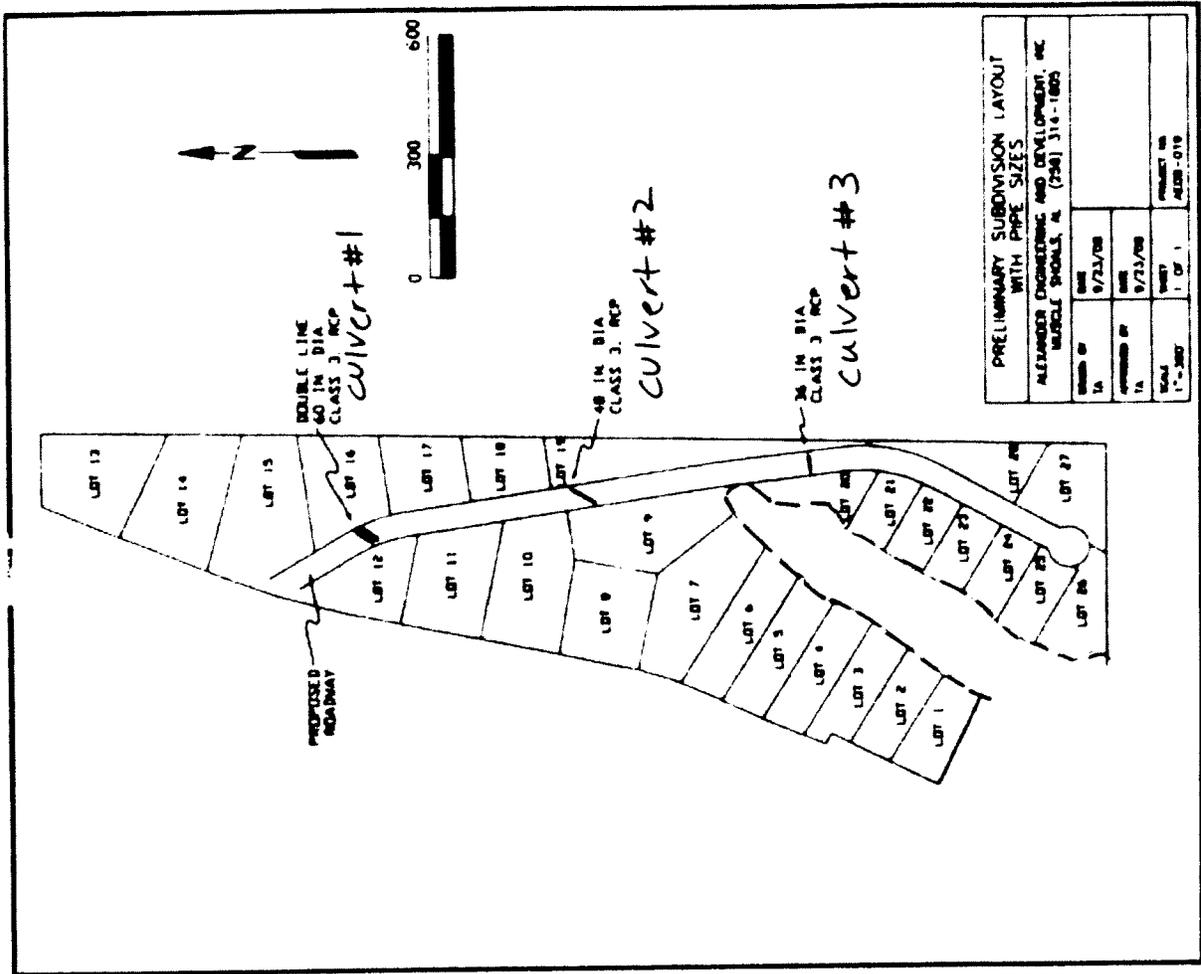


Exhibit F - PN 08-78
File No. 2008-01138
Sailboat Hollow Development
Proposed Road and Culverts



Tennessee Valley Authority, Post Office Box 1010, Muscle Shoals, Alabama 35662-1010

REVISIONS

April 9, 2009

Mr. Bubba Doss
2400 Highway 101
Rogersville, Alabama 35652

Dear Mr. Doss:

FILE NO. 189371 – CHANGE OF SCOPE FOR SECTION 26a PERMIT REQUEST FOR EXCAVATION, WATER-USE FACILITIES, SHORELINE STABILIZATION, AND ROAD CULVERTS – TENNESSEE RIVER MILE 271.3R – WILSON RESERVOIR – LAUDERDALE COUNTY, ALABAMA

This letter confirms your recent conversations with Heather Montgomery of our office, during which you communicated a change of scope in the subject project. We understand that you wish to modify your request to reduce the area of excavation so as not to extend landward or upland of the existing contour 509.34-foot contour elevation mean sea level. This action will eliminate the need for TVA to acquire an additional flowage easement rights at this location. Please provide confirmation of your agreement with this modification of plans by signing and returning the enclosed revised drawing.

Upon receipt of your signed agreement, we will amend the scope of the TVA reviews associated with this project, including the reviews of the proposal for compliance with the National Environmental Policy Act and potential impacts to threatened and endangered species, jurisdictional wetlands, and cultural resources.

We appreciate the opportunity to work with you. If you have any additional questions or concerns, please feel free to contact me at (256) 386-2568 or Heather Montgomery at (256) 386-2561.

Sincerely,

William R. (Randy) McCann
Manager
Pickwick-Wheeler Watershed Team

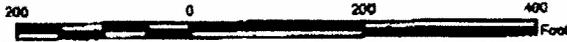
O.K.

Enclosure

cc: U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

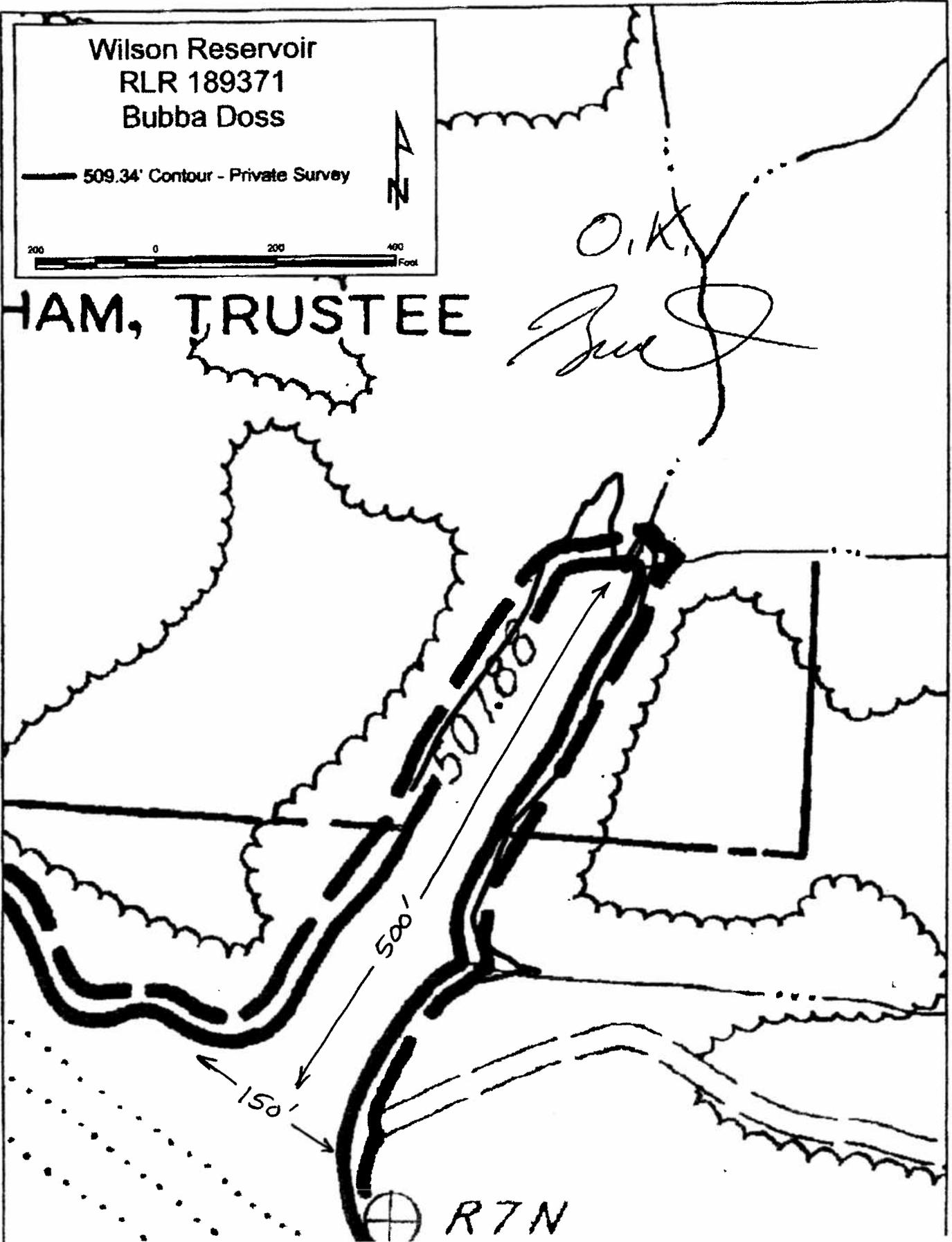
Wilson Reservoir
RLR 189371
Bubba Doss

509.34' Contour - Private Survey



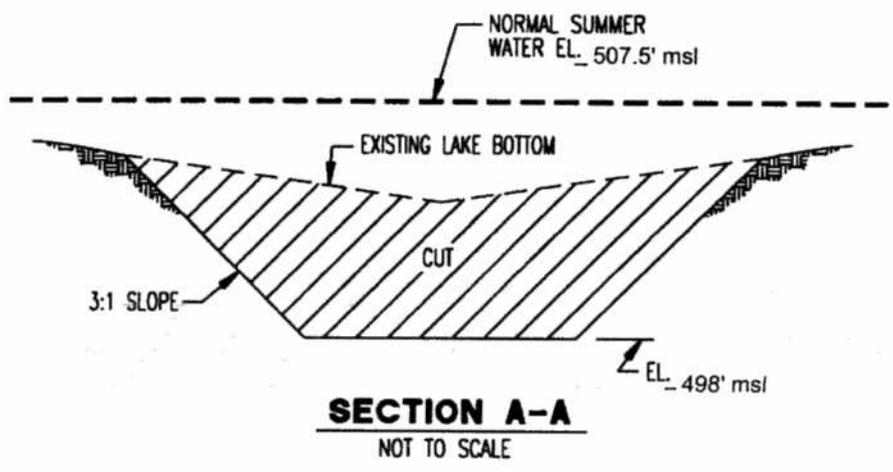
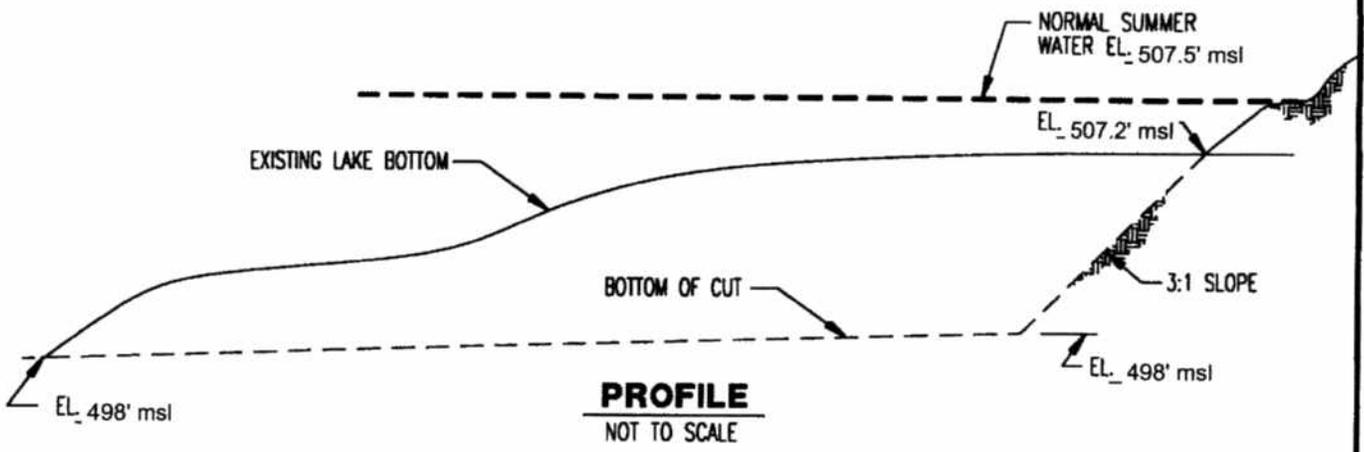
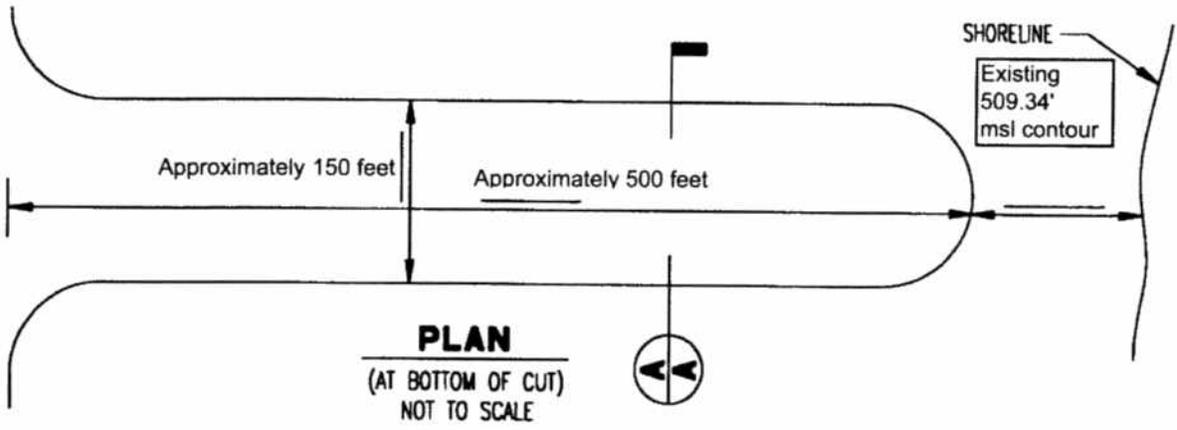
O.K.
[Signature]

HAM, TRUSTEE



R7N

REVISED EXHIBIT C₁



ESTIMATED CU. YDS. OF SPOIL TO BE REMOVED: 26,400

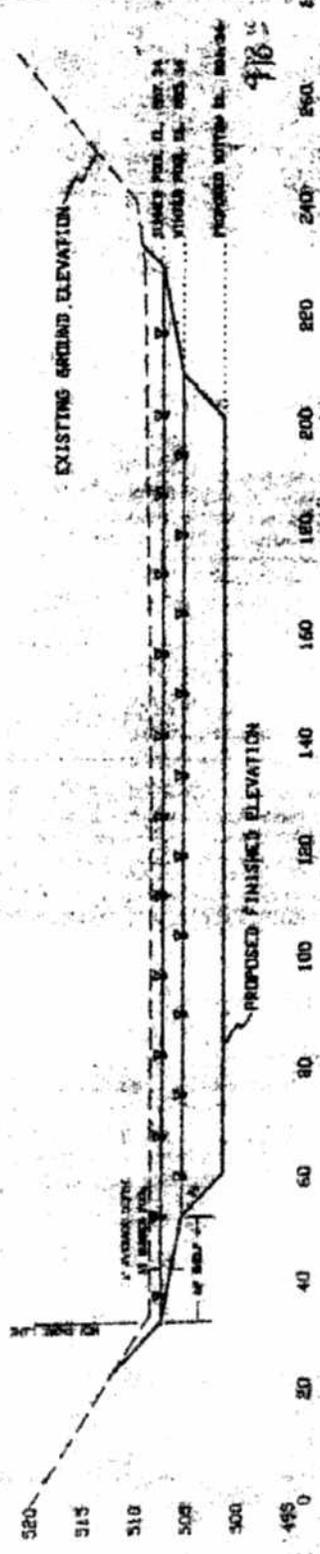
THE NORMAL SUMMER WATER LEVEL IS: 507.5' msl

REVISED EXHIBIT C₂

NOTE:
INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED.

| | |
|-------------------------------|---|
| TVA | 189371 |
| | EXAMPLE OF PROPOSED CHANNEL DREDGE |
| PROJECT LOCATION INFORMATION: | |
| STREAM NAME | Tennessee River |
| RESERVOIR NAME | Wilson |
| MILE MARKER | 271.3R |
| MAP NO. | 8D and 53SW |
| (APPLICANT'S NAME) | |
| Bubba Doss Properties | |

O.K.
Bubba



REVISED EXHIBIT D

| PROPOSED DREDGE CROSS SECTION | | |
|--|-----------------|---|
| ALEXANDER ENGINEERING AND DEVELOPMENT, INC. MUSCLE SHOALS, AL. (256) 334-1805 | | |
| DESIGNED BY EA | DATE 10/7/08 | OWNER BUBBA DOSS PROPERTIES |
| APPROVED BY EA | DATE 10/7/08 | 240 HWY 181 MUSCLE SHOALS, AL. 36508 |
| SCALE 1"=30' | SHEET 2 OF 3 | PROJECT NO. AE08-019 |