

Document Type: EA-Administrative Record
Index Field: Final Environmental Document
Project Name: Western Shores Private Water Use Facilities
Project Number: 2007-31

ENVIRONMENTAL ASSESSMENT

WESTERN SHORES REQUEST FOR PRIVATE WATER USE FACILITIES, KENTUCKY RESERVOIR

Calloway County, Kentucky

TENNESSEE VALLEY AUTHORITY

OCTOBER 2007

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ENVIRONMENTAL ASSESSMENT

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TENNESSEE VALLEY AUTHORITY

OCTOBER 2007

Background

Western Shores is a residential development located on Kentucky Reservoir in Calloway County, Kentucky. The Western Shores Lot Owners Association submitted applications to the U.S. Army Corps of Engineers (USACE) and to the Tennessee Valley Authority (TVA) for approval of five community water use facilities, a concrete launching ramp with access road, and excavation below normal summer pool at Tennessee River Mile (TRM) 48 (left bank, facing downstream). Western Shores has also requested approval under Section 26a of the TVA Act for 29 proposed private water use facilities between TRM 46 and TRM 48 as shown in Figure 1. USACE and TVA issued Joint Public Notice 07-12 on February 2, 2007.

The applicant's proposal for three community water use facilities includes the construction of three 54-foot-wide by 244-foot-long covered floating docks containing 20 boat slips each, as shown in Figure 2. The community docks would be constructed with a steel frame and wooden deck planking. They would be anchored with spud poles, which would allow the docks to rise and fall with the reservoir level. Encased foam would be used for flotation. In addition, three metal-framed hinged walkways, 4 feet wide and 40 feet long, with wooden decks would be constructed from the shoreline to the floating docks. These docks would be for private use of back-lying lot owners of Western Shores. The lots served by the community docks would not be eligible for individual water use facilities or private docks.

The applicant also proposes to construct a 16-foot-wide by 60-foot-long concrete boat launching ramp with access road adjacent to the three community water use facilities (see Figure 2). The base of the launching ramp would extend to elevation 350 feet mean sea level (msl). The deposit of fill material associated with the construction of the launching ramp meets the criteria for a USACE Nationwide Permit #13. In addition, the applicant proposes to install two additional floating community water use facilities, approximately 600 feet downstream of the larger community docks. One of these facilities is shown in Figure 2. Lots 1-7, 13, 14 and 73 within Phase 5 would be served by these facilities.

In order to avoid potential effects to archaeological resources, the applicant agreed to a minor realignment of the community docks and moved the location of the boat access channel. These revisions are shown as Figure 3.

Dredging is necessary to ensure adequate water depths in the vicinity of the community docks and launching ramp. The applicant proposes to use a suction dredge. The proposed dredging would involve the excavation of material to elevation 350 feet msl, and approximately 11,500 cubic yards would be removed. Spoil material would be deposited in an upland containment area above elevation 375 feet msl within the Western Shores development. Normal summer pool at this location on Kentucky Reservoir is at elevation

359 feet msl. These proposed actions require a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 as well as TVA approval under Section 26a of the TVA Act of 1933.

Additionally, Kentucky Land Partners LLC, the developer of Western Shores, has requested TVA Section 26a approval for 29 private water use facilities (i.e., individual boat docks) located between TRM 48 and TRM 46 north (downstream) of the proposed dredge site. Each of these facilities would be a 30- by 32-foot floating dock. A 4-foot-wide by 40-foot-long walkway would provide access from the bank. Some docks would be held in place with spud poles; others would be anchored to the shoreline via the walkway. These new docks would be interspersed among existing docks and previously approved dock sites as shown in Figure 4. The initial Section 26a approval for the 29 docks would be issued to Kentucky Land Partners. As lots are sold, these permits for individual boat docks would be transferred to the new lot owners, subject to TVA approval.

The Proposed Decision and Need

The decision before TVA is whether to approve or deny the applicant's request for the five community water use facilities, excavation below normal summer pool, concrete launching ramp with access road, and 29 private boat docks pursuant to Section 26a of the TVA Act of 1933. Without this approval, the applicant may not legally proceed with the proposed actions.

Other Environmental Reviews and Documentation

USACE issued a final environmental assessment (EA) and findings of no significant impact on May 11, 2007. These documents dealt with the potential environmental effects of USACE permitting of the proposed dredging for a boat access and covered floating boat slips. The USACE environmental assessment is incorporated here by reference and is provided as Attachment A.

TVA prepared a categorical exclusion checklist (CEC) to document the environmental review of the 29 private docks. Consequently, TVA concluded that approval of these 29 docks would not result in any significant environmental effects, and no unusual circumstances were associated with the proposed action. The CEC is incorporated here by reference and is provided as Attachment B.

A general water quality certification has been issued by the Commonwealth of Kentucky's Division of Water. The water quality certification is incorporated here by reference and is provided as Attachment C.

Alternatives and Comparison

TVA considered two feasible alternatives, namely:

- No Action – TVA denial of the applicant's requests.
- The Action Alternative – TVA approval of the Western Shores Lot Owners Association's request for construction of five community water use facilities, concrete launching ramp with access road, and the excavation below normal summer pool of approximately 11,500 cubic yards of material. Under this

alternative, TVA would also approve the Kentucky Land Partners LLC request for 29 private water use facilities.

If TVA were to adopt the No Action Alternative, the proposed developments along the waterfront at Western Shores could not legally proceed. The current shoreline would likely remain relatively unchanged from its current condition. However, residential development of back-lying property at Western Shores would occur. The lack of private water use facilities could potentially restrict the pace of future residential development in Western Shores.

Under the Action Alternative, the five community water use facilities, concrete launching ramp with access road, and excavation below normal summer pool would occur in the near term. Over time, the 29 private water use facilities would be constructed as Western Shores develops. Consequently, there would be some increase in the number of private watercraft in the local area, primarily during the summer months. Visual character of the shoreline would change slightly over time as new docks are constructed.

Affected Environment and Evaluation of Impacts

Site Description

The Western Shores development is located on a large upland tract of private land located on the west shore of Kentucky Reservoir, approximately from TRM 46 to TRM 48. Much of the western shore of the reservoir in this area is forested with scattered residential and second home development. The eastern shore of the reservoir in this area is part of the Land Between The Lakes National Recreation Area, managed by the U.S. Forest Service. The area is predominately forested, and the maximum relief is less than 100 feet. Generally, vegetation extends to the shoreline.

The proposed community water use facilities and concrete launching ramp would be located in a shallow embayment at TRM 48, immediately downstream (north) of the Snipe Creek embayment. The private water use facilities would be built along the western shoreline from TRM 46 to TRM 48. This shoreline is generally forested and is interspersed with alternating small points and embayments.

Impacts Evaluated

The environmental review of the 29 individual water use facilities is documented in CEC Number 15626 (see Attachment B). No significant environmental effects would occur as a result of TVA's approval of these 29 facilities.

Potential environmental effects of the proposed dredging and the construction and operation of the community water use facilities were addressed in the USACE EA. Specifically, potential effects to the following resources were considered: substrate; suspended particulates, turbidity; water quality (temperature, color, odor, nutrients, etc.); shore erosion and accretion patterns; habitat for fish and other aquatic organisms; wildlife habitat; endangered or threatened species; biological availability of possible contaminants in the excavated fill material; water-related recreation; aesthetics; traffic/transportation patterns; navigation; safety; noise; and economics. Reasonably foreseeable actions resulting from the proposal identified in the USACE EA included:

- Population growth in the local area
- Additional local residential growth

- Change in economic conditions
- Increased traffic
- Maintenance of area roads
- Construction and maintenance of local infrastructure
- Increased recreational boat traffic
- Implementation of various programs to address non-point sources of water pollution and to restore degraded environments
- Continued application of environmental requirements such as those under the National Pollutant Discharge Elimination System (NPDES) or the National Environmental Policy Act (NEPA)

As stated in the USACE EA, the U.S. Fish and Wildlife Service (USFWS) responded to Public Notice No. 07-12 via e-mail on February 21, 2007. USFWS stated that, based on best available information, there are no federally listed or proposed endangered or threatened plant or animal species in the vicinity of the project. Thus, USFWS concluded that the proposed project would not cause adverse effects to any listed species and, therefore, requirements of Section 7 of the Endangered Species Act have been fulfilled.

The Kentucky Department of Fish and Wildlife (Department) responded to the public notice by letter of February 8, 2007. The Department accepted the proposed dredging for a boat access channel but recommended that work be conducted between November and February to protect fish spawning habitat.

Based on previous cultural resources surveys of the subject shoreline, TVA determined that archaeological resources could be potentially affected by the proposed actions. The locations of one smaller community water use facility and four private water use facilities were along a small portion of shoreline that may contain archaeological resources. However, because the docks would be floating and would be serviced with aboveground utilities, there would be no effects to archaeological resources. In order to avoid potential effects to underwater archaeological resources, the applicant modified the original alignment of the larger community water use facilities and excavation below normal summer pool.

Further, since no surveys had been conducted on the adjacent upland properties, the applicant completed a Phase 1 Archaeological Survey (Survey) over the upland site that would be used for disposal of the spoil material. The Survey concluded that no archaeological resources were present. Overall, the applicant's proposal to construct the five community and 29 private water use facilities, to build a launching ramp with access road and to conduct excavation below summer pool would not affect historic properties. The Kentucky Heritage Council (KHC) concurred with TVA's finding that the proposed project would not affect historic properties. The KHC concurrence letter is provided as Attachment D.

No wetlands would be affected. The proposed action would not affect any threatened or endangered species or designated critical habitats. Likewise, there would be no disproportionate effects to minority or economically disadvantaged populations. There would be no impact to flood control, and the proposal complies with Executive Order 11988 on floodplain management.

Although the proposed individual and community facilities would provide additional recreational boating opportunities, their presence would also increase the density of boats

on the reservoir. The proposed facilities would increase the total number of boat slips on Kentucky Reservoir by 188 slips. The individual facilities and associated walkways would not impact navigation. Kentucky Reservoir features nearly 2,064 miles of shoreline and about 160,300 acres of water surface. The increased number of boats would not result in significant negative impacts on the recreational experience or safety of boaters on the reservoir. Impacts on the recreational experience or safety of boaters would be negligible.

Cumulative Impacts

If TVA were to issue the Section 26a approval for the proposed activities, additional shoreline development along this reach of the reservoir is likely. The availability of private water use facilities would enhance the potential for additional residential development on waterfront property and on back-lying lots within the Western Shores development. Additional recreational boating activity would also develop; however, this increase is not expected to cause significant boating traffic or adversely affect commercial navigation.

Mitigation Measures

The following special permit conditions would be established as conditions in TVA's Section 26a permit in order to reduce the potential for adverse environmental effects.

Special Conditions

- The lots served by the community docks would not be eligible for individual water use facilities or private docks.
- The spoil material would be disposed of and contained on designated land lying and being above the 375-foot contour. The applicant will implement measures to prevent discharges of spoil material into the reservoir.

Preferred Alternative

TVA's preferred alternative is the Action Alternative.

TVA Preparers

James Franklin Hill, Watershed Representative, Kentucky Watershed Team – Environmental Review Coordination

Gary D. Jenkins, Biologist, Kentucky Watershed Team – Aquatic Biology

Thomas O. Maher, Manager, Cultural Resources, Environmental Stewardship and Policy – Historic Resources

Heather L. McGee, Water Resources Representative, Pickwick-Wheeler Watershed Team - Document Compilation and Preparation

Jon C. Riley, Landscape Architect, Environmental Stewardship and Policy – Visual Resources

James F. Williamson Jr., Senior NEPA Specialist, Environmental Stewardship and Policy –
Document Compilation and Preparation

Attachments

- A. USACE Environmental Assessment
- B. Categorical Exclusion Checklist for Proposed TVA Actions – Number 15626
- C. Clean Water Certification
- D. Kentucky Heritage Council Concurrence Letter

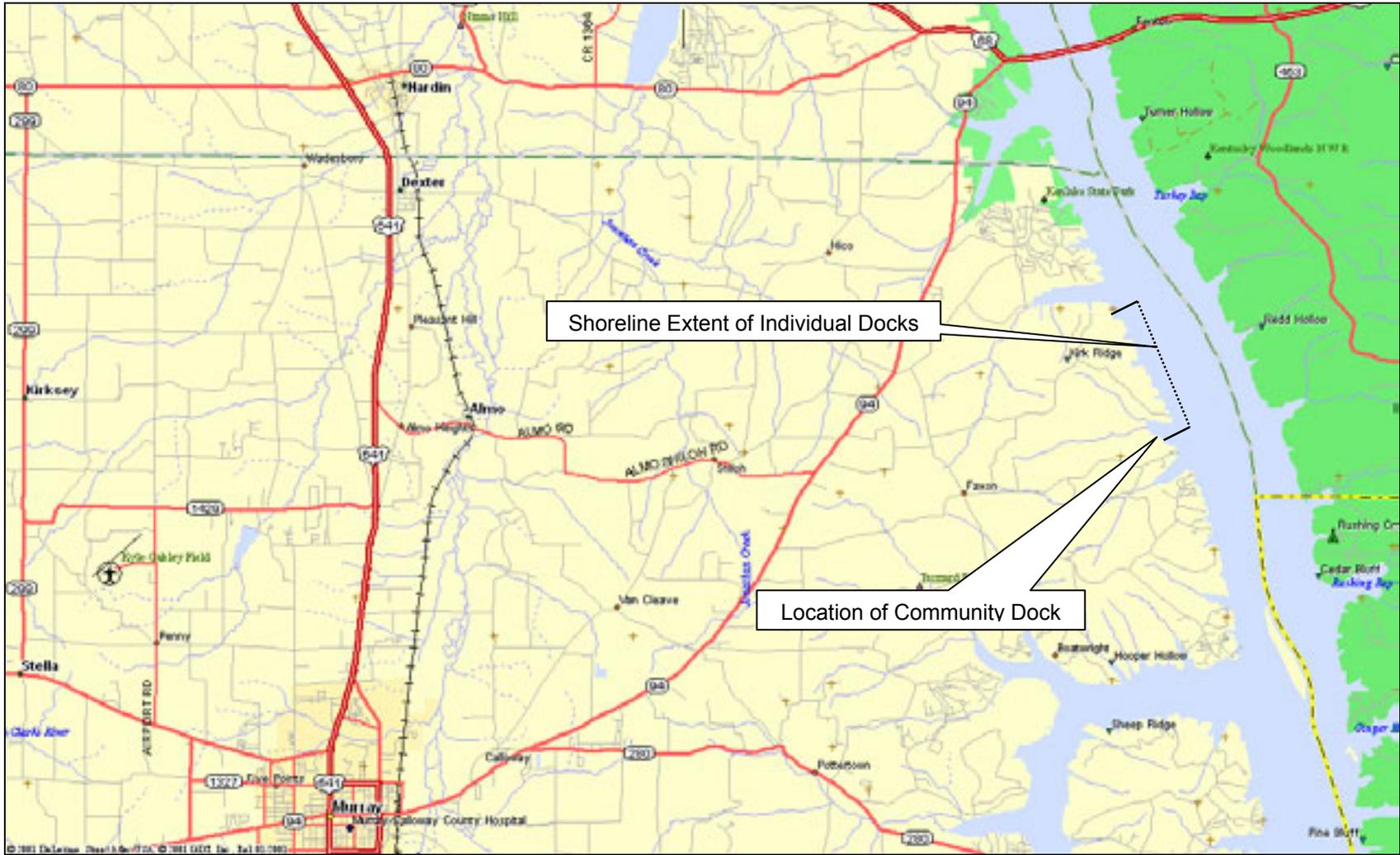


Figure 1. Vicinity Map of the Proposed Actions at Western Shores Development.

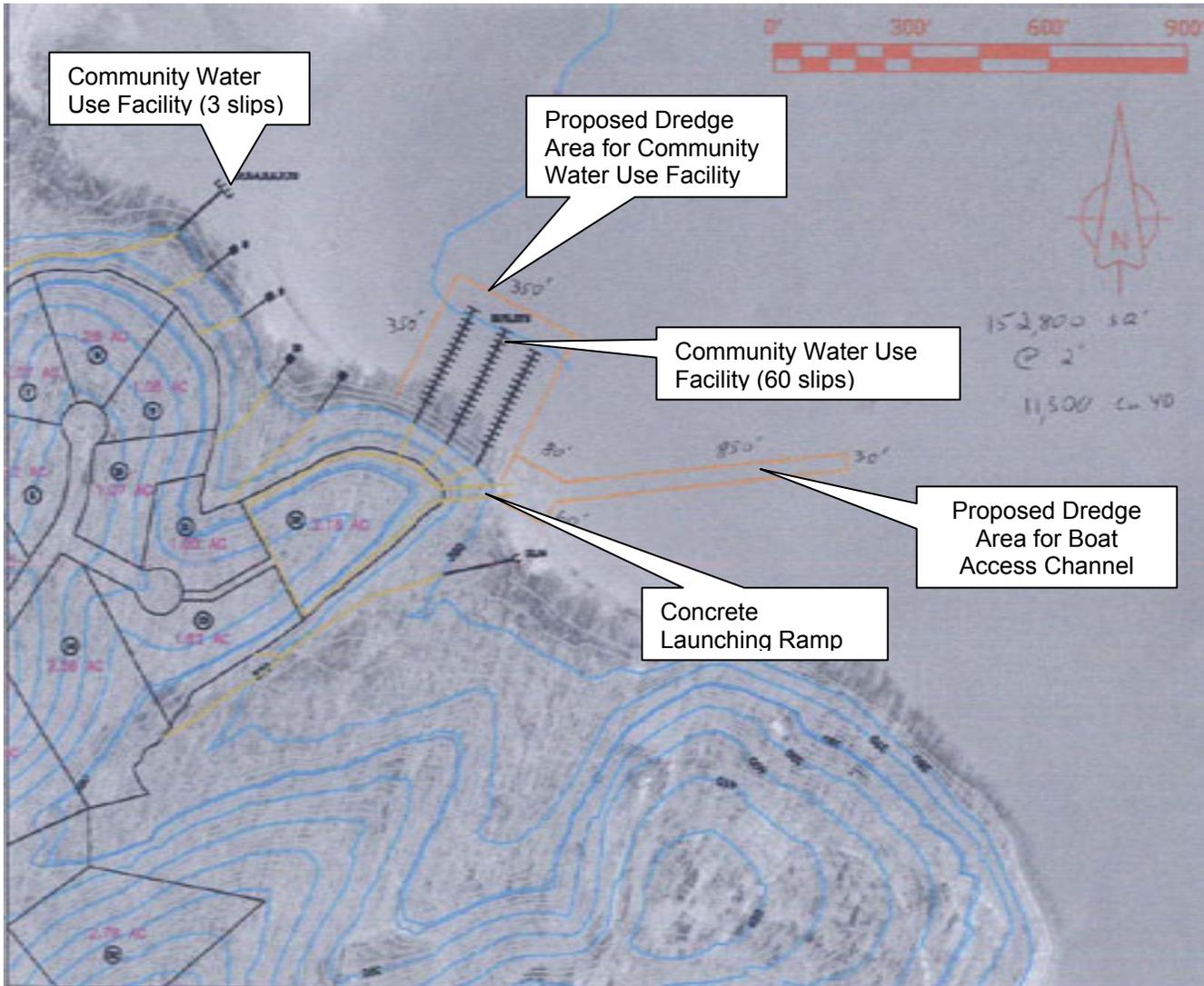
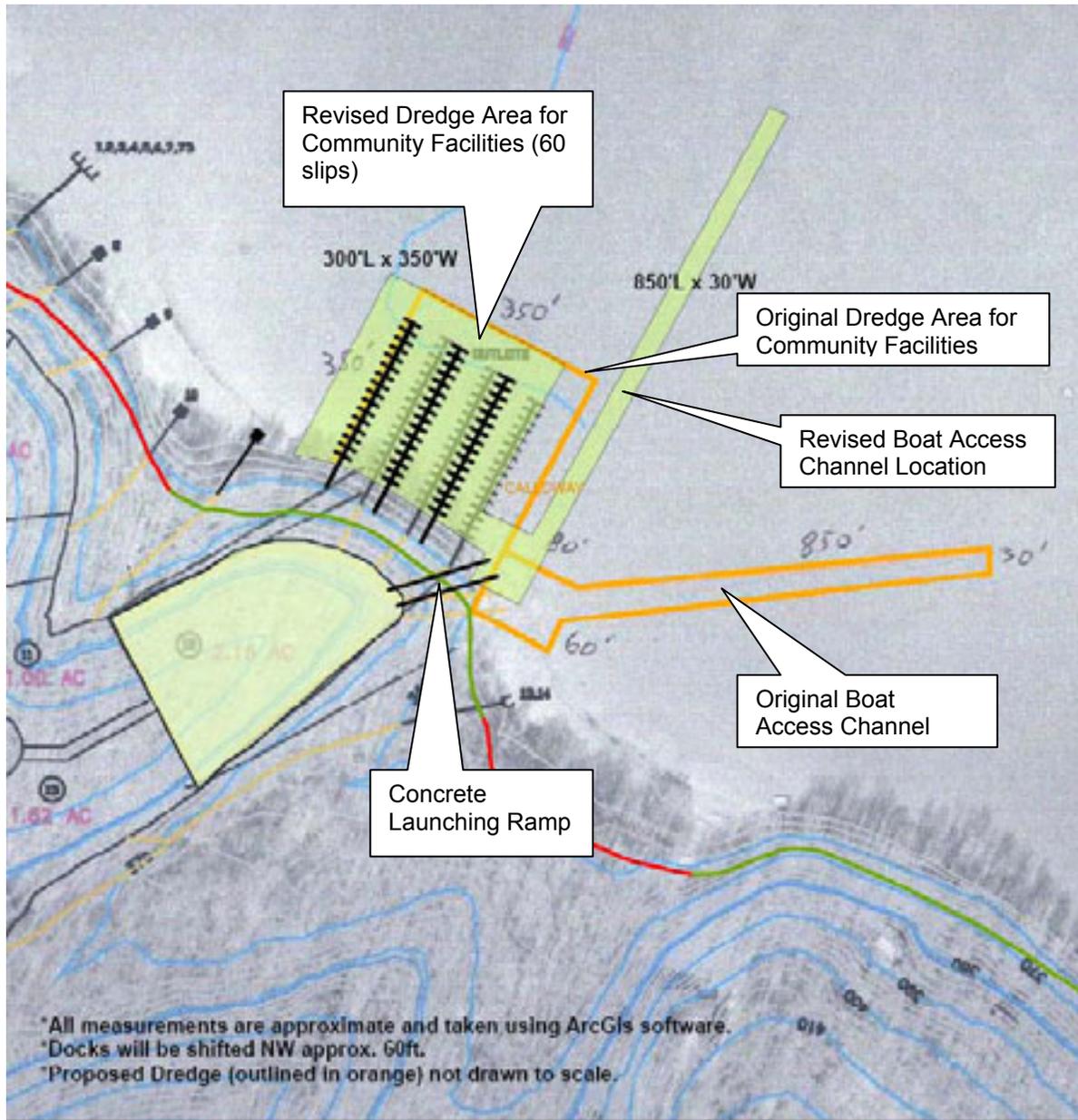


Figure 2. Proposed Community Water Use Facilities at Western Shores Development

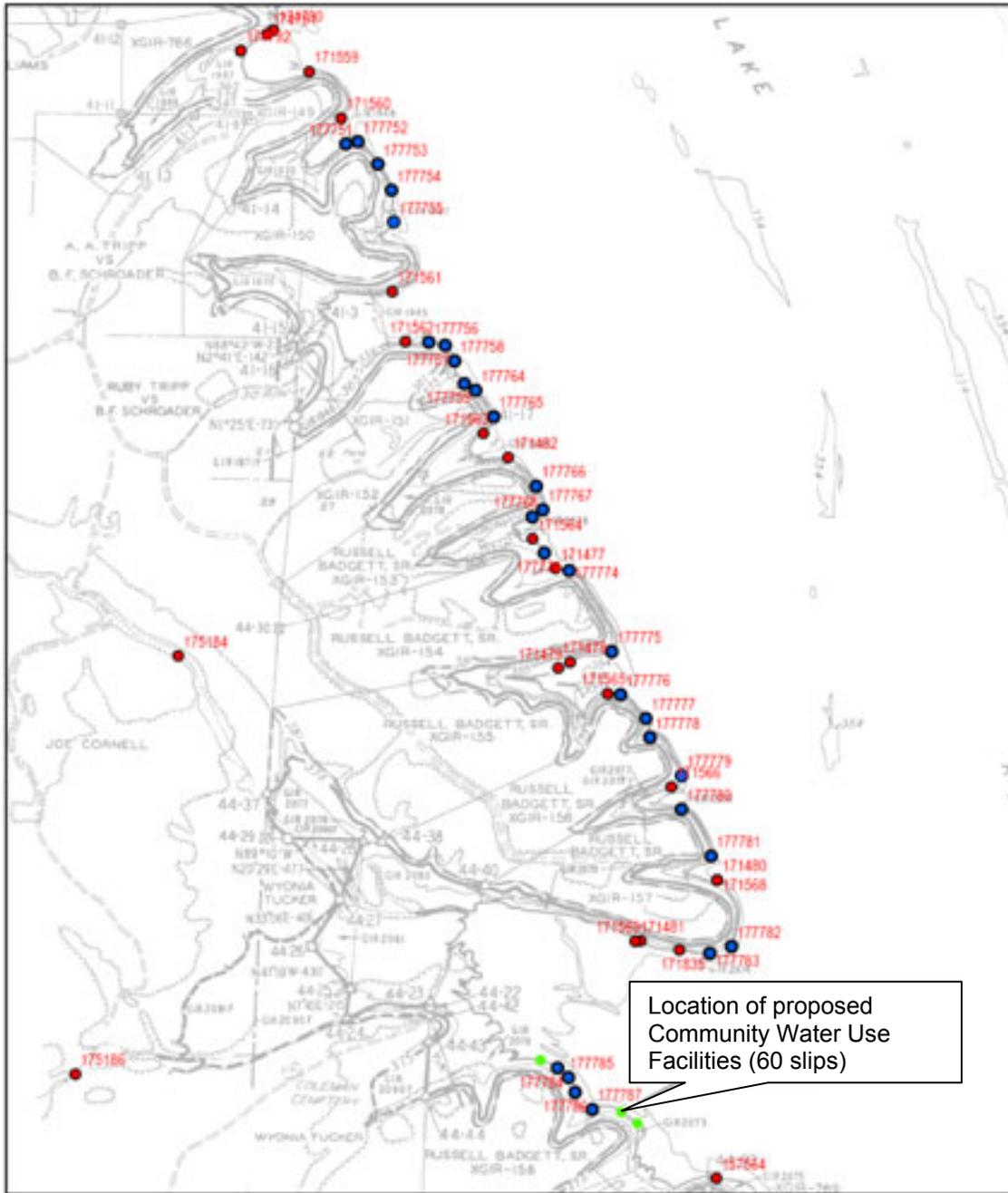


Western Shores Lot Owners Association
 XGIR 158, GIR 2090
 Calloway County, Ky
 Proposed Dredge/Spoil Site
 TRM 48.0L
 RLR# 177748

Legend

- Revised Docks/Ramp Location
- Community Outlet
- Revised Proposed Dredge Area
- Proposed Dredge Area

Figure 3. Relocated Alignment of Community Water Use Facilities and Boat Access Channel



Location of proposed
Community Water Use
Facilities (60 slips)

- Proposed Dock Location
- Permitted Facilities
- Proposed Community Facilities

Western Shores Private Docks
Phases 3, 4, and 5
Tract No. XGIR_148
Calloway County, Ky

Map Reference:
D-Stage 41, 44
Quad 18NE

Figure 4. Location of Approved and Proposed Private Water Use Facilities at Western Shores Development

Attachment A – USACE Environmental Assessment

FINAL ENVIRONMENTAL ASSESSMENT
STATEMENT OF FINDINGS
AND
FINDINGS OF NO SIGNIFICANT IMPACT

(File No. 200700191)

Western Shores Lot Owners Association

Application for Proposed Dredging for Boat Access and Covered Floating Boat Slips at
Tennessee River Mile 48.0, Left Bank, Kentucky Lake, Calloway County, Kentucky.

U.S. ARMY CORPS OF ENGINEERS
Nashville District, Regulatory Branch

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1.0 Proposed Activity

1.1. Background. On January 26, 2007, Mr. Robert Olson submitted an application on behalf of Western Shores Lot Owners Association for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899. Additional information on the proposed activity was requested on January 27, 2007, and was received from Mr. Olson on January 29, 2007. Public Notice 07-12, was issued on February 2, 2007, see Appendix A.

The proposed work consists of dredging approximately 11,500 cubic yards of material from two areas on Kentucky Lake for boat access. The first dredge area measures approximately 350' x 350' x 5' and is located at the site of three proposed covered community floating docks. The second dredge area is located next to the first dredge area which is located in front of the proposed launching ramp. The second dredge would measure approximately 100' x 60' x 5' in front of the launching ramp with a channel extending lakeward measuring approximately 400' x 30' x 5' from this area. A 10' buffer along the existing shoreline would be maintained for the entire length of the project. The toe of both dredging areas would be at Elevation 349.5. Elevation 359.0 is the normal summer pool elevation (NSP) for Kentucky Lake. The material would be removed by suction dredge and pumped to an upland containment area above Elevation 375.0.

Additionally, the applicant proposes to construction three identical covered community floating boat slips at the site for Western Shores Subdivision. The covered community floating boat slips would be perpendicular to the shoreline and extend lakeward approximately 244' from NSP and be 54' wide. Each facility would have a steel frame and wood decking, and would be anchored by spud poles. Floatation would consist of encased foam. Each facility would be able to accommodate approximately 40 boats for a total of 120 boats.

Also, the applicant proposes to construct a launching ramp. The deposit of fill material associated with the proposed launching ramp meets the criteria for Nationwide Permit (NWP) # 36.

The dredging would allow adequate water depth to access the proposed covered floating docks and proposed launching ramp for the residence of Western Shores Subdivision.

An on-site inspection was conducted in conjunction with another application on June 16, 2006, see Appendix B for the MFR.

1.2. Decision Required. Section 10 of the Rivers and Harbors Act of 1899 prohibits the alteration or obstruction of any navigable waters of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. The Tennessee River at mile 48.0, Left Bank, Kentucky Lake is a navigable water of the United States as defined by 33 CFR Part 329. A Section 10 permit is required for the work; therefore, the Corps of Engineers must decide on one of the following:

- a. issuance of a permit for the proposal
- b. issuance of a permit with modifications or conditions
- c. deny the permit

1.3. Other Approvals Required. Other federal, state, and local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act.

2.0. Public Involvement Process. On February 2, 2007, Public Notice 07-12, Appendix A, was issued to advertise the proposed work. All responses are included in Appendix C. A summary of the responses are as follows:

- a. The Kentucky Department of Fish and Wildlife (Department) responded to the public notice by letter dated February 8, 2007. The Department accepted the proposed action to excavate a boat access channel, as submitted. The Department request that the work be conducted from November through February to protect spawning habitat.

- b. The US Fish and Wildlife Service (Service) responded to the public notice by email dated February 21, 2007. The Service states that based on their records and the best information available at this time, it is their belief that there are no federally-listed or proposed endangered or threatened plant or animal species in the impact area of the project, and that requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. The Service goes on to state that they do not believe that the proposed project would cause adverse effects to listed species.

- c. There were no comments from the general public and there were no requests for a public hearing.

3.0 Environmental and Public Interest Factors Considered

3.1. Introduction. 33 CFR 320.4(a) states the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. All factors that may be relevant to the proposal must be considered. Public Notice 07-12 listed factors that may be relevant to the proposal. The following sections show which factors that are relevant in this proposal, and if relevant, provide a concise description of the impacts.

3.2. Physical/Chemical Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts.

Substrate. The proposed work would dredge approximately 11,500 cubic yards of bottom substrate. The substrate is chiefly composed of clay and silt material which has accumulated from upland run-off or has settled from the Tennessee River. The dredged material would be removed by suction dredge and pumped to an upland containment area above Elevation 375.0 on the applicant's property.

Currents, circulation or drainage patterns. No Issues

Suspended particulates, turbidity. The dredging would be performed by a suction dredge. There would be turbidity in the vicinity where the dredging is actively occurring, the turbidity would be short lived and would dissipate soon after each time the dredging has stopped.

Water quality (temperature, color, odor, nutrients, etc). Since the work would be conducted by a suction dredge, there would be turbidity in the vicinity where the dredging is actively occurring. The turbidity would be short lived and would dissipate soon after each time the dredging has stopped. The dredged material would be pumped to an upland containment area above Elevation 375.0 on the applicant's property, where the dredged material would be contained and stabilized. In addition, the use of the three covered community floating boat slips could degrade water quality through the inadvertent spillage of petroleum products associated with refueling operations and boat moorage. However, if operating safely and normal housekeeping procedures are followed at the community floating boat slips, adverse water quality impacts related to spillage of petroleum substances would be minor. In addition, the currents in the vicinity of the covered community floating boat slips would quickly disperse any spillage that may occur. It should be noted that the covered community floating boat slips are only for boat moorage and would not sell fuel or provide a pump out facility.

Flood control functions. No Issues

Storm, wave and erosion buffers. The presence of the proposed covered community floating boat slips would provide some protection to the adjacent banks from wave erosion.

Shore erosion and accretion patterns. The dredging would open this area up to more boating activity which would likely increase shore erosion from additional boat wakes and wave action. In addition, the presence of the three covered community floating boat slips would

increase boat traffic in the area which would likely cause shore erosion. Regardless if the dredging is carried out and the covered community floating boat slips constructed, the area would still be subject to wakes and wave action from boats and other watercraft utilizing this portion of Kentucky Lake.

() Baseflow. No Issues

3.3. Biological Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts.

() Special aquatic sites (wetlands, mudflats, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45). No Issues

(X) Habitat for fish and other aquatic organisms. The proposed dredging would result in substantial alteration of the existing bottom substrate within the footprint of the access channels. During NSP elevation, water depths within the footprint of the boat access channels would increase resulting in reduced light penetration to the bottom substrate. Since the dredging would be conducted in the wet by suction dredge, there would be adverse impacts on the biological productivity of the area. There would be turbidity in the vicinity where the dredging would be actively occurring; however, the turbidity would be short lived and would dissipate soon after each time the dredging has stopped. There would be some aquatic organisms that would be displaced by the proposed work. The displacement would be temporary as aquatic organisms would recolonize the area or adjacent areas after the work has been completed or when the water levels of Kentucky Lake rise to NSP elevation. The covered community floating boat slips would enhance fish habitat in the area. The covered community floating boat slips would provide shade and cover for fish and other aquatic organisms and would also provide attachment surfaces for algae and small aquatic organisms.

(X) Wildlife habitat. The site where the dredging and covered community floating boat slips would be located is characterized by being a heavily wooded area which is being transformed into a residential development. The presence of construction workers and construction equipment dredging the access channels and building the covered community floating boat slips and residential development may frighten wildlife from the area. After the work has been completed, the presence of the covered community floating boat slips and residential development would be an obstacle for the upland wildlife and would force them to change their feeding and watering patterns. Birds and some mammals could utilize the covered community floating boat slips as a perch, to hunt for prey. Birds could use areas under the roofs to build nest and rear young.

Endangered or threatened species. The Service indicates that no federally-listed or proposed endangered or threatened species occur within the area of the project. The Service states that based on their records and the best information available at this time, there are no federally-listed or proposed endangered or threatened plant or animal species in the impact area of the project, and that requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. The Service goes on to state that only minimal net impacts to fish and wildlife, their habitats, and human uses are expected to result from the proposed activity. The Service states that they have no objections to authorization of the work.

Biological availability of possible contaminants in the excavated or fill material. The material that is to be removed from the channel is composed mainly of clay and silt which has accumulated from upland run-off or has been deposited over the years in the Tennessee River.

3.4. Human Use Characteristics and Anticipated Impacts. The relevant blocks are checked with a description of the impacts.

Existing and potential water supplies; water conservation. No Issues.

Water-related recreation. The dredging may have minor impacts on water-related navigation since the dredging would be conducted in the wet by a suction dredge. The impacts would be minor since the work is occurring close to the left descending bank on this portion of Kentucky Lake. The dredging would benefit the applicant by having an improved boat access to the proposed covered community floating slips and the proposed launching ramp. The three proposed covered community floating boat slips would provide a facility for the residence/boaters of Western Shores Subdivision to store and moor their boats and a place for others to use as a place of refuge. With the dredging and the presence of the covered community floating boat slips, boat traffic would increase from those using the covered community floating boat slips. Current usage of the river at this location includes pleasure/recreation boating, fishing and commercial navigation.

Aesthetics. The site where the dredging and covered community floating boat slips would be located is characterized by being a heavily wooded area which is being transformed into a residential development. The dredging of the access channels, the construction of the covered community floating boat slips and the construction of the residential development would have a temporary impact upon the aesthetics of the site caused by the appearance of the construction workers and construction equipment in the area. All of the work would be conducted during daylight hours. The work at the site would be temporary, however; the long-term visible impacts to the area would result from the presence of three covered community floating boat slips

and a launching ramp located at the site along with the residential development. The three proposed covered community floating boat slips may be viewed as visually intrusive to some adjacent property owners in the area. However, covered community floating boat slips have become an integral part of the landscape of TVA lakes.

(X) Traffic/transportation patterns. The dredging of the access channels and the covered community floating boat slips would increase the number of boats utilizing this portion of Kentucky Lake causing traffic concerns. However, this should not be a problem since, according to TVA; Kentucky Lake has 106,300 acres of surface water and 2400 miles of shoreline. The increase in boating traffic would be seasonal and would likely increase during the summer months and holidays.

() Energy consumption or generation. No Issues

(X) Navigation. The proposed work would occur at Tennessee River Mile 48.0, left bank, Kentucky Lake. The proposed work may impact recreational navigation since the proposed dredging would be conducted by a suction dredge. The impacts of the dredging, if any, would be minor since the work would occur along the left descending bank of the Tennessee River which is off of the main navigation channel. Additionally, the location of the three covered community floating slips is off the main commercial navigation channel and would not have any impacts to commercial navigation. However, the proposed covered community floating boat slips would likely increase the recreational use of this portion of Kentucky Lake due to the additional boat moorage that would be available.

(X) Safety. The floating plant used to dredge the material would display proper lights and signals as required by the current Inland Navigation Rules (INR). The construction of the covered community floating boat slips would likely increase watercraft traffic along this section of the Tennessee River. The location where the dredging and covered community floating boat slips would be located is at Tennessee River Mile 48.0, left bank, which is a navigable water of the United States. Being a navigable water of the United States, the public has a right to free navigation on this waterway. However, the public must obey all Commonwealth of Kentucky boating laws and regulations. Boat and other watercraft traffic would be seasonal and would increase during the summer months, especially on weekend and holidays.

() Air quality. No Issues

(X) Noise. The site where the dredging and the covered community floating boat slips would be located is characterized by being a heavily wooded area which is being transformed into a residential development. The noise associated with the dredging, construction of the covered

community floating boat slips and launching ramp would be temporary. The work would be performed during daylight hours. The additional noise would have only a negligible impact to the surrounding area. Equipment would be expected to operate within normal ranges for construction equipment. There would be long term noise associated with the covered community floating boat slips, from the boats and other watercraft using the structures. However, motorboat noise is very common on Kentucky Lake. The noise from boats and other watercraft would increase on weekends and on summer holidays. Regardless if the boat access channels are dredged and the covered community floating boat slips are constructed, the area would still be subject to noise from boats and other watercraft utilizing this portion of Kentucky Lake.

Historic properties and cultural values. No Issues.

Land use classification. No Issues

Conservation. No Issues

Economics. Dredging of the access channels, the construction of the covered community floating boat slips and the launching ramp would benefit the contractors and sub-contractors performing the work. In addition, the dredging of the access channels, the construction of the covered community floating boat slips and ramp would likely increase the applicant's property value by enhancing the lake benefits to the property. The proposed work would provide an economic stimulus to this portion of Calloway County, Kentucky. The economy may be improved by the presence of construction workers living and spending money in the area. The dredging of the access channels and construction of the covered community floating boat slips may pump revenue into the local economy through purchasing building supplies from local merchants. Calloway County would likely see additional revenues from an increase in the property tax base. The access channels and the covered community floating boat slips could affect the value of riverfront property immediately adjacent to or close to where the access channels and covered community floating boat slips would be constructed. The applicant could benefit financially by renting/leasing dock space at the covered community floating boat slips.

Food and fiber production. No Issues

General environmental concerns. No Issues

Mineral needs. No Issues

Consideration of private property. The applicants own the property where the proposed work would occur. 33 CFR 320.4(g)(1) states that " an inherent aspect of property

ownership is a right to reasonable private use." The right of property owners to a reasonable use of their property has been fully considered in our permit evaluation.

Floodplain values. No Issues

Other. No Issues

3.5. Cumulative and Secondary Impacts. One of the most important aspects of cumulative effects assessment is that it requires consideration of how actions by others have and will affect the same resources. In assessing cumulative effects, the key determinant of importance or significance is whether the incremental effect of the proposed action will alter the sustainability of the resource in light of other effects that resource has experienced up until the present and/or will experience in the future.

Cumulative environmental effect for the proposed activity was assessed in accordance with guidance provided by the President's Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999).

In this case, the spatial boundary for the assessment has been broadened to consider effects within the corridor of the proposed dredging and covered community floating boat slips. The dredging would not be undertaken if not for the need for adequate water for the proposed covered community floating boat slips and launching ramp, which would not be undertaken if not for the need for adequate boat moorage at Tennessee River Mile 48.0, Left Bank, Kentucky Lake.

Projecting the reasonably foreseeable future actions is difficult at best. Clearly, the proposed action is reasonably foreseeable. However, the actions by others that may affect the same resources are not as clear. Projections of those actions must rely on judgment as to what is reasonable, based on existing trends, and where available, projections from qualified sources. Reasonably foreseeable does not include unfounded or speculative projections. In this case, reasonably foreseeable future actions include:

- Population growth in the area
- Additional growth in residential development in the area
- Change in economic conditions
- Change of existing land use patterns in the area
- Increase in traffic generated from increased use due to the action
- Maintenance and/or improvement to areas roads
- Construction and maintenance of infrastructure in the area
- Increase in recreation boating traffic generated from increased use due to the action
- Implementation of various programs to deal with non-point sources of water

pollution and to restore degraded environments, and

- Continued application of environmental requirements such as those under NPDES and/or NEPA

Additional structures and/or future associated work that may be proposed in the vicinity of the site can be identified as cumulative and/or secondary impacts; however, determining the magnitude of cumulative effects; modifying to avoid, minimize or mitigate the cumulative effects, and planning for monitoring and adaptive management would have to be addressed on a case-by-case basis.

The proposal could have minimal cumulative or secondary effect upon the existing environment with the additional boating in the area due to the dredging of the access channels, the proposed covered community floating boat slips and the proposed launching ramp.

4.0 Alternatives

4.1. Introduction. This section discusses alternatives as required by 33 CFR 320.4(a)(2). The relevant environmental issues identified in Chapter 3.0 were used to formulate the alternatives. The alternatives that were given detailed consideration are listed in the following section.

4.2. Description of Alternatives.

a. **No Action.** The no action alternative equates to denial of the DA permit or the applicant modifying the proposal such that a DA permit is not required. This alternative would result in the boat access channels not being dredged, the three community floating boat slips and launching ramp not being constructed.

b. **The Applicant's Final Proposed Action.** This alternative consists of approving the applicant's request to dredge approximately 11,500 cubic yards of material from Kentucky Lake for the boat access channels, the construction of three community floating boat slips and launching ramp as described in the attached public notice (Appendix A).

c. **The Proposed Action with Special Conditions.** This alternative would be composed of the applicant's proposal as described in section b. above with the inclusion of additional mitigation measures that would minimize unavoidable environmental impacts.

4.3. Appropriate Mitigation Included in the Proposed Action. Mitigation measures would be implemented to minimize impacts to the environment. The dredged material would be removed and placed on the applicant's property above Elevation 375.0 where the material would be contained and stabilized. Additionally, instituting and maintaining erosion and sediment control

measures for the life of the project and ensure that all disturbed riparian areas are properly seeded, or otherwise stabilized as soon as practicable to prevent erosion and associated runoff from entering the waterway.

4.4 Comparison of Alternatives.

a. No Action. The no action alternative equates to denial of the DA permit or the applicant modifying the proposal such that a DA permit is not required. The no action alternative would also result if the applicant withdraws the DA permit application being considered. The proposed work would not be performed. This alternative would result in no impacts to the bottom substrate and aquatic life and habitat of this portion of Kentucky Lake since the dredging for the boat access channels would not be performed. In addition, there would be no visual impacts since the covered community floating slips would not be constructed. The no action alternative would not meet the needs of the applicant and would result in an economic loss in planning and real estate costs.

b. The Applicant's Final Proposed Action. This alternative would allow for the dredging of two boat access channels, the construction of three community floating slips and the launching ramp on Kentucky Lake. The proposed work on the boat access channels consist of dredging approximately 11,500 cubic yards of material from two areas on Kentucky Lake for boat access. The first dredge area measures approximately 350' x 350' x 5' and is located at the site of three proposed covered community floating docks. The second dredge area is located next to the first dredge area which is in front of the proposed launching ramp. The second dredge measures approximately 100' x 60' x 5' in front of the launching ramp with a channel extending lakeward off of this area measuring approximately 400' x 30' x 5'. The dredging may have some minor impacts on recreational navigation, since the work would be conducted in the wet by a suction dredge. The dredging would result in the alteration of the existing bottom substrate within the footprint of the boat access channels. During NSP elevation, water depths within the footprint of the access channels would be increased resulting in reduced light penetration to the bottom substrate. The probable cumulative and secondary adverse impacts likely to result from the proposed activity are relatively minor. The proposed work would allow the applicant to have access to the three proposed covered community floating boat slips and a proposed launching ramp for which the applicant has applied. The three covered community floating slips would be identical. The covered community floating boat slips would be perpendicular to the shoreline and extend lakeward approximately 244' from NSP and be 54' wide. Each facility would have a steel frame and wood decking and be anchored by spud poles. Floatation would consist of encased foam. Each facility would be able to accommodate approximately 40 boats. The covered community floating boat slips would serve the residents of Western Shores Subdivision by providing them a place to moor their boats. This alternative would likely increase the number of boats using this portion of Kentucky

Lake and in turn increase boat noise in the area. The dredging of the access channels and construction of the covered community floating boat slips would likely increase the applicants' property values by enhancing the lake benefits of the property and Calloway County would likely see additional revenues from an increase in the property tax base.

c. The Proposed Action with Special Conditions. The impacts of this proposal would be similar to the description in b. above. The addition of special conditions to the DA permit would require that the work be carried out in a manner that would minimize adverse impacts to the environment.

5.0. Findings

5.1. Consideration of Public Comments. The comments received in response to the public notice have been considered and addressed in this Environmental Assessment. Ample opportunity was provided to the general public and commenting agencies to comment on the proposal through the public notice process. The comments received from the commenting agencies during the public notice period have been given full consideration in the evaluation of this permit. The Department accepted the proposed action to excavate a boat access channels, as submitted. The Department request that the work be conducted from November through February to protect spawning habitat. The Service indicates that no federally-listed or proposed endangered or threatened species occur within the area of the project. The comments from the Department and the Service were taken into full consideration. There were no comments received from the general public and there were no requests for a public hearing.

5.2. Findings of No Significant Impact. Based on a full consideration of the EA, information obtained from cooperating federal/state agencies, and comments received from the interested public, I have concluded that issuance or denial of the requested permit would not constitute a major federal action that would significantly affect the quality of the human environment. This constitutes a Findings of No Significant Impact (FONSI); therefore, the preparation of an Environmental Impact Statement is not required. This FONSI was prepared in accordance with paragraph 7a of Appendix B, 33 CFR 325 dated February 3, 1988 (effective March 4, 1988).

5.3. Clean Air Act General Conformity Rule Review. The proposed project has been analyzed for conformity applicability, pursuant to regulations implementing Section 176(c) of the Clean Air Act and it has been determined that the activities proposed under this permit will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility, and cannot be practicably controlled by the Corps, and, for these reasons, a conformity determination is not required for a permit.

5.4. Environmental Justice Review. Executive Order (EO) No. 12898 (February 11, 1994) directs certain federal agencies, including the Department of the Defense, to consider environmental justice, as defined in the order, in the environmental reviews of their programs and activities. Environmental justice refers to the idea that no segment of the population should bear a disproportionate burden of health and environmental impacts of society's activities. Environmental justice concerns relate to the potential effects proposed actions might have on minority communities and low-income communities, and whether or not impacts are likely to fall disproportionately on minority and/or low-income people living in the vicinity of the proposed action.

Such disproportionate impacts, if they would be caused by the proposed project, would most likely affect persons living within the immediate vicinity of the project site, generally, the eastern portion of Calloway County, Kentucky.

Accordingly, the proposed project would not disproportionately impact minority or low-income populations. There are no minority or low-income communities adjacent to the proposed project area. Therefore, the proposed work would not affect minority or low-income populations at any higher rate than others in the project area.

5.5. Recommended Special Conditions. With the applicant's compliance with the special conditions and the implementation of the proposed mitigation, adverse environmental impacts associated with the dredging for the boat access channel and the construction of the covered community floating boat slips would be minimal. The recommended special conditions are as follows:

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them. Justification: This ensures that all of the contractors are aware that the work to be performed conforms to the approved plans.
2. The work must be in accordance with the plans attached to this permit. Justification: To ensure that the work being performed is the work that was permitted.
3. The permittee shall maintain a 10' buffer between the area that is to be dredged and the existing shoreline. Justification: To ensure that the existing 10' of shallow water habitat is maintained between the area that is to be dredged and the existing shoreline.
4. The permittee shall conduct all dredging activities between November 1 and February 28. Justification: Protect the spawning habitats of aquatic organisms.

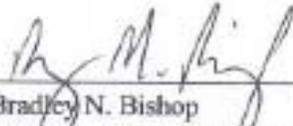
5. The work must not interfere with the public's right to free navigation on navigable waters of the U.S. Justification: To ensure that the waterway is kept open and that the work will not interfere with the public's right to free navigation.
6. All dredged material from the boat access channels shall be placed on the applicant's property above Elevation 375.0. The dredged material must be properly stabilized, which includes placing seed, mulch, and hay over the dredged material. In addition, staked hay bales and silt fence shall be used around the material to prevent re-entry into any waterway. Justification: To ensure that the material that is removed during the dredging process does not re-enter the waterway and is properly stabilized.
7. The permittee will be advised that the facilities and the watercraft moored to the facilities would be vulnerable to damage and wave wash and possible collision from passing vessels. Justification: This would ensure that the permittee is fully aware that wave wash and passing vessels could affect the facility and moored boats.
8. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facility. Justification: To ensure that watercraft in the area are aware of the presence of the facilities.
9. The floating plants used to dredge the boat access channels must display proper lights and signals as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130. Telephone (504) 589-6277 or (504) 589-6236. Justification: To ensure the construction activities comply with the U. S. Coast Guard regulations.
10. The permittee shall notify this office in writing two weeks before work commences on the excavation. Justification: To give this office an indication that work is about to commence so that this office can perform compliance inspections while the work is taking place.

5.6. Public Interest Determination. I have reviewed the application, responses to the Public Notice, and the EA. Comments from the Department and Service were taken into full consideration during the public's interest review of this permit decision. The Department accepted the proposed action to excavate a boat access channels, as submitted. The Department request that the work be conducted from November through February to protect spawning habitat. Comments from the Service indicate that no federally-listed or proposed endangered or threatened species occur within the area of the project. The comments from the Department and the Service were taken into full consideration. The aquatic organisms that are displaced would recolonize in the area or adjoining

areas where the dredging is to occur. The dredging would result in alteration of the existing bottom substrate within the footprint of the boat access channels. During NSP elevation, water depths within the footprint of the access channels would be increased resulting in reduced light penetration to the bottom substrate. The covered community floating boat slips would enhance fish and aquatic habitat in the area. The covered community floating boat slips would provide shade and cover for fish and other aquatic organisms and would also provide attachment surfaces for algae and small aquatic organisms. In addition, birds and some mammals could utilize the covered community floating boat slips as a perch, to hunt for prey. Birds could use areas under the roofs to build nest and rear young. With adherence to the permit conditions and full implementation of the recommended special conditions, impacts to waters of the United States would be minimal. The special conditions required by this permit deal with adverse impacts to aquatic life and are fully justified and reasonable. The dredging of the boat access channels, the construction of the three covered community floating boat slips and launching ramp would benefit the contractor and sub contractor performing the work. The applicant would benefit by having water depths for the proposed covered community floating boat slips. Additionally, the applicant's property values would increase by enhancing lake access and having dock facilities. Having weighed these potential benefits that may be accrued against the reasonably foreseeable detrimental effects, I conclude that permit issuance would not be contrary to the public interest.

FOR THE COMMANDER:

5/11/07
Date


Bradley N. Bishop
Chief, Western Regulatory Section
Operations Division

Appendix A



US Army Corps
of Engineers.

Nashville District

Public Notice

Public Notice No. 07-12

Date: February 2, 2007

Application No. 200700191

Expires: February 22, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn: Floyd M. Carnes

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS

AND

TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Dredging for Boat Access and Covered Floating Boat Slips at Tennessee River Mile 48.0, Left Bank, Kentucky Lake, Calloway County, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899**. The dredged material described in this notice would be pumped to an upland contained disposal area.

APPLICANT: Western Shores Lot Owners Association
4 Main Street
Cadiz, Kentucky 42211

LOCATION: Tennessee River Mile 48.0, Left Bank, Kentucky Lake, Calloway County, Kentucky. USGS RUSHING CREEK KY Quadrangle
Longitude: 88-5-42.1; Latitude: 36-41-23.9

DESCRIPTION: The proposed work consists of the dredging approximately 11,500 cubic yards of material from Kentucky Lake for boat access. There are two dredging areas. The first dredging area would be 350' x 350' and located at the site of the proposed floating docks. The second dredging area would be located next to the first dredging area. The dredging in front of the proposed launching ramp would be 100' x 60' with a channel extending off of this area with a lakeward extension of 400' and a width of 30'. A 10' buffer along the existing shoreline would be maintained for the entire length of the project. The toe of both dredging areas would be at Elevation 349.5. Elevation 359.0 is the normal summer pool elevation (NSP) for Kentucky Lake. The

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.

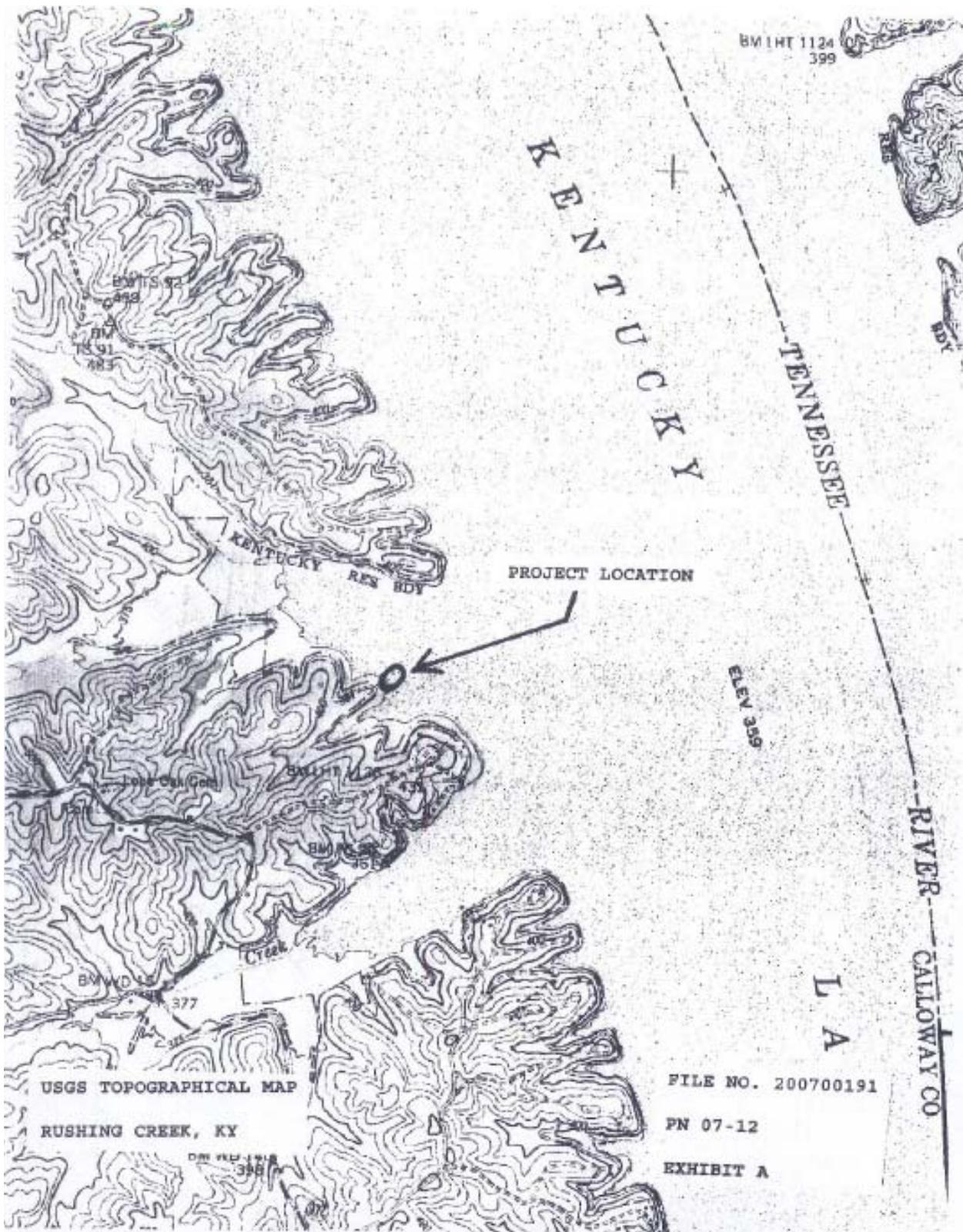
The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received 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 may be required for the proposed work.

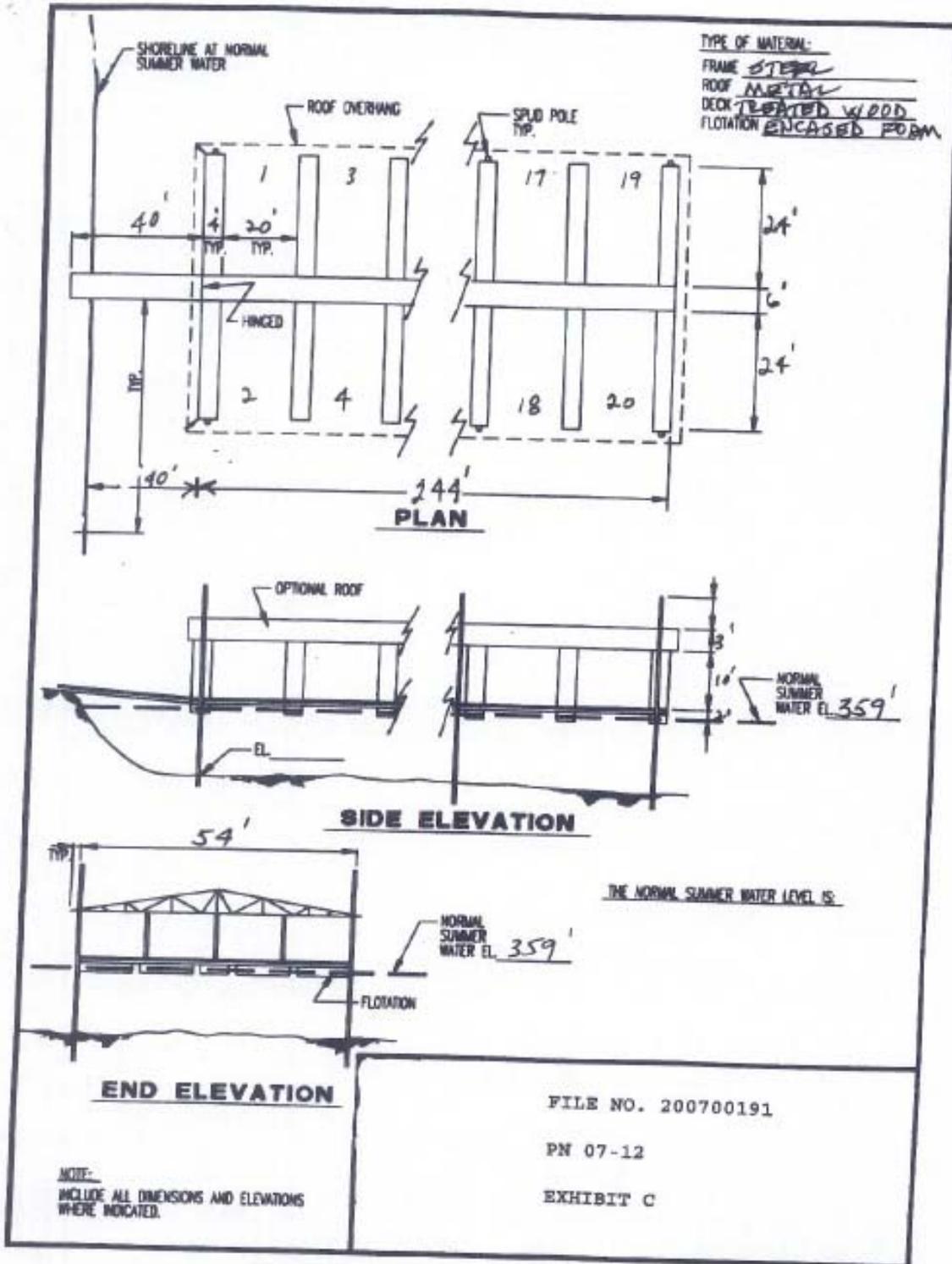
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **February 22, 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: Floyd M. Carnes, at the above address, telephone (615) 369-7503. 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. Don Allsbrooks, Project Leader, Kentucky Lake Reservation, P.O. Box 280, Paris, Tennessee 38242.



USGS TOPOGRAPHICAL MAP
RUSHING CREEK, KY

FILE NO. 200700191
PN 07-12
EXHIBIT A



Appendix B

MEMORANDUM For The Record

SUBJECT: File No. 200700191: Proposed Dredging for Boat Access and Covered Floating Boat Slips at Tennessee River Mile 48.0, Left Bank, Kentucky Lake, Calloway County, Kentucky

1. On 14 August 2006, an on-site inspection was for file nos. 200601592 and 200601593 located at Tennessee River Mile 47.9 and 47.7, left bank, respectively, for proposed covered community floating boat slips.
2. The on-site inspection was conducted so that the project could be properly assessed for the environmental impacts.
3. The on-site inspection revealed that the area is heavily wooded and the construction of the covered community floating docks would not impact recreational or commercial navigation.
4. On January 26, 2007, our office received an application for dredging, three community covered floating docks and a launching ramp for Western Shores Lot Owners Association. The location of this activity is at Tennessee River Mile 48.0, left bank, Kentucky Lake, Calloway County, Kentucky. The location of this activity is adjacent to previously noted covered floating boat slips in paragraph 1.
5. The proposed work consists of the dredging approximately 11,500 cubic yards of material from Kentucky Lake for boat access. There are two dredging areas. The first dredging area would be 350' x 350' and located at the site of the proposed floating docks. The second dredging area would be located next to the first dredging area. The dredging in front of the proposed launching ramp would be 100' x 60' with a channel extending off of this area with a lakeward extension of 400' and a width of 30'. A 10' buffer along the existing shoreline would be maintained for the entire length of the project. The toe of both dredging areas would be at Elevation 349.5. Elevation 359.0 is the normal summer pool elevation (NSP) for Kentucky Lake. The material would be removed by suction dredge and pumped to an upland containment area above Elevation 375.0.
6. The applicant also proposes to construction three covered floating boat slips for Western Shores Subdivision. The covered floating boat slips would be perpendicular to the shoreline and extend lakeward approximately 244' from NSP and be 54' wide. Each facility would be constructed of steel frame and wood decking and be anchored by spud poles. Floatation would consist of encased foam. Each facility would be able to accommodate approximately 40 boats.

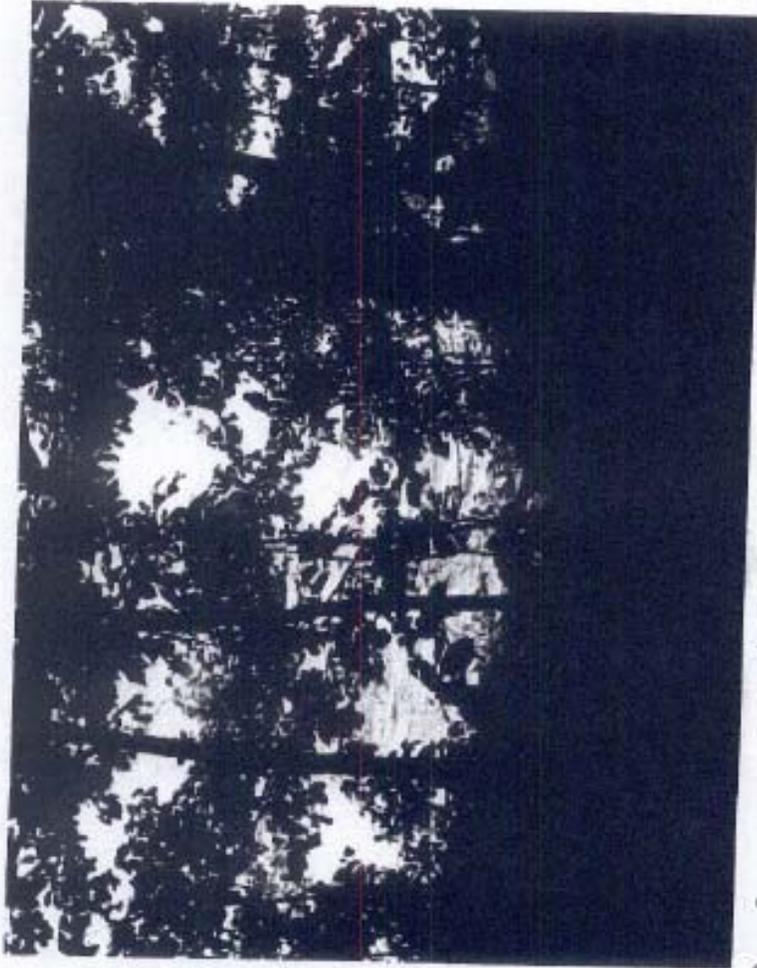
7. In addition, the applicant proposes to construct a launching ramp.

8. The dredging, construction covered community floating docks and launching ramp would allow the applicant to provide a facility for the residents of Western Shores Subdivision.

9. Photos of the adjacent sites were taken. These photos are representative of the site conditions.

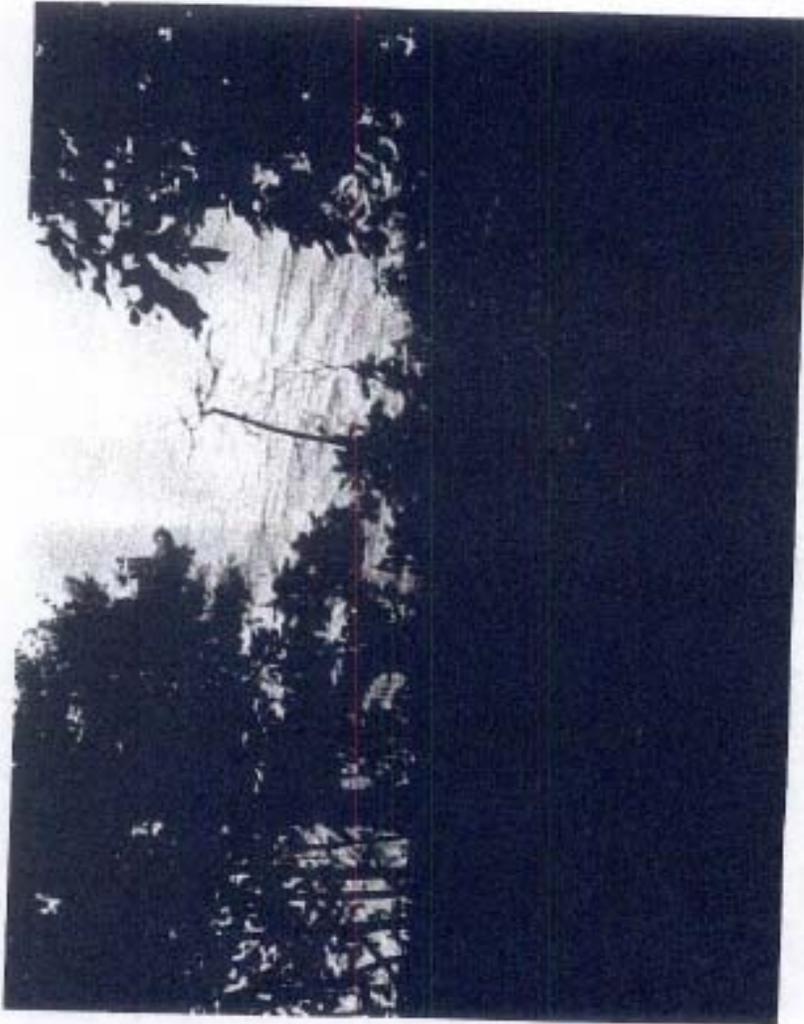
10. Due to the nature of the project it was been placed on public notice on February 2, 2007.

Floyd M. Carnes
Regulatory Specialist
Operations Division



SITE OF PROPOSED
FLOATING BEAT SLIP

FILE NO. 200601593
BADGETT LAKE PROPERTIES
TENNESSEE RIVER MILE 47.9L, KENTUCKY LAKE
CALLOWAY COUNTY, KENTUCKY
AUGUST 14, 2006
PHOTO BY CARNES



SITE OF PROPOSED
FLOATING BOAT SLIP

FILE NO. 20060159Z

BADGETT LAKE - PROPERTIES

TENNESSEE RIVER MILE 47.4 L, KENTUCKY LAKE

CALLOWAY COUNTY, KENTUCKY

AUGUST 14, 2006

PHOTO BY CARNES

Appendix C

Carnes, Mark LRN

From: Leroy_Koch@fws.gov
Sent: Wednesday, February 21, 2007 11:38 AM
To: Carnes, Mark LRN
Cc: Lee_Andrews@fws.gov; mike.hardin@ky.gov
Subject: PN 07-12 Western Shores Lot Owners Association TRM 48.0 L

Subject: FWS 07-B-0532; PN07-12; Western Lot Owners Association; TRM 48.0L; Kentucky Lake in Calloway Co., KY

Dear Mr. Carnes,

We have reviewed Public Notice 07-12 regarding the Western Shores Lot Owners Association proposal to dredge approximately 11,500 cubic yards of material from Kentucky Lake for boat access.

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. Therefore, we do not believe that the proposed project will cause adverse effects to listed species. 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.

Thank you for the opportunity to comment on this public notice. If you have any questions regarding our comments please contact Mr. Leroy Koch at 502-695 0468 ext. 106.

Leroy Koch
U.S. Fish and Wildlife Service
J. C. Watts Federal Building - Room 266
330 West Broadway
Frankfort, Kentucky 40501
Phone: 502.695.0468 ext. 106
Fax: 502.695.1024
leroy_koch@fws.gov



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES
COMMERCE CABINET**

Ernie Fletcher
Governor

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov
February 8, 2007

George Ward
Secretary
Dr. Jonathan W. Gassett
Commissioner

Nashville District Corps of Engineers
Regulatory Branch
Attn: Floyd Carnes
3701 Bell Road
Nashville, TN 37214

RE: Public Notice 07-12

Dear Mr. Carnes:

The Kentucky Department of Fish and Wildlife Resources (KDFWR) has reviewed the information provided on the above-referenced project. Accordingly, we offer the following comments and recommendations.

We accept the proposed action by Western Shores Lot Owners Association of Cadiz, Kentucky to excavate 11,500 cubic yards of material from Kentucky Lake for a boat access channel and covered floating boat slips, Tennessee River Mile 48.0 in Calloway County, Kentucky, as submitted. We request the applicant dredge material from November through February and cease dredging between March 1 and June 30 to protect spawning habitat. If the scope of the project changes, we request the opportunity to review and comment on the changes prior to the alterations.

Thank you for the opportunity to review this project. If you have any questions or require additional information, please contact me at 502-564-7109 ext. 365.

We appreciate the opportunity to comment.

Sincerely,

Marty Barbour Callaghan
Fisheries Biologist III
Environmental Section

cc: Paul Rister, Western Fisheries District

Appendix D

SPECIAL CONDITIONS

1. A copy of this permit must be available at the site. All contractors must be aware of its conditions and abide by them.
2. The work must be in accordance with the plans attached to this permit.
3. The permittee shall maintain a 10' buffer between the area that is to be dredged and the existing shoreline.
4. The permittee shall conduct all dredging activities between November 1 and February 28.
5. The work must not interfere with the public's right to free navigation on navigable waters of the U.S.
6. All dredged material from the boat access channels shall be placed on the applicant's property above Elevation 375.0. The dredged material must be properly stabilized, which includes placing seed, mulch, and hay over the dredged material. In addition, staked hay bales and silt fence shall be used around the material to prevent re-entry into any waterway.
7. The permittee will be advised that the facilities and the watercraft moored to the facilities would be vulnerable to damage and wave wash and possible collision from passing vessels.
8. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facility.
9. The floating plants used to dredge the boat access channels must display proper lights and signals as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130. Telephone (504) 589-6277 or (504) 589-6236
10. The permittee shall notify this office in writing two weeks before work commences on the excavation.

Attachment B – Categorical Exclusion Checklist Number 15626

Categorical Exclusion Checklist for Proposed TVA Actions

Categorical Exclusion Number Claimed	Organization ID Number RLR177751	Tracking Number (NEPA Administration Use Only) 15626
Form Preparer Andy Salmon	Project Initiator/Manager Andy Salmon	Business Unit RSOE - Resource Stewardship
Project Title 26a Category 1 RLR177751 Mr. John Cliphant Kentucky Land Partners, LLC Kentucky Reservoir		Hydrologic Unit Code 06040005-270
Description of Proposed Action (Include Anticipated Dates of Implementation) <input checked="" type="checkbox"/> Continued on Page 3 (if more than one line) For Proposed Action See Attachments and References		
Initiating TVA Facility or Office Kentucky Watershed Team	TVA Business Units Involved in Project	
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		NOA, Salmon A. 04/04/2007
2. Is part of a larger project proposal involving other TVA actions or other federal agencies?	X		NOA, Salmon A. 04/04/2007
*3. Involves non-routine mitigation to avoid adverse impacts?	X		NOA, Salmon A. 04/04/2007
4. Is opposed by another federal, state, or local government agency?	X		Salmon A. 05/02/2007
*5. Has environmental effects which are controversial?	X		NOA, Salmon A. 04/04/2007
*6. Is one of many actions that will affect the same resources?		X	For comments see attachments
7. Involves more than minor amount of land?	X		NOA, Salmon A. 04/04/2007

* 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 Insignificance
1. Potentially affect endangered, threatened, or special status species?	X		No	No	Jenkins G. D. 04/04/2007
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	NOA, Salmon A. 04/04/2007
4. Potentially affect Wild and Scenic Rivers or their tributaries?	X		No	No	Salmon A. 05/02/2007
5. Potentially affect a stream on the Nationwide Rivers Inventory?	X		No	No	Salmon A. 05/02/2007
6. Potentially affect wetlands, water flow, or stream channels?	X		No	No	Jenkins G. D. 04/04/2007
7. Potentially affect the 100-year floodplain?		X	No	No	NOA, Salmon A. 04/04/2007
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	Jenkins G. D. 04/04/2007
9. Contribute to the spread of exotic or invasive species?	X		No	No	Jenkins G. D. 04/04/2007
10. Potentially affect migratory bird populations?	X		No	No	Jenkins G. D. 04/04/2007
11. Involve water withdrawal of a magnitude that may affect aquatic life or involve interbasin transfer of water?	X		No	No	NOA, Salmon A. 04/04/2007
12. Potentially affect surface water?	X		No	No	Jenkins G. D. 04/04/2007
13. Potentially affect drinking water supply?	X		No	No	NOA, Salmon A. 04/04/2007
14. Potentially affect groundwater?	X		No	No	NOA, Salmon A. 04/04/2007
15. Potentially affect unique or important terrestrial habitat?	X		No	No	Jenkins G. D. 04/04/2007
16. Potentially affect unique or important aquatic habitat?	X		No	No	For comments see attachments

Part 3. Potential Pollutant Generation

Would the proposed action potentially (including accidental or unplanned)...	No	Yes	Per- mit	Commit- ment	Information Source for Insignificance
1. Release air pollutants?	X		No	No	CBC, Salmon A. 04/04/2007
2. Generate water pollutants?	X		No	No	CBC, Salmon A. 04/04/2007
3. Generate wastewater streams?	X		No	No	CBC, Salmon A. 04/04/2007
4. Cause soil erosion?		X	No	No	For comments see attachments
5. Discharge dredged or fill materials?	X		No	No	NOA, Salmon A. 04/04/2007
6. Generate large amounts of solid waste or waste not ordinarily generated?	X		No	No	CBC, Salmon A. 04/04/2007
7. Generate or release hazardous waste (RCRA)?	X		No	No	CBC, Salmon A. 04/04/2007
8. Generate or release universal or special waste, or used oil?	X		No	No	CBC, Salmon A. 04/04/2007
9. Generate or release toxic substances (CERCLA, TSCA)?	X		No	No	CBC, Salmon A. 04/04/2007
10. Involve materials such as PCBs, solvents, asbestos, sandblasting material, mercury, lead, or paints?	X		No	No	CBC, Salmon A. 04/04/2007
11. Involve disturbance of pre-existing contamination?	X		No	No	NOA, Salmon A. 04/04/2007
12. Generate noise levels with off-site impacts?	X		No	No	CBC, Salmon A. 04/04/2007
13. Generate odor with off-site impacts?	X		No	No	CBC, Salmon A. 04/04/2007
14. Produce light which causes disturbance?	X		No	No	CBC, Salmon A. 04/04/2007
15. Release of radioactive materials?	X		No	No	CBC, Salmon A. 04/04/2007
16. Involve underground or above-ground storage tanks or bulk storage?	X		No	No	CBC, Salmon A. 04/04/2007
17. Involve materials that require special handling?	X		No	No	CBC, Salmon A. 04/04/2007

Part 4. Social and Economic Effects

Would the proposed action...	No	Yes	Commit- ment	Information Source for Insignificance
1. Potentially cause public health effects?	X		No	NOA, Salmon A. 04/04/2007
2. Increase the potential for accidents affecting the public?	X		No	NOA, Salmon A. 04/04/2007
3. Cause the displacement or relocation of businesses, residences, cemeteries, or farms?	X		No	NOA, Salmon A. 04/04/2007
4. Contrast with existing land use, or potentially affect resources described as unique or significant in a federal, state, or local plan?	X		No	Salmon A. 05/02/2007
5. Disproportionately affect minority or low-income populations?	X		No	NOA, Salmon A. 04/04/2007
6. Involve genetically engineered organisms or materials?	X		No	NOA, Salmon A. 04/04/2007
7. Produce visual contrast or visual discord?	X		No	Salmon A. 05/02/2007
8. Potentially interfere with recreational or educational uses?	X		No	Salmon A. 05/02/2007
9. Potentially interfere with river or other navigation?	X		No	For comments see attachments
10. Potentially generate highway or railroad traffic problems?	X		No	NOA, Salmon A. 04/04/2007

Part 5. Other Environmental Compliance/Reporting Issues

Would the proposed action...	No	Yes	Commit- ment	Information Source for Insignificance
1. Release or otherwise use substances on the Toxic Release Inventory list?	X		No	NOA, Salmon A. 04/04/2007
2. Involve a structure taller than 200 feet above ground level?	X		No	NOA, Salmon A. 04/04/2007
3. Involve site-specific chemical traffic control?	X		No	NOA, Salmon A. 04/04/2007
4. Require a site-specific emergency notification process?	X		No	NOA, Salmon A. 04/04/2007
5. Cause a modification to equipment with an environmental permit?	X		No	NOA, Salmon A. 04/04/2007
6. Potentially impact operation of the river system or require special water elevations or flow conditions??	X		No	NOA, Salmon A. 04/04/2007

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 Andy Salmon		Date 05/02/2007
TVA Organization RSOE-ESP	E-mail asalmon@tva.gov	Telephone

Site Environmental Compliance Reviewer

Final Review/Closure

Signature Andy Salmon 05/02/2007 _____
Signature

Other Review Signatures (as required by your organization)

_____ Signature Randall E Lowe 05/02/2007 _____	_____ Signature
_____ Signature	_____ Signature
_____ Signature	_____ Signature

Attachments/References

Description of Proposed Action

Western Shores has applied for 29 private fixed and floating covered docks. These will docks are for the remaining part of phase 3, phase 4, and phase 5 which finishes the development. Each of the docks is identical. 30' x 32' with (2) 10' x 24' slips. Facility(s): Dock/Pier - Covered - Fixed & Floating 30(L) 32(W) Applicant(s): Mr. John Olphart Kentucky Land Partners, LLC 4 Main Street Cadiz KY 42211

Project Location

County, State: Calloway, KY Land Tract(s): X GIR 150 Map Sheet(s): 18 NE Quad Sheet 41 C/D Stage Streams(s): Tennessee R RM 46.3 L

CEC General Comment Listing

1. In the Information Source columns associated with the checklist questions, NOA refers to Nature of Action and CBC refers to Cleared By Criteria. These criteria are described in the Resource Stewardship Prescreening Criteria Checklist Instructions.
By: Andy Salmon 04/04/2007

CEC Comment Listing

Part 1 Comments

6. Addresses in Shoreline Management Initiative Environmental Impact Statement
By: Andy Salmon 04/04/2007

Part 2 Comments

2. On April 25, 2007 Maher made a field visit to the location of site 15CW165 (RLR 177784, 177785, and 177786). The water was high, but I did not observe any artifacts or any signs of the previously recorded site. I recommend that these be floating dock with a minimum of utilities to avoid any impact.
By: Thomas O Maher 04/25/2007
2. Three of the proposed docks (RLR 177784, 177785 and 177786) are in a red zone because they will be placed on archaeological site 15CW165. This site was surveyed and was deemed that there was no additional treatment necessary. This area should be revisited by Watershed personnel or TVA archaeologist to evaluate what remains of this site. All other docks are in an area that has been surveyed. No historic properties.
By: Thomas O Maher 04/05/2007
16. I have reviewed this application package, as well as the TVA Heritage and NWI Databases for the project location. No significant resource indicators were found for this site. Therefore, with the implementation of the 25a Standard Conditions 6a,b,d,e,f,h, and i, I concur with the approval of this permit.
By: Gary D Jenkins 04/04/2007

Part 3 Comments

4. Insignificant with implementation of General and Standard Conditions including BMPs
By: Andy Salmon 04/04/2007

Part 4 Comments

9. Please see attached navigation comment.
By: Kelle H Hammond 04/23/2007
Files: 177751ken - 26a - TRM 46.0L-48.5L - Tennessee Land Partners, Western Shores SD Phases 3 - 5.doc 04/23/2007 25,088 Bytes

Attachment C – Clean Water Certification



ERNEST FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
14 KELLY ROAD
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

TURISA J. HILL
SECRETARY

June 4, 2007

Mr. John Oliphant
Kentucky Land Partners, LLC
4 Main Street
Cadiz, KY 42211

Re: AI No.: 79370
Western Shores Subdivision
Activity ID: APE20060010
Unnamed Tributary of Kentucky Lake
Calloway County, Kentucky

Dear Mr. Oliphant:

This letter transmits to you a copy of our General Water Quality Certification for Nationwide Permit #14 for Road Crossings (2002 Nationwide Permit) and Nationwide Permit #36 for Boat Ramps (2007 Nationwide Permit). Through discussions with Mark Carnes of the U.S. Army Corps of Engineers (USACE) on May 18, 2007, it was determined that an Individual Water Quality Certification (WQC) was not necessary for these activities as the USACE had issued a Nationwide Permit in 2006 for the road crossing and all conditions of the 2002 General WQC for Nationwide #14 were met. The General WQC for Nationwide Permit #36, which was issued in 2007 after the current Nationwide Permits were certified by the state, is certified without conditions. Mr. Carnes also indicated on this date that the proposed dredging activity was permitted under Section 10 of the Rivers and Harbors Act of 1899 and therefore, does not require a WQC from the state.

All future correspondence on this project must reference AI No. 79370. If you should have any questions concerning this letter, please contact Ms. Joyce Fry of my staff, at (502) 564-3410.

Sincerely,

Jennifer Garland, Supervisor
Water Quality Certification Section
Division of Water

JG:JF:tw
Attachment

cc: Mark Carnes, USACE: Nashville District
✓TVA, c/o James Franklin Hill, 2835-A East Wood Street, Paris, TN 38242

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Attachment D – Kentucky Heritage Council Concurrence Letter



**COMMERCE CABINET
KENTUCKY HERITAGE COUNCIL**

Ernie Fletcher
Governor

The State Historic Preservation Office
300 Washington Street
Frankfort, Kentucky 40601
Phone (502) 564-7005
Fax (502) 564-5820
www.kentucky.gov
September 10, 2007

George Ward
Secretary
Donna M. Neary
Executive Director and
State Historic Preservation Officer

Mr. John Oliphant
KY Land Partners, LLC
Acquisitions/Development
4 Main Street
Cadiz, Kentucky 42211

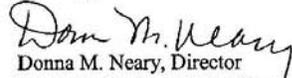
Re: A Phase I Archaeological Reconnaissance of Two Small Survey Tracts in the Western Shores Development Area, Calloway County, Kentucky by Kenneth C. Carstens

Dear Mr. Oliphant:

Thank you for your letter concerning the above referenced project. The survey found no evidence of prehistoric or early historic occupation in the project area. I concur with the author's findings. I would like to take the opportunity to point out that site maps referencing and depicting the project area's actual physical topography and location are required rather than the stylized site map presented in this report. Future reports should correct this oversight.

In accordance with 36CFR Part 800.4(d) of the Advisory Council's revised regulations our finding is that there are No Historic Properties Present within the undertaking's area of potential impact. Therefore, we have no further comments and TVA's responsibility to consult with the Kentucky State Historic Preservation Officer under the Section 106 review process for archaeology on this project is fulfilled.

Sincerely,


Donna M. Neary, Director
Kentucky Heritage Council and
State Historic Preservation Officer

Cc. George Crothers
~~Thomas Maher~~
Kenneth Carstens