

## **Regional Resource Stewardship Council Advice October 9 - 10, 2008**

### **Discussion Questions**

- 1.) TVA has developed a method of prioritizing the various violations that TVA faces based on operational impacts to TVA. Should TVA be taking other factors into consideration as we prioritize working on the various stewardship compliance issues we are facing?
  - Flood control/water quality/navigation impact
  - Environmental impact
  - Noncompliance with TVA's policies and procedures
  - Financial impact
  - Liability risk to TVA
  - Impact to TVA reputation and trust
- 2.) How should TVA communicate to the public about these issues and its steps regarding resolution?
- 3.) What other general recommendations or considerations does the Council have for us with regard to pursuing resolution of these issues?
- 4.) Should we charge people to do an appeal?

### **Focus Area and Key Issues**

#### **Stewardship Compliance**

- 1.) TVA has developed a method of prioritizing the various violations that TVA faces based on operational impacts to TVA. Should TVA be taking other factors into consideration as we prioritize working on the various stewardship compliance issues we are facing?
  - Flood control/water quality/navigation impact
  - Environmental impact
  - Noncompliance with TVA's policies and procedures
  - Financial impact
  - Liability risk to TVA
  - Impact to TVA reputation and trust
  - a) Consider a true weighting system. Some should be weighted more heavily than others.
  - b) Consider loss of life and environmental issues as top priorities. These are core to TVA's mission. Then blatant policy noncompliance has impacts on other issues.
  - c) Consider impacts on public access.
  - d) Incorporate liability protection for TVA in permit conditions.
  - e) Consider cumulative impacts of infractions. What one gets away with, others will follow.

- f) Consider mandates from Congress or violation of federal laws in prioritization methodology.
- g) Pursue environmental issues and being on TVA land without permission first before going after oversize boathouses.
- h) Consider neighbor/public complaints in prioritization process (if true). Take into account voiced stakeholder concerns.

2.) How should TVA communicate to the public about these issues and its steps regarding resolution?

- a) Positively.
- b) Clearly label TVA lands and rights-of-way so people know where they are.
- c) Make sure communication includes understanding of what is going to happen.
- d) Be consistent.
- e) Have both compassion and common sense.
- f) Use cross-agency communication. TVA should apprise water and power distributors of regulations so they understand (example not to permit septic systems on TVA property or when to connect power).
- g) Utilize lake associations in communications. Continually reinforce problems and TVA procedures.
- h) Act in the public trust. Convey to communities that enforcement of these issues is for the public good.
- i) Consider inspecting construction of new water-use facilities in a timelier manner to ensure TVA permit compliance.
- j) Enforcement has been lax. The public would accept adherence to regulations if applied fairly and across the board.
- k) TVA's lack of enforcement has helped create the problem; message needs to be supported by the TVA Board.
- l) Make penalty hurt to deter future violations and encroachments
- m) Address violations and encroachments or you risk proliferation and risk more liability. Draw a line in the sand and enforce consistently from here on out.
- n) During appeals process, consider doing what the Corps does. Charge a fee for every day not in compliance. If appellant prevails, the fee is waived.

3.) What other general recommendations or considerations does the Council have for us with regard to pursuing resolution of these issues?

- a) Carefully consider that when you grandfather something in (due to a rule change), you have to deal with the problem for the next 50+ years.
- b) Not addressing the small problems in the past has caused them to grow. Getting a handle on that, will stop the proliferation.
- c) You have to undertake this with the full support of the Board so you don't

put staff in position of being overturned during the enforcement process.

4.) Should we charge people to do an appeal?

- a) Consider charging on a cost table that varies by type of issue.
- b) Make appellant appear in person. This would help the process be a little less frivolous.