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PUBLIC HEARING

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ON

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LONG APPLICATION FOR 26a PERMIT

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11

NOVEMBER 15, 2007

12

5:30 P.M.

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15

MARSHALL COUNTY COURTHOUSE

16

GUNTERSVILLE, ALABAMA

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HEARING OFFICER: DON ANDERSON

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National Reporting Agency
1255 Market Street
Chattanooga, Tennessee 37402
(423) 267-8059

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1 PUBLIC HEARING

2 DON ANDERSON: Good evening, ladies
3 and gentlemen. I would like to call this
4 meeting to order. My name is Don Anderson
5 and I'm the TVA designated hearing officer
6 for today's hearing. The hearing regards
7 a proposal by Mr. Wesley Long to construct
8 water use facilities in Jagger Branch in
9 association with development of
10 residential properties.

19:34:24 11 The only pending action is the 26a
19:34:26 12 permit for water use facilities. It does
19:34:32 13 not involve the scope of any TVA land or
19:34:32 14 land rights. The scope of the hearing is
19:34:34 15 the Wes Long application only. As many of
19:34:36 16 you know, there's another proposal pending
19:34:40 17 in the same vicinity, that of Mr. Lewis
19:34:40 18 Crowder. On October 16th we held a
19:34:42 19 hearing on that proposal and I know many

19:34:44 20 of you were in attendance at that time.

19:34:48 21 I want to point out a couple of

19:34:50 22 things. We have fire exits to either end

19:34:52 23 of the hall in the event of emergency.

19:34:54 24 Rest rooms are down this end of the hall.

19:34:56 25 I'd like to ask you at this time to turn

19:34:58 1 off your cell phones, check that they are

19:35:00 2 off or on silent here for the duration of

19:35:04 3 the proceedings. Thank you.

19:35:06 4 Tonight's meeting has been

19:35:08 5 designated as a Section 26a hearing within

19:35:10 6 the meaning of TVA's regulations governing

19:35:14 7 regulations governing 26a permits. It

19:35:16 8 differs from other meetings you may have

19:35:16 9 attended in one very important way. This

19:35:18 10 hearing offers participants the

19:35:20 11 opportunity to become parties of record to

19:35:22 12 any decisions regarding the disposition of

19:35:24 13 the permit application. The party of

19:35:26 14 record has certain appeal rights when TVA

19:35:30 15 decides to grant or to deny a permit to

19:35:32 16 the applicant. This hearing has the same

19:35:34 17 status as the one in October, if you

19:35:36 18 participated in that one.

19:35:38 19 To become a party of record, you

19:35:40 20 need only identify yourself to us and

19:35:42 21 indicate your wish to become a party of

19:35:46 22 record by marking the box on your

19:35:48 23 registration card. I'm sure you were all

19:35:50 24 informed of that when you came in. You do

19:35:50 25 not have to address the group in order to

19:35:52 1 become a party of record. You do not have
19:35:54 2 to submit comments. Of course, you
19:35:56 3 certainly may. It is important on your
19:35:58 4 registration card that you provide us
19:36:00 5 accurate contact information. If you give
19:36:02 6 us a street address and you don't receive
19:36:04 7 mail at that address, it will be
19:36:06 8 impossible for us to contact you and keep
19:36:08 9 you apprised of developments regarding
19:36:10 10 this decision.

19:36:14 11 I would like to now introduce
19:36:16 12 Barbara Martocci. Barbara will serve as
19:36:18 13 the moderator for the remainder of the
19:36:20 14 meeting. She'll help us stay on topic and
19:36:22 15 within the allotted time. The agenda is
19:36:24 16 simple. It's the same as we had last
19:36:26 17 month with the previous hearing.

19:36:28 18 Mr. Wes Long will provide an
19:36:30 19 overview of the particular proposal, after

19:36:32 20 which those of you who have indicated a

19:36:34 21 desire to speak for the record will be

19:36:36 22 invited to come forward and do so.

19:36:36 23 Barbara will call each of you in turn and

19:36:40 24 you will come forward and identify

19:36:42 25 yourself to me and to the court reporter

19:36:44 1 for the record and address us. Each will
19:36:46 2 be allowed a time of 5 minutes. Only
19:36:48 3 verbal statements can be presented
19:36:50 4 tonight. If you have written material,
19:36:52 5 information on computer media, that will
19:36:54 6 also be accepted and made part of the
19:36:58 7 record. We have baskets outside in the
19:37:00 8 hallway for you to deposit that material,
19:37:02 9 any prepared material. We also have paper
19:37:06 10 and pens available at the desk if you wish
19:37:08 11 to compose comments tonight during the
19:37:10 12 course of the hearing or following and you
19:37:12 13 can place those comments also in the
19:37:14 14 basket. When we've heard from all of you
19:37:18 15 who wish to speak, we will adjourn the
19:37:18 16 meeting. We'll have time tonight for
19:37:20 17 everyone to speak. You do not have to
19:37:22 18 stay for the entire hearing, although
19:37:24 19 you're certainly welcome to do so.

19:37:26 20 A transcript and verbal comments

19:37:30 21 will be prepared and combined with the

19:37:32 22 other materials submitted to create an

19:37:34 23 official hearing record which will be

19:37:36 24 available for inspection by all parties.

19:37:40 25 Information obtained during the hearing

19:37:42 1 process and during previous opportunities
19:37:44 2 to comment will be incorporated in TVA's
19:37:46 3 environmental review, programatic reviews,
19:37:48 4 and TVA will render a decision on the
19:37:50 5 disposition of this permit application.
19:37:52 6 Those who have requested party record
19:37:56 7 status will be notified of TVA's pending
19:37:58 8 decision and provided details as to the
19:38:00 9 appeal process.

19:38:02 10 I'll now turn over the proceedings
19:38:04 11 to Barbara.

19:38:06 12 BARBARA MARTOCCI: As Don said, my
19:38:08 13 name is Barbara Martocci and I'm going to
19:38:10 14 be your timekeeper tonight. We ask again
19:38:14 15 that you stick to 5 minutes. I will
19:38:16 16 whisper to you that 4 minutes are up when
17 you get to that point so you know that you
19:38:20 18 have about a minute to conclude your
19:38:20 19 comments.

19:38:24 20 Don has already told you about how
19:38:26 21 to become a party of record and that there
19:38:28 22 won't be any power points allowed. With
19:38:30 23 that, we'll get started with Mr. Wes Long.
19:38:34 24 WES LONG: I'm Wes Long. I'm the
19:38:40 25 managing member of Jagger Branch

19:38:42 1 Development, LLC. We're here tonight --

19:38:48 2 I'm here to explain to you what we're

19:38:48 3 trying to do in the back of Honeycomb, or

19:38:52 4 Jagger Branch y'all might call it. I want

19:38:54 5 to just start with a drawing.

19:38:56 6 I just want to make sure. The

19:38:58 7 application is part of the record; is that

8 correct?

19:39:02 9 DON ANDERSON: That is correct.

19:39:04 10 WES LONG: I'm going to refer in

19:39:04 11 broad terms. I don't have all the small

19:39:06 12 details here in front of me. I was going

19:39:08 13 to do a power point slide and we kind of

19:39:10 14 cancelled that. If any of you would like

19:39:12 15 it, I'd be glad to e-mail it to you.

19:39:14 16 Basically we purchased around about

19:39:18 17 this tract of land here which is

19:39:22 18 approximately 175 acres. It has around

19:39:26 19 about 3000 to 3500 feet of shoreline,

19:39:30 20 around 2000 being, if you can see here,
19:39:34 21 the wetlands location back. We bought
19:39:36 22 that in February '06. We phased it out
19:39:40 23 here with 15 residential waterfront
19:39:44 24 development lots. We've sold
19:39:46 25 approximately half of those now.

19:39:50 1 At that point when we sold those
19:39:52 2 lots, it divides everybody in the
19:39:56 3 transaction that 10 through 15 may be used
19:39:58 4 for community access if we got approval
19:40:00 5 from TVA. I know some of those people are
19:40:02 6 against this and I did disclose that to
19:40:04 7 them. I just want y'all to know that.

19:40:06 8 We initially started with 60
19:40:10 9 community boat slips, a gazebo, bathrooms
19:40:16 10 for the area, paved parking, boat ramp and
19:40:20 11 a transient docking pier. After we had
19:40:24 12 filed the application and I looked at the
19:40:26 13 project and where it would lay, we kind of
19:40:30 14 amended it. I did that for several
19:40:32 15 reasons. I call them concessions. Mainly
19:40:36 16 because we had a lot of it getting farther
19:40:40 17 back than we really wanted to go.

19:40:42 18 As y'all know it's shallow here and
19:40:44 19 we're going to have to complete a dredge,

19:40:46 20 which I will get to in a second. But we
19:40:48 21 conceded -- basically we cut 16 boat
19:40:50 22 slips, removed the gazebo, changed our
19:40:54 23 parking from paved to gravel, took out the
19:40:56 24 boat ramp which is going to be private for
19:40:58 25 the use of the subdivision only. We took

19:41:00 1 out the transient docking pier and moved
19:41:04 2 the boathouses farther back this way from
19:41:10 3 the wetland location as on the exhibit.
19:41:12 4 Another thing we've done, along
19:41:16 5 with the dredge -- the dredge extends
19:41:18 6 basically from Lot 7 in our subdivision
19:41:22 7 back to Lot 15 and encompassing a little
19:41:28 8 behind that. It's 50 feet wide basically
19:41:28 9 so a boat can pass, two can pass each
19:41:32 10 other, and it will be 4 and a half to 5
19:41:34 11 feet deep.
19:41:36 12 On that we also moved the -- you've
19:41:38 13 got to remove your sludge or sledge,
19:41:40 14 whatever, mud, whatever you want to call
19:41:42 15 it. You have to remove that out of the
19:41:44 16 lake far enough back so it can drain and
19:41:46 17 turn to silt and then you can remove it
19:41:48 18 from there. Originally we had a ravine
19:41:52 19 across here that I thought would act as a

19:41:54 20 good holding facility and it would have
19:41:56 21 been cheaper on the overall project. We
19:41:58 22 did move that back to a location off of
19:42:00 23 Hunt and Camp Road back here that's going
19:42:02 24 to be 300 yards from what we call White
19:42:04 25 Elephant Road. That's another concession.

19:42:14 1 When we applied for our community
19:42:18 2 boathouse slips and when we purchased the
19:42:20 3 land, I knew the law on this. I do real
19:42:24 4 estate here in town. We had planned to
19:42:26 5 develop this with the land across the
19:42:30 6 street. And the policies that we go by is
19:42:32 7 TVA's and the Corps of Engineers and their
19:42:36 8 policy -- and I may not be exactly right,
19:42:38 9 but this is how I read it when we applied
19:42:42 10 -- is that for every one residential lot
19:42:44 11 -- every three residential lots you had,
19:42:46 12 you could put one community slip. That's
19:42:50 13 if the tract of land is contiguous in one
19:42:52 14 piece, which ours is. So we applied under
19:42:56 15 that theory and that's why we applied for
19:42:58 16 60 because we had 180 lots across the
19:43:02 17 street. I got approval from the County
19:43:06 18 Commission for 182 lots which would give
19:43:10 19 me 60 boat slips. That's how it started.

19:43:14 20 Here is a picture of it, if you want to

19:43:16 21 look at it.

19:43:20 22 I believe since then the law has

19:43:22 23 changed a little bit and it's went to a

19:43:24 24 length of shoreline measurement instead of

19:43:28 25 lots behind it. Even though we had

19:43:30 1 already grandfather applied, we'd still,
19:43:34 2 if I'm not mistaken -- me and Ben had
19:43:36 3 talked about -- with the amount of
19:43:38 4 shoreline I have here, we still would have
19:43:40 5 fallen under that policy and should get
19:43:44 6 approved, too.

19:43:46 7 All we're doing is following the
19:43:48 8 guidelines that are set up by TVA. We
19:43:52 9 bought the land to develop it. We bought
19:43:54 10 the land to make money. I've lived in
19:43:56 11 Guntersville since I was born and we're
19:43:58 12 going to do a great job on it. I
19:44:00 13 understand that some of y'all are
19:44:02 14 concerned about the closeness, proximity,
19:44:06 15 extra boats. I grew up in Spring Creek
19:44:10 16 which is three times more crowded than
19:44:12 17 Honeycomb and they're still developing it
19:44:16 18 and I think they should be able to develop
19:44:18 19 it as long as TVA allows them to and the

19:44:22 20 policy is there. The policy should be
19:44:24 21 changed not after somebody has relied on
19:44:28 22 it but in retrospect looking back.
19:44:36 23 Some of the issues that have been
19:44:38 24 raised in your letters -- and I've read
19:44:40 25 every one of them -- environmental being

19:44:42 1 probably the biggest one I've heard. As
19:44:46 2 far as I know, everything that I've done
19:44:48 3 has complied with TVA. This was shot by
19:44:52 4 TVA with, in mind, the wetland location.
19:44:56 5 I've got letters that I received long ago
19:45:04 6 from agencies, Alabama Preserve and
19:45:12 7 Department of Interior, saying there's no
19:45:14 8 wildlife species, algae or anything that
19:45:18 9 I'm building on basically and their
19:45:22 10 approvals and I got those a year and a
19:45:24 11 half ago. So to my knowledge I haven't
19:45:28 12 heard anything from any agency that my
19:45:32 13 project is associated with any wetlands or
19:45:34 14 anything of that nature.
19:45:38 15 Street traffic, which is not really
19:45:40 16 a TVA issue. If it does anything, it will
19:45:42 17 help the street. They'll widen it and
19:45:44 18 there will be more residents, you'll have
19:45:46 19 more tax dollars coming in. I think, if

19:45:48 20 anything, it will help that area.

19:45:54 21 Boating traffic, the lake is a

19:45:56 22 public lake and a lot of the reason we're

19:45:58 23 here today is because y'all basically kind

19:46:04 24 of want to keep it to yourself. I've gone

19:46:06 25 back there several times and went skiing

19:46:08 1 and I live in Spring Creek. I just really
19:46:12 2 don't think that's an issue. You've got
19:46:12 3 most of the people that will be buying the
19:46:14 4 lots are going to be from Huntsville, like
19:46:18 5 half the people here tonight, and they're
19:46:18 6 going to come in on the holidays and it's
19:46:20 7 going to be crowded anyway. That's kind
19:46:24 8 of the point there. The Alabama
19:46:26 9 Historical Commission approved it and the
19:46:28 10 U.S. Department of Interior.
19:46:36 11 Just a little time line here.
19:46:36 12 Basically February 1st we bought the
19:46:38 13 property of 2006, filed an application
19:46:42 14 with TVA July 26, 2006. We've already had
19:46:46 15 one public meeting back in the spring or
19:46:48 16 summer of 2007. We had a public hearing
19:46:54 17 tonight. I understand that this is set up
19:46:56 18 to appeal, which will probably happen, and
19:47:00 19 that could extend us another year or year

19:47:02 20 and a half.

19:47:06 21 Right now -- as we speak right now,

19:47:08 22 me as the developer I'm looking at two

19:47:10 23 things. One, I've got almost 20,000 TVA-

19:47:12 24 related expenses in the project so far. I

19:47:16 25 haven't to date received any knowledge of

19:47:18 1 yes or no. It's 50-50. I've got \$126,000
19:47:24 2 in interest, I've got legal fees and
19:47:26 3 expenses at 15, which any counting
19:47:28 4 basically I'm free. So basically I've got
19:47:34 5 159,000 in the project right now and I've
19:47:36 6 got budgeted 359,000.
19:47:42 7 I've got three options. You can
19:47:46 8 allow me to do a residential development
19:47:48 9 with 44 slips and I'll create a beautiful
19:47:52 10 subdivision, nice community, and it will
19:47:56 11 add value to your property. That's option
19:47:58 12 one. That's what I'm here to get. Two is
19:48:02 13 if y'all want to come together and buy
19:48:04 14 Jagger Branch from us, we'd be more than
19:48:06 15 happy to entertain offers. Three, we've
19:48:10 16 had several people, Florida, different
19:48:14 17 areas, that are looking at that area for
19:48:18 18 RV parks, campgrounds and other things and
19:48:22 19 if we can't do what we want to do, we've

19:48:24 20 got to do something with it.

19:48:26 21 So I just want you to know where I

19:48:28 22 stand and feel free to ask me anything.

19:48:34 23 That's pretty much it.

19:48:38 24 BARBARA MARTOCCI: Thank you. If

19:48:42 25 when I call your name you have decided you

19:48:44 1 don't want to speak, that is fine. Just

19:48:46 2 say no and we'll move on to the next

19:48:48 3 person.

19:48:48 4 The first person to speak is

19:48:50 5 Sterling Phillips. Again, please address

19:48:56 6 your comments to the court reporter and

19:48:58 7 Mr. Anderson so that they can take in

19:49:02 8 everything that you say.

19:49:04 9 STERLING PHILLIPS: My name is

19:49:06 10 Sterling Phillips. Thank you for

19:49:06 11 responding to our request for a public

19:49:08 12 hearing. However, to consider the

19:49:10 13 combined environmental effects of both

19:49:12 14 Shady Acres and Jagger Branch development

19:49:16 15 separately is a bureaucratic absurdity.

19:49:18 16 TVA has designated Jagger Branch as

19:49:20 17 an environmentally sensitive area and by

19:49:22 18 its own policies must consider the overall

19:49:26 19 impact of the environment. We are now

19:49:30 20 talking about doubling the amount of
19:49:32 21 boathouses in this tiny embayment. We
19:49:34 22 would not be here tonight if TVA had a
19:49:36 23 comprehensive, consistent and equally
19:49:38 24 applied shoreline development policy.
19:49:40 25 This development should have been denied

19:49:44 1 originally because it does not meet TVA's
19:49:44 2 own policies and procedures.

19:49:46 3 This permit, if allowed to proceed,
19:49:48 4 violates all common sense and will only
19:49:52 5 set a precedent for more and more
19:49:54 6 uncontrolled development. I'm not against
19:49:56 7 community boathouses where the developer
19:49:56 8 owns the shoreline and conforms to TVA
19:49:58 9 policy. In referring to Mr. Long's
19:50:02 10 comments, the majority of this area that
19:50:04 11 he claims is shoreline has been designated
19:50:06 12 by TVA as non-accessible.

19:50:12 13 If these two permits are allowed to
19:50:14 14 proceed, they will open a Pandora's pox of
19:50:18 15 proliferation of excessive and hazardous
19:50:20 16 development. Any person with off-lake
19:50:22 17 property will be looking to buy any size
19:50:24 18 lot to service that property. If TVA
19:50:24 19 can't see the outcome of this policy, then

19:50:28 20 why did they change the policy since these

19:50:30 21 applications were applied for?

19:50:32 22 Where does this policy end? Should

19:50:34 23 all 56 off-lake owners in Honeycomb be

19:50:40 24 allowed to build three 20-slip boathouses

19:50:42 25 on their community lots just because they

19:50:44 1 want to enhance the value of their
19:50:44 2 property? TVA has to enforce their own
19:50:46 3 regulations before our lakes end up being
19:50:50 4 blighted by boathouses.
19:50:52 5 Besides being terrible policy,
19:50:52 6 this permit defies all accumulated
19:50:54 7 environmental science. First of all, TVA
19:50:56 8 cannot ignore the extensive wetlands just
19:51:00 9 a few feet from this development and say
19:51:00 10 it is not jurisdictional. TVA is our only
19:51:04 11 Federal responsible agency to protect
19:51:06 12 these wetlands. TVA has refused permits
19:51:08 13 for riprap because of a clump of cattails
19:51:12 14 citing Wetlands Protection 404. To accept
19:51:16 15 jurisdiction there and ignore hundreds of
19:51:18 16 acres of wetlands next to this project is
19:51:22 17 crazy.
19:51:22 18 That EPA and TVA have not required
19:51:24 19 even a 404 mitigation statement from the

19:51:28 20 developers is an outrage. Any fifth grade

19:51:30 21 science class could immediately point out

19:51:32 22 the potential hazard for these wetlands

19:51:36 23 and even a third grade science class would

19:51:38 24 understand the enormous potential for

19:51:40 25 disaster in dredging 900 feet of this

19:51:42 1 pristine embayment. No bottom samples or
19:51:44 2 flow studies have been required from the
19:51:48 3 developer for the dredging.

19:51:50 4 In using several methods of the sum
19:51:50 5 of areas, the spoils of dredging are
19:51:52 6 radically understated. If this were any
19:51:54 7 other jurisdiction, we would have the
19:51:58 8 protection of the State and County, but
19:51:58 9 TVA is our only authority. To not require
19:52:00 10 an environmental impact statement on a
19:52:02 11 project this size and with so many
19:52:04 12 environmental issues defies all logic.
19:52:08 13 Our own assessment by Globally Green
19:52:10 14 submitted to TVA points out these issues.

19:52:12 15 There's other issues that make this
19:52:14 16 permit flawed. TVA regulations require a
19:52:18 17 homeowners' association to be in place
19:52:20 18 before the permit. The developer would
19:52:22 19 have us believe that the covenants and

19:52:24 20 conditions of the metes and bounds survey

19:52:24 21 of the other lots would suffice. This is

19:52:26 22 erroneous. And there is not a community

19:52:30 23 boathouse -- if this is not a community

19:52:32 24 boathouse, then other requirements and

19:52:34 25 conditions apply and this should not even

19:52:36 1 be a 26-A permit.

19:52:40 2 The applicant has stated to me in

19:52:40 3 May that he had no intention of developing

19:52:44 4 this property. We heard the same thing in

19:52:46 5 a meeting with the county commissioner.

19:52:48 6 So then what is the intent of the

19:52:50 7 application? It should be and must be

19:52:52 8 pointed out that the applicant associates

19:52:54 9 and family operate two other commercial

19:52:56 10 marinas and are in the boat business.

19:52:58 11 This permit appears to be a commercial

19:53:00 12 venture. A large launch ramp which has

19:53:04 13 not been discontinued, only not made

19:53:06 14 public, and 44 boathouses is by common

19:53:10 15 sense a marina.

19:53:12 16 Because of the way this application

19:53:14 17 is worded, there would be nothing to keep

19:53:18 18 the applicant from storing and launching

19:53:20 19 180 boats for the supposed development.

19:53:24 20 At what point does this venture become a

19:53:28 21 marina? TVA cannot consider the

19:53:30 22 ramifications of granting this permit and

19:53:32 23 cannot simply say this is a land use

19:53:34 24 issue.

19:53:34 25 Another very serious hazard to the

19:53:36 1 application is the fact pointed out to TVA

19:53:38 2 that there is no jurisdictional fire

19:53:40 3 protection on White Elephant Road.

19:53:42 4 Finally, this permit does not rise

19:53:44 5 to the standards TVA requires. There are

19:53:46 6 no pressing recreational or community

19:53:50 7 needs for this facility. There are

19:53:50 8 currently two new major marinas under

19:53:52 9 permit on Honeycomb Creek. That's where

19:53:54 10 they belong. Not on this tiny, pristine

19:53:58 11 little bit of residential water.

19:53:58 12 This permit is an ecological

19:54:00 13 nightmare. For this and other reasons

19:54:02 14 you'll hear tonight, this permit must be

19:54:04 15 denied. Thank you.

19:54:16 16 BARBARA MARTOCCI: Louise Parkhill.

19:54:22 17 LOUISE PARKHILL: Sir, I live in

19:54:22 18 Honeycomb Valley Subdivision and I have

19:54:24 19 lived there many years. I've raised four

19:54:26 20 boys and a girl there. We have four
19:54:30 21 access lots in Honeycomb. We have one
19:54:32 22 that has a community boathouse on it now.
19:54:36 23 And I cleaned up a lot and they told me it
19:54:40 24 was wetlands, community over there, and
19:54:40 25 didn't want me to clean it up. So I had

19:54:42 1 to fight them over that and Ray Tosidell
19:54:46 2 come out and he checked it from TVA and he
19:54:48 3 said for me to clean it up, that it was
19:54:50 4 not wetlands.

19:54:50 5 So now I have it cleaned up real
19:54:52 6 nice and I have my pier and I'm ready to
19:54:54 7 build me a boathouse on it. And I feel
19:54:56 8 like I should get a boathouse, because the
19:54:58 9 way I look at it, if you've got a
19:55:00 10 community boathouse, you don't have to
19:55:02 11 worry about septic tanks running into the
19:55:04 12 lake, do you, when you're out on the
19:55:06 13 water? That's the problem we have over
19:55:06 14 there now. So I feel like with a
19:55:08 15 community boathouse, it's much cleaner.
19:55:12 16 You don't have them septic tanks running
19:55:14 17 into the lake.

19:55:16 18 I'm applying for my boathouse now.
19:55:18 19 I've got everything ready. So I'm here

19:55:20 20 tonight to go ahead and put in for my

19:55:24 21 boathouse. Thank you.

19:55:30 22 BARBARA MARTOCCI: Jimmy Lou

19:55:32 23 Horton.

19:55:36 24 JIMMY LOU HORTON: The concern I

19:56:02 25 have about the boat slip to be built near

19:56:04 1 my family lake property at 2059 White
19:56:08 2 Elephant Road. My family has owned the
19:56:10 3 lake house property on White Elephant Road
19:56:10 4 for 50 years. Before the 1980s and before
19:56:14 5 there was a lot of boats on the lake, the
19:56:16 6 water was so clear and clean that I could
19:56:18 7 as a child and a young adult see the
19:56:22 8 bottom of the lake. It was so clear,
19:56:24 9 crystal clear. You could take the canoe
19:56:28 10 out on the lake and to the end of the lake
19:56:30 11 where they want to build all the boats --
19:56:32 12 the boat slips. You could see the fishes
19:56:36 13 and the turtles and all these little
19:56:38 14 animals swimming around.
19:56:40 15 Then all of a sudden all these
19:56:40 16 boats started coming out on the lake in
19:56:42 17 the 1980s. So over time the boats come
19:56:46 18 out in the lake and the crystal clear lake
19:56:48 19 water became muddy. Never again has the

19:56:52 20 lake ever been crystal clear. A lake is

19:56:54 21 like a duck pond. It can only hold so

22 many boats.

19:56:58 23 More boats can cause unseen

19:57:02 24 accidents. Okay. This is what happened.

19:57:04 25 If you want me to, I'll pass it around.

19:57:06 1 In 1988, June, four people was in a boat,
19:57:12 2 two people was skiing. They came up and
19:57:16 3 hit our boathouse. You can see right here
19:57:20 4 their boat. The only thing that saved
19:57:20 5 them from not getting killed, what TVA
19:57:24 6 told us, was the propeller of the boat hit
19:57:28 7 our boat and the canoe stopped it from
19:57:32 8 them flipping over. Only one person got
19:57:36 9 injured. The two skiers got off. I'll
19:57:38 10 pass this around so y'all can see it.
19:57:42 11 That's one reason I do not want any more
19:57:44 12 boats on the lake.

19:57:46 13 In the 1980s there were so many
19:57:48 14 boats on the lake during the weekend, we
19:57:50 15 took our children and their friends
19:57:52 16 water-skiing on the weekdays. This is
19:57:54 17 because there was so much endangerment of
19:58:00 18 getting hurt or even dying from boat
19:58:00 19 accidents. They seemed to have to make a

19:58:04 20 circle going around there were so many

21 boats on the weekend.

19:58:06 22 This lake was not designed for 44

19:58:08 23 extra boat slips. It was designed for

19:58:10 24 families to have a place to go in the

19:58:12 25 summer months and enjoy recreation on the

19:58:14 1 lake and also during the other seasons,
19:58:16 2 scenery. I like to go out there during
19:58:18 3 the fall to see the leaves and everything.
19:58:20 4 I hope TVA will continue to be good
19:58:22 5 stewards of our lake. Thank you.

19:58:30 6 BARBARA MARTOCCI: Stuart Whitaker.

19:58:38 7 STUART WHITAKER: Good evening. My
19:58:50 8 name is Stuart Whitaker and I live at
19:58:54 9 114 Regent Court, Madison, and my family
19:58:58 10 owns the property 2031 White Elephant
19:59:00 11 Road. I'm speaking this evening on behalf
19:59:02 12 of my father, Roger Whitaker, who is out
19:59:04 13 of town. I would like to make two points
19:59:06 14 this evening.

19:59:08 15 First, the overcrowding of Jagger
19:59:08 16 Branch. Our slew is already overcrowded
19:59:12 17 on summer weekends and especially
19:59:14 18 holidays. With 103 boat slips currently
19:59:18 19 available on a 75-acre slew, using the

19:59:20 20 Corps of Engineers study relating to
19:59:24 21 acceptable boat density, only 1 in 12 of
19:59:28 22 these boats or jet skis can use the lake
19:59:30 23 at a time. Data supporting this figure
19:59:34 24 have been provided this evening to the TVA
19:59:38 25 on CD.

19:59:40 1 Why would the TVA even consider
19:59:42 2 making a bad situation worse by approving
19:59:46 3 an additional 44 vessel facility? Not
19:59:48 4 only would this add additional traffic to
19:59:50 5 an overcrowded area, but some operators
19:59:54 6 will be inexperienced at boating and some
19:59:56 7 will be youthful and will not have a
20:00:02 8 seasoned judgment to wait to launch until
20:00:04 9 the traffic dies down. This will create a
20:00:06 10 very dangerous situation on our small body
20:00:08 11 of water. It's not only a matter of if
20:00:10 12 someone will be hurt, but it is only a
20:00:12 13 matter of time.

20:00:14 14 In years past an inherent
20:00:16 15 limitation to uncontrolled boat traffic on
20:00:18 16 our slew has been the link between the
20:00:20 17 number of boat slips and the number of
20:00:22 18 shoreline lots. Basically a 1 to 1 or a 2
20:00:26 19 to 1 limitation. Now that limitation is

20:00:30 20 being challenged so that the proposed

20:00:32 21 relationship could increase to 44 to 1.

20:00:34 22 Honeycomb's community association

20:00:36 23 members, including my family, are

20:00:38 24 concerned as to where this will end. How

20:00:42 25 can the TVA deny homeowners such as the

20:00:46 1 David Nast family the ability to build a
20:00:50 2 two-slip boathouse because of the size of
20:00:52 3 their lot, yet approve a 44-slip boathouse
20:00:56 4 for another lot? Our association wants a
20:01:00 5 rational shoreline management plan
20:01:02 6 consistently applied.

20:01:04 7 Let me make it clear that our
20:01:06 8 association is not opposed to growth. We
20:01:10 9 welcome single family homes and boathouses
20:01:12 10 on our slew. We are opposed to the
20:01:14 11 uncontrolled growth that the developer is
20:01:16 12 seeking.

20:01:18 13 My second point is the potential
20:01:20 14 for significant reduction of water quality
20:01:22 15 in our slew. Our slew has unique physical
20:01:24 16 characteristics by Guntersville Lake
20:01:28 17 backwater standards. First, it is fairly
20:01:32 18 long, 1400 feet based on an interactive
20:01:34 19 map found at marshallco.org. It is also

20:01:38 20 narrow, from 800 feet to 1400 feet. Based

20:01:42 21 on our computations, this makes our slew

20:01:46 22 usable surface area of about 75 acres.

20:01:48 23 Not only is our slew long and

20:01:50 24 narrow, but it is shallow. Based on

20:01:52 25 sources I have provided with the TVA, the

20:01:54 1 entire branch is less than 9 feet deep.

20:01:58 2 At the end of our boathouse, it is only 5

20:02:00 3 feet. This combination of long, narrow,

20:02:04 4 and shallow makes our slew particularly

20:02:08 5 vulnerable to pollutants such as gasoline,

20:02:12 6 oil, lawn fertilizer and particularly

20:02:14 7 runoff and dredging from construction

20:02:16 8 projects. This is because clean water

20:02:18 9 does not refresh the area regularly as it

20:02:22 10 would if the slew were wider and deeper.

20:02:24 11 The construction of the facility and

20:02:26 12 maintenance of 44 additional vessels on

20:02:30 13 the slew would have a significant negative

20:02:36 14 effect on our water quality.

20:02:36 15 These are only two reasons that the

20:02:38 16 proposed project would be harmful to the

20:02:40 17 Jagger Branch area. There are others.

20:02:42 18 Our consultants have provided detailed

20:02:44 19 analysis of these to the TVA with very

20:02:46 20 little, if any, factual rebuttal from the
20:02:50 21 developers. As a result, we respectfully
20:02:52 22 request that this application be denied.
20:02:54 23 Thank you for the opportunity to express
20:02:56 24 our concerns.
20:03:00 25 BARBARA MARTOCCI: Jordana Long.

20:03:12 1 Dave Butler.

20:03:18 2 DAVE BUTLER: Good evening again.

20:03:22 3 As the last time, I don't have a prepared

20:03:24 4 text, and you probably appreciate that,

20:03:28 5 but I do have several things to say.

20:03:30 6 First of all, I met Mr. Long a little over

20:03:34 7 a year ago and I thought he was a pretty

20:03:36 8 smart young man, but I really have my

20:03:40 9 doubts now.

20:03:42 10 My brother, who is a very anal

20:03:48 11 retentive engineer, bought a lot from

20:03:50 12 Mr. Long. In fact, Lot No. 9, right

20:03:52 13 across from the property that I own. I

20:03:54 14 know my brother. He reads everything.

20:04:00 15 I'm not going to stand here and call the

20:04:02 16 man a liar, but I don't think it was

20:04:06 17 disclosed -- maybe because he's Lot No. 9

20:04:08 18 and not Lot No. 10 -- that this particular

20:04:10 19 project was going on, because I know that

20:04:14 20 he would have found it. Since he's my

20:04:18 21 brother, I can call him anal retentive.

20:04:20 22 Anyway, I understand Mr. Long's

20:04:24 23 pain, I understand the problem of

20:04:28 24 interest, I understand the problem with

20:04:28 25 development costs, I understand all of

20:04:30 1 these different factors, but I don't
20:04:34 2 understand the sanity of his project.
20:04:38 3 Just four weeks ago when the water was
20:04:40 4 still relatively high, I took my daughter
20:04:42 5 and my grandson and we took the canoe and
20:04:46 6 we rode across the lake to where this
20:04:48 7 project is going in. Folks, it's shallow.
20:04:52 8 This map he claims is a TVA map. Maybe it
20:04:56 9 is. But I've been there and it doesn't
20:05:00 10 look like what I saw.

20:05:02 11 The water is full of muck except
20:05:06 12 where the creek runs. It's very very
20:05:08 13 shallow. We ran aground. My grandson's
20:05:14 14 Croc, because he got out of the boat and
20:05:18 15 walked around, is still sunk in the mud
20:05:20 16 out there. If you dredge it up, I'd
20:05:26 17 appreciate getting it back.

20:05:28 18 Besides all that, I just don't
20:05:28 19 understand the feasibility of this

20:05:32 20 project. I don't claim to be a land
20:05:32 21 developer and I don't claim to be an
20:05:34 22 engineer and I don't claim to be a rocket
20:05:36 23 scientist, but looking at this doesn't
20:05:40 24 make financial sense to me.
20:05:42 25 Now, you offered to sell the land.

20:05:44 1 If you want to do it at a bargain, I'll be
20:05:48 2 glad to talk to you. If you want to
20:05:50 3 threaten me with a trailer park, you can
20:05:52 4 threaten me with one. But I do know that
20:05:54 5 if you throw in this boathouse and TVA
20:05:56 6 approves this, you're going to do it one
20:06:00 7 time, you're going to dredge it all up,
20:06:02 8 it's going to fill back up, and you're
20:06:04 9 going to skim the cream off the top of
20:06:08 10 this thing and you're going to say
20:06:10 11 (indicating) and whoever buys it, just
20:06:12 12 like my brother, is standing there saying,
20:06:14 13 what happened?
20:06:16 14 I appeal to you, as I did the last
20:06:18 15 time, to take a look at this thing. I
20:06:22 16 would like for you personally, which is
20:06:26 17 probably not practical, to go back in
20:06:28 18 there and just see the area personally.
20:06:36 19 Either he has great vision or he has

20:06:40 20 managed to convince some people with a lot

20:06:42 21 of money or I don't know what I'm looking

20:06:46 22 at. But I've been there. I've been there

20:06:48 23 for a long time. It doesn't make sense.

20:06:50 24 I appeal to you not to do it. I thank you

20:06:54 25 for your time for the second time.

20:07:02 1 BARBARA MARTOCCI: Amy Epps.

20:07:04 2 AMY EPPS: Amy Epps, 650 Honeycomb

20:07:16 3 Road, Grant, Alabama. Thank you to TVA

20:07:20 4 and Mr. Anderson for having this hearing

20:07:22 5 tonight. I'm here today to protest the

20:07:24 6 application No. 200602127. All of the

20:07:30 7 issues from the Shady Acres proposal

20:07:32 8 still apply, runoff, surface use and over

20:07:34 9 population. However, this proposal is a

20:07:38 10 more egregious proposal than Shady Acres

20:07:40 11 due to additional factors, the size of the

20:07:42 12 development, dredging and the resulting

20:07:44 13 environmental impact.

20:07:46 14 Mr. Long's veiled threat that if he

20:07:48 15 doesn't get a permit that he will sell to

20:07:50 16 an RV project is one that we will meet

20:07:52 17 when the time comes. I do not know the

20:07:56 18 makeup of the people speaking tonight, but

20:07:56 19 in last month's hearing, only two people

20:07:58 20 spoke in favor of the development, the
20:08:00 21 developer and a non-resident. I think he
20:08:02 22 was a builder. To my knowledge we did not
20:08:04 23 have one resident speak for the Shady
20:08:06 24 Acres proposal. Pay attention tonight. I
20:08:10 25 feel certain that most, if not all, in

20:08:10 1 favor of the development are not Jagger
20:08:14 2 Branch residents. You will hear few or no
20:08:16 3 residents in favor of this proposal.
20:08:18 4 Jagger Branch owners are not
20:08:22 5 opposed to the development of single
20:08:22 6 family dwellings with traditional
20:08:22 7 boathouses built to the established TVA
20:08:24 8 specifications. We are opposed to massive
20:08:28 9 developments outside the already
20:08:28 10 established norm. You have a
20:08:30 11 responsibility to protect our resources at
20:08:32 12 the same time allowing balanced use. Why
20:08:36 13 would TVA consider this proposal that
20:08:38 14 violates established shoreline policies,
20:08:40 15 boathouse footage rules and regulations
20:08:42 16 that others have had to follow? Why would
20:08:44 17 these developers be allowed to do
20:08:46 18 something that the rest of us haven't?
20:08:48 19 While reasonable use of marine

20:08:50 20 motors is tolerable, overuse is

20:08:52 21 environmentally unsound. According to the

20:08:54 22 Department of Planning and Natural

20:08:54 23 Resources, Division of Fish and Wildlife,

20:08:56 24 fuel and oil released from two-stroke

25 motors, float on the surface of the water

20:09:00 1 and settle within the shallow ecosystems

20:09:02 2 of lakes and rivers where aquatic life is

3 youngest and most vulnerable.

20:09:08 4 Emphasis is on shallow, because the

20:09:08 5 44 boat slips will be located in the

20:09:12 6 shallowest section of the slew even after

20:09:14 7 dredging. With significantly additional

20:09:16 8 runoff and watercraft pollution, the

20:09:18 9 Jagger Branch estuary is not large enough

20:09:22 10 nor powerful enough to flush toxins

11 through the slew, through Snug Harbor, and

20:09:22 12 out to the swiftly running channel.

20:09:24 13 I contacted Mr. Kim Elfarin of the

20:09:28 14 Minnesota Department of Natural Resources

20:09:28 15 for his professional opinion. This is

20:09:30 16 what he said. We have surface use zoning

20:09:34 17 safety issues and dredging. He stated,

20:09:36 18 Minnesota does not allow dredging of any

20:09:38 19 sort for private use, only for the most

20:09:42 20 stringent of commercial requirements and

20:09:42 21 only for areas that have already been

20:09:46 22 dredged to allow commercial traffic such

20:09:48 23 as barges.

20:09:48 24 Safety is a concern in our slew

20:09:50 25 already, but with the possibility of 44

20:09:52 1 new boat slips, plus the other 20, it
20:09:54 2 increases exponentially. This is a
20:09:56 3 66 percent increase for our boating
20:09:58 4 population in just two developments. To
20:10:00 5 permit 44 new boat slips on two lots that
20:10:04 6 would normally house four boat slips is an
20:10:06 7 order of magnitude of overdevelopment.

20:10:08 8 Due to the limited ingress/egress,
20:10:10 9 each one of these 44 boats will have to
20:10:12 10 traverse the entire length of the slew to
20:10:14 11 get to the open boating areas, adversely
20:10:18 12 affecting the safety of the entire area.

20:10:20 13 There are many more places on the huge
20:10:20 14 body of water in Guntersville area that
20:10:22 15 are more appropriate for this concentrated
20:10:26 16 development. TVA must consider the
20:10:26 17 residents and public who already use the
20:10:28 18 resources there. I think that includes
20:10:32 19 Mr. Long. The Jagger Branch proposal

20:10:34 20 indicates that extensive dredging is

20:10:34 21 necessary.

20:10:36 22 Presently only a self-propelled

20:10:38 23 vessel or john boat can navigate in the

20:10:40 24 shallow wetlands to be developed. After

20:10:42 25 dredging and development, the wildlife and

20:10:46 1 ecosystem will never be the same and the
20:10:46 2 environmental impact is impossible to
20:10:48 3 quantify. This is an estuary. It brings
20:10:52 4 silt and soil and dumps it at the mouth of
20:10:54 5 the area into which it flows.

20:10:56 6 The dredging will need to be a
20:10:56 7 regular occurrence to allow navigation.

20:11:00 8 The proposal states that the dredging
20:11:00 9 material will be pumped 300 yards away,
20:11:04 10 but where will subsequent dredged material
20:11:06 11 go year after year? The proposal does not
20:11:10 12 account for this. And what is the
20:11:10 13 environmental impact of thousands of cubic
20:11:12 14 feet of sludge being pumped onto the
20:11:12 15 ground? This must be professionally
16 evaluated.

17 In the 2005 New York Times
20:11:16 18 bestseller Collapse, author Jarred Diamond
20:11:20 19 says that we have a responsibility to

20:11:22 20 guard our environmental resources from

20:11:22 21 gross overuse. This is not some global

22 warming theory yet to be proved but

20:11:28 23 examples of disastrous decisions to use

20:11:30 24 resources past the point of no return.

20:11:32 25 Look at Easter, Pickthorn and

20:11:36 1 Henderson Islands. None are any longer
20:11:38 2 inhabitable due to the overuse of limited
20:11:40 3 resources. What was the man thinking who
20:11:42 4 chopped down the last tree on Easter
20:11:44 5 Island and caused the demise of the
20:11:48 6 inhabitants? Mr. Diamond asked the
20:11:48 7 question, why do some societies make such
20:11:50 8 disastrous decisions? Students have asked
20:11:52 9 Mr. Diamond, how often do people reap
20:11:54 10 ecological damage intentionally or at
20:11:56 11 least while aware of the likely
20:11:58 12 consequences? I would like to add the
20:12:00 13 question, how often has it been done in
20:12:02 14 the name of community, yet destroying the
20:12:04 15 community at the same time?
20:12:06 16 In summation I would like to
20:12:06 17 protest any and all community boathouses
20:12:10 18 in this limited area. Community
20:12:12 19 boathouses may say they serve more people,

20:12:12 20 but they are really about more money for a
20:12:16 21 couple of people. I ardently request that
20:12:18 22 the TVA disapprove this application on the
20:12:20 23 grounds that it violates wetland use
20:12:22 24 regulations and policies previously
20:12:24 25 established by TVA that have been adhered

20:12:26 1 to by all previous applicants. Thank you.

20:12:34 2 BARBARA MARTOCCI: Pete Leperte.

20:12:40 3 PETE LEPERTE: My name is Pete

20:12:44 4 Leperte. I'm a resident of 450 Honeycomb

20:12:46 5 Road on Jagger Branch of the Guntersville

20:12:50 6 Reservoir. I'm speaking in opposition to

20:12:52 7 the proposed construction project

20:12:54 8 including two community boathouses which

20:12:56 9 is 44 boat slips as described in the Joint

20:12:58 10 Public Notice No. 06115 dated October 27,

20:13:04 11 2006. I want to thank you for holding

20:13:06 12 this public hearing so that we, the

20:13:08 13 people, can be heard.

20:13:12 14 First, let me say I'm surprised

20:13:14 15 that this permit request has not been

20:13:16 16 denied by TVA. The TVA has been charged

20:13:18 17 by Congress for providing proper use of

20:13:20 18 lands under their control for the purpose

20:13:24 19 of social development of the Tennessee

20:13:26 20 Valley Region. This land which TVA
20:13:30 21 stewards contains some of the most
20:13:32 22 important resources in the area. Many of
20:13:34 23 the parks, recreation areas and wildlife
20:13:36 24 refuges that are so important for the
20:13:38 25 region's quality of life, grew up from the

20:13:42 1 lands that TVA made available.

20:13:44 2 As stewards of this important

20:13:46 3 resource, TVA has a duty to manage its

20:13:50 4 lands wisely for the present and future

20:13:54 5 generations. In my opinion, the people of

20:13:56 6 this community deserve your denial of this

20:14:00 7 permit which obviously does not meet TVA

20:14:04 8 regulations with regard to boathouse size

20:14:06 9 requirements, dredge quantities, marina

20:14:10 10 design standards, and does not meet the

20:14:12 11 United States Corps of Engineers small

20:14:14 12 boat basin design standards. How this

20:14:16 13 permit was considered beyond the local

20:14:20 14 office is beyond me.

20:14:22 15 With the obvious deviation from

20:14:24 16 area use of TVA managed lands, this

20:14:28 17 proposed commercial type facility has no

20:14:30 18 place in this residential community.

20:14:34 19 Also, the lack of need of such a facility,

20:14:36 20 the safety concerns, the pollution

20:14:40 21 concerns and the habitat destruction

20:14:44 22 should have been reason enough to have

20:14:44 23 denied this permit request immediately

20:14:46 24 upon its submittal.

20:14:50 25 The Corps of Engineers and TVA

20:14:52 1 should weigh the need for such a facility
20:14:54 2 against the impacts to so many sensitive
20:14:56 3 and natural resources. Available boat
20:14:58 4 access and storage options in the vicinity
20:15:00 5 of the proposed facility suggest that
20:15:04 6 there's no need for the additional boat
20:15:06 7 slips. There are two boat ramps within 2
20:15:08 8 miles of the proposed development and dry
20:15:10 9 storage is also available within the area.
20:15:14 10 Water safety is presently a concern
20:15:18 11 due to the number of boats that frequent
20:15:20 12 Jagger Branch by local residents and
20:15:22 13 non-residents that use the area for
20:15:24 14 fishing and water sports. Boat density
20:15:26 15 for safe recreational boating established
20:15:28 16 by TVA in 2002 allows 10 acres per boat
20:15:34 17 maximum. Of the 166 total acres of Jagger
20:15:38 18 Branch, approximately 63 are usable for
20:15:42 19 boating due to the depths, aquatic weeds

20:15:44 20 and other things.

20:15:46 21 Based on the usable acres, more

20:15:48 22 than six boats at any one time present a

20:15:52 23 safety concern. There are presently 65

20:15:54 24 boat slips on the eastern shoreline and 42

20:15:58 25 on the western shoreline for a total of

20:16:00 1 107 slips. 11 more are presently under
20:16:04 2 construction. With just 5.6 percent of
20:16:06 3 the existing boats on the water, safety
20:16:08 4 becomes a concern. This does not count
20:16:12 5 the numerous boats in the area from public
20:16:14 6 ramps on Honeycomb Creek. An additional
20:16:18 7 44 boat slips on Jagger Branch would
20:16:20 8 significantly increase the already
20:16:24 9 existing water safety problem. In
20:16:26 10 addition, the Snug Harbor Retreat
20:16:28 11 development presently under construction
20:16:30 12 will further increase the number of boats
20:16:32 13 in the area at any given time.

20:16:34 14 Roadway access to the proposed site
20:16:38 15 is a narrow, winding, dead-ending road,
20:16:40 16 currently dangerous for residential and
20:16:44 17 school bus traffic. The proposed
20:16:46 18 development could more than double the
20:16:48 19 traffic and significantly increase chances

20:16:50 20 of a severe accident.

20:16:54 21 Motorized watercraft can be a

22 source of numerous pollutants into the

20:16:58 23 environment. Marine engines emit

24 petroleum hydrocarbons and oxides of

20:17:02 25 nitrogen adversely affecting air and water

20:17:06 1 quality. Outboard motors discharge their
20:17:08 2 exhaust directly into the water and
20:17:10 3 inboards discharge their exhaust below and
20:17:16 4 at the water line, thus polluting both air
20:17:18 5 and water.

20:17:20 6 North Marshall Utilities draws
20:17:22 7 water for use in providing potable water
20:17:24 8 for residents in this area. Additional
20:17:26 9 boats in the area created by the added
20:17:28 10 boat slips will increase the existing
20:17:32 11 pollution by adding toxins from operation
20:17:36 12 and gasoline and oil spills. These
20:17:38 13 additional boating activities have a
20:17:40 14 potential to further degrade the water
20:17:44 15 quality by increasing the main pollutants
20:17:46 16 that have for years continued to plague
20:17:48 17 the reservoir.

20:17:50 18 Almost every boathouse or dock
20:17:52 19 currently located in the Jagger Branch

20:17:54 20 embayment is either a single or double

20:17:56 21 slip structure. Permitting 220 plus slip

20:18:00 22 boathouses in this unique embayment would

20:18:04 23 be wholly contrary to the prevailing

20:18:06 24 permitted practices and would thus destroy

20:18:08 25 the character of the community. Marina

20:18:10 1 type boathouses in a residential community
20:18:12 2 would be incompatible with surroundings
20:18:14 3 and inconsistent with an improved TVA
20:18:18 4 reservoir land management plan.

20:18:20 5 We're sometimes reminded that our
20:18:22 6 government is for we, people, and
20:18:24 7 government agencies like TVA should make
20:18:26 8 decisions for the people. So we, the
20:18:28 9 people of this community, are asking you
20:18:30 10 to deny this permit for our interests and
20:18:34 11 the best interests of all the people of
20:18:36 12 the Guntersville area. Thank you.

20:18:42 13 BARBARA MARTOCCI: Juergen Paetz.

20:18:48 14 JUERGEN PAETZ: Good evening.

20:18:50 15 My name is Juergen Paetz and I live at
20:18:52 16 560 Honeycomb Road in Honeycomb
20:18:54 17 Subdivision. I'm speaking tonight in
20:18:56 18 opposition to the proposed 44-slip
20:18:58 19 boathouse. I share the concerns with the

20:19:00 20 people in this room concerning the
20:19:02 21 environment and risk to the lake itself,
20:19:04 22 safety, and wildlife that the proposed
20:19:06 23 construction of the proposed community
20:19:08 24 boat slip presents.
20:19:10 25 However, I would like to address

20:19:10 1 something that's of particular concern to
20:19:12 2 me. Each organization responsible for
20:19:14 3 agreeing to these plans is by necessity
20:19:16 4 looking at the proposal from their own
20:19:18 5 point of view. The Corps considers the
20:19:22 6 physical aspects of the development.
20:19:22 7 The County doesn't worry about the
20:19:24 8 infrastructure until the development
20:19:26 9 brought about by the building of the
20:19:28 10 boathouse is done. Water patrol only
20:19:30 11 worries about safety when it becomes a
20:19:32 12 problem and then it controls water access
20:19:34 13 by enforcing a no wake zone.
20:19:36 14 The problem is that nobody is
20:19:38 15 responsible for the big picture. In the
16 city there is the Planning Commission and
20:19:40 17 the City Council to oversee the impact to
20:19:42 18 the city. Their Inspection Department is
20:19:44 19 to insure proper construction. There is

20:19:46 20 nothing here in the county that is
20:19:48 21 ultimately responsible for protecting the
20:19:48 22 use and development of the lake. This
20:19:50 23 puts the responsibility on TVA to protect
20:19:54 24 the overall impact, both long term and
20:19:56 25 short term, for the well-being of the area

20:19:58 1 that you, TVA, have been entrusted with.

20:20:00 2 I realize that this meeting
20:20:02 3 addresses one proposal. What I'm asking
20:20:04 4 of you is to consider the long-term,
20:20:08 5 cumulative impact on the lake of the four
20:20:10 6 planned developments in the Honeycomb
20:20:12 7 area, Shady Oaks, Jagger Branch, Erwin
20:20:14 8 Marina and Snug Harbor Retreat. They
20:20:18 9 impact the county infrastructure and the
20:20:20 10 beautiful lake you are entrusted with
20:20:22 11 protecting.

20:20:22 12 Developers are interested in the
20:20:24 13 Honeycomb area because of its close
20:20:26 14 proximity to Huntsville. But if the
20:20:28 15 long-term impact is that in 10 years it's
20:20:28 16 not safe to participate in water sports
20:20:30 17 because of traffic or to swim because of
18 degradation of water quality from over-
20:20:36 19 development or to put out a house fire and

20:20:38 20 keep it from spreading because there's no
20:20:40 21 fire protection or even if people are
20:20:42 22 injured on the little two-lane road
20:20:44 23 because there's no money to widen it, then
20:20:46 24 we all lose, TVA, the general public,
20:20:50 25 people living there today and also those

20:20:52 1 moving into the area without realizing the
20:20:52 2 issue. By limiting community boathouses
20:20:56 3 to areas more appropriate than the Jagger
20:20:56 4 Branch area, you can control and protect
20:20:58 5 the lake itself.

20:21:00 6 To summarize my position, I would
20:21:02 7 like to list the pros and cons to the
20:21:04 8 proposed construction. Cons: potentials
20:21:08 9 for safety on White Elephant Road, a road
20:21:10 10 not capable of handling additional traffic
20:21:14 11 from the proposed 44 slips and the
20:21:16 12 additional 20 slips already proposed; the
20:21:18 13 additional stress on the already stressed
20:21:22 14 infrastructure in the Valley such as
20:21:22 15 water; water quality of the lake affected
20:21:26 16 by traffic -- increase in watercraft
20:21:28 17 traffic; water quality of the lake
20:21:30 18 affected by this proposed dredging;
20:21:32 19 potential safety on the water in an area

20:21:34 20 too small to handle the increased water

20:21:36 21 traffic; destruction of wildlife habitat

20:21:40 22 and destruction of wetlands. Pros:

20:21:42 23 profit for the developer.

20:21:44 24 All of us have at one time or

20:21:46 25 another been denied requests to construct

20:21:46 1 or use the water access of our property.
20:21:48 2 We've had friends fined for cutting trees
20:21:50 3 on White Elephant Road. I personally
20:21:52 4 received a warning for having a volleyball
5 net in the water inside the boundaries of
6 my pier. We did not like it but because
20:22:00 7 -- in the long run it meant TVA was
20:22:02 8 protecting this wonderful resource.
20:22:04 9 I ask that you, TVA, continue their
20:22:06 10 longstanding policy of protection of the
20:22:08 11 lake system and the public and wildlife
20:22:12 12 that use the lake and deny this request.
20:22:12 13 Progress is great and development is
20:22:14 14 necessary, but not when it means the gain
20:22:16 15 of one versus the lost of many. Indeed,
20:22:18 16 this change in policy actually means a
20:22:22 17 loss to the masses with the gain for one
20:22:24 18 with nothing left for our children in the
20:22:28 19 future. Thank you.

20:22:28 20 BARBARA MARTOCCI: Lawrence Harmon.

20:22:50 21 LAWRENCE HARMON: I'm going to

20:23:06 22 work primarily with pictures. I'm

20:23:12 23 Lawrence Harmon. I live directly across

20:23:14 24 from where there is going to happen. I

20:23:14 25 live at 1160 Honeycomb Road. The first

20:23:18 1 photo here is giving you a rough idea of
20:23:22 2 what you're looking at from the river to
20:23:24 3 where this proposal is going to be. It's
20:23:30 4 5.25 miles from the river to where this
20:23:34 5 boathouse will be built.

20:23:40 6 The second, number 2, is just a
20:23:44 7 matter of showing the same as number 1
20:23:46 8 only it's showing the buildup of homes,
20:23:48 9 developments along that stretch of the
20:23:52 10 water. The thing that's marked 06-115
20:23:58 11 Enclosure 1 is this. As far as I can see,
20:24:04 12 this is carrying a date of about 1970.
20:24:12 13 The one they had at the last -- going on
20:24:16 14 at the rec center was dated 1957.

20:24:22 15 This boathouse, which is a little
20:24:24 16 bit higher here, this grassland is now
20:24:28 17 right here. The next one is showing you
20:24:38 18 the whole -- it's Enclosure 1A. It is
20:24:44 19 showing this whole area here. From here

20:24:50 20 to here are two small channels, and I mean

20:24:56 21 small channels. I could cover them with

20:24:58 22 my finger. This, again, is way outdated.

20:25:12 23 Enclosure 2 is taken off the roof

20:25:14 24 -- the first boathouse on the left-hand

20:25:18 25 side. I should have marked that. There's

20:25:20 1 a boathouse right here and the rest of
20:25:26 2 these pictures are taken from the roof of
20:25:26 3 that. That's what you're looking at. The
20:25:30 4 development will be right in here, right
20:25:34 5 behind the sand bar that's sticking up,
20:25:36 6 right here behind where the marsh area is.

20:25:42 7 Enclosure 3 shows the position of
20:25:46 8 the boathouses, the ramps, pier and the
20:25:54 9 sand bar again which is right in front of
20:25:56 10 the boathouses, where they'll actually be
20:26:00 11 located. Enclosure 4 is from the opposite
20:26:08 12 side of the river -- pardon me -- Jagger
20:26:10 13 Branch looking across and boathouse number
20:26:16 14 one would be right there. At this time of
20:26:20 15 year, there's not a bit of water between
20:26:22 16 it and where the boathouse will be.

20:26:40 17 Enclosure number 4 is standing
20:26:46 18 right here in reference to their
20:26:50 19 boathouse. This picture when you look at

20:26:52 20 it, you would be looking into the first
20:26:54 21 slip of the boathouse. That would be
20:26:58 22 right about here. The 595 contour line is
20:27:02 23 over here about 3 feet. Again, it's
20:27:06 24 reflecting that there's absolutely no
20:27:08 25 water in that area.

20:27:24 1 Enclosure 5 again is looking from
20:27:26 2 here. But if you notice, the marshland is
20:27:30 3 coming again right to here. Because this
20:27:34 4 would be 2 where I'm standing at here to
20:27:36 5 take this picture. This point here is
20:27:40 6 that point there and the marsh is already
20:27:44 7 into this area. There is nothing back
20:27:46 8 here. A canoe can get back in here. But
20:27:48 9 as you can see, there's a very small
20:27:52 10 channel, one on each side.

20:28:10 11 I've got one here, but it's not an
20:28:12 12 important one. My time is up? Thank you.

20:28:26 13 BARBARA MARTOCCI: Kathy Leberte.

20:28:34 14 KATHY LEBERTE: My name is Kathy
20:28:40 15 Leberte and I live at 450 Honeycomb Road
20:28:44 16 in the Jagger Branch slew of Honeycomb
20:28:44 17 Creek. I'm the president of the Honeycomb
20:28:46 18 Homeowners' Association. My opposition to
20:28:48 19 the proposed boathouses are for two

20:28:50 20 reasons. Safety and environmental.

20:28:56 21 Webster's Dictionary definition of

20:28:56 22 "sensitive" is: sensory, receptive to

20:29:00 23 sense impressions, subject to excitation

20:29:02 24 by external agents as light, gravity or

20:29:04 25 contact, exhibiting irritability, highly

20:29:10 1 responsive or susceptible, easily hurt,
20:29:12 2 excessively or abnormally susceptible and
20:29:16 3 capable of indicating minute differences,
20:29:20 4 readily affected or changed by various
20:29:22 5 agents as light or mechanical shock.

20:29:24 6 The map used in the applications
20:29:26 7 was based on a 1983 United States
20:29:30 8 geological survey topographic map.

20:29:32 9 Current aerial photography indicates that
20:29:34 10 the wetted area of Jagger's Branch
20:29:36 11 embayment is approximately 2255 feet less
20:29:40 12 than was present in 1983. The proposed
20:29:44 13 Jagger Branch development is situated at
20:29:48 14 the southern most terminus of what is now
20:29:50 15 an extension of the wetland that was
20:29:52 16 designated in TVA's final environmental
20:29:54 17 impact statement completed in August 2001
20:29:56 18 as needing protection.

20:30:00 19 Sediment deposition in the

20:30:02 20 embayment has resulted in approximately
20:30:06 21 26 percent reduction, 43 acres less than
20:30:08 22 was 25 years ago. What was lost in usable
20:30:12 23 acres of water to the northern extent of
20:30:16 24 Jagger Branch has been gained in the
20:30:18 25 creation of 43 more acres of protected

20:30:22 1 sensitive resource area. The mechanical
20:30:24 2 shock of dredging and the excitation by
20:30:26 3 external agents such as fuel spills,
20:30:30 4 discharges of oil and grease and other
20:30:32 5 sources of contamination will harm this
20:30:34 6 wetland area.

20:30:34 7 The 2002 Recreational Boating Study
20:30:38 8 done by TVA at Tims Ford Reservoir used a
20:30:42 9 10 acres per boat density standard for
20:30:44 10 safety and environmental impact. There
20:30:48 11 are 63 acres of the 166 in the Jagger
20:30:50 12 Branch embayment that are usable due to
20:30:54 13 the depth. That standard would only
20:30:54 14 recommend 6.3 boats in this area.

20:31:00 15 The opening into the area is a
20:31:00 16 small causeway, therefore, restricting
20:31:02 17 water flow into and out of the embayment.
20:31:06 18 The water quality is affected more in
20:31:08 19 areas that are refreshed more often due to

20:31:12 20 being more open. Due to the recent
20:31:14 21 drought in the Southeastern United States
20:31:16 22 and other areas, Alabama and surrounding
20:31:20 23 states have suffered. If this situation
20:31:22 24 continues, they will most surely be coming
20:31:26 25 to us for water. Let us make sure that

20:31:28 1 there will be enough good water to share
20:31:30 2 by taking care of what we have. Thank you
20:31:30 3 again for holding this hearing.

20:31:34 4 BARBARA MARTOCCI: Roger
20:31:42 5 Schlittler.

20:31:44 6 ROGER SCHLITTLER: My name is
20:31:58 7 Roger Schlittler. I live at 1400 Sierra
20:32:00 8 Boulevard in Huntsville. I have a lake
20:32:02 9 house on White Elephant Road. I
20:32:04 10 appreciate the opportunity TVA has lent
20:32:08 11 us to come here and I want to express my
20:32:10 12 total desire for TVA to deny the permit
20:32:14 13 for these two boathouses.

20:32:16 14 I believe Yogi Berra said once this
20:32:18 15 is deja vu all over again. Just a few
20:32:22 16 months ago we were down here to ask for a
20:32:26 17 denial of a permit for a 20-slip
20:32:30 18 boathouse. We have not received any word
20:32:32 19 on that request whatsoever and now there's

20:32:34 20 a request for a 40-slip boathouse that is

20:32:38 21 even in a worse part of the slew than the

20:32:42 22 other one was.

20:32:42 23 TVA has got to get a handle on

20:32:46 24 these things or it will pyramid into

20:32:50 25 obliviation of our waterways and this is

20:32:52 1 what I thought TVA was to protect. There
20:32:54 2 does not seem to be any rational thought
20:32:56 3 whatsoever of what's happening on our
20:33:00 4 slew. Owners of the 10 or so lots that
20:33:04 5 are right next to this new proposal have
20:33:06 6 been denied permit by TVA to put a sea
20:33:08 7 wall up, but yet they're listening to a
20:33:18 8 proposal to do dredging in places where
20:33:20 9 there's less than a foot of water. I
20:33:22 10 don't know of one person who has bought
20:33:24 11 property, built a home, or built a
20:33:28 12 boathouse that has had to dredge to get
20:33:30 13 access to the property.
20:33:32 14 Although TVA has allowed separate
20:33:34 15 hearings on these proposals, common sense
20:33:36 16 tells you you have to consider the full
20:33:40 17 effect of an additional 60 boats plus jet
20:33:44 18 skis on this small embayment. I'm
20:33:50 19 fortunate enough that I'm able to enjoy

20:33:52 20 the lake in that area on weekdays. I'm

20:33:54 21 going to have to, because the summer

20:33:56 22 weekends and the holidays are a total

20:34:00 23 disaster and I don't believe that's what

20:34:00 24 TVA's mission is all about.

20:34:04 25 If this permit is granted, my small

20:34:06 1 grandchildren who love the lake are going

20:34:08 2 to be denied the enjoyment of this area

20:34:10 3 because I will put their safety above

20:34:14 4 anything else. As I stated at the last

20:34:16 5 hearing, it's not a matter of when or if,

20:34:20 6 it's when someone is going to get killed.

20:34:24 7 I want to go on record as being

20:34:26 8 adamantly against this permit and

20:34:28 9 respectfully request that TVA deny it.

20:34:34 10 BARBARA MARTOCCI: Bruce Epps.

20:34:44 11 BRUCE EPPS: Bruce Epps, Honeycomb

20:34:54 12 Road. I've just scribbled a few thoughts

20:34:58 13 down here, so bear with me. I'd like to

20:35:00 14 thank Mr. Anderson and TVA for allowing us

20:35:04 15 to express our objections to this

20:35:06 16 proposal.

20:35:12 17 Aside from the obvious safety and

20:35:12 18 environmental concerns that we've heard

20:35:14 19 about over and over here, I've got some

20:35:16 20 additional concerns relative to the
20:35:20 21 developer's intent to stick to his
20:35:22 22 original plan. He's made some --
20:35:26 23 evidently some changes to his plan to
20:35:30 24 reduce the size and scope of it, but it
20:35:32 25 stills contains the 44 boathouses.

20:35:36 1 He's attempted to allay our fears
20:35:38 2 about substandard development by letting
20:35:42 3 us believe that this is somehow an upscale
20:35:48 4 subdivision. And he actually has some
20:35:48 5 covenants and deed restrictions that are
20:35:52 6 published here in the courthouse which
20:35:54 7 goes to great lengths to spell a lot of
20:35:58 8 those out. A lot of them sound like
20:36:02 9 anything we'd love to have, but it sounds
20:36:04 10 like a dream gated community here.

20:36:06 11 It talks about minimum square
20:36:10 12 footage, no exposed vinyl siding, no junk
20:36:16 13 in the yard, no trailers, no RV's.

20:36:18 14 There's a couple here that I find kind of
20:36:20 15 interesting. The very first one is that
20:36:24 16 the lot may only be used for single family
20:36:26 17 residence purposes. If constructed, the
20:36:30 18 boathouse attached to said lot shall only
20:36:32 19 be used by said owner and not by any other

20:36:34 20 person for storage or rental purposes.

20:36:40 21 Another one of my favorites is no

20:36:42 22 commercial activities.

20:36:44 23 So it seems like when these were

20:36:46 24 written up, he had an idea that these were

20:36:50 25 the kind of things that would concern

20:36:52 1 people and this was filed basically on the
20:36:56 2 same day that he closed on the first half
20:36:58 3 dozen lots that he sold, presumably to
20:37:02 4 give the first few purchasers a warm
20:37:04 5 feeling about what was going to be there.

20:37:08 6 The last one, however, the very
20:37:10 7 last paragraph, the declarant's
20:37:16 8 modification. It says, declarant has the
20:37:18 9 right to amend, modify or waive any or all
20:37:20 10 of these restrictions, covenants or
20:37:20 11 conditions or any part of them so long as
20:37:24 12 it owns any of the XGR-204 tract or any of
20:37:26 13 the lots. The last sentence says, the
20:37:32 14 declarant has a right to remove any
20:37:34 15 portion of tracts of XGR-204 owned by
20:37:34 16 these -- it reports of these covenants.

20:37:38 17 That says, the way I read it, as
20:37:40 18 long as he owns 1 square foot of that
20:37:44 19 180-acre parcel that he can change the

20:37:46 20 rules whenever he gets ready, that all
20:37:50 21 these air tight -- seemingly air tight
20:37:52 22 restrictions that everyone else bought
20:37:54 23 into could go away with the stroke of a
20:37:56 24 pen.
20:38:00 25 Here is another one. He's

20:38:00 1 mentioned that he's intending to
20:38:02 2 potentially sell the parcel across the
20:38:04 3 street to an RV park. One of the
20:38:08 4 paragraphs in here talks about temporary
20:38:10 5 structures and habitations. No structure
20:38:12 6 of a temporary character, including but
20:38:14 7 not limited to trailers, tents, shacks,
20:38:18 8 garages, barns, or other out buildings
20:38:20 9 shall be permitted except during the
20:38:22 10 construction process. No aircrafts,
20:38:24 11 airplanes, all-terrane vehicles, boats,
20:38:26 12 buses, campers, go-carts, mini bikes,
20:38:30 13 mobile homes, motor homes, motorcycles,
20:38:34 14 RV's, scooters, trailers, trucks, vans,
20:38:36 15 watercraft or any other type of motor
20:38:38 16 vehicle or modes of conveyance or
17 temporary habitation shall be permitted on
20:38:42 18 the lot except for the unoccupied
20:38:44 19 temporary storage of same in the rear of

20:38:48 20 the lot or in a garage located upon the
20:38:50 21 lot provided, however, that this
20:38:52 22 restriction does not preclude owner or
20:38:54 23 guests from parking cars, pickups or vans.
20:38:58 24 Now, if he's sold a half a dozen of
20:39:00 25 these lots already and he's willing to

20:39:06 1 burn all of them by establishing an RV
20:39:10 2 park right across the road, then I don't
20:39:12 3 have a real warm feeling that he intends
20:39:14 4 to stick by any of the rest of his
20:39:16 5 declarations in his application with
20:39:20 6 regard to dredging or anything else.

20:39:26 7 On the dredging, there's been a lot
20:39:28 8 of talk about the number of boats per acre
20:39:32 9 allowable. When this was first proposed,
20:39:34 10 I took a john boat down here and a stick
20:39:36 11 and measured. There's no portion of this
20:39:40 12 water here that gets any deeper than 4
20:39:42 13 feet. Even after he dredges, the sediment
20:39:46 14 stirred up by recreational boats is likely
20:39:48 15 to redistribute the sediment such that
20:39:52 16 dredging would be required again. Is
20:39:54 17 there any guarantee that this will be done
20:39:58 18 properly in the future? If so, who is
20:40:02 19 going to do it after he sells out? Thank

20:40:08 20 you.

20:40:10 21 BARBARA MARTOCCI: Robert Epps.

20:40:24 22 ROBERT EPPS: I'm Robert Epps. I

20:40:30 23 live at 650 Honeycomb Road. I'm not quite

20:40:32 24 as good an attorney as my brother is of

20:40:36 25 researching all that stuff, but it is

20:40:36 1 pretty striking to realize that a certain
20:40:38 2 bill of goods was sold to certain
20:40:40 3 investors and then come back later and
20:40:44 4 find out they haven't read the fine print.
20:40:46 5 So it does make you sort of think a little
20:40:48 6 bit about what's coming next.
20:40:50 7 At any rate, I'm against the
20:40:50 8 development, obviously. I think the
20:40:52 9 biggest thing to me is that for the last
20:40:54 10 50, almost 60 years this has been a
20:40:58 11 residential area. TVA has supported that.
20:41:00 12 They've provided guidelines for all the
20:41:04 13 residential homeowners, single family
20:41:06 14 homes, single family boathouses, and then
20:41:08 15 with just a few lots left, now we're going
20:41:10 16 to seemingly change the rules and allow a
20:41:14 17 development. This one is almost, what,
20:41:18 18 20,000 square foot of community -- well,
20:41:20 19 there's nothing community about this --

20:41:22 20 20,000 square foot of commercial
20:41:24 21 development in this residential area under
20:41:26 22 a 26-A permit.
20:41:28 23 You know it just doesn't feel right
20:41:30 24 and doesn't look right. As a matter of
20:41:32 25 fact, there's nothing right about it. The

20:41:32 1 area simply won't support that additional
20:41:36 2 boat load in there.
20:41:38 3 It's well less than 100 acres. I
20:41:40 4 think Kathy mentioned it was about
20:41:44 5 60 acres actually navigable in that area.
20:41:46 6 That's about right. It's pretty shallow
20:41:48 7 in there. There's not room to turn boats
20:41:48 8 in that area. If you dredge a 50-foot
20:41:52 9 ditch through there, it's not going to be
20:41:54 10 there long. It will fill in rapidly and
20:41:56 11 there's no provisions to come back and
20:41:58 12 take care of that. That burden will be
20:42:00 13 placed back on the government to redredge
20:42:02 14 that probably. That's a significant
20:42:06 15 burden on taxpayers to come back and keep
20:42:08 16 that up for a commercial developer.
20:42:12 17 So I just say I am against that.
20:42:14 18 TVA on one hand has obviously supported
20:42:18 19 the residential area and now anybody that

20:42:20 20 has a remaining lot -- and there are just

20:42:22 21 very few lots in this area that would

20:42:24 22 allow this kind of development. Also,

20:42:26 23 keep in mind for the 44 boat slips, you

20:42:28 24 know, every boat slip is guaranteed to

20:42:32 25 have a couple of boats in it. You're

20:42:34 1 going to have your ski boat and your
20:42:36 2 fishing boat and you're going to have your
20:42:38 3 Waverunner in there or your Seadoo or
20:42:38 4 whatever. There's a lot more load than
20:42:42 5 just simply 44.

20:42:42 6 You've got to consider the total
20:42:44 7 impact of both this and the other
20:42:46 8 applicant that we talked about I guess
20:42:48 9 back in October here. TVA has got to --
20:42:52 10 even though you say you look at one at a
20:42:54 11 time, it's got to be -- the overall total
20:42:56 12 impact has got to be considered.

20:42:58 13 This area simply is not large
20:43:00 14 enough to support this. It's been an
20:43:02 15 established residential area. I think
20:43:06 16 it's not consistent with your own
20:43:08 17 shoreline policy that you've put out and
20:43:10 18 that you've made the rest of us go along
20:43:12 19 with. At any rate, I'm against it. Thank

20:43:16 20 you very much.

20:43:16 21 BARBARA MARTOCCI: David Nast.

20:43:28 22 DAVID NAST: Thank you. My name is

20:43:30 23 David Nast. I'm a homeowner on 2047 White

20:43:36 24 Elephant Road. My family and I have a

20:43:38 25 lake home there. First of all, thank you

20:43:42 1 for having this hearing. We appreciate
20:43:44 2 the TVA taking their time to do this and
20:43:46 3 allowing us to make our comments known.

20:43:50 4 My friends and neighbors have
20:43:52 5 adequately talked about all the different
20:43:56 6 problems that we see with all of the
20:43:58 7 development that's going on in Honeycomb
20:44:02 8 and specifically this one at the end of
20:44:04 9 Jagger Branch. We're opposed to the
20:44:08 10 development. We're opposed to commercial
20:44:10 11 development, not opposed to residential
20:44:12 12 development. I think that needs to be
20:44:14 13 very well known here. All of the
20:44:18 14 residents on that body -- small body of
20:44:20 15 water have followed the TVA guidelines for
20:44:26 16 size of boathouse, for length of their
20:44:30 17 piers extending out into the waterway.

20:44:34 18 Everyone in the neighborhood looks
20:44:36 19 out for their neighbors. It's a

20:44:36 20 neighborhood. There is no place for a
20:44:40 21 commercial development in this
20:44:42 22 neighborhood. Again, my neighbors have
20:44:46 23 adequately expressed the concerns, but I'm
20:44:48 24 just going to summarize the ones that I
20:44:50 25 have that I think are still the most

20:44:52 1 important ones.

20:44:54 2 Safety is obviously a concern. We

20:44:56 3 have too much traffic in Honeycomb

20:45:02 4 already. I've had several conversations

20:45:04 5 with people at the TVA and there was an

20:45:08 6 awful lot of conversation about people

20:45:10 7 using Honeycomb and using the ramps in the

20:45:14 8 different developments and how most people

20:45:18 9 would leave Honeycomb and leave Snug

20:45:20 10 Harbor and go out into the channel for

20:45:22 11 recreation. It doesn't happen. If you

20:45:28 12 stay in that area long enough, you'll see

20:45:30 13 that that doesn't happen.

20:45:32 14 Honeycomb and Snug Harbor are both

20:45:36 15 draws for boats. When the water is a

20:45:38 16 little rough or the wind is up, people

20:45:42 17 come into Honeycomb and Snug Harbor and

20:45:44 18 make it practically unbearable for even

20:45:48 19 pleasure boating, much less skiing or

20:45:50 20 tubing or the other activities that go on

20:45:50 21 in there. People seek out that area.

20:45:56 22 So safety is a big concern for us,

20:45:58 23 too much recreational water traffic on a

20:46:02 24 small body of water. Accidents and

20:46:02 25 injuries occur. They don't get reported

20:46:06 1 typically, but they do occur. Eventually
20:46:10 2 someone is going to be seriously hurt.
20:46:12 3 The people that live in Honeycomb are all
20:46:16 4 families. We have small children,
20:46:18 5 grandchildren, friends that come over and
20:46:20 6 enjoy the water. They swim there. The
20:46:26 7 loop that's made -- the typical loop
20:46:28 8 that's made for a skier or someone being
20:46:30 9 pulled on a tube comes very close to the
20:46:34 10 boathouses that are already there. We
20:46:36 11 have to watch out for our own children
20:46:38 12 swimming off the end of our own pier.
13 With so many boats introduced into
20:46:42 14 that small body of water, somebody is
20:46:42 15 going to get -- somebody is going to get
20:46:44 16 killed eventually. One of the questions
20:46:46 17 that I'll pose to you in just a minute is
20:46:50 18 who is going to be responsible for that.
20:46:54 19 It's already been mentioned that

20:46:56 20 there's a number of developments already

20:46:58 21 in the area. I think the cumulative

20:47:00 22 impact of all of those can't be denied.

20:47:04 23 One development on its own -- you can't

20:47:06 24 look at them just as single developments.

20:47:12 25 All the different ones that are already

20:47:14 1 there, the cumulative impact of that plus
20:47:16 2 the initial residential development that's
20:47:18 3 taking place, it's going to bring too many
20:47:22 4 boats into the area. I think that's
20:47:24 5 already been well established. Jagger
20:47:28 6 Branch just can't safely handle that
20:47:30 7 additional traffic.

20:47:32 8 The environmental impact has
20:47:32 9 already been discussed. The proposed
20:47:34 10 boathouse should never be allowed adjacent
20:47:38 11 to the environmentally sensitive area on
20:47:40 12 Jagger Branch. That's been well
20:47:42 13 documented here tonight. Water quality,
20:47:44 14 wildlife, aquatic life in the area will
20:47:46 15 all be impacted.

20:47:48 16 The significant dredging, of
20:47:50 17 course, that's proposed will also create
20:47:52 18 problems there. I think the original
20:47:54 19 application -- I forget what the numbers

20:47:56 20 were -- but our guess is that the dredging
20:48:00 21 that will actually have to take place is
20:48:02 22 many times what was actually stated in the
20:48:06 23 application.
20:48:08 24 Lastly, TVA guidelines. Obviously
20:48:16 25 all of us in the area have followed TVA

20:48:20 1 guidelines. Our boathouse follows the
20:48:24 2 square footage, follows the length from
20:48:26 3 the shoreline, the pier size. All of us
20:48:28 4 have followed the guidelines and a 44-slip
20:48:34 5 boathouse is so far beyond any guideline
20:48:36 6 that the TVA has, I'm surprised we're even
20:48:40 7 having this hearing, quite honestly.

20:48:42 8 Lastly, the questions that I want
20:48:44 9 answered. How can anyone feel a
20:48:48 10 commercial development makes any sense at
20:48:48 11 all? It just absolutely makes no sense.

20:49:00 12 Thank you. I appreciate your time. I'm
20:49:00 13 sorry I went over. Thank you.

20:49:06 14 BARBARA MARTOCCI: Irene Wisner.

20:49:14 15 IRENE WISNER: I'm Irene Wisner,
20:49:22 16 member of the Honeycomb Homeowners'
20:49:24 17 Association and a cabin owner on White
20:49:26 18 Elephant Road in Pine Shore Subdivision
20:49:28 19 about .75 miles south of the proposed

20:49:32 20 community boathouse. My two main
20:49:34 21 concerns, like everyone else I think, is
20:49:36 22 the boating safety and the precedence that
20:49:40 23 TVA will be setting for future community
20:49:44 24 boathouse development in the area. I'd
20:49:48 25 like to thank you for having this meeting

20:49:50 1 so that we can discuss it.

20:49:52 2 My family has owned this lake lot

20:49:54 3 since the late 1950s. At that time a

20:49:58 4 large percentage of the owners of these

20:50:00 5 lots on Jagger Branch were from

20:50:02 6 Huntsville's German community. I bring

20:50:04 7 this up because the Germans that purchased

20:50:06 8 these lots were very protective of the

20:50:08 9 environment and they had a strong desire

20:50:10 10 to keep the lake as natural as possible.

20:50:14 11 For example, there was an unwritten

20:50:16 12 rule that no boathouses be built on most

20:50:20 13 of the lots on Pine Shores Subdivisions

20:50:24 14 which remained intact for most of my

20:50:26 15 childhood. It was not until some of those

20:50:28 16 lots were sold that permits were submitted

20:50:32 17 and granted for boathouses that are there

20:50:34 18 now. Even so, we still have less

20:50:38 19 boathouses than other areas in that little

20:50:40 20 section.

20:50:40 21 So you may be thinking what's the

20:50:42 22 point of this, that was then and this is

20:50:44 23 now. The point is the lake and our

20:50:48 24 natural resources need to be protected

20:50:50 25 from us, the developers, and the land

20:50:54 1 owners. Unwritten rules and guidelines
20:50:56 2 don't work anymore. We need you, the TVA,
20:51:00 3 to protect the lake for us.
20:51:02 4 At present there are about 40
20:51:04 5 boathouses -- well, I think that may be
20:51:08 6 boathouses, but I think there's more slips
20:51:08 7 or whatever. That's been updated a
20:51:12 8 little bit. This would definitely
20:51:12 9 increase the number and we have to take
20:51:16 10 Shady Acres into account with this, too,
20:51:18 11 in tripling the number of boats that
20:51:20 12 already exist out there and we have added
20:51:22 13 pollution from boats and erosion.
20:51:26 14 If TVA approves the building of
20:51:28 15 these community boathouses, how will
20:51:30 16 they justify turning down any other
20:51:34 17 applications for community boathouses in
20:51:36 18 our area? There is several -- there's a
20:51:40 19 lot of undeveloped land on the other side

20:51:44 20 of White Elephant Road that hasn't been
20:51:46 21 purchased for development yet. It may too
20:51:50 22 get purchased by a developer. What's
20:51:52 23 going to stop somebody from next door to
20:51:54 24 me or next door and five lots down making
20:51:56 25 the same request or what's going to stop

20:51:58 1 me from selling my lot to a developer to
20:52:00 2 put a community boathouse on it?
20:52:04 3 Somewhere it's got to stop.
20:52:06 4 I kind of skipped around and I'm
20:52:08 5 lost. As a result of talking with the
20:52:12 6 developer, Mr. Wes, at the meeting in May,
20:52:16 7 I have some additional concerns.
20:52:18 8 According to the developer, he feels that
20:52:20 9 he meets all the criteria, the new and the
20:52:22 10 old, which he again stated today, in
20:52:26 11 respect to square footage of the boathouse
20:52:30 12 and the footage of shoreline that he owns.
20:52:32 13 He also stated they've sold five or six
20:52:36 14 lots. I was wondering if this footage is
20:52:38 15 still included in his proposal as far as
20:52:40 16 amount of footage that he could have in
20:52:44 17 boathouses. Also, as somebody else has
20:52:48 18 pointed out, this map sheet seems to be
20:52:50 19 quite dated and, therefore, is there

20:52:52 20 really that much waterfront or is it just

20:52:54 21 a little creek that is considered

20:52:58 22 waterfront? A creek is not waterfront.

20:53:04 23 Apparently the maps that are being

20:53:06 24 used are old and outdated and, therefore,

20:53:08 25 some of the water frontage may only be a

20:53:12 1 2-foot creek and wetlands and not suitable
20:53:14 2 for recreation. I would assume it would
20:53:16 3 be the responsibility of TVA to make sure
20:53:18 4 that the maps are current that are being
20:53:22 5 used and that all the data is up to date
20:53:24 6 and correct. If that's not the case,
20:53:28 7 please let the Honeycomb Homeowners'
20:53:30 8 Association know this and we will make
20:53:32 9 sure or we will get our attorney to check
20:53:36 10 out and find out how to get this
20:53:38 11 information more updated, unless it's
20:53:40 12 something that y'all do.

20:53:44 13 Also, are there any legal
20:53:46 14 requirements for the developer in case he
20:53:48 15 decides to sell it or develop it in a
20:53:52 16 different manner? As he was just, you
20:53:56 17 know, kind of threatening us with the
20:53:58 18 trailer park type thing, what's to keep
20:54:02 19 him from selling it and then it being used

20:54:04 20 once the boathouses has been permitted?

20:54:08 21 Dredging is a major concern. Then

20:54:10 22 this is for Wes Long himself. There he

20:54:14 23 is. He said something about he'd already

20:54:16 24 spent X amount of dollars on this project.

20:54:18 25 Well, we, the homeowners, have also spent

20:54:22 1 X amount of dollars and that in neither
20:54:26 2 way should have any impact on TVA as far
20:54:28 3 as who has spent what amount of money. It
20:54:30 4 really should be what's the best for the
20:54:30 5 area and what's best for our resources.

20:54:34 6 Thank you and I hope you will
20:54:36 7 consider turning down this proposal along
20:54:38 8 with the other one.

20:54:46 9 BARBARA MARTOCCI: Jenny McBride
20:54:50 10 Goshhorn.

20:54:58 11 JENNY MCBRIDE GOSHHORN: My name
20:54:58 12 is Jenny McBride Goshhorn. I live at
20:55:02 13 1042 Honeycomb Road. I do not own our
20:55:04 14 property. My husband and I want to buy
20:55:06 15 it, but we can't. So I'm offering a
20:55:08 16 little bit of a different take on this.

20:55:12 17 When I first moved to Guntersville
20:55:16 18 back in -- well, actually we moved to
20:55:18 19 Alabama in 1975 and I had never really

20:55:22 20 heard of TVA or understood what it was
20:55:26 21 about, except vaguely it produced
20:55:28 22 electricity, you know. When we moved to
20:55:32 23 Alabama and I started talking to residents
20:55:34 24 around Lake Guntersville, I heard over and
20:55:38 25 over and over again, well, TVA won't let

20:55:42 1 me do this and TVA won't let me do that.

20:55:48 2 Some of them thought it was very

20:55:48 3 restrictive and some of them thought that

20:55:52 4 TVA shouldn't have any business saying

20:55:54 5 what they could do. Others kind of seemed

20:55:56 6 to be proud of the fact that there was a

20:55:58 7 guardian, that there was somebody standing

20:56:04 8 between profiteering and development,

20:56:08 9 rampant development, and the ecology and

20:56:12 10 the beauty and the environment of our

20:56:16 11 lake.

20:56:16 12 I learned very quickly to think,

20:56:18 13 well, this is one government agency that I

20:56:22 14 could stand up for because they're not in

20:56:26 15 the business of business. They're in the

20:56:28 16 business of our environment. To find out

20:56:36 17 that this permit, these two permits, had

20:56:40 18 been okayed or whatever, kind of threw me.

20:56:46 19 My impression was a little tarnished.

20:56:48 20 Let's put it this way.

20:56:50 21 So I do, along with everyone else,

20:56:52 22 appreciate this opportunity to speak.

20:56:56 23 Again, I am not -- I don't have a horse in

20:56:58 24 this race as far as my perception of my

20:57:02 25 value of property or anything. We do live

20:57:04 1 on the lake. My grandchildren swim in the
20:57:08 2 lake. On weekdays we go out on rafts and
20:57:12 3 lay on the lake. We'd invite you to walk
20:57:16 4 across the lake if you'd like to. You
20:57:18 5 don't even have to swim very far because
20:57:20 6 just the creek part is really any kind of
20:57:24 7 depth.

20:57:30 8 Wes, I understand his point of
20:57:30 9 view. I understand that in today's way of
20:57:36 10 living and in America you buy a piece of
20:57:38 11 property and you're supposed to be able to
20:57:40 12 do what you want to with it up to a point.
20:57:44 13 And he is an attorney and he says he has
20:57:46 14 followed all the P's and Q's. But there
20:57:50 15 is the letter of the law and then there is
20:57:52 16 the spirit of the law and I think -- I
20:57:56 17 would like to hope that TVA's spirit,
20:57:58 18 TVA's intention is to protect and not to
20:58:04 19 allow rampant devastation of beautiful

20:58:10 20 wetlands.

20:58:12 21 Which as I travel around

20:58:14 22 Guntersville, I'm only seeing two or three

20:58:16 23 left. We had a beautiful one over behind

20:58:20 24 Walmart -- it's not even Walmart

20:58:24 25 anymore -- down Colonial Drive that has

20:58:28 1 been totally ravaged. I mean it's gone
20:58:30 2 along with all the trees. I think we have
20:58:34 3 to all look at what's happening not just
20:58:38 4 to the lake, per se, but to the land
20:58:40 5 around the lake because when we take off
20:58:42 6 these trees and when we pave things and
20:58:46 7 when we take off tops of mountains, all
20:58:48 8 this stuff is falling into the lake and
20:58:52 9 sliding into the lake.

20:58:54 10 I would like to request TVA to
20:58:58 11 stand firm as guardians of our lake now
20:59:02 12 more than ever because I think this is
20:59:04 13 just the tip of a very very large iceberg.
20:59:10 14 Marshall County has these enormous
20:59:14 15 beautiful resources and we need help
20:59:18 16 protecting them. We could be the green
20:59:22 17 jewel of the whole country with TVA's
20:59:24 18 help. I thank you very much.

20:59:28 19 BARBARA MARTOCCI: Caroline

20:59:36 20 Brummitte.

20:59:50 21 CAROLINE BRUMMITTE: I'm Caroline

20:59:52 22 Brummitte. My primary residence is in

20:59:56 23 Gadsden. We do own property that's on

20:59:56 24 the lake on Honeycomb Road. I can't

21:00:02 25 understand how the application got as far

21:00:04 1 as having to have a public hearing because
21:00:08 2 the guidelines have already been set and
21:00:10 3 all of a sudden the guidelines are being
21:00:14 4 changed.

21:00:16 5 Being from Gadsden, I'm not real
21:00:18 6 sure of what's going on. I used to think
21:00:20 7 that the people that were elected to
21:00:22 8 public office were good, upstanding,
21:00:24 9 honorable people. We've recently had
21:00:28 10 three people that were indicted and were
21:00:32 11 sentenced to prison and fined due to
21:00:36 12 irregularities in the development of
21:00:38 13 property and it makes me wonder what's
21:00:42 14 going on here.

21:00:44 15 I reiterate what has been said
21:00:48 16 previously and I know everybody is tired
21:00:48 17 of being here, it's hot, but I am opposed
21:00:52 18 to this proposal. Thank you.

21:00:56 19 BARBARA MARTOCCI: William Hogan.

21:01:08 20 WILLIAM HOGAN: I'll be brief. I

21:01:20 21 just wrote down a couple of points. I

21:01:22 22 want to talk about the ecosystem and the

21:01:24 23 safety. Thank you for this gathering and

21:01:28 24 this public hearing.

21:01:30 25 We've had the last piece of

21:01:34 1 property shoreline at 2111 White Elephant
21:01:40 2 Road since 1957. We began use of this
21:01:44 3 area by camping about five years. In 1962
21:01:48 4 we built a small house and boathouse. We
21:01:52 5 have seen the area transform in many ways,
21:01:56 6 from a cotton field to maybe two families
21:02:00 7 at the dead-end of the hollow. But what a
21:02:02 8 beautiful area.

21:02:06 9 I can remember when people swam the
21:02:10 10 lake in late evening and skiers ran the
21:02:16 11 slalom course and had a ski jump. I can
21:02:18 12 remember a beautiful marsh full of
21:02:22 13 amphibians and all types of birds. There
21:02:28 14 were many a hoot owl and occasional bobcat
21:02:32 15 screams. Wildlife was plentiful. I
21:02:32 16 remember when cattle was on the White
21:02:34 17 Elephant property. We have hiked at
21:02:42 18 Noah's Ark and seen the view down
21:02:44 19 Honeycomb Creek to Goat Island. I've been

21:02:44 20 in three active caves east of White
21:02:48 21 Elephant Road that house the Tennessee
21:02:52 22 cave salamander and other species.
21:02:56 23 A construction under this proposal
21:03:00 24 will surely alter this ecosystem of all
21:03:04 25 these species mentioned above and this

21:03:06 1 dredging would destroy many freshwater
21:03:10 2 muscles as the washboard and maple leaves
21:03:16 3 in three ridges.
21:03:18 4 I want to mention the safety aspect
21:03:22 5 of this small bottle neck of water. Right
21:03:24 6 now they're building new piers at the
21:03:28 7 upper end of Jagger Branch. These
21:03:32 8 piers -- the last one, it juts out -- it's
21:03:38 9 right here. It juts out. And I stepped
21:03:42 10 it off. It's a 150-foot pier. As old
21:03:46 11 timers, we used to come in here skiing and
21:03:50 12 we'd make that turn right here past that
21:03:52 13 point. Now this thing is out there a
21:03:54 14 third of the way across that. I wish TVA
21:03:56 15 would take a look at that again. There's
21:04:00 16 nothing wrong with having a pier. He
21:04:02 17 needs a pier if he's going to park his
21:04:04 18 boat and have a boathouse, but not to
21:04:08 19 reduce that water that drastically there.

21:04:10 20 I think that's a safety issue and I think
21:04:12 21 somebody is going to get hurt there.
21:04:18 22 I just say this to say, you know, I
21:04:22 23 want to see TVA step to the plate. In
21:04:28 24 regard to these new piers being built and
21:04:30 25 also there's a boathouse on White Elephant

21:04:34 1 Road above the Cathedral Caverns Road

21:04:38 2 that's in a state of collapse and I would

21:04:42 3 like to see TVA address those.

21:04:48 4 You know, this 44-boat slip

21:04:54 5 proposal is ludicrous. TVA should not

21:05:00 6 alter their policy of shoreline lots and

21:05:04 7 boathouses that have been applied for all

21:05:06 8 these years. If they want to consider a

21:05:10 9 change of direction, let's get in some

21:05:14 10 wide-open water such as Pumpkin Hollow,

21:05:20 11 wide open, river access or a stretch of

21:05:22 12 Brown's Creek, wide open all the way down

21:05:24 13 past Beech Creek. But not in Jagger's

21:05:28 14 Branch. I'm just about through.

21:05:30 15 If this proposal is approved, I

21:05:36 16 believe it makes as much sense to go ahead

21:05:40 17 and let's just dig a canal from Honeycomb

21:05:44 18 Creek to Jagger's Branch so that these big

21:05:48 19 boats can come see what Jagger Branch is

21:05:50 20 all about. Or, you know, if that's
21:05:54 21 tearing up too much, let's just raise the
21:05:56 22 bridge down there at 431. If we're going
21:06:02 23 to tear the place up, we might as well do
21:06:04 24 a good job of it. I emphatically vote no
21:06:10 25 for this proposal.

21:06:14 1 BARBARA MARTOCCI: Brian Bentley.

21:06:20 2 BRIAN BENTLEY: These are my wife's

21:06:36 3 glasses. Y'all don't laugh at me too

21:06:38 4 much. Thank you for being here and having

21:06:38 5 this hearing before us. I just have a

21:06:40 6 couple of things I want to say. I live at

21:06:42 7 1106 Honeycomb Road and I'm here to oppose

21:06:46 8 the wrong application -- I'm sorry -- the

21:06:50 9 Long application.

21:06:54 10 I think everything has been said.

21:06:56 11 The two things that really get me is the

21:06:58 12 environmental issues. If you've ever been

21:07:02 13 back there, it's beautiful. You have to

21:07:06 14 get to most of it by canoe. So I guess we

21:07:10 15 won't have to worry about that anymore.

21:07:12 16 We can take whatever we want to back there

21:07:14 17 pretty soon.

21:07:14 18 But the main thing is the safety.

21:07:16 19 I've got five daughters and we're out on

21:07:20 20 the lake all the time. Well, I take that
21:07:24 21 back. Holidays we don't get out on the
21:07:26 22 water already. If you double the slips
21:07:32 23 like you're talking about, every weekend
21:07:34 24 will be like a holiday. I appreciate your
21:07:38 25 time and I'm here to oppose the bill.

21:07:42 1 Thank you.

21:07:46 2 BARBARA MARTOCCI: Alice Bentley.

21:07:56 3 ALICE BENTLEY: I'd just like to

21:08:04 4 thank you for hearing us again tonight. I

21:08:06 5 would again like to reiterate and my

21:08:06 6 neighbors have said so many wonderful

21:08:08 7 things and they've done great research and

21:08:10 8 I appreciate that and everything makes so

21:08:12 9 much sense that this should not happen.

21:08:14 10 I was there today to have a boat

21:08:16 11 towed that's not working and I had to meet

21:08:18 12 someone to come tow it. We live right

21:08:20 13 across -- at 1106 Honeycomb Road, right

21:08:26 14 across from where the development is, so

21:08:26 15 it took a while for the boat to get back

21:08:28 16 there. He had to keep backing up and

21:08:32 17 going and the mud was churning up.

21:08:32 18 Usually when the water is low, it's about

21:08:34 19 2 to 3 feet at the most and we're not at

21:08:36 20 the end.

21:08:38 21 So he was about to tow the boat and

21:08:40 22 I said -- he said, ma'am, is that where

21:08:42 23 that new development is? I said, it is

21:08:44 24 and that's what we're going to the meeting

21:08:46 25 for tonight. I said, as a matter of fact

21:08:46 1 they're talking about that community
21:08:48 2 boathouse down there. He said, where? I
21:08:50 3 said, down there. He said, that water is
21:08:52 4 about that deep. I said, it certainly is.
21:08:54 5 He said, I couldn't even turn around
21:08:56 6 there.
21:08:58 7 I can't understand what Mr. Long
21:08:58 8 saw that day or where he was standing when
21:09:00 9 he said, that would be a great place for a
21:09:04 10 commercial boathouse. It's about 6 inches
21:09:06 11 deep and most of the time a canoe gets
21:09:10 12 stuck on it. No boats can ever -- I can't
21:09:12 13 tell you how many personally we have
21:09:14 14 helped pull, people that don't know what
21:09:16 15 they're getting into back there. They try
21:09:18 16 to circle and they're stuck. I understand
21:09:20 17 the dredging may take care of that
21:09:22 18 problem.
21:09:22 19 Well, we're on the other side, so

21:09:24 20 my question is, is that dirt going to come
21:09:26 21 to us and no longer can we stand or get
21:09:28 22 out of our boathouse that is already --
21:09:30 23 we've always been able to get out, but
21:09:34 24 it's very iffy. It gets very very low.
21:09:36 25 We always have to remind the kids and

21:09:38 1 people that are visiting, and I can't
21:09:40 2 imagine adding all these people to the
21:09:42 3 end, that you can't dive, you can't do
21:09:44 4 these things. It's so shallow. It's not
21:09:46 5 like -- that area was not meant to be dug
21:09:48 6 out and to put a facility that can house
21:09:52 7 that many boats.

21:09:52 8 I would just like to say we've been
21:09:54 9 on the lake all my life. TVA, as they
21:09:56 10 said, is kind of like a parent. You
21:09:58 11 always heard people being mad at them for
21:10:00 12 telling them what they couldn't do with
21:10:02 13 their boathouse. But in the end, we were
21:10:04 14 certainly glad they were there to have the
21:10:04 15 rules to protect our environment. So I
21:10:06 16 hope that you would certainly reject the
21:10:08 17 permit. Thank you.

21:10:14 18 BARBARA MARTOCCI: David
21:10:18 19 Stanborough.

21:10:18 20 DAVID STANBOROUGH: My name is

21:10:32 21 David Stanborough and I used to live at

21:10:36 22 588 Honeycomb Road and owned a piece of

21:10:38 23 property that backed up to what they're

21:10:40 24 calling Jagger Branch. We all referred to

21:10:42 25 it as Honeycomb Creek. I guess the old

21:10:46 1 timers call it by its original name. I
21:10:48 2 would like to approach my remarks a little
21:10:50 3 bit differently than what most of these
21:10:52 4 people have. I don't live there anymore,
21:10:54 5 but I just live about a mile away and I
21:10:58 6 still bring my boat over there and put it
21:10:58 7 in to fish and just enjoy the water every
21:11:02 8 so often.

21:11:04 9 But this decision is not going to
21:11:08 10 be made on the facts. It's not going to
21:11:10 11 be made on the law. Everybody knows the
21:11:12 12 laws. Everybody knows the facts. There
21:11:16 13 was an old lawyer that once said, if the
21:11:18 14 facts are on your side, argue the facts
21:11:22 15 and ignore the law; if the law is on your
21:11:24 16 side, argue the law, ignore the facts. If
21:11:26 17 neither one is on your side, lie like the
21:11:30 18 dickens. So that's the way it's going to
21:11:32 19 be decided, on people's personal values

21:11:34 20 and what they respond to. We all have our

21:11:36 21 values and our opinions and our attitudes

21:11:40 22 and that's what's really going to decide

21:11:42 23 all this. In the end whoever wins is

21:11:44 24 going to say, yippee, and whoever loses is

21:11:46 25 going to say, we've had it stuck to us

21:11:50 1 again.

21:11:50 2 But you folks are part of the
21:11:52 3 government. We pay your salaries. We
21:11:54 4 think you work for us. You probably don't
21:11:56 5 think so. You probably think you've got a
21:11:58 6 boss you've got to please and to heck with
21:12:00 7 us. But we think you work for us and we
21:12:04 8 want you to represent us. You say, well,
21:12:06 9 we represent those developers, too. Yeah,
21:12:10 10 but you've got to represent us as equals.

21:12:14 11 I heard a disturbing thing the
21:12:16 12 other day. I read it in the Huntsville
21:12:18 13 paper by a Huntsville developer that says,
21:12:20 14 there's no piece of land anywhere that we
21:12:22 15 cannot development today with the
21:12:24 16 technology we have. Mountain tops,
21:12:28 17 mountain sides, swamps, deserts, the
21:12:30 18 arctic regions, whatever. We can build
21:12:32 19 houses, we can build buildings, we can

21:12:34 20 populate people in these areas. That's
21:12:36 21 very disturbing because that tells me that
21:12:38 22 these developers say, we want to develop
21:12:42 23 every last square inch of this globe. And
21:12:44 24 I don't think you want to do that and we
21:12:46 25 don't either.

21:12:46 1 So I would like to approach this
21:12:48 2 more philosophically because I think
21:12:52 3 that's the way it's going to be decided.
21:12:54 4 There's a higher law and a higher rule.
21:12:56 5 We refer to it as the golden rule. It's
21:13:00 6 not the new golden rule that says them
21:13:02 7 that have the gold makes the rules.
21:13:04 8 That's the way it seems. But it's do unto
21:13:06 9 others as you would have them do unto you.
21:13:10 10 If you lived in Jagger Branch, I'm
21:13:14 11 sure you wouldn't want this development in
21:13:14 12 there. You would say it's too much. It's
21:13:16 13 going to ruin a piece of pristine lands,
21:13:22 14 the wetlands and all this. Like somebody
21:13:26 15 said, it's got to be dredged out. It's
21:13:28 16 too shallow. I used to go up there and
21:13:32 17 I'd hit my propeller on the bottom because
21:13:34 18 I forgot that it was that shallow up
21:13:36 19 there.

21:13:36 20 We have to come to some sensible
21:13:40 21 way of dealing with our problems. Man
21:13:42 22 pollutes wherever he goes. You pollute
21:13:44 23 and I pollute. If you have garbage picked
21:13:46 24 up or if you flush your toilet and it goes
21:13:50 25 out of your house, you're polluting.

21:13:52 1 Somewhere you're polluting and so am I.

21:13:56 2 The idea is to keep that pollution and

21:13:58 3 that detrimental stuff to a minimum and

21:14:00 4 this is what we're asking be done.

21:14:00 5 We're not asking to keep these

21:14:04 6 people from building a condo. Let them go

21:14:06 7 someplace else where it's okay to build a

21:14:08 8 condo. There are a lot of places where

21:14:10 9 it's okay. We had a quarry wanting to

21:14:12 10 come in here a few months ago. They came

21:14:16 11 in and they dropped it right in the middle

21:14:18 12 of over 200 houses within a 2-mile radius.

21:14:22 13 That's not a place for a quarry and some

21:14:24 14 of these places are not a place for

21:14:28 15 condominiums, either. So I want to go on

21:14:30 16 record as saying that I'm against that.

21:14:34 17 Another thing I would like to say

21:14:34 18 is that not all of our values are

21:14:36 19 economic. Sometimes it seems that way.

21:14:42 20 We kind of go along with it a lot. But if
21:14:44 21 you've got bad health, how much would you
21:14:46 22 pay for good health? You'd pay everything
21:14:50 23 you had and so would I. If somebody was
21:14:52 24 going to come in and destroy your area and
21:14:56 25 your property, what would you do? You'd

21:14:56 1 do everything you possibly could to stop

21:14:58 2 it and so would I. So that's all we're

21:15:00 3 asking is to consider other values besides

21:15:02 4 just the economic factor.

21:15:04 5 Well, I know some people at TVA

21:15:06 6 might say, well, how can we say no to this

21:15:08 7 guy when we've said yes to somebody over

21:15:12 8 here? Well, it's real easy. Just

21:15:14 9 consider the facts and all the differences

21:15:16 10 in the situation. Some places it's okay

21:15:18 11 and other places it's not. I know my time

21:15:22 12 is about gone, so I just want to move on

21:15:24 13 here and I've got a couple of more things

21:15:24 14 to say.

21:15:26 15 I think we need to be careful of

21:15:28 16 the principle of unintended consequences.

21:15:32 17 A lot of times we look at these things and

21:15:34 18 we say, it's okay, it's not going to hurt

21:15:38 19 that much, and then 10 years later, then

21:15:40 20 we find out that it's not that way and

21:15:44 21 it's much worse then what anybody ever

21:15:46 22 anticipated.

21:15:46 23 So I'm here tonight to ask you not

21:15:48 24 to crucify these good folks. I haven't

21:15:50 25 heard a single misrepresentation here. I

21:15:54 1 can say amen to everything. Do not

21:15:56 2 crucify them upon a cross of gold.

21:16:02 3 BARBARA MARTOCCI: Hugh Flanagan.

21:16:12 4 HUGH FLANAGAN: I'm here to speak

21:16:20 5 in favor of the proposal. I live in

21:16:24 6 Guntersville. My parents live in

21:16:26 7 Guntersville. I just moved here recently.

21:16:28 8 I'm going to buy one of these lots from my

21:16:32 9 buddy and my partner. I went to college

21:16:34 10 with Wes. I've known him for a long time.

21:16:36 11 He's a good guy.

21:16:38 12 He bought this piece of property as

21:16:40 13 an investor. America is a great and free

21:16:42 14 country. We're a capitalist country.

21:16:44 15 They allow men to make a living by

21:16:46 16 investing in things. He invested in this

21:16:48 17 piece of property. He's complied with

21:16:50 18 every TVA guideline and regulation and he

21:16:54 19 wants this boathouse approved.

21:16:56 20 Now, everyone who owns land around

21:17:02 21 him, they want to tell him what he can do

21:17:04 22 with his property and I don't think that's

21:17:06 23 right. This is America. That's all I've

21:17:08 24 got to say.

21:17:12 25 BARBARA MARTOCCI: That was the

21:17:12 1 last person signed up to speak. Is there

21:17:14 2 anyone that didn't get a chance that would

21:17:16 3 like to?

21:17:28 4 JIM CAUDIL: My name is Jim Caudil

21:17:32 5 and I have a home on 670 Honeycomb Road.

21:17:38 6 I am here to speak against the proposal.

21:17:44 7 I would like to disagree with the previous

21:17:46 8 speaker that was just up here for the

21:17:50 9 following technical reasons.

21:17:54 10 Specs on the preliminary drawings

21:17:58 11 filed by the courts indicate the size of

21:18:00 12 the boat docks exceed the TVA regulations

21:18:02 13 by 1,000 square feet. If the variation

21:18:08 14 of these specs has been granted, we've

21:18:10 15 found no public record of that. There's

21:18:14 16 been no explanation given as to why the

21:18:16 17 application has been allowed to exceed the

21:18:18 18 TVA regulations and there's been no

21:18:24 19 statement or indication that other

21:18:28 20 portions of Section 1304 206 have been

21:18:32 21 complied with by the applicant.

21:18:36 22 The length of the two boat docks

21:18:40 23 appears to violate Section 1304 204 C.

21:18:44 24 The drawing appears not to scale and the

21:18:48 25 actual width of the cove at the docks

21:18:52 1 appears to be less than the indicated
21:18:54 2 narrowest point of 500 feet from bank to
21:18:56 3 bank. The drawing submitted does not
21:19:04 4 indicate the boat docks will comply with
21:19:06 5 Section 1304 204 D relative to the deck
21:19:08 6 elevation at summer pool.
21:19:12 7 The application notes that 7,000
21:19:14 8 square feet of silt will be dredged from
21:19:18 9 the cove to create a harbor 900 feet long
21:19:22 10 and 50 feet wide. There's no application
21:19:24 11 for a Section 404 permit to dredge and
21:19:28 12 fill. There's been no description of the
21:19:32 13 disposal area or its suitability, no
21:19:34 14 mention of erosion and sediment controls.
21:19:38 15 There's been no mention of BMP's or
21:19:42 16 buffers to control the sediment. It's
21:19:44 17 widely believed by those of us who are
21:19:48 18 familiar with the project that the
21:19:50 19 applicant has well underestimated the

21:19:52 20 amount of dredging that will be necessary

21:19:54 21 for this project.

21:19:56 22 I strongly disagree with this

21:19:58 23 application and would like to go on record

21:20:00 24 for that. Thank you.

21:20:10 25 JIM BARTLETT: My name is Jim

21:20:16 1 Bartlett. I live at 249 Honeycomb Road.

21:20:22 2 I'm not going to pretend to be as eloquent

21:20:26 3 as all these people ahead of me. They

21:20:30 4 have expressed themselves very well. But

21:20:34 5 most of all, they have expressed

21:20:38 6 themselves to your intellect and they've

21:20:40 7 done it real well. I want to try to tell

21:20:46 8 you something from the heart.

21:20:52 9 I moved to North Alabama in 1970.

21:20:58 10 Not too long after I moved, I came out to

21:21:02 11 this lake. It was then known as Mirror

21:21:08 12 Lake over on the other side and Whitaker

21:21:12 13 Lake on the property that we're talking

21:21:14 14 about. I camped in a TVA campground free

21:21:20 15 of charge. Now you can't do that. It's

21:21:22 16 privatized. But if I had had to pay to

21:21:30 17 camp, I probably wouldn't have been able

21:21:32 18 to teach my children how to ski on Mirror

21:21:36 19 Lake and on Whitaker Lake.

21:21:42 20 Well, we fell in love with this
21:21:44 21 area, these lakes, and we had a chance to
21:21:48 22 buy some property on Whitaker Lake. What
21:21:52 23 I call Whitaker Lake and you call
21:21:58 24 whatever. Like I was saying before, I
21:22:02 25 taught my children how to ski on the lake

21:22:06 1 when they were 7, 8 and 9 years old. Now

21:22:10 2 I have grandchildren. The oldest one is

21:22:16 3 10. The youngest one that I've taught to

21:22:18 4 ski is 5.

21:22:20 5 Now, I taught my grandchildren to

21:22:26 6 ski this past summer and the summer

21:22:30 7 before, but I had to give up something to

21:22:34 8 do that. I had to give up the weekends.

21:22:38 9 I had to keep my children over the week,

21:22:44 10 an entire week, so that I could get on the

21:22:46 11 lake. Now, I don't mind giving up the

21:22:50 12 lake to the people that is not as

21:22:52 13 fortunate as I am, people that wants to

21:22:58 14 use the lake, the recreation, the camping,

21:23:06 15 the fishing. Everything that I've grown

21:23:12 16 to love, I'd like to share.

21:23:16 17 I'll give up my weekends, no

21:23:18 18 problem. But now don't ask me to give up

21:23:22 19 my weeks because I want to teach my

21:23:24 20 grandchildren to ski. Please don't take

21:23:26 21 that away from us. Please let these

21:23:30 22 families teach their children and their

21:23:32 23 grandchildren how to enjoy and respect the

21:23:36 24 waterways.

21:23:38 25 One more point. I've fished this

21:23:40 1 here area. This map does not represent
21:23:46 2 what I fished. I'm wondering if this map
21:23:52 3 wasn't drawn up to deceive. Thank you
21:23:56 4 very much.

21:24:06 5 BARBARA MARTOCCI: Is there anyone
21:24:06 6 else who would like to speak who has not
21:24:08 7 had a chance to?

21:24:22 8 STEVE ISTONEZE: My name is Steve
21:24:24 9 Istoneze. I'm at 1080 Honeycomb Road for
21:24:28 10 half a century. It's not going to be
21:24:34 11 safe. I'll draw a quick analogy and then
21:24:38 12 go on my way. Some skier in a green
21:24:40 13 Mastercraft not seven years ago came up
21:24:44 14 into our slew and killed my goose. Joel
21:24:52 15 Miller brought these geese, two geeses,
21:24:56 16 years ago. When he moved on -- he lived
21:25:00 17 where the Bentleys live now. When he
21:25:02 18 moved on, he left the geese with us and we
21:25:04 19 fed them for years.

21:25:06 20 The analogy is simply that the area
21:25:10 21 will be -- the ski rope broke the goose's
21:25:16 22 neck and it hung its head in the water
21:25:20 23 until it died. I couldn't get to it in
21:25:22 24 time. The whole area will be like this
21:25:26 25 goose with its head in the water drowning.

21:25:28 1 Thank you.

21:25:38 2 BARBARA MARTOCCI: Anybody else?

21:25:44 3 HINE PAETZ: My name is Hine Paetz.

21:25:46 4 I'm building a house at 500 Honeycomb

21:25:50 5 Road. Our family has been here for almost

21:25:54 6 50 years. My wife and I were walking back

21:25:56 7 at the end of the lake the other day and

21:25:56 8 you could hear the geese and the herons

21:25:58 9 and all that wildlife back there. It

21:26:02 10 would be a shame if we lost all that.

21:26:04 11 You know, if he wants to build a

21:26:04 12 community boathouse, that should be in a

21:26:06 13 planned community, a new planned community

21:26:10 14 like Goose Pond or St. Christopher's

21:26:12 15 Pointe where you buy all the land and you

21:26:12 16 have the water and everything is set

21:26:12 17 before people ever get in there. Don't

21:26:14 18 try to bring something like that into an

21:26:18 19 established old community like we have

21:26:20 20 where there's not any room. Somebody is

21:26:22 21 going to get hurt. A kid riding a

22 Waverunner at 50 miles an hour in 2 feet

21:26:26 23 of water and falls off is going to get

21:26:28 24 hurt real bad. Thank you.

21:26:38 25 BARBARA MARTOCCI: Anything else?

21:26:38 1 Don.

21:26:40 2 DON ANDERSON: I want to thank you

21:26:42 3 for your attention and all your comments

21:26:44 4 this evening. We're adjourned.

5 (Hearing concluded.)

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1 REPORTER'S CERTIFICATE

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4 STATE OF TENNESSEE:
5 COUNTY OF HAMILTON:

6

7 I, Tracy A. Beamon, Certified Court Reporter
8 and Notary Public, do hereby certify that I reported
9 in machine shorthand the November 15, 2007, proceedings
10 in the above-styled cause; that the foregoing pages,
11 numbered from 1 to 96, inclusive, were typed under my
12 personal supervision and constitute a true record of
13 said proceedings.

14 I further certify that I am not an attorney or
15 counsel of any of the parties, nor a relative or
16 employee of any attorney of counsel connected with the
17 action, nor financially interested in the outcome of the
18 action.

19 Witness my hand in the City of Chattanooga,
20 County of Hamilton, State of Tennessee, this 28th day of
21 November, 2007.

22

23 Tracy A. Beamon, CCR-1003
24 My Commission Expires on the
25 12th day of February, 2011.

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