APPENDIX G

Mrs. Tigrett's emails for Public Hearing Extension

Robinson, Amy M LRN

From: Barbara Tigrett [imagery@mindspring.com]

Sent: Tuesday, February 27, 2007 4:54 AM

To: Matt Varino; Susan Williams; Gatlin, Ron E LRN; Tom_Ingram@alexander.senate.gov; Susan Smelley Tidwell; Scott Golden; Tom Kilgore; Robinson, Amy M LRN; Bishop, Bradley N LRN; Tom Craig; Doris & Bill Jibeault; J Kenley Austin

Subject: Re: Piece-mealing regulations & Comment Reviews

Re: Public Notice (07-01) Public for Preserve Marina Owners Assn Inc...
Proposed (boat ramp), boat docks, slips, pier, etc. Pickwick, Tennessee

In a fairly recent case, a USACE official submitted the following as part of her comments opposing a project. While this current project is different, we do have questions relating to these following quotes:

"(Corps officials) finds the piece-mealing of this project unacceptable, as federal law requires that proposed projects to include current and future development plans. This applicant appears to violate the law, especially as the first phase was permitted such a short time ago. "

1. Where do we find language of federal law referred to here by a Corps of Engineer official that relates to "piece-mealing"? We were alerted to this Corps (federal?) policy during our first conversation with a Corps official on this project (by Lisa Morris, 1.16.07), but have not read actual the language in federal law. The phrase came up when I told Ms. Morris that the developer had just gotten the boat ramp part of this same project "pre-approved" via a highly questionable TVA 26a permit/exclusion less than two weeks earlier, even though the boat ramp was part of the same project, for same site, by very same applicant (and should be subject to same regulatory and environmental reviews as rest of project...docks, slips, headers, pier?). That's when Ms. Morris said that would be unacceptable since it would violate Corps policy vs. 'piece-mealing'. Please share reference in federal law (and Corps policy) relating to "piece-mealing."
2. Also, the phrase..."all current and future plans...or work" struck a bell also since it was used recently by Amy Robinson, after the 'piece meal' boat ramp permit issue was raised in our case... which was we were lead to believe the Corps alerted us that the original "Public Notice would..."more than likely"...then was "expected to be withdrawn"...and a new Public Notice for "all current and future work" on this project would be issued. Then, abruptly, with little time left before end of public comment period, (Feb 28), the Corps (and TVA) changed its mind on requiring a new Public Notice to cover all work on this project...reverting back to the original notice that (inappropriately) excluded the 200 ft. boat ramp portion of this entire project. Our question is: where is the language and what is the test for "all current and future work on a project"? Is there a time limit between work

proposed for same site? Is it geography (same location)? What?

3. Would or could having access to all communications between Corps and TVA officials on this "pre-approved" boat ramp help us better understand what happened here and why the boat ramp was approved so fast, less than two weeks before the Public Notice was issued for the rest of the project?

Please respond ASAP...since current comment deadline ends 2/28.

Barbara Tigrett & Doris Jackson Jibeault, Founders in 2000
FRIENDS OF PICKWICK INC (901.854.2075 or 901.262.1565)

Robinson, Amy M LRN

From: Robinson, Amy M LRN
Sent: Tuesday, February 27, 2007 1:39 PM
To: 'Barbara Tigrett'
Cc: 'Austin, J Kenley'
Subject: Public Notice Extension (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Tigrett:

We have decided to extend Public Notice 07-01, an additional 7 days. Therefore, the public notice will expire on March 7, 2007. We will update our web page to reflect this extension.

In regards to your other questions in your latest emails, we will address those in separate correspondence.

Amy Robinson
Corps of Engineers
Regulatory Branch

Classification: UNCLASSIFIED
Caveats: NONE

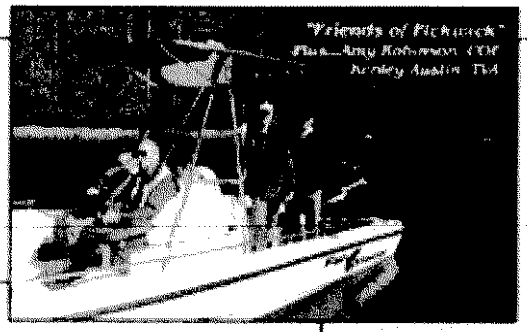
Robinson, Amy M LRN

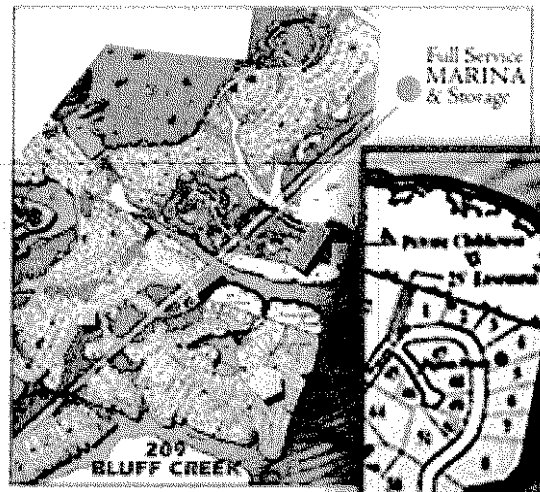
From: Barbara Tigrett [imagery@mindspring.com]
Sent: Tuesday, February 27, 2007 7:57 AM
To: Susan Smelley Tidwell; Tom Kilgore; Robinson, Amy M LRN; Gatlin, Ron E LRN; Stanford E. Davis; J Kenley Austin
Subject: FYI: TVA/COE permit question...

Attachments: 7clarifyissuespermits.jpg

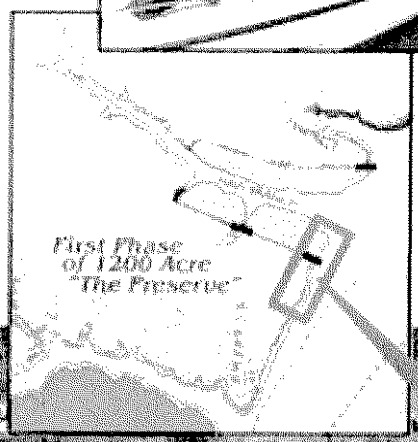
7clarifyissuespermits.jpg (380...

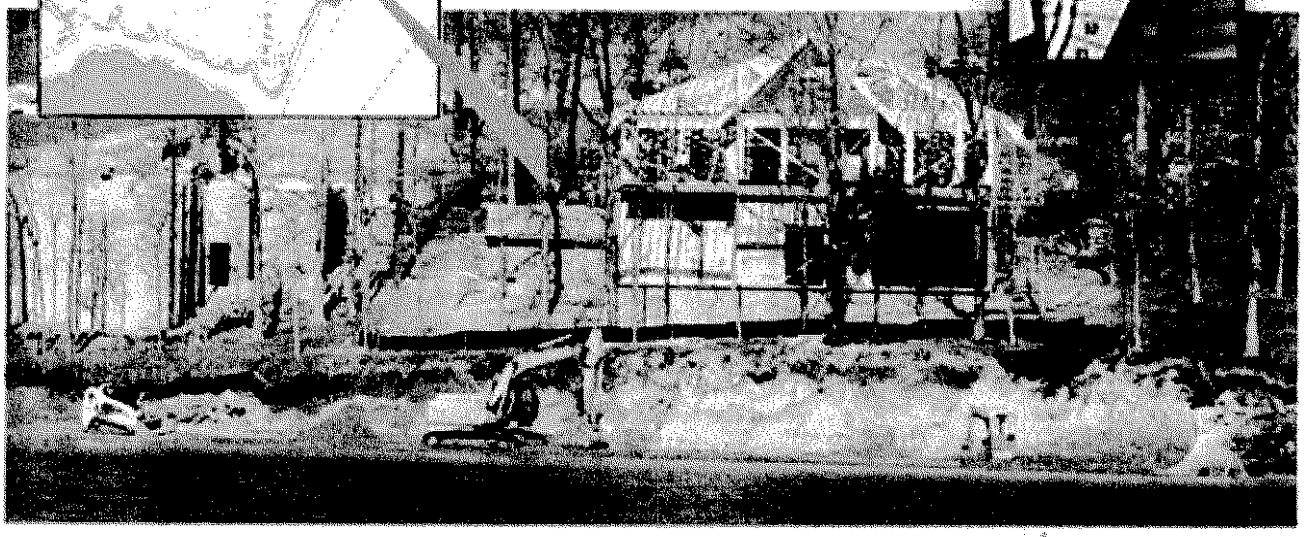
FYI: Location of permit issues 2.22. Please tell me if questions readable. Should I resubmit as text ony? Thanks.





"THE PRESERVE at Pickwick"





During site visit to nearby Haw Branch cove with TVA & Corps reps, Friends of Pickwick shot these photos of showing serious erosion control violations. Since on board officials did not comment on these situations, we assumed this was in TDEC permit jurisdiction. Now we hear otherwise. Please explain what is going on here. We know TDEC official spent all day Friday on sites, but are other agencies & permits also involved? If so, what, when, where, who and why?

Full details, copies of all permits and actions, please!

Serious erosion/water quality issues shot during trip to Haw Branch 2.22.07

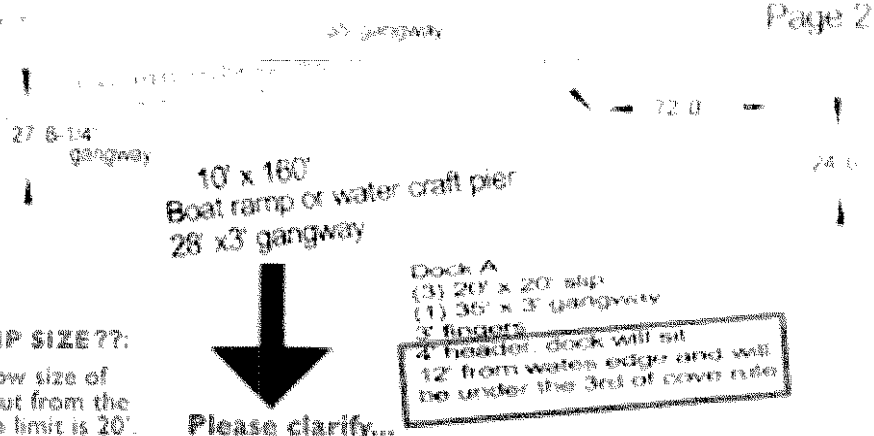
Barbara Tigrett & Doris Jackson Jibeault, Friends of Pickwick, Inc...26 Feb 2007

What permits or role do TVA and/or Corps officials play here? In lieu of serious water quality degradation issues here, was a 'cease and desist' order issued...and what kind of new erosion control measures were established...by who? What is scope of project (over into public land)?

2/24/07...To TVA/COE...Public Notice DISCREPANCIES...PROCESS FLAWED!

From highly questionable pre-emptive permit approval for boat ramp (piece mealing), and serious problems accessing information...errors, omissions and undue delays, this Notice and review process is flawed and should be withdrawn and resubmitted properly!

Page 2



1. SPEC ERROR...RAMP SIZE??:

Boat ramp specs here show size of boat ramp as 24' x 90'...but from the info in COE permit, width limit is 20'. TVA 26a permit (approved 12.20.06) states size (correctly!) as 20' x 200'. Please explain conflicting specs.

Please clarify...

2. SPACE (10-12') BETWEEN DOCKS & SHORELINE OR NOT?

During our 2/22 site visit, Amy Robinson (COE) said there was not an (extra) 10-12 ft space between edge of shoreline and dock or header edge (which would add to overall width of dock facility protruding out into this narrow cove). At the time, we couldn't identify where we'd seen this reference, but here it is on Public Notice specs (and shown on all other dock measurements as well...as either 10-12 feet from the waters edge to edge if proposed docks or headers). This adds to overall width and strong possibility that when measurements are verified, several docks may well go beyond the "one third of cove rule" afterall...as also noted by TWRA officials in comment letter excerpt shown below.

24' x 90' Boat ramp *
10' x 160' boat ramp/watercraft pier
28' x 3' gangway
72' x 24' covered 3 slip dock.
35' x 3' gangway

* *FYI: Preserve MARINA Owners Assn Inc. got 26a Permit Approval for this 200ft boat ramp on 12.20.06...just 2 days after paying a $200 permit fee to TVA, for work to begin a week later...and 12 days before Public Notice was issued by TVA/COE for over a quarter of a mile of boat docks, piers, slips etc for SAME project, by the SAME applicant, at the very SAME site...narrow, pristine, Hare Branch Cove (mile 200.6, Pickwick). Piecemealing, specs, process very wrong!*

From TWRA letter dated 7 Feb 2007 to Amy Robinson, COE

> Although it is stated in the figures provided in the public notice that all of the proposed boat docks will be under the third of the cove rule, we are uncertain that this is the case after reviewing the information in the public notice. It appears that docks A, B, and C may conform to the rule, but docks D and E may not. If you include the distance from the shoreline for dock D and E (12 feet) and add it to the 24 feet for the header and dock fingers, then the constructed dock will extend 36 feet into the embayment (36 feet times 3 = 108 feet), where the channel width is only 105 feet at these locations, which will exceed the third of the cove rule by 5 feet.
>
> The Tennessee Wildlife Resources Agency requests that this permit be held in abeyance until our concerns regarding boating safety issues and recreational use issues are addressed by the applicant, and it is determined that the proposed project does not violate the third of the cove rule. If the applicant fails to agree to the above condition, we request that the permit be denied.
>
> Thank you for the opportunity to comment. Sincerely,
>
> Robert M. Todd
> Fish and Wildlife Environmentalist

We concur with concerns over accuracy of specs in Public Notice... and other issues involving boating safety, recreational uses, and overall adverse impact on adjoining public lands, aquatic and wildlife habitat, natural shorelines, water quality and urge TVA /COE to stop and re-evaluate serious Permit and Public Notice discrepancies, on paper and also, on the ground!

We urge an on-site multi-agency review vs. just relying on data (or models, as referenced 2/22)

Submitted by Barbara Tigrett & Doris Jackson Jibeault, FRIENDS OF PICKWICK INC...26 February 2007

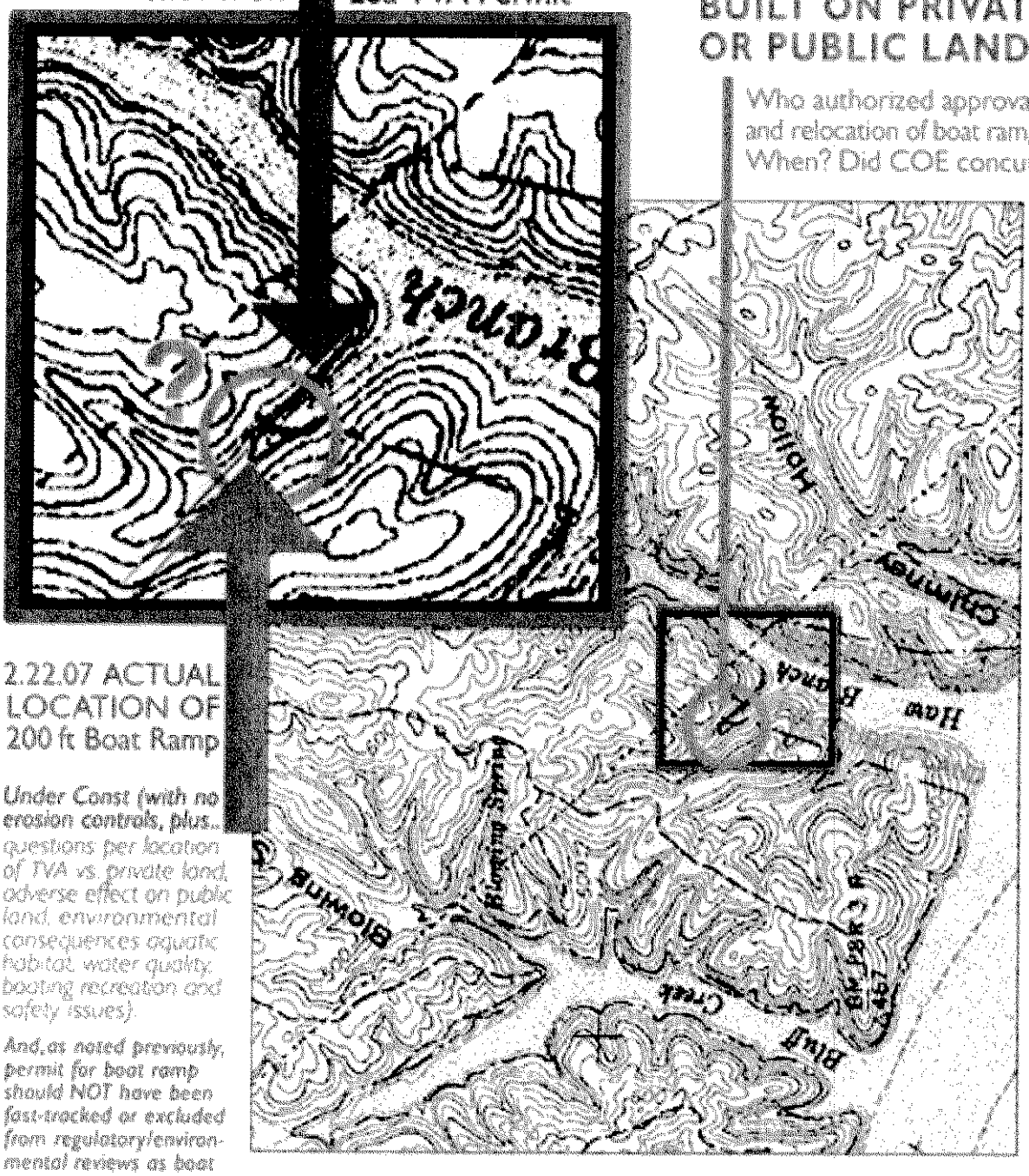
Serious New 'Boat Ramp' Issues: Request to Revoke TVA 26a Permit

TVA 26a' Regs...Section 2. This permit may be revoked by TVA by written notice if (a) the structure is not completed in accordance with approved plans. (e) TVA finds the structure has adverse effect on...public lands...(also other regs per erosion controls,etc)

12.20.06 Location of Boat Ramp Shown on '26a' TVA Permit

ALSO, IS NEW RAMP BUILT ON PRIVATE OR PUBLIC LAND?

Who authorized approvals and relocation of boat ramp? When? Did COE concur?



2.22.07 ACTUAL LOCATION OF 200 ft Boat Ramp

Under Const (with no erosion controls, plus... questions per location of TVA vs. private land, adverse effect on public land, environmental consequences aquatic habitat, water quality, boating recreation and safety issues).

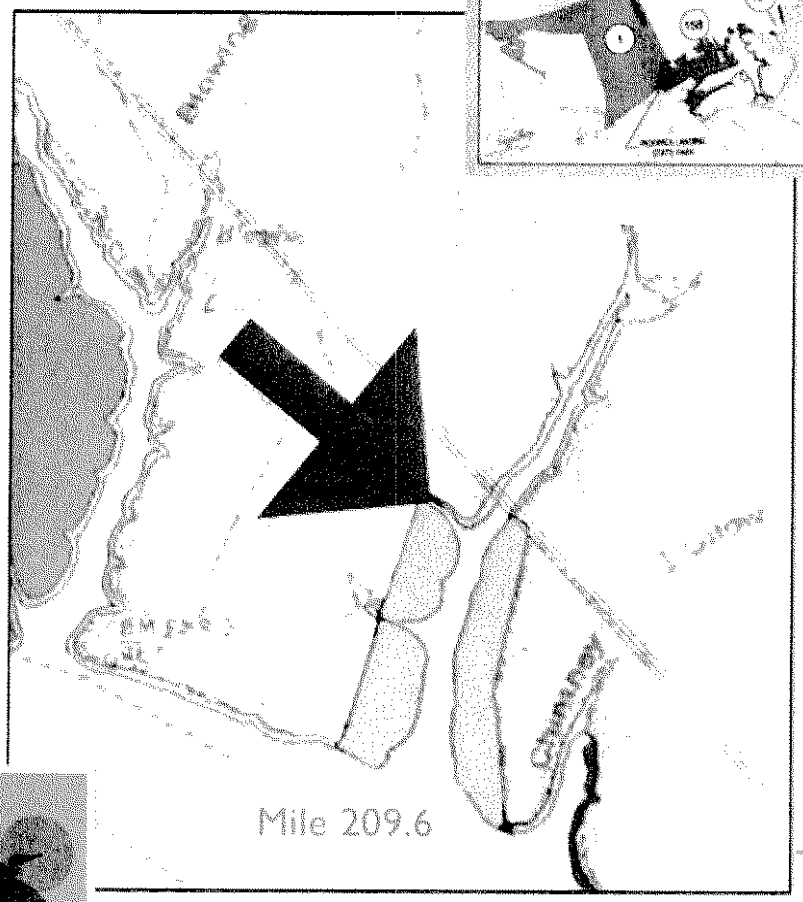
And, as noted previously, permit for boat ramp should NOT have been fast-tracked or excluded from regulatory/environmental reviews as boat docks, slips, pier for same project, at same site, by same applicant. PRESERVE MARINA OWNERS ASSN INC. This 'piece-meeling' serves the special interests of developers, NOT the public interest. Due to cumulative issues, we now submit formal written request this boat ramp permit be revoked (per "26a"General Conditions" regs. Sections 1, 2a, 2e, 3, 6, 7, 16,) due to permit violations involving altered location of ramp on site (and public land boundary question), violation of state erosion control regulations (and adverse effect on public land/habitat that this ramp either encroaches upon or adjoins).

FRIENDS OF PICKWICK INC...Barbara Tigrett & Doris Jackson Jibeault, 24 February 2007

965 Heather Lake Drive, Collierville TN 38017, 901.854.2075, 901.262.1656 (cell)

Besides other serious issues with permit and process (details to come), aren't erosion control methods required or other protections for 'waters of the state' on this boat ramp??

PLEASE RESPOND ASAP, WHEN THIS BOAT RAMP WAS STARTED, BY WHO...WHAT APPROVAL(S), FOR CONST AND WHY NO EROSION CONTROLS, ETC. ALSO AT ISSUE IS THE LOCATION, ON PRIVATE OR PUBLIC LAND. INFO TO FOLLOW.



Barbara Tigrett
901.854.2075
901.262.1565 (cell)
Doris Jackson Jibeault
(731.925.3884)

23 FEB 2007

FRIENDS OF PICKWICK

PRESERVE PICKWICK FOR FUTURE GENERATIONS OF WILDLIFE & FAMILIES

"Recognizing the waters of Tennessee are held in public trust for use of the people of the state... it is declared public policy, that as beneficiaries of that trust, have a right to unpolluted waters. In the exercise of this trust, the government of the state of Tennessee has an obligation to take all prudent steps to secure, protect and preserve this right." (Tennessee Water Quality Control Act 1999)

NEW Boat Ramp Issues:

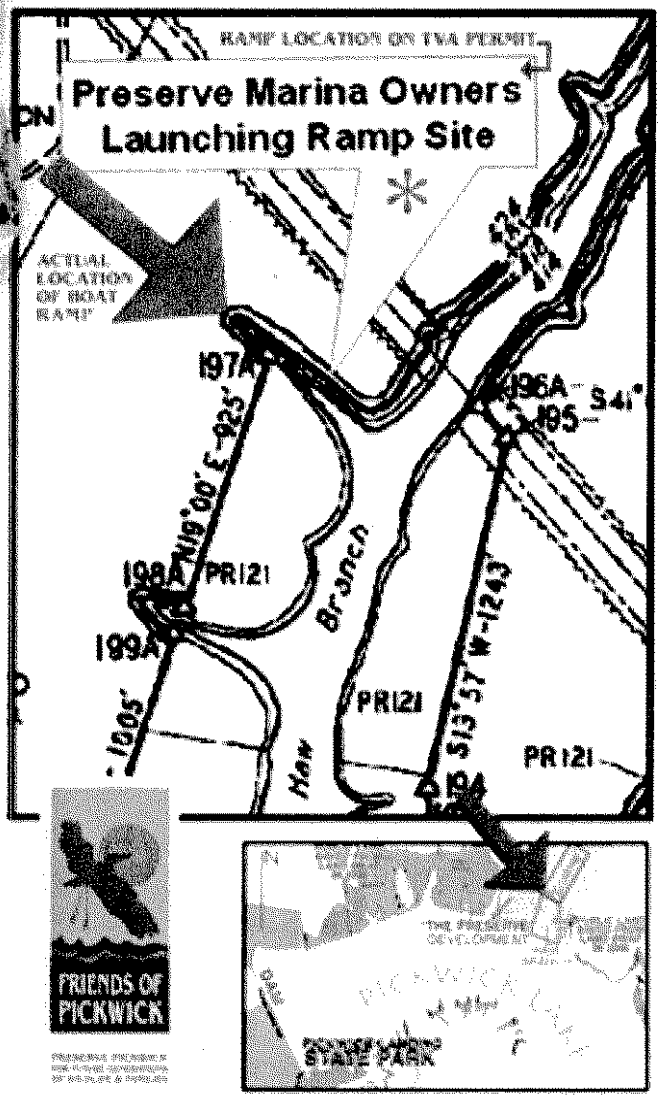
Re: Public Notice TVA/COE (07-01)
Public Comment Deadline: 28 February 2007

(a) During site visit 2/22, TVA rep unaware that boat ramp (for same project still in 'Comment Period'), was ALREADY UNDER CONSTRUCTION...(on same site as proposed boat docks, slips, pier.) See notes below. Also...

(b) BUT...BOAT RAMP NOT AT SAME LOCATION SHOWN BY APPLICANT ON ORIGINAL '26a' TVA PERMIT AP...

✻ Site Plan Below from TVA File (From our FOIA request rec'd 1.25.07) shows proposed location in middle of small inlet. We challenged validity on 1.18.07, of (CE) exclusion (controversial project with adverse impact on public land), highly questionable 'no dredging' claims...and a 'piece-meal' review process allowing boat ramp to be excluded from SAME environmental reviews as boat docks, slips, pier for SAME site by the SAME applicant!

When was ramp allowed to relocate to narrow back of cove and was dredging required / done?



As noted (and documentable), we challenged the validity of boat ramp exclusion/permit as soon as we could (1.16.07) on sound grounds, and made a formal request to revoke boat ramp permit on basis of adverse impact on adjacent public land, piece-mealing, controversial, etc. No formal response from TVA on 4 specific requests for 2+ weeks, but Corps did say it was "most likely" they would issue a new, revised Public Notice for "ALL current and future work" (to include all docks, ramp, pier, slips same project, under "ONE" Public Notice). But, time passes and we're notified, they'd changed their minds...going back to the original Public Notice (allowing "boat ramp" to be pre-approved, piece-meal (in 6 days in Dec, after we'd called for weeks asking about 26a for this area), but, told no '26a' permits for Haw Branch had come in.

Even TVA & Corps officials, admitted during our site visit yesterday (2/23), that timing and circumstances may have contributed to "the appearance" (of problems, issues, etc), at least.

It appears to us that it is special interests, not the public interest that is being served here, therefore we formally request a 30 day extension so TVA/COE can seriously review process and provide an explanation of...when the construction of the boat ramp began...who authorized it, (in spite of our previous, unanswered requests to revoke this questionable permit)...why location doesn't co-incide with permit ap...why no erosion control measures, why Mr. Austin was unaware that it was underway (when we'd asked about it repeatedly)...and, finally, if an applicant does not perform work according to permit, any consequences?

Signed hard-copy to follow, with separate feedback on other issues we discussed 2/22. Thank you for site visit, and look forward to your responses on these current issues/requests

Barbara Tigrett & Doris Jackson Jibeault, Founders
FRIENDS OF PICKWICK INC / 23 FEBRUARY 2007

Robinson, Amy M LRN

From: Barbara Tigrett [imagery@mindspring.com]
Sent: Monday, February 26, 2007 2:05 PM
To: Matt Varino; Gatlin, Ron E LRN; Stanford E. Davis; Scott Golden; Susan Smelley Tidwell; Tom Kilgore; Robinson, Amy M LRN; Bishop, Bradley N LRN; Doris & Bill Jibeault; mmpainter@tva.gov; J Kenley Austin
Subject: Friends of Pickwick...URGENT REQUESTS
Attachments: 1newboatrampissueslocation.jpg; 2rampissuesrevoke.jpg; 3publicnoticediscrepancies2.jpg

Monday, Feb 26 following On Site Meeting
with TVA and COE officials, Thurs, Feb 22

To: Amy M. Robinson, COE...Stan Davis and
Kenley Austin, TVA...and key TVA/COE Officials
Re: Serious Issues, URGENT Formal Requests following
On Site Visit & Meeting at Pickwick, 22 Feb 2007

ISSUES: Over a 1/4 mile of boat docks, boat slips, piers, gang-ways, etc...proposed along natural shorelines in narrow back of pristine Haw Branch cove, Pickwick (Public Notice 07-01)...plus, 200 ft boat ramp that was "pre-approved" via a highly questionable TVA '26a' permit, in blatant violation of categorical exclusion limitations, checklist discrepancies, other permit violations (details follow). While we appreciated FINALLY getting the site visit to review specs on site 2.22.07 (that we first requested 5+ weeks ago), please note that all our serious concerns with details/intent of the Public Notice (07-01) review process remain...in addition to new concerns about project specs and review process, adequate enforcement of regulations and policies...and new blatant permit violations we discovered while reviewing permit specs/requirements from our/your files, after our meeting.

Details in e-mail and in a formal signed letter to follow (with photos, maps, permit language, etc) that we will FDX later today, but due to the fact that it took us 5 weeks to get this on site meeting (to review specs, regs, etc) and that current Public Comment period expires in 60 hours or less...so,

1. WE FORMALLY REQUEST CURRENT PUBLIC NOTICE BE WITHDRAWN, REVIEWED & RESUBMITTED PROPERLY AS "ONE PUBLIC NOTICE FOR ALL PROPOSED WORK", (as referenced in recent emails by Corps official). Instead, Corps/TVA went ahead and allowed the 200 ft boat ramp to be "pre-approved" with documented violations of (CE) exclusion

and other regulations...vs. requiring boat ramp part of project be subject to same regulatory and environmental reviews as all the docks, slips and pier to be built at the same site, for same project by the same applicant. Not only that, now after site visit Thurs, we discover blatant permit inaccuracies, discrepancies and violations (details follow), therefore...

2. WE FORMALLY REQUEST WORK STOP ON BOAT RAMP that we first contested as soon as we could (1.16.07), due to obvious regulatory, exclusions, discrepancies and piece-mealing which we submitted to proper authorities. COE official responses seemed very sensitive to "piece meal" issues, timing, etc...adding that Public Notice should cover "all current and future work"...and so they "expected the original Public Notice to be withdrawn... and a new Public Notice issued with new Public Comment period" (we have those emails). During same time, TVA official also took note of our formal objections to boat ramp permit that was approved two days after the $200. fee was paid, for work to start a week later...followed by Public Notice for boat docks, slips, pier, etc that was issued 12 days later (vs. "one public notice for all work"). We asked TVA officials to make sure no work done on boat ramp til all these issued settled and decision finalized on issuing a new Public Notice (that COE official said was "expected"). So when we pulled into the cove during site visit Thursday and saw that THE BOAT RAMP CONSTRUCTION WAS ALREADY UNDERWAY, both Corps and TVA officials (Amy Robinson & Kenley Austin) said they were surprised. I asked Mr. Austin if he knew the boat ramp was already under construction and he said "No, I didn't". But, before long, both officials were saying..."Well, they did have a permit"...But a permit we vigorously contested on solid grounds and that Corps official lead us to believe was an issue with them as well (piece mealing) vs. "ONE PUBLIC NOTICE FOR ALL WORK" followed by statements that a "new Public Notice...expected" . WERE WE MISLEAD BY OFFICIALS...OR DID APPLICANT OPT TO BUILD BOAT RAMP NOW...AND "SEEK FORGIVENESS" LATER?

Besides this major issue...we also discovered after reviewing files on drive back to Memphis, that the BOAT RAMP IS NOT IN COMPLIANCE WITH APPROVED PLANS IN 12.20.06 TVA 26A PERMIT copies we rec'd via FOIA request on 1.25.07. In that permit, the location of boat ramp is shown as midway in small inlet in Haw Branch, while actual site under construction is further west to the end of the inlet. See enclosed copy of map from permit and actual location map and photos of boat ramp now being built. Therefore...

3. WE FORMALLY REQUEST TVA ISSUE A WRITTEN NOTICE TO THE APPLICANT TO REVOKE THIS BOAT RAMP PERMIT. See "26a General Standards & Conditions"...Sections 1. 2a (structure not completed in accordance to approved plans)...3. (If permit for structure is revoke, boat ramp to be removed)...1 & 6. (No erosion controls on site. How much dredging or soil disturbance done for all work already done on building forms for concrete boat ramp, etc)?

4. Also as noted during site visit...WAS THE BOAT RAMP BUILT ON PRIVATE OR PARTIALLY ON PUBLIC LAND?? As acknowledged by TVA exec (Stan Davis) during site visit, the topo map boundary lines do not clearly delineate private vs. adjoining public land (see map). Another valid reason ALL WORK STOP ON BOAT RAMP pending an on site boundary verification. FYI: At that point, we were focused on the fact that the boat ramp was already under const, contrary to our understanding from TVA/COE, and did not realize til later that boat ramp location was different from what was approved (too hastily) by TVA (and COE?) officials. This is wrong!

5. 26a REGULATIONS and (CEC) EXCLUSIONS BOTH STATE THAT ANY PROJECT WITH POTENTIAL ADVERSE IMPACT ON PUBLIC LAND (this boat ramp at very least, adjoins public land) WOULD NOT QUALIFY FOR AN EXCLUSION OR '26a' PERMIT (see Section 2e). YET BOTH THESE REGULATIONS IGNORED. Even though there will be unmistakable adverse impact on water quality, aquatic habitat, natural shorelines and erosion on public lands bordering this new (misplaced) boat ramp, TVA and COE officials would not acknowledge any potential adverse environmental impact whatsoever...even though these factors are clearly addressed in both TVA/Corps regs. Can officials just ignore regs?

We also have serious issues with the BOAT DOCKS, SLIPS, PIER part of the project (per original Public Notice) relating to adverse impact, no dredging claims and 'one third cove rule' that we will address in separate email and letter...but in interim, please note that on specs on Public Notice, there IS a 10-12 foot (buffer) space between the edge of dock/header and shoreline (vs. what was said by Amy Robinson during our site visit)...which would indeed add to overall width of docks protruding out into this very narrow cove. Copy of TWRA letter and permit specs in attachments, FYI.
A separate signed letter, copies of maps, photos, etc to follow,
<u>BUT DUE TO LOOMING PUBLIC NOTICE DEADLINE (FEB 28), NOTED DISCREPANCIES, PERMIT VIOLATIONS, ETC. PLEASE CONSIDER THIS URGENT FORMAL WRITTEN REQUEST THAT THE CURRENT PUBLIC NOTICE BE WITHDRAWN, ALL THESE</u>

ISSUES/VIOLATIONS REVIEWED AND "ONE PUBLIC NOTICE" RE-ISSUED FOR ALL PROPOSED WORK ON THIS PROJECT, WITH NEW PUBLIC COMMENT DEADLINE AND DATE SET FOR PUBLIC HEARING. Please let us hear from you ASAP.

Barbara Tigrett & Doris Jackson Jibeault, Founders
FRIENDS OF PICKWICK, INC (901.854.2075 or 731.925.3884)

3 attachments (site maps, permit map, photos, etc):

Robinson, Amy M LRN

From: Tidwell, Susan Smelley [sstidwell@tva.gov]
Sent: Wednesday, January 31, 2007 12:33 PM
To: Barbara Tigrett
Cc: Austin, J Kenley; Bishop, Bradley N LRN; Robinson, Amy M LRN; Morris, Lisa R LRN; Doris & Bill Jibeault; Susan Williams; Crosby, Buff L
Subject: FW: Friends of Pickwick 4 Requests:

Ms. Tigrett and Ms. Jibeault,

1) Meeting with TVA: TVA believes that we have provided a response to your question regarding a meeting. However, please let me clarify further. Currently, this request is in the scoping stage of review and what that means is that we are gathering information from the public to tell us what they believe the issues are and from our technical specialists to tell us what the potential environmental issues may be. Please see the Corps of Engineers (COE) web site (http://www.lrn.usace.army.mil/cof/notices.htm) for the necessary information on this project. We do not believe that it would be productive to meet with you until we have received all of the public comments and decide if additional input would help in completing the environmental review process. The COE, who has the lead on the review, will also have views on this.

Please note that all comments should be sent to: Nashville District Corps of Engineers, Regulatory Branch, 3701 Bell Road, Nashville, TN 37214.

2) Extending the public comment period: TVA will discuss with the COE the possibility of extending the public comment period.

3) Level of Environmental Review: Currently, the COE is developing an Environmental Assessment for this project.

4) Boat ramp permit: TVA and COE do not think that we have a basis for revoking the boat ramp permit. The appropriate environmental review was conducted for the ramp and no unacceptable environmental impacts were found. During the environmental review for the community facilities, the cumulative impacts, including those associated with use of the boat ramp, will be addressed.

I am sorry that this response is not what you would like, however, TVA believes that we have been responsive to your requests. We suggest that you submit your comments for this project so that those concerns can be addressed in the environmental review.

Thanks

Susan Tidwell

Manager, Pickwick-Wheeler Watershed Team

On Jan 31, 2007, at 11:41 AM, Robinson, Amy M LRN wrote:

> Classification: UNCLASSIFIED
> Caveats: NONE
>
> Ms. Tigrett -
>
> This is to confirm that we have received your emails concerning
> this project. Your correspondence will be included in the project
> file and considered during our review process. We are investigating
> whether the applicant intents to perform other work not included in
> the public notice, in which case, we would likely want to review all
> work at one time. If this is the case, a new public notice would be
> issued for the work.
>
> Until such time, we will extent Public Notice 07-01 for an
> additional 15-days for you to provide project specific comments to the
> existing proposal as advertised. In addition, your request for a
> public hearing has been noted and a decision on this will be made at a
> later date and you will be notified of our decision.
>
> Many of the comments in your email will need to be addressed by
> TVA and not this office. We are preparing an Environmental Assessment
> for the proposed activity, as stated in the public notice.
>
> I can't speak for TVA, but I will be happy to meet with you in
> the near future regarding this project.
>
> Thank you for your comments concerning this project.
>
> Amy Robinson
> Corps of Engineers
> Regulatory Branch
>
> -----Original Message-----
> From: Barbara Tigrett [mailto:imagery@mindspring.com]
> Sent: Tuesday, January 30, 2007 3:56 PM
> To: jkaustin@tva.gov; sstidwell@tva.gov; Bishop, Bradley N LRN;
> Robinson, Amy M LRN; Morris, Lisa R LRN; Doris & Bill Jibeault; Susan
> Williams
> Subject: Re: Re: Re: Friends of Pickwick 4 Requests:
>
> RE: PROPOSED BOAT DOCKS & RAMP
> MARINA IN HAW BRANCH COVE / PICKWICK
>
> 4 REQUESTS...FIRST SUBMITTED 1.19.07
> PLUS, ONE NEW QUESTION...IS THERE A
> FEE TO MEET WITH TVA OFFICIALS? IF SO, WE WILL PAY IT. (See Note, Item
> 2, below).
>
> TO: AMY ROBINSON, PROJECT LEADER, USACE Supervisors, LISA MORRIS &
> BRAD BISHOP
>
> KENLEY AUSTIN, PROJECT LEADER, TVA
>
> SUSAN TIDWELL, MGR PICKWICK WATERSHED TEAM
>
>
> We submitted 4 requests to you on January 19, in 1.25 email...again
> publically at TVA Board Meeting in Memphis, Jan 25...and again 1.29,
> but STILL NO RESPONSES to these very 4 serious requests...(with less
> than 8 working days left to Feb 12 public comment deadline):
>
> PLEASE EXPLAIN AND RESPOND:
> 1. We request that boat ramp permit approved by TVA prior to issuance
> of Public Notice for the 20' x 200' boat ramp be REVOKED due to the

Robinson, Amy M LRN

From: Robinson, Amy M LRN
Sent: Wednesday, January 31, 2007 11:41 AM
To: 'Barbara Tigrett'
Cc: 'Austin, J Kenley'; Bishop, Bradley N LRN
Subject: RE: Re: Re: Friends of Pickwick 4 Requests: (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Tigrett -

This is to confirm that we have received your emails concerning this project. Your correspondence will be included in the project file and considered during our review process. We are investigating whether the applicant intents to perform other work not included in the public notice, in which case, we would likely want to review all work at one time. If this is the case, a new public notice would be issued for the work.

Until such time, we will extent Public Notice 07-01 for an additional 15-days for you to provide project specific comments to the existing proposal as advertised. In addition, your request for a public hearing has been noted and a decision on this will be made at a later date and you will be notified of our decision.

Many of the comments in your email will need to be addressed by TVA and not this office. We are preparing an Environmental Assessment for the proposed activity, as stated in the public notice.

I can't speak for TVA, but I will be happy to meet with you in the near future regarding this project.

Thank you for your comments concerning this project.

Amy Robinson
Corps of Engineers
Regulatory Branch

-----Original Message-----
From: Barbara Tigrett [mailto:imagery@mindspring.com]
Sent: Tuesday, January 30, 2007 3:56 PM
To: jkaustin@tva.gov; sstidwell@tva.gov; Bishop, Bradley N LRN; Robinson, Amy M LRN; Morris, Lisa R LRN; Doris & Bill Jibeault; Susan Williams
Subject: Re: Re: Re: Friends of Pickwick 4 Requests:

RE: PROPOSED BOAT DOCKS & RAMP
MARINA IN HAW BRANCH COVE / PICKWICK

4 REQUESTS...FIRST SUBMITTED 1.19.07
PLUS, ONE NEW QUESTION...IS THERE A
FEE TO MEET WITH TVA OFFICIALS? IF SO,
WE WILL PAY IT. (See Note, Item 2, below).

TO: AMY ROBINSON, PROJECT LEADER, USACE Supervisors, LISA MORRIS & BRAD BISHOP

KENLEY AUSTIN, PROJECT LEADER, TVA

SUSAN TIDWELL, MGR PICKWICK WATERSHED TEAM

We submitted 4 requests to you on January 19, in 1.25 email...again publically at TVA Board Meeting in Memphis, Jan 25...and again 1.29, but STILL NO RESPONSES to these very 4 serious requests...(with less than 8 working days left to Feb 12 public comment deadline):

PLEASE EXPLAIN AND RESPOND!

Robinson, Amy M LRN

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Sent: Tuesday, January 30, 2007 3:56 PM
To: jkaustin@tva.gov; sstidwell@tva.gov; Bishop, Bradley N LRN; Robinson, Amy M LRN; Morris, Lisa R LRN; Doris & Bill Jibeault; Susan Williams
Subject: Re: Re: Re: Friends of Pickwick 4 Requests:

Attachments: logoeaglehaw5.jpg; ATT2717403.txt; ATT2717404.txt

logoeaglehaw5.jpg (68 KB) ATT2717403.txt (74 B) ATT2717404.txt (76 B)

RE: PROPOSED BOAT DOCKS & RAMP MARINA IN HAW BRANCH COVE / PICKWICK

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PLEASE EXPLAIN AND RESPOND!
1. We request that boat ramp permit approved by TVA prior to issuance of Public Notice for the 20' x 200' boat ramp be REVOKED due to the fact that (a) it will adversely impact public lands nearby, in violation of TVA 26a (2(e) regulations,
(b) projects that are "environmentally contro- versial" do not qualify for (CE) exclusions...
(c) allowing boat ramp to be pre-approved with permit to "Preserve Marina Owners", in advance (vs. reviewed part of whole marina project (and 'EA' review) violates anti piece mealing policies.

2. We request a meeting with TVA / USACE officials (including a site visit) to clarify unresolved questions, such as, actual location, accurate plans showing the location and footprints of the boat docks and ramp, explanation of "no dredging"
claim in view of structures proposed, verification of specs showing docks will not extend beyond allowable limits in this narrow cove, impact on adjacent public lands and protected shorelines.

NOTE: Yesterday TVA official (Mr. Austin) would not agree to meet with us again to meet, adding when he meets with developers, they pay for his time. I asked him to let us know ASAP what it would cost for us to meet with him then (and USACE reps, including an on site visit). He said his schedule was too tight now...(even tho our first request for a joint meeting was made on Jan 16, 2006 (Lisa Morris, USACE who did not rule it out at all), then again to Mr. Austin on Jan 18 / 19 . There are either some seroius unresolved core questions on this project and process and the clock is ticking...so if we have to pay to get equal access to officials and informa- tion so we can submit intelligent/effective public comments, we will. Please tell us how much ASAP.

3. (a) In view of all these unresolved issues and our inability to get any answers to key questions, we request a 60 day extension to 2.12 deadline for public comments, so we may have time to get information we need to respond effectively.

(b) We formally request a PUBLIC HEARING so officials may fully explain the intricacies of this complex project and review process, to better serve public participation in this process.

4. We request that agencies conduct a full EIS, Environmental Impact Study vs "very routine"
EA, Environmental Assessment (as it's been described by 2 officials) since this area and project has a history of being environmentally controversial, endangered species and protected wetlands have been noted in the past, plus the existence of 'Exceptional Tier II Waters'
(documentation to come) nearby and potential critical habitat and the serious adverse impact this project will have on public lands, environ- ment, waters of the state, etc.

AGAIN, IT HAS BEEN 2 WEEKS SINCE OUR
FIRST REQUEST FOR MEETING...TEN DAYS
SINCE OUR FIRST FORMAL EMAIL (1.19)
& PHONE REQUESTS. PLEASE RESPOND!

In view of our inability to get ANY response from these same 4 requests for almost 2 weeks (in a 4 week process)...at the
very least a 60 day extension should be granted now, providing time to meet to resolve related issues about the project, and review process. All we ask is for a level playing field here, starting with equal access to officials and information and if we have to pay for a meeting with officials (as was eluded to earlier by Mr. Austin) then we will! Please...how much. Thank you.

Barbara Tigrett & Doris Jackson Jibeault Founders, Friends of PIckwick Inc.
901.854.2075 (Barbara)
731.925.3884 (Doris)

APPENDIX H

Meeting with Applicant – dated 1 March 2007
Memorandum of Onsite – dated 27 March 2007

U.S. Army
Corps of Engineers
Nashville District
Regulatory Branch

PROJECT INSPECTION REPORT
FOR DA APPLICATION PROCESSING

PERMIT NO. 200604097

DATE of INSPECTION: 27 March 2007

PERMITTEE: The Preserve Marina Owners Association

LOCATION: Haw Branch Embayment, Tennessee River Mile 209.6R, Pickwick Lake, Hardin County, Tennessee

Permit Type: IP____ LOP _____ NWP_____ Regional GP_____ Other__X__

Proposed Activity: Proposed Lake Construction Upper Headwater Streams throughout the Development and Onsite Inspection of Boat Ramp

Comments: An interagency meeting was held on 27 March 2007 at the Preserve Development sales office. Attending the meeting were Amy Fritz and Beth Williams of TN Dept of Environment & Conservation (TDEC), Kenley Austin of TVA, Mike Dooley and Terry Pitsinos with The Preserve Development, Chris Todd of Envirogreen Consultants (for the applicant), and the undersigned. The meeting was held to discuss the proposed lakes as shown on the development's conceptual plan. The agencies wanted to ensure the applicant was aware of the possible need for TDEC, TVA, and Corps approval for the lakes. Approval from the Corps would be necessary if the streams were determined to be "waters of the U.S". TDEC had previously met with the applicant and Chris Todd onsite concerning jurisdiction for the lakes. TDEC provided me a copy of their letter, for jurisdiction determination of an unnamed tributary to Bluff Creek (or in the area of lake 3b). Letter is in the file. A map of the proposed lakes is attached to this memo (The lakes have been numbered and will be referenced as such to the numbering). The applicant indicated that the "Conceptual Plan" of the development is just that - conceptual. They indicated that all of the lakes may be constructed or none may be constructed (according to funding). The first lake that may be constructed is shown as Lake #7 - which is on a tributary to Haw Branch, since it is within Phase I of the development. If constructed, an application could potentially be submitted by end of this year. This tributary has been determined by TDEC to be a wet-weather conveyance. This office and TVA have determined it to be a ephemeral channel (based on past onsite observation). I questioned the applicant if the docks and/or the ramp were not permitted and constructed, if the proposed lake construction would be impacted. The applicant indicated that the lake construction does not relate to the whether the docks and/or ramp were

constructed. Each activity stands alone and does not depend on the approval of another permit. Thus, I have determined that the lake is a stand alone activity and is a single and complete project.

We discussed each stream for each of the proposed lakes, based upon TDEC's onsite observation of each stream.

Lake #3B - on a wet-weather conveyance channel
Lake #3A - on a perennial channel
These two lakes maybe combined to one lake.

Lake #4 - perennial stream in Blowing Spring Hollow (it was flowing in October).

Lake #5 & #6 - perennial stream in upper headwaters of Haw Branch. These streams have been determined to be Tier 2 stream, which is exceptional waters. TDEC indicated they would not likely issue a permit for lake construction of Tier 2 waters. Applicant indicated they would not even apply for a permit on these streams.

TDEC indicated they were not aware of any "wetlands" within upper reaches of Haw Branch. There is a small fringe area of cypress trees along the lake bed, that may be considered wetlands. However, this area is not to be disturbed.

Amy Fritz stated that this stream is a Tier 2 stream until it reaches the impoundment/backwater of Pickwick Lake. Within the impoundment, it is not a Tier 2 stream.

Lake #7 - wet-weather conveyance/ephemeral.

Phase I of the development consist of 203 lots, boat ramp, boat slips, part of the dry storage, equestrian center, and lake #7. The dry storage would have a maximum capacity of 300 boats (but it would be constructed in phases for the demand).

The applicant stated that they were not proposing dredging of the lake. They indicated that the boatslips may or may not sit on the lake bottom during low water conditions. The slips are for summer water use.

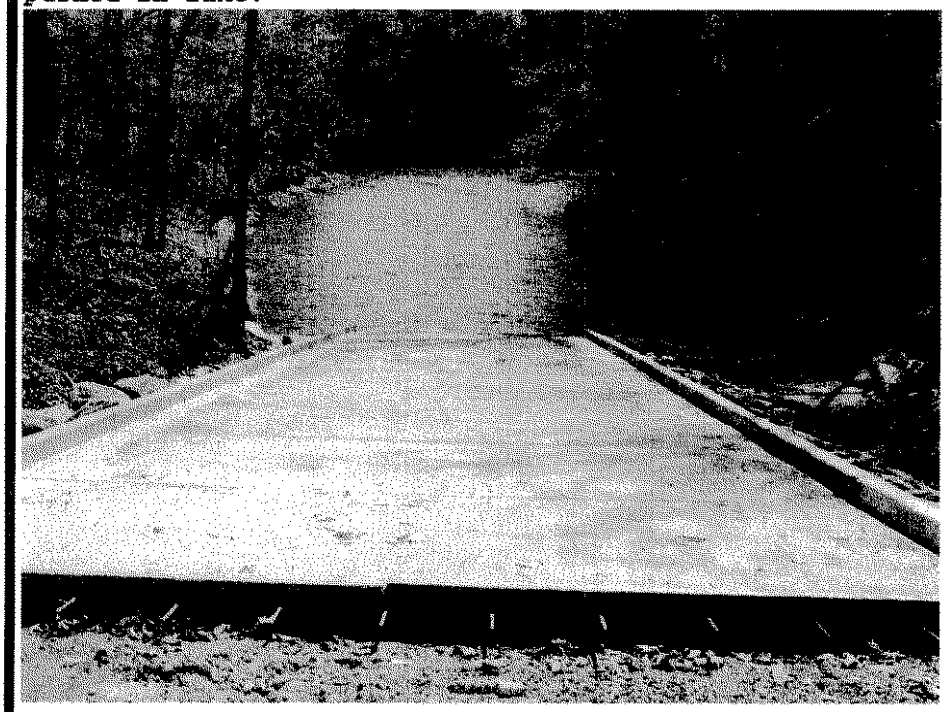
The boatslips and dry storage would be for community use only and for the residents with the inner lots without water access. The boat ramp would only be used for dry storage use. There is not any boat trailer parking available. An elevator would be available to transport people down to their boats from the storage area. We indicated that the agencies usually encourage dry storage and community docks instead of separate, private docks, in order to minimize the areas impacted.

ATTACHMENTS: Project Drawings _____ Photographs ___XX_____
Jurisdictional Determination __XX____

Other _____

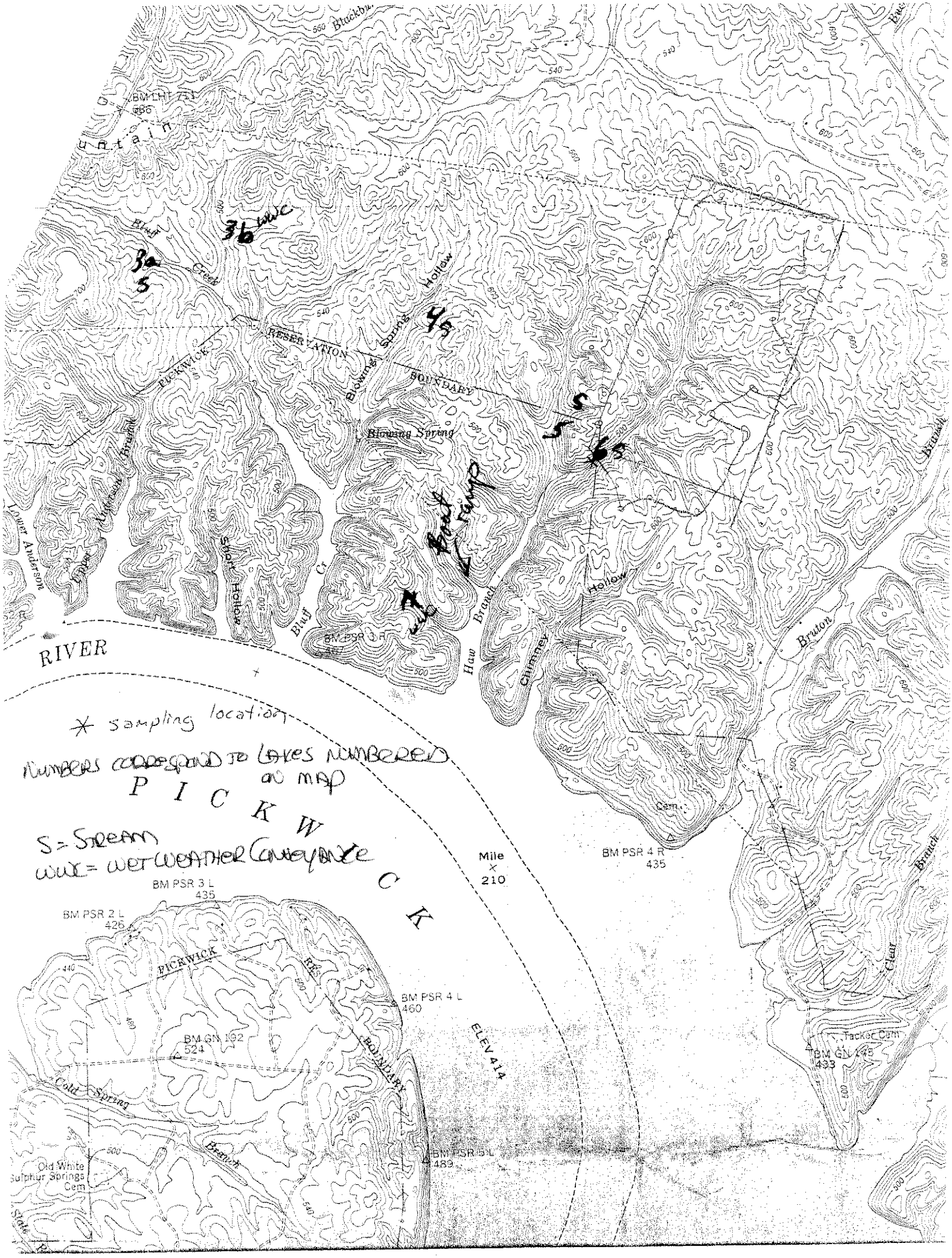
Inspector: Amy Robinson
With Kenley Austin of TVA

Looking at Boat Ramp - applicant stopped work on ramp upon notification from Corps - concrete slab/ramp formed upland and only needs to be pushed in lake:



Looking at the road constructed from upland dry storage to boat ramp:

Looking at upland dry storage pad cleared:



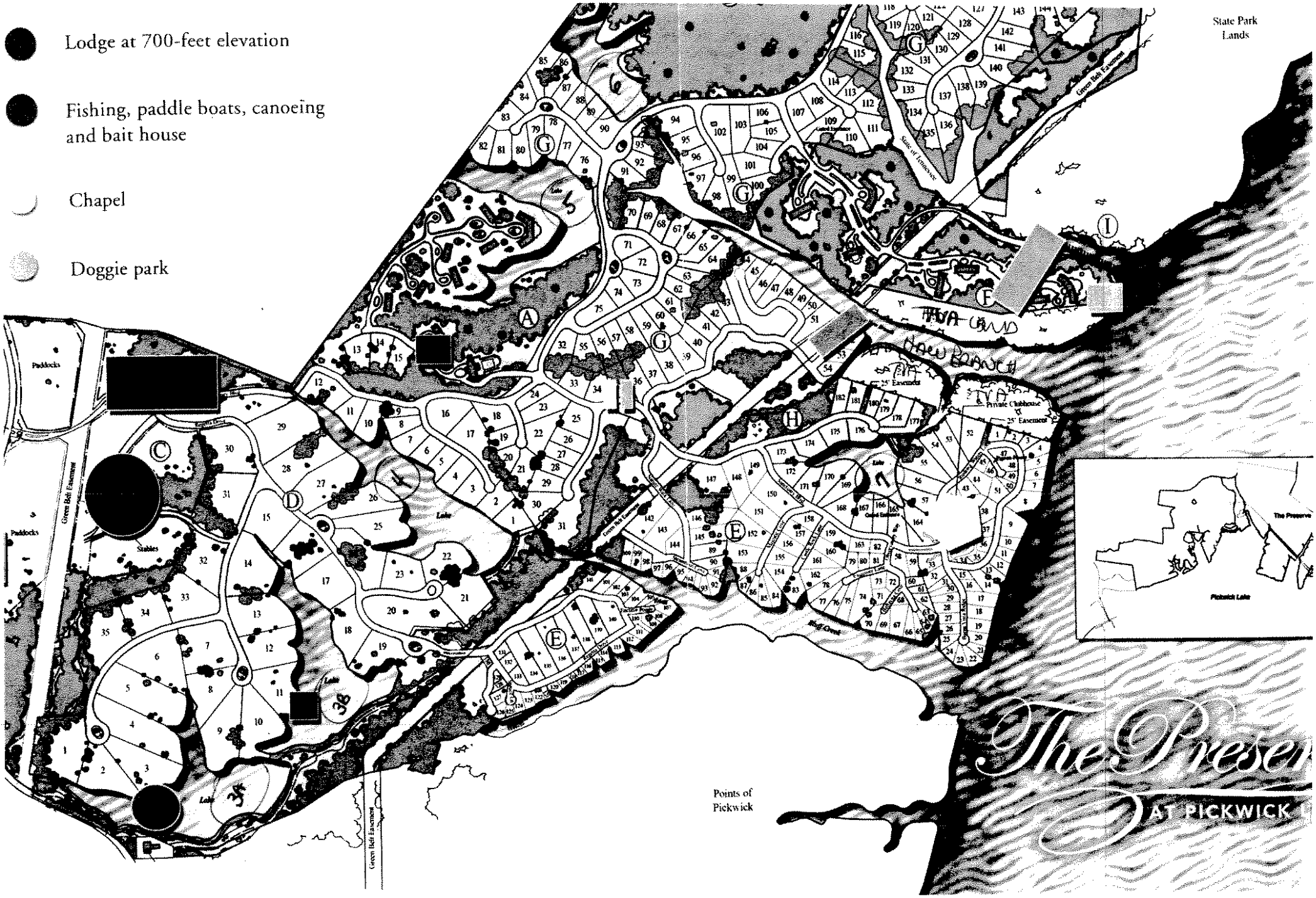
* sampling location
NUMBERS CORRESPOND TO LAKES NUMBERED ON MAP
S = STREAM
WWC = WET WEATHER CONVEYANCE
PICKWICK
RIVER
Blowing Spring
Blowing Spring Hollow
Bluff Creek
Bluff Cr
Short Hollow
Upper Anderson Branch
Lower Anderson
Haw Branch
Chimney Hollow
Bruton Branch
Clear Branch
Tacker Cem
Cem
Old White Sulphur Springs Cem
Cold Spring Branch
PICKWICK RES BOUNDARY
Mile 210
ELEV 414
BM PSR 3 R
BM PSR 4 R 435
BM PSR 3 L 435
BM PSR 2 L 426
BM PSR 4 L 460
BM GN 192 524
BM PSR 5 L 489
BM GN 145 433
3a
3b
4s
5
6s
7
WWC

Lodge at 700-feet elevation

Fishing, paddle boats, canoeing and bait house

Chapel

Doggie park



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JACKSON ENVIRONMENTAL FIELD OFFICE
1625 HOLLYWOOD DR.
JACKSON, TENNESSEE 38305-4316
PHONE (731) 512-1300 STATEWIDE 1-888-891-8332 FAX (731) 661-6283

November 7, 2006
Chris Todd
421 Scarborough Loop
Humboldt, TN 38343

RE: site investigation to determine streams and wet weather conveyances, The Preserve, Hardin Co, TN.

Dear Mr. Todd,

At your request, a site investigation was performed on October 10, 2006 at the channel you named as site 3B on the Preserve, Hardin County, Tennessee.

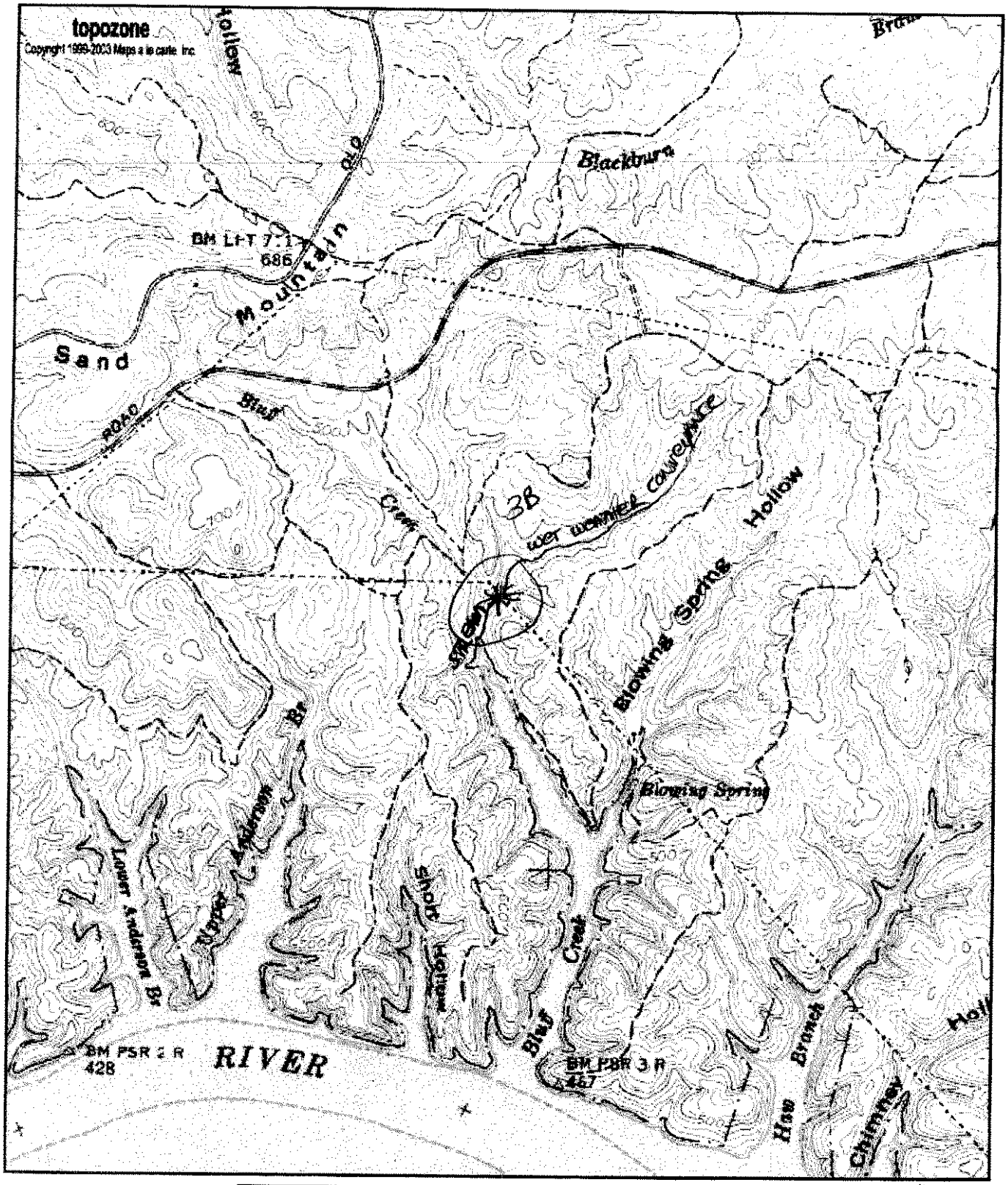
The purpose of this investigation was to identify areas of wet weather conveyances and streams. The map enclosed marks the area investigated. Our investigation determined the channel in question to be a wet weather conveyance above the coordinates 35.0919°N, 88.2104°W. No permit is required for you to proceed with your project, but please follow all the guidelines outlined in the enclosed general Aquatic Resource Alteration Permit.

Thank you for allowing this office to comment in advance of this project.

Sincerely,

Elizabeth Williams
Division of Water Pollution Control
Jackson Environmental Assistance Center

— Stream
— Wet weather conveyance



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

M
G
M=0
G=-0.696

35.0919°N, 88.2104°W (NAD83/WGS84)
USGS Pickwick (TN,AL) Quadrangle
Projection is UTM Zone 16 NAD83 Datum

MEMORANDUM FOR RECORD

Purpose: Document 1 March 2007 –
Informational Meeting

File No: 200604097

Applicant: The Preserve Development

Work: Proposed Community Docks

Location: Haw Branch Embayment, TRM 209.6R, Pickwick Lake, Hardin County, Tennessee

Attendees: Amy Robinson - OP-F
Kenley Austin – TVA Pickwick Lake
Susan Tidwell – TVA Watershed Manager
Mike Dooley – applicant
Eddie Clausel – applicant
Duane Wright – consultant for applicant

1. The above attendees met at the TVA Muscle Shoals office on 1 March 2007, to discuss the proposed project, additional information that would be required to process the TVA and DA permits, and to discuss the comment letters received in response to the proposed work.
2. We discussed the TN Historical Commission (THC) letter concerning our archaelogist comments concerning the project. I advised them that our archaeologist is researching THC's files and would provide a response to THC. The applicant indicated that they had an archaelogical survey performed for the land approximately 10 years ago. I requested a copy of the arch survey report.
3. Kenley suggested that in the future the development may want to establish harbor limits within the embayment.
4. Duane indicated that he measured the embayment width and designed the boatslips so that they would not extend over 1/3 distance of the cove. The narrowest width of the cove is 110' , and the widest width of 300'.
5. I provided them a copy of the comments received to date (except for the cards). I will make a copy of all comments and cards received for the project and forward a copy to them for a chance to respond.

6. We discussed the permitting process with the applicant and the next steps involved in the process. The next step would be for the public notice to expire. I would then forward them copies of all comments for a chance to respond. They discussed time lines for our review process and expressed an urgency due to the time of year for construction.
7. The meeting was cut somewhat short due to a tornado warning.

Amy M. Robinson
Project Manager
Regulatory Branch

APPENDIX I

Response Letter to Mrs. Tigrett, dated 12 March 2007
Response Letter to Mrs. Jibault, dated 10 April 2007

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

REPLY TO
ATTENTION OF:

March 12, 2007

Regulatory Branch

SUBJECT: File No. 200604097; Proposed Community Docks by The Preserve at Haw Branch Embayment, Tennessee River Mile 209.6R, Pickwick Lake, Hardin County, Tennessee

Mrs. Barbara Tigrett
963 Heather Lake Drive
Collierville, Tennessee 38017

Dear Mrs. Tigrett:

Regarding the various email correspondence you have submitted in response to the subject proposal, your views and requests for a public hearing are being made a part of the record and will be considered in making a final determination on the permit request. Copies of your email letters will be forwarded to the applicant who may attempt to resolve or comment on the issues you have raised. If it is determined that there is a valid interest to be served by holding a hearing, you will be notified of the time and place. You will also be notified if it is determined that a hearing is not necessary and the reasons therefore.

I would also like to address some of the questions you have raised. We are not aware of a frequent use of the term "piecemealing" in our regulations or any of the federal laws to which this proposed project would be subject to. I am aware of one instance where there is mention of the term piecemeal (40 CFR 230.11 (g)), which discusses cumulative effects on the aquatic ecosystem as a result of the discharge of dredged or fill material. Piecemealing, as may have been used in phone conversations with you, is simply a term that refers to segmenting a large project into smaller projects, usually to avoid having to address environmental impacts of a larger project. In this regard, we will be considering possible impacts of the boat launching ramp in our environmental documentation of the proposed community slips.

Concerning your request to having access to all communication between Corps and TVA officials regarding the ramp, any requests for documents in our permit files must be submitted as a Freedom of Information Act (FOIA) request. We will then coordinate the request with our FOIA officer to determine what information is releasable and whether any fees would be charged for reproduction or search time.

If you have any questions regarding this matter, please contact me at the above address, telephone (615)736-7509

Sincerely,

Amy Robinson
Project Manager
Operations Division

Copy Furnished:

Mr. Kenley Austin
Tennessee Valley Authority
P.O. Box 1010
Muscle Shoals, Alabama 35662-1010

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

Bridgette K. Ellis
Senior Vice President
Environmental Stewardship and Policy

April 10, 2007

Mrs. Doris Jibeault
3315 Pompey Branch Road
Savannah, Tennessee 38372

Dear Mrs. Jibeault:

This letter is a follow-up to our telephone conversation on March 22 regarding your concerns with the request for community docks and the location of the existing launching ramp in Haw Branch. Below are the responses to your questions concerning this action.

1. **Are there any wetlands in the back of Haw Branch?**

   Response: Our wetland specialists have reviewed Haw Branch and have determined that due to the steep slope in the back of Haw Branch, no significant wetlands exist.

2. **Is the cove wide enough for the community docks not to exceed a third of the cove?**

   Response: The cove widths are 210 feet across at the first location and 105 feet across at the last dock location. Given the applicant's dimensions for the community docks and the proper installation, they would meet the one third of a cove rule. TVA has discussed this issue with the applicant and explained that if the docks cannot meet this standard, they will not be allowed to be installed at the requested location.

3. **Does TVA expect the applicant to request a dredge to have operable facilities?**

   Response: TVA recognizes that not all boat slips will be operable during the winter drawdown period and, as with any request for water use facilities, TVA does not require the facility to be operable year round. The applicant made a business decision not to request a dredge and it is not a TVA decision.

APR 2007

Printed on recycled paper

4. **Is the boat ramp located on TVA land?**

   Response: TVA conducted a site visit and confirmed that the ramp is located on private property only crossing the TVA marginal strip, which is the narrow strip of land owned by TVA between the water's edge and the adjoining private property on which the property owner may construct private water use facilities upon approval of plans by TVA.

5. **What were Tennessee Wildlife Resource Agency (TWRA) comments on the proposed request?**

   Response: TWRA is concerned with the potential boating safety issues, reduction in area of public waters available to recreational boaters (such as jet skiers), and reduction in area of public waters available to sport fishers within Haw Branch. TVA will consider these issues during the environmental assessment review.

As communicated to you, TVA will notify Friends of Pickwick of TVA's permitting decision on the Preserve's request prior to making the decision public. Thank you for your questions concerning this proposal. If you have additional questions, please feel free to contact Susan B. Tidwell at (256) 386-3936.

Sincerely,

Bridgette Ellis

Bridgette K. Ellis

cc: Ms. Amy Robinson
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214