

**Tennessee Valley Authority  
Regional Resource Stewardship Council  
November 14-15, 2017  
Meeting Minutes**

The Tennessee Valley Authority (TVA) Regional Resource Stewardship Council (RRSC or Council) convened for the third meeting of the ninth term at 8:30 a.m. CT on Tuesday, November 14, 2017, at 1155 Lodge Drive, Guntersville, Alabama 35976.

Council members attending:

Avis Kennedy, Chair	Robert Englert	Richard Holland
Mark Iverson	Kim Klinker	Brad Kreps
Tom Littlepage	Gary Myers	Will Nelson
Doug Peters*	Senator Clay Scofield	Pat Thomasson
Randy Wiggins		

\* Non-voting

Designated Federal Officer: Dr. Joseph Hoagland

Facilitator: Liz Upchurch

Appendix A identifies the TVA employees, members of the public, and others who attended.

Appendix B is the agenda for the meeting.

Appendix C is the Formal Council Advice provided by the Council.

Copies of the presentations given at the meeting can be found at <http://www.tva.gov/rrsc/>.

The majority of the meeting was devoted to presentations by TVA staff about TVA Public Land Protection and updates on River Management and Natural Resources including Floating Cabins and the Natural Resource Plan. Council members asked clarifying questions and offered individual suggestions to the information sought by TVA. Formal Council advice was also provided by the Council at this meeting.

## **1. Welcome and Introductions**

**A.** Liz Upchurch, Facilitator, welcomed the Council and reviewed meeting protocols and provided a safety moment. Ms. Upchurch asked the Council to introduce themselves.

**B.** Dr. Joseph Hoagland, Designated Federal Official (DFO), welcomed the Council and summarized the purpose of the meeting which was to provide updates on TVA River Management, Natural Resources Stewardship, Floating Homes, and the Natural Resource Plan and to seek advice about TVA Public Land Protection. The advice will be utilized to help TVA handle encroachments.

**C.** Avis Kennedy, Chair, welcomed the Council. Ms. Kennedy introduced new members to the Council: Doug Peters, Senator Clay Scofield, and Randy Wiggins.

## **2. Designated Federal Officer's Report and RRSC Meeting Protocols**

### **A. DFO Report**

Dr. Hoagland thanked the Council for its prior advice and reiterated that TVA will be providing updates on TVA Natural Resources Stewardship, Floating Homes, River Management, and the Natural Resource Plan, and is seeking advice on the protection of public land. Dr. Hoagland informed the Council that TVA is incorporating the recommendations from past Council Advice. One item presented for Council Advice at the last Council meeting involved ecotourism. TVA's Economic Development folks have been reviewing how ecotourism fits into Rural Economic Development. As mentioned in the past, TVA has been working with the Ocoee Outfitters to figure out a way to create a sustainable process for them to run their businesses, for TVA to provide for water to them, and to effectively manage the river. Thanks to some legislation in Tennessee, there is a development board for the Ocoee River Basin. TVA, the United States Forest Service, and the State of Tennessee have come together to help it get off the ground. TVA has agreed to a fifteen-year contract extension. For more information on the Ocoee River, please see <https://www.tva.gov/Environment/Recreation/Ocoee-River-Gorge>.

Dr. Hoagland noted that the Council will hear more information about aquatic plants and that TVA is working toward reaching an amicable solution with stakeholders on aquatic plants located in TVA reservoirs. Dr. Hoagland advised that new Council member Senator Scofield has provided assistance with the development of a new working group to address aquatic plants.

### **B. FACA Briefing** (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))

Kendra Mansur, attorney from TVA's Office of General Counsel, highlighted the importance of this third meeting of the ninth term and she thanked the Council, on behalf of TVA, for its participation in past meetings and in this current term. She welcomed new members and reiterated that the Council complies with the Federal Advisory Committee Act (FACA) and regulations. She remarked the recommendations of the Council are greatly appreciated by TVA. She discussed voting protocols and quorum requirements, and complemented the Council on its balanced membership and achievements.

## **3. Land and River Management Update** (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))

David Bowling, Vice President of Land & River Management, attended the meeting and answered questions from the Council. He remarked that all of the issues that TVA brings to the Council involve river management or natural resources, and there are competing interests to balance.

### **A. River Management Update**

James Everett, Senior Manager, TVA's River Forecast Center, confirmed that TVA runs the river system and TVA operations in an integrated manner. Mr. Everett stated that TVA has six objectives when operating the river: flood damage reduction, navigation, power generation, water quality, water supply and recreation. Mr. Everett provided further information about the

river system. The Tennessee River system and watershed is a 42,000 square mile drainage area, and TVA operates one of the largest river systems in the country. It operates 49 dams in the Tennessee Valley in a seven state region, and 29 of those produce power. Guntersville Dam is a little more than halfway down the river valley system. Two operating objectives that could be overlooked by the public are flood control and navigation, and those two objectives are the most challenging situations TVA has to face on a day-to-day basis. On average, damages averted by TVA each year are about 260 million dollars. To date, that number is approaching 7 billion dollars. TVA appreciates the partnership with the Army Corps of Engineers. Today the Council will be visiting Guntersville Dam and Lock. TVA owns the Lock, and the Corps of Engineers runs it. Hydropower is another big part of TVA Operations. Hydropower constitutes about 3500 megawatts of generating capacity, which represents about 10 percent of the power generated by TVA on an annual basis. The River Forecast Center focuses on monitoring temperature and dissolved oxygen levels below dams. This is a very important part of keeping aquatic life healthy in the reservoirs and keeping good fishing communities in shape. Another partnership opportunity is to provide the best water quality possible and provide optimal flow schedules that meet a lot of different objectives. River Operations coordinated 200 special operations for folks conducting activities below dams and TVA made sure that the flows were correct and at the right time, temperature and quality. TVA has upgraded to a state-of-the-art river forecast system. There is a lot of coordination with nuclear plants and coal plants to maintain thermal compliance. TVA has listened to comments from the Council to increase public outreach. TVA has been very active on social media. And the 2017 Hurricane season was record-breaking, and TVA took proactive steps to stay ahead of the storms and position the reservoir system well.

Mr. Everett also provided a brief update on Dam Safety. Mr. Everett explained some significant components of TVA's Dam Safety program include inspection, maintenance and repairs, health checks, and construction for dam safety improvements. Mr. Everett discussed some issues related to the Boone Dam Remediation Project, Little Bear Creek Dam, and Pickwick Landing Dam South. For more information about River Management, please go to <https://www.tva.gov/Environment/Managing-the-River>. For more information about specific dams, please go to <https://www.tva.gov/Newsroom/Boone-Dam-Project>, <https://www.tva.gov/Energy/Our-Power-System/Hydroelectric/Little-Bear-Creek-Dam-Seepage-Statement> and <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Pickwick-Landing-Dam-South-Embankment-Seismic-Upgrade>.

Council was supportive of TVA's efforts and asked questions. Several members indicated appreciation for the work of TVA on Dam Safety and River Management.

## **B. Natural Resources Update** (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))

Bucky Edmondson, Director of Natural Resources, provided Natural Resources updates. TVA manages 293,000 acres of reservoir lands. TVA has reservoir, corporate and power lands, and Natural Resources manages the reservoir lands. Natural Resources does a lot of wild-life habitat work. Public Outreach is a relatively new group and TVA has distributed some products from that group. The program is reaching thousands of children across the Valley. In addition, Natural Resources has implemented the Clean Marina and the Clean Campground program. Natural Resources partners with many groups and has formed a Parks On The Water program.

Natural Resources also partners with Council Member Brad Kreps and the Nature Conservancy. TVA is also working towards repatriating human remains that were removed during historic construction of the reservoirs. TVA places a big emphasis on protecting archeological sites. Mr. Edmondson stated that Natural Resources issued about one thousand four hundred Section 26a permits and land use agreements this year. Floating Cabins have been a high interest topic of conversation. In May of 2016, the TVA Board approved policy to address floating cabins. Congress then enacted the Water Infrastructure Improvements for the Nation (“WIIN”) Act, which has removed a sunset period approved by the TVA Board and recommended by the RRSC. Phase I Section 26a rule amendments are drafted to redefine non-navigable houseboats and floating houses as floating cabins; prohibit new floating cabins after December 16, 2016; and require owners to register their structures. Phase 2 rules amendments addressing specific required standards will be proposed in 2018 after stakeholder input is completed. TVA is working with stakeholders to address concerns. Mr. Edmondson provided information on other issues Natural Resources has been addressing. Another significant topic that TVA’s Natural Resources and Enterprise Relations have been addressing is aquatic plants. Mr. Edmondson remarked that Dr. Joe Hoagland and his staff have been helpful. TVA has been in discussions about Gunter’sville Reservoir, and there is agreement on where to spray. That result is significant, and the Council will hear more about aquatic plants from TVA at lunch. TVA is in discussions with other stakeholders on other reservoirs. Natural Resources has also been actively involved in outreach and is working with TVA’s Communications group to produce literature and social media updates. Natural Resources supports partnerships throughout the Tennessee Valley and provides environmental education, as well as a host of other programs throughout the Valley.

Council asked questions about Natural Resources programs and complimented Natural Resources in the work it is doing and for incorporating the RRSC’s past advice on partnership and outreach opportunities.

**C. Natural Resource Plan Update** (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))

Rusty Smith, Senior Specialist, Policy and Project Management, from TVA’s Land & River Management, presented on TVA’s Natural Resource Plan. TVA’s mission of services is to make our region the best place in the country to live, work and play. To fulfill TVA’s mission, TVA’s Natural Resources group serves the people of the TVA region by remaining flexible to balance competing demands. Natural Resources presented the Natural Resource Plan to the Council in 2009 and in 2010 and listened to Council feedback. Additionally, TVA had numerous meetings with the public and with agencies in the Valley states. The Natural Resource Plan was published in 2011. The Plan is intended to be a twenty-year guidance project with periodic updates. The Plan contains six resource areas: biological, cultural, water, recreation, lands planning and public engagement. In Fiscal year 2017, Natural Resources evaluated the programs in place. TVA is on the road to success and is in the phase of updating it. Natural Resources will 1) use lessons-learned to create updates to programs and activities, 2) update the text of the Plan to align with TVA’s Mission and Natural Resource strategy, 3) enhance strategic guidance and alignment of Natural Resources work, and 4) be better equipped to answer questions about where to utilize funding.

The 2011 Natural Resource Plan format contained 6 resource areas. The 2018 format will contain ten focus areas. The update will include appropriate environmental assessments and engagement of stakeholders. Natural Resources intends to provide further updates to the Council.

Council asked questions about the Natural Resource Plan focus areas, and Mr. Smith provided responses to address ecotourism, public land protection and land, wildlife and habitat management.

#### **4. Public Land Protection Program** (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))

Milli Warren, Senior Specialist, Policy and Project Management, from TVA's Land & River Management, presented on TVA's Public Land Protection Program. Over the years, TVA has acquired, on behalf of the United States, approximately 1.3 million acres of property since 1933, primarily during construction of the reservoir system. Almost two thirds of this property is now inundated by our reservoirs or the property was sold or transferred. Of the property sold or transferred, most was conveyed to encourage development in and around the newly created reservoirs. TVA has a long history of partnerships and the transfer of public land for recreational and purposes. Natural Resources manages approximately 293,000 acres of reservoir property, and TVA has to balance competing demands. TVA has a prominent history of resource stewardship work. TVA has dedicated additional resources to enhance these efforts and increase investment in public land. Implementation of over 650 projects in four years across the Valley continues to have a positive impact in the communities we serve and on TVA's reputation with our stakeholders. Some of the hard spots that TVA experiences on TVA property are trash dumping, people constructing permanent or temporary structures without permission, and damages from use of ATVs, especially in TVA natural areas. The public has historically been very involved in TVA's land and shoreline management policies. Recent efforts have not garnered the same level of public engagement. Past Council Advice has included legacy house encroachments. A few of the ways TVA has implemented this Advice is 1) In fiscal year 2016 and 2017, TVA marked approximately 235 miles of TVA property boundaries, 2) updates to TVA's website including an interactive map viewer showing planned zones and other information for residential neighbors and potential homebuyers, and 3) by conducting 15 realtor workshops in fiscal year 2017.

The land sold around the reservoirs brings us to the advice topic, which is protection of public land. In an attempt to resolve existing and discourage future violations and encroachments, TVA is developing a public land protection program which encompasses efforts in four areas: Education, Policies and Regulations (including citation authority), Prevention, and Enforcement and Resolution. TVA is considering small disposals to resolve legacy house encroachments. This would be in addition other existing tools, such as removal, sufferance agreements, and litigation. TVA would review these disposals in conformity with existing policies and law.

Council asked multiple questions about the Public Land Protection Policy and encroachments. Some of the questions asked by Council members were how ATV's or other motorized vehicles affect TVA's natural resources, whether TVA's deeds affect encroachments, how TVA engages the public and is making use of modern communication methods that might better engage the

public, and what types of partnerships TVA has with agencies to help clean up or prevent encroachments. Ms. Warren, Dr. Hoagland and TVA staff responded to the Council. TVA has a lot of cultural resources in the lake beds. During most of the year, water covers the lake beds and is good protection for the natural resources. When the public uses ATVs on the drawdown areas, there can be impacts to cultural resources and other natural resources. In addition, much of the drawdown area on some reservoirs is under private ownership and use of ATVs may constitute a trespass on private property. TVA's deed and flowage easement rights do determine whether a landowner is encroaching on TVA property. The contours and restrictions have to be reviewed very carefully. TVA is utilizing more modern methods of communication including social media, and we are open to suggestions. The suggestion by an individual member of the Council to incorporate voting at public meetings or other places is a good idea. TVA also partners with state and local agencies to assist with encroachments and public lands. TVA may hear about violations and encroachments from the local community. TVA is also receptive to new partnerships.

## **5. Day 2 Welcome and Discussion of Advice Questions**

Dr. Hoagland, Ms. Upchurch and Chair Kennedy welcomed the Council to the second day of the third meeting of the ninth term. TVA stated that it looked forward to hearing from the Council. The Council commented that it really enjoyed the tour of Guntersville Dam and Lock yesterday and the aquatic plants presentation during lunch by Dr. Brett Hartis, Program Manager for Aquatic Plant Management, TVA's Land & River Management. The Council participated in discussions to formulate its advice and asked further clarifying questions about the protection of public land.

Ms. Upchurch reviewed the advice questions with the Council, and the Council asked many questions. David Bowling, Bucky Edmondson and TVA staff provided responses to the Council.

## **6. Preliminary Water Use Report (Presentation can be found at [www.tva.gov/rrsc](http://www.tva.gov/rrsc))**

Amanda Bowen, Civil Engineer, TVA's River Management, was scheduled to present. Due to the ongoing discussion relating to TVA's Public Land Protection program, the preliminary water use report may be discussed at another time.

## **7. Public Comment Period**

Chris Lane, resident of Guntersville, addressed the Council. Mr. Lane stated he moved to Guntersville because of Lake Guntersville and the recreational fishing opportunities. He remarked that he appreciates what TVA does to take care of the lake and its involvement in the aquatic plant management program. He stated that he and his family spend time on the lake and he is a professional fisherman, and TVA's involvement is needed and appreciated.

Katy Norton, President of the Marshall County Convention and Visitors Bureau, stated her focus is on tourism. Lake Guntersville draws residents and visitors due to its beauty and the variety of outdoor activities it offers. Ms. Norton stated that the Bureau values our natural resources, and

the success is due in part to our strong partnership with TVA. The Bureau encourages the Council to remain engaged in conversation and planning as the Bureau and TVA work together on solutions that make sense for Lake Guntersville.

Matt Arnold, President and CEO of the Marshall County Economic Development Council, thanked TVA and the Council for coming to beautiful Lake Guntersville, on behalf of the Mayor. He stated Lake Guntersville is the largest economic development draw for Marshall and Jackson Counties, and companies locate here because of the lake. He thanked TVA for its assistance with plant management and economic development initiatives, and he encourages TVA to continue a balanced approach with aquatic plant management and in its commitment to economic development.

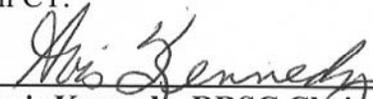
### **8. Council Formal Advice Questions**

The Council deliberated and finalized its advice. The Council formally moved to adopt the Formal Advice attached herein as Exhibit C. The Council unanimously approved the Formal Advice at approximately 12:00 pm CT.

### **9. Closing Comments**

Dr. Hoagland, Ms. Upchurch and Chair Kennedy thanked the Council for its efforts and advice. They reiterated that the meeting was very productive and generated great ideas. TVA will finalize the minutes for the meeting and submit it for Chair approval. The meeting adjourned at approximately 12:02 pm CT.

Minutes Approved:

  
Avis Kennedy, RRSC Chair

Date:

7-24-18

**Appendix A  
Non-Council Meeting Attendees**

**TVA**

Dr. Joseph Hoagland, DFO	Liz Upchurch, Facilitator
Jacinda Woodward, Senior Vice President, Resources & River Management	Brenda Brickhouse, Vice President, Environment & Energy Policy
David Bowling, Vice President, Land & River Management	Bucky Edmondson, Director of Natural Resources
Amanda Bowen	Chris Cooper
James Everett	Ben Bean
Amy Henry	Barbie Perdue
Kendra Mansur	Michael Scalf
Rusty Smith	Milli Warren
Brett Hartis	Rachel Terrell
Karyn McCormick - TVAP	David Brewster
Michelle Parkin - TVAP	Kelie Hammond
Carolyn Koroa	Tiffany Foster
Lauren Vandiver	Derrick Chatman

**Members of the Public**

None Christina Reichert – Southern Environmental Law Center	
Katy Norton – Marshall County Convention & Visitors Bureau	Chris Lane – Pro Fisherman
Matt Arnold - Marshall County Economic Development Council	Judy Miller – Office of Senator Scofield

**Others**

Jennifer Short, Elite Reporting

**Appendix B**  
**Meeting Agenda**  
**9<sup>th</sup> Term Regional Resource Stewardship Council (RRSC)**  
**November 14-15, 2017**  
**1155 Lodge Drive**  
**Guntersville, Alabama 37956**

**Day 1 – November**

<b>8:30</b>	<b>TVA Welcome RRSC Welcome</b>	<b>Joe Hoagland, VP, Enterprise Relations and Innovation Designated Federal Officer Avis Kennedy, Council Chair</b>
	<b>Introductions and Agenda Review</b>	<b>Liz Upchurch, Facilitator</b>
<b>8:50</b>	<b>FACA Briefing</b>	<b>Kendra Mansur, Office of the General Counsel</b>
<b>9:00</b>	<b>DFO Briefing</b>	<b>Hoagland</b>
<b>9:10</b>	<b>River Management Update</b>	<b>James Everett</b>
<b>9:30</b>	<b>Break</b>	
<b>9:45</b>	<b>Natural Resources Update</b>	<b>Bucky Edmondson</b>
<b>10:15</b>	<b>TVA Natural Resource Plan Update</b>	<b>Rusty Smith</b>
<b>10:40</b>	<b>TVA Public Land Protection Program</b>	<b>Milli Warren</b>
<b>11:45</b>	<b>Adjourn</b>	
<b>11:45</b>	<b>Lunch to follow for Council Members</b>	

**Day 2 – November 15**

<b>8:30</b>	<b>Welcome and Recap</b>	<b>Liz Upchurch, Facilitator</b>
<b>8:45</b>	<b>Preliminary Water Use Report</b>	<b>Amanda Bowen</b>
<b>9:15</b>	<b>Prepare for Public Comment Period</b>	
<b>9:30</b>	<b>Public Comment Period</b>	<b>Upchurch, Facilitator</b>
<b>10:30</b>	<b>Council Discussion / Form Advice</b>	<b>Upchurch, Facilitator and Council</b>
<b>12:00</b>	<b>Wrap Up and Adjourn</b> (lunch available for Council Members)	<b>Kennedy / Hoagland</b>

**Appendix C**  
**Formal Council Advice**  
**Regional Resource Stewardship Council**  
**Advice Statement, November 15, 2017**  
**Approved unanimously by RRSC**

Questions:

1. If TVA pursues the sale of public land to resolve legacy house encroachments with flexibility, how can TVA discourage future house encroachments?
2. What role should TVA play in protecting the public land it has in its custody and control? In what ways should the public be informed of this role?
3. Based on previous advice, if TVA's direction is to take a firm approach on enforcement and resolution of future encroachments, are there situations where deviating from this approach should be considered as appropriate?
4. How can TVA engage its silent stakeholders, particularly those who are public land advocates and do not support the use of public property for private gain but may not currently participate in opportunities to express their viewpoints to TVA leadership?

Unanimous Advice:

The RRSC recognizes TVA public land is important. TVA should have the flexibility to pursue resolution of legacy encroachments by disposal of small pieces of affected property. TVA should develop guidelines that would create a consistent approach to address previously undiscovered legacy type encroachments. Further, to prevent these issues in the future, TVA should:

- Set a firm date to demarcate and publicize that the future action will be to remove all new encroachments
- Study the data to measure and understand the causes of encroachments
- Mark and maintain its boundaries on a regular schedule, prioritizing high risk areas
- Utilize tools such as aerial photography and GIS software to manage this program
- Pursue citation authority through US Congressional action
- Have an integrated, comprehensive and continuous strategy to perform and document outreach
- Have flexibility in how a zero net policy should be achieved
- Implement a strategic approach to legacy residential encroachments that recognizes the importance of the problem and the flexibility for staff to resolve
- Allow a penalty to be assessed in addition to recovering full market value and administrative costs as part of the resolution process
- Consider a broad public survey to assess how TVA is doing to manage the public land in its care
- Continue innovative approaches to seek public input including informal meetings
- Increase efforts to accumulate contact information on users/visitors through social media

The Council recognizes that TVA should have a comprehensive communication process and that a lack of response could be interpreted to mean stakeholders are satisfied.