



# Regional Resource Stewardship Council

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September 28 and 29, 2015  
Knoxville, Tennessee

# Safety First



## Building Emergency Plan

# Agenda – September 28, 2015

9:30	TVA Welcome	Joe Hoagland, Designated Federal Officer
	RRSC Welcome	Avis Kennedy, Council Chair
	Agenda Review	Lee Matthews, Facilitator
9:50	FACA Briefing	Kendra Mansur, Office of the General Counsel
10:00	DFO Briefing	Hoagland
10:15	Break	
10:30	Updates: Pickwick and Boone Dam Rehabilitation Projects	Andy Dodson, Specialist, Dam Safety Engineering Rebecca Tolene, Deputy General Counsel and Natural Resources
11:20	Overview of Cultural Program	Erin Pritchard, Specialist, Archaeologist
11:45	Lunch	
12:45	Stewardship Update	
	Leadership Update	Tolene
	Floating Houses EIS	Matthew Higdon, NEPA Specialist III
1:30	Break	
1:45	Encroachment Resolution	Tolene
2:30	Adjourn for Field Trip	





# The Federal Advisory Committee Act and The Regional Resource Stewardship Council

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FACA Briefing—Eighth Term  
Kendra Mansur, Attorney  
Office of General Counsel



# RRSC Meeting Protocols

## **Agenda**

- Joe Hoagland, Vice President, Stakeholder Relations is the Designated Federal Officer (DFO)  
Alternate DFO: John Myers, Director, Environmental Policy & Performance
- Agenda prepared and approved by the DFO in consultation with Council Chair, Avis Kennedy
- Agenda distributed to Council and an outline is published in the Federal Register prior to each meeting
- Topics may be submitted to the DFO by any member of the Council, or non-members, including members of the public

## **Meeting Minutes**

- DFO will ensure that minutes are prepared for each meeting, approved by the Chair, and made available to Council members and the public

## **Voting**

- Any member of the Council may make a motion for a vote
- Recommendations to TVA Board shall require an affirmative vote of at least eleven Council members present on that date
- Council members may include minority or dissenting views

## **Membership**

- Balanced Membership
- Professional or personal qualifications to achieve the mission of regional resource stewardship
- Broad range of diverse views and interests, including recreational, environmental, industrial, business, consumer, educational and community leadership



# DFO Briefing

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Joe Hoagland, Designated Federal Officer





# Today's Meeting

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# Meeting Goals

- *Gain an update on TVA's Floating Houses EIS*
- *Share update on progress on River Operations Dam Safety Approach at Boone Reservoir*
- *Share information on mitigation work related to Boone Reservoir drawdown*
- *Gain advice on managing Encroachments related to TVA managed public resources.*



BREAK TIME







# Pickwick Landing Dam Boone Dam

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Rehabilitations

Andy Dodson  
Specialist, Dam Safety Engineering



# Pickwick Landing Project



# South Embankment Construction





# Pickwick Dam Summary

- South embankment of Pickwick Dam has the potential to liquefy in a major earthquake which could lead to significant damage to the dam.
- Downstream risks due to a potential dam breach are limited to the few miles below Pickwick Dam. Risks are minimal at Savannah, Tenn. since flooding at Savannah would be similar to past floods.
- Risk evaluations show that public education and warning devices reduce the potential life loss downstream to well below the potential life loss due to the earthquake itself.
- After implementation of the educational program and warning devices Pickwick reservoir was returned to normal operations by mid-May.
- A long term rehabilitation process is underway which includes a feasibility study, National Environmental Policy Act (NEPA) review and remediation. The rehab is estimated to be complete by FY23.

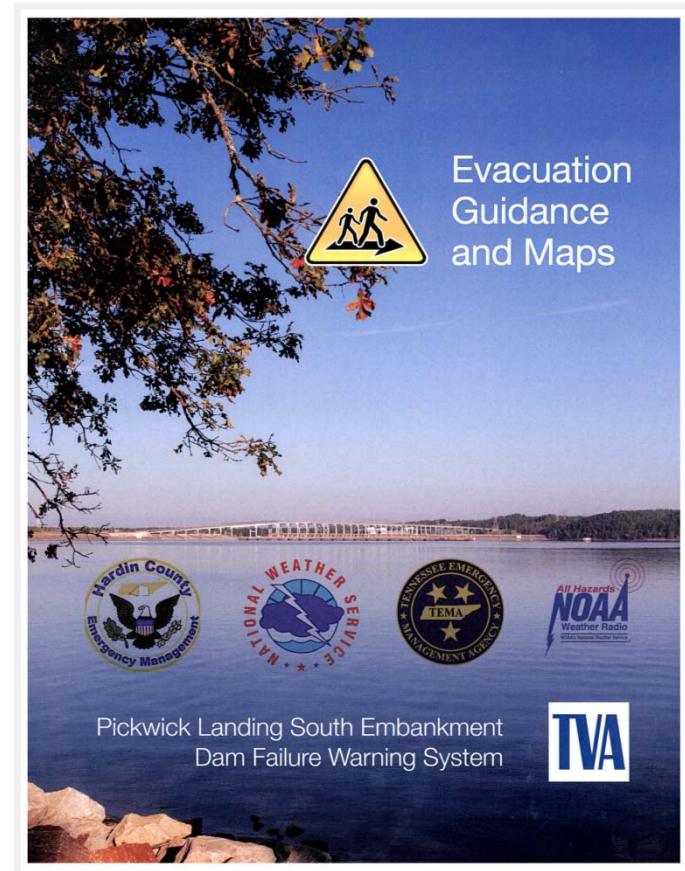
# Interim Risk Reduction Measures

- ❑ **Communication and Education**
- ❑ Enhanced Surveillance and Monitoring Systems
- ❑ Enhanced Emergency Action Plans

TVA has worked with local Emergency Management Agencies (EMAs) to educate the Population at Risk (PAR)

TVA has implemented a Community Outreach Program

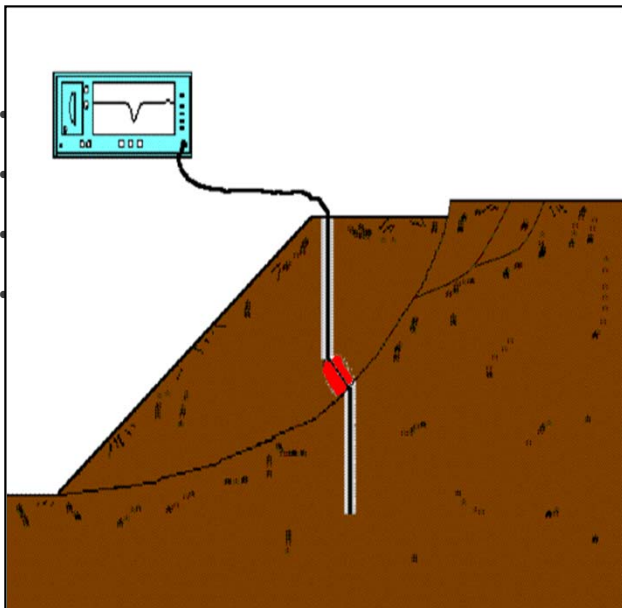
- To distribute information about the Dam Failure Warning System and the Evacuation Plan
- To receive information from the community about how the system is working
- Activities include:
  - Newsletters
  - Brochures
  - Public meetings
  - Posters
  - Exhibits at local venues
  - Web site: [www.tva.gov/pickwick](http://www.tva.gov/pickwick)





# Interim Risk Reduction Measures

- ☐ Communication and Education
- ☐ **Enhanced Surveillance and Monitoring Systems**
- ☐ Enhanced Emergency Action Plans



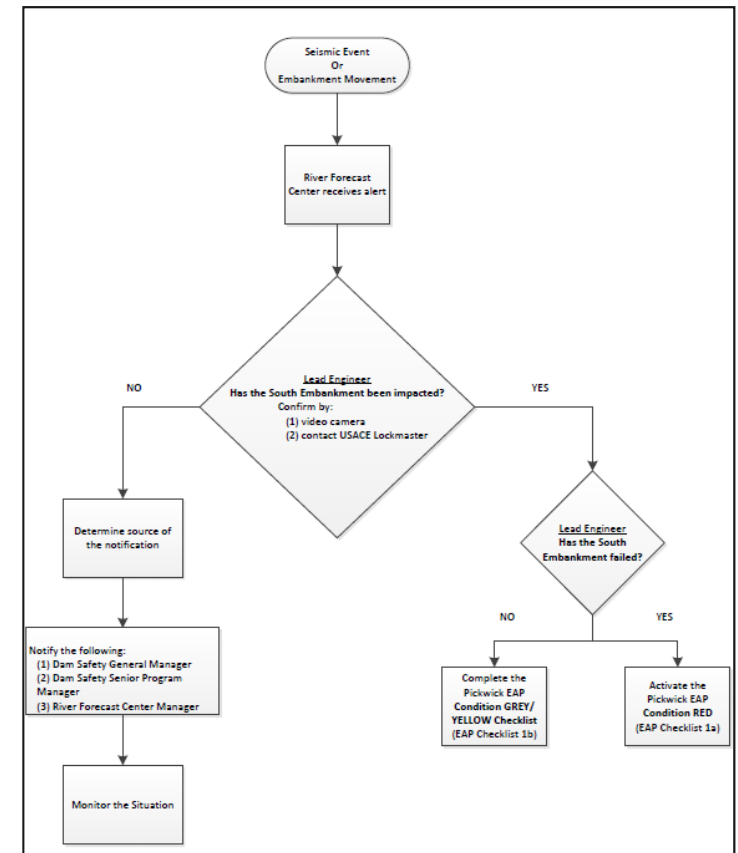
Composite Video  
Enhanced Video  
with Thermal  
Overlay

# Interim Risk Reduction Measures

- ❑ Communication and Education
- ❑ Enhanced Surveillance and Monitoring Systems
- ❑ **Enhanced Emergency Action Plans**

## Emergency Action Plan Supplement

- Provides specific actions for evaluating alerts from monitoring equipment – Prevents FALSE notifications
- Additional information to the current Emergency Action Plan that includes flood inundation mapping and response procedures
- Will continue to evolve as the rehabilitation project develops





# Pickwick Landing - Path Forward

- Feasibility Study Program
- National Environmental Policy Act (NEPA) review
- Design and Construction

# Boone Dam Seepage Update





# Boone Dam





# Filter Construction



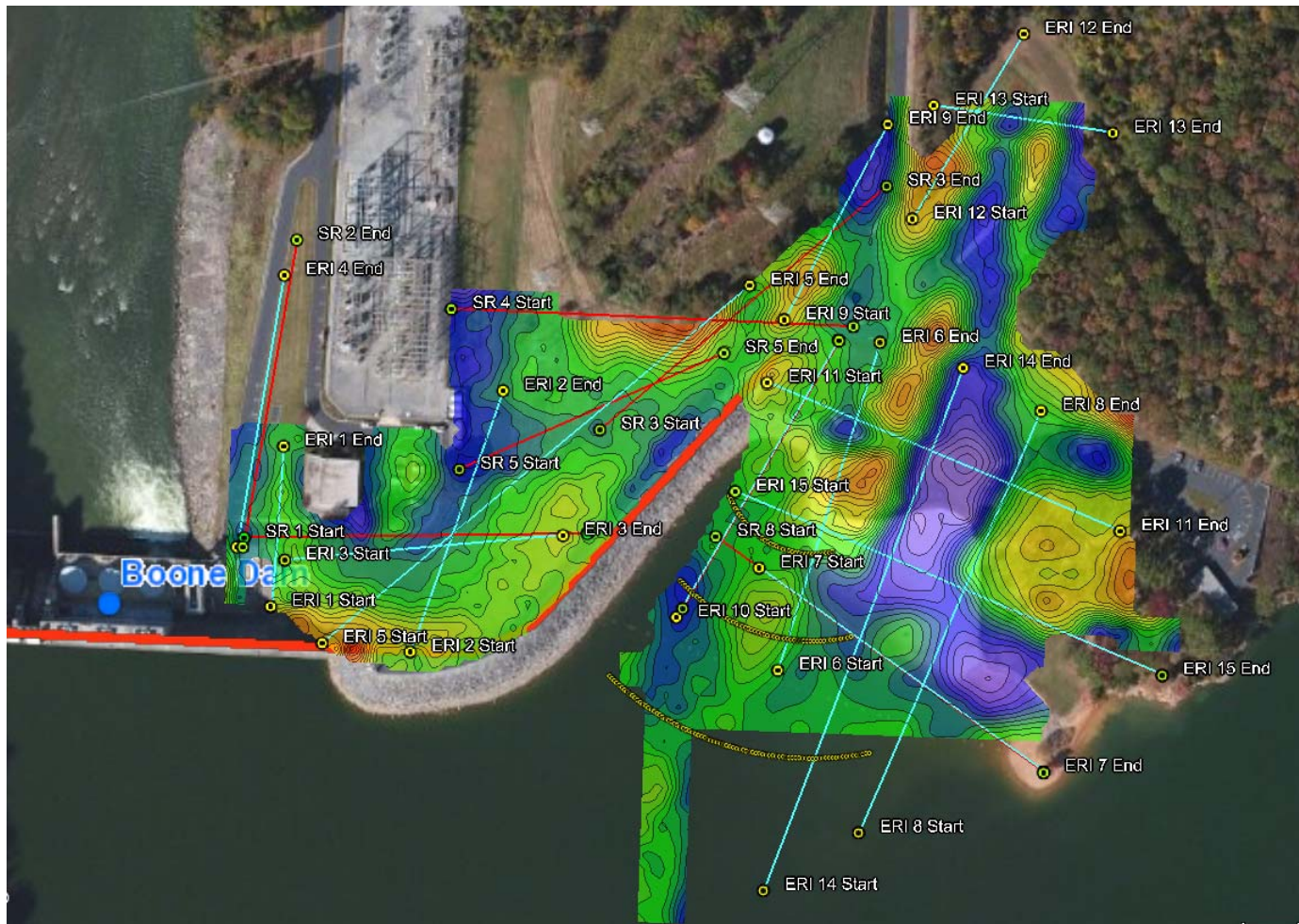
- Installed filter to control erosion & capture sediment
  - Allowed the return of two units to operation



# Boone Dam – Foundation Preparation



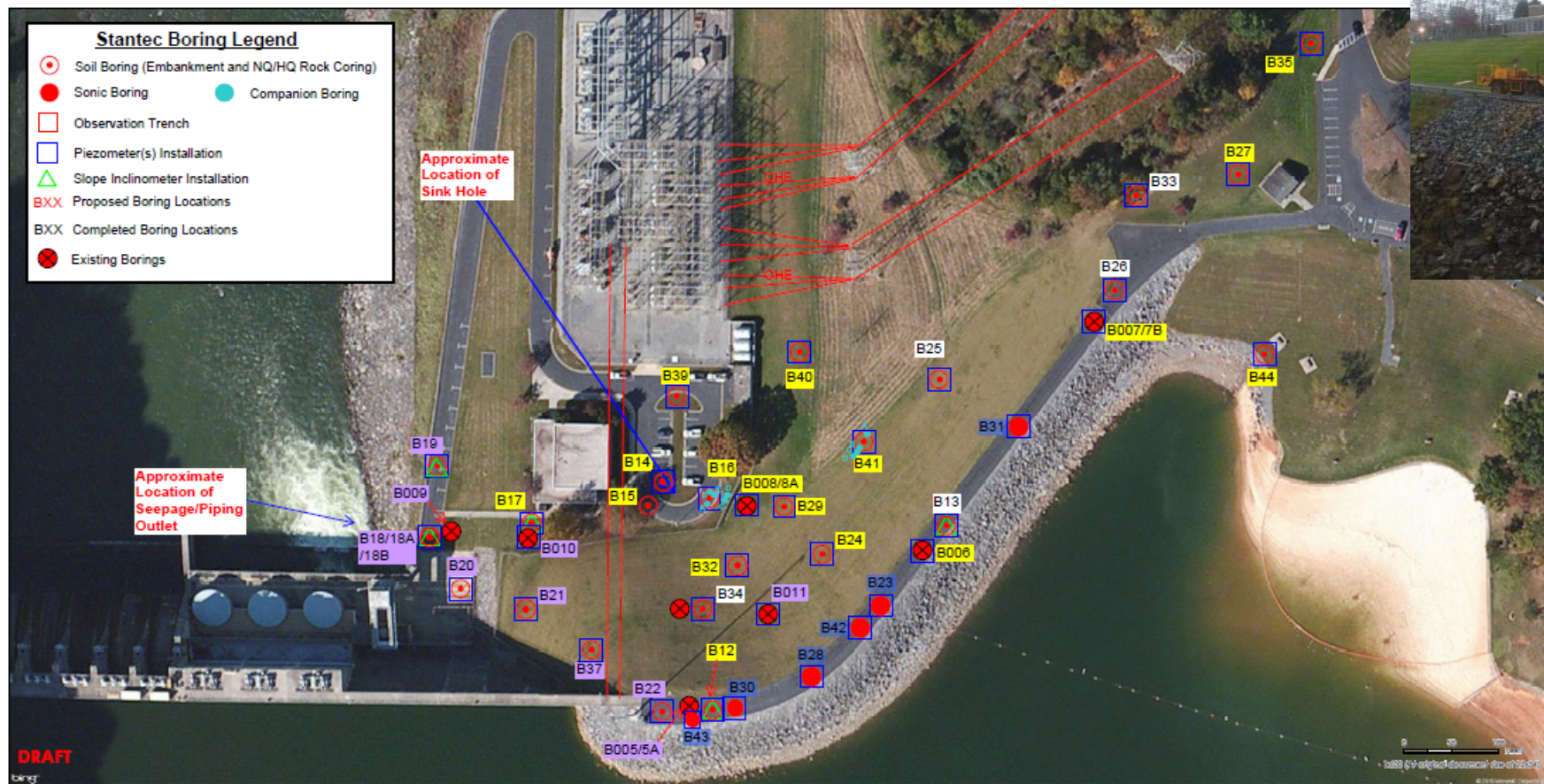
# Investigation Program



- Geophysical Survey helped determine the locations of the drilling locations.
- Types of Geophysical Surveys:
  - ERI - Electrical Resistivity imaging
  - SP - Spontaneous Potential
  - SR - Seismic Refraction
  - Microgravity, or simply, Gravity



# Investigation Program

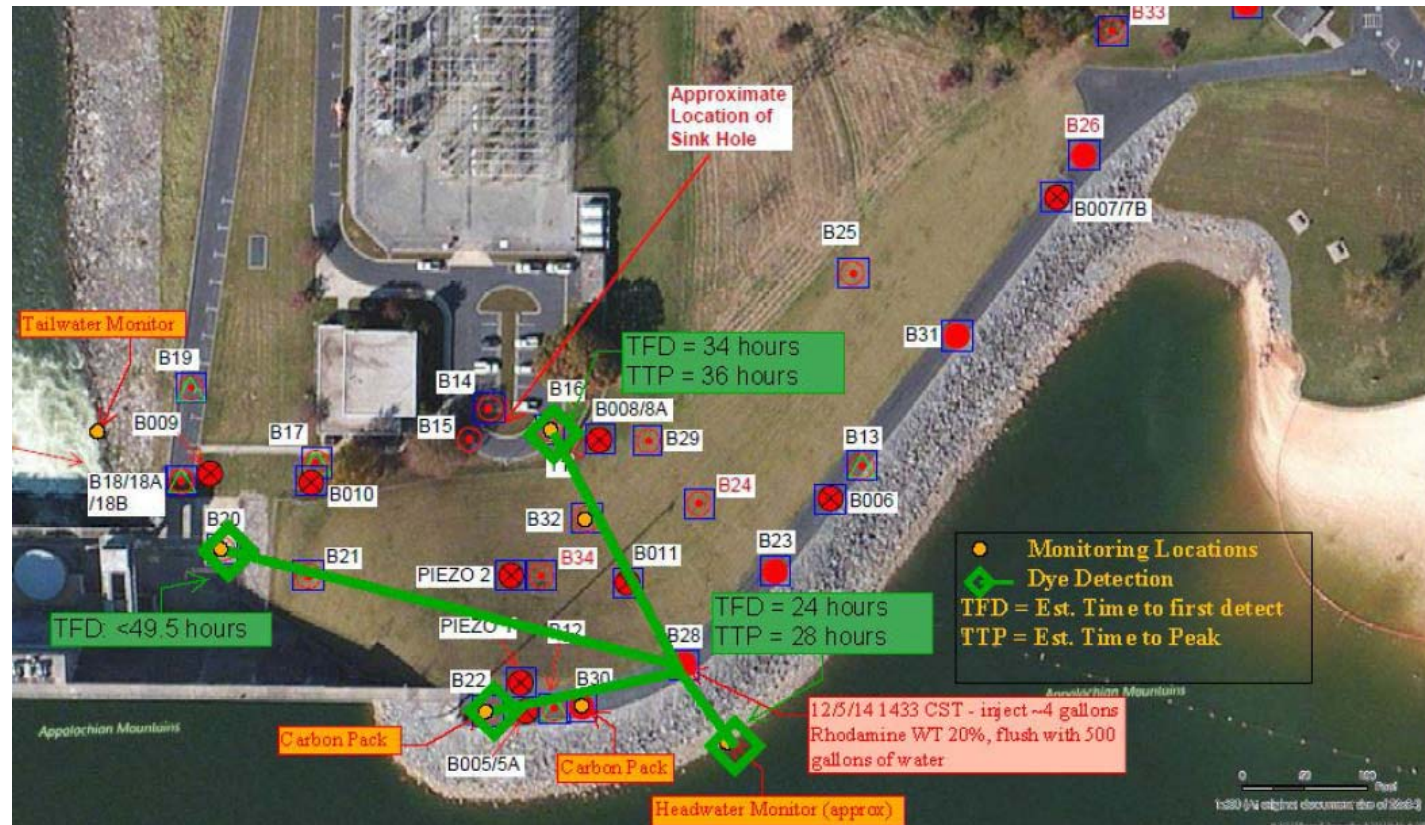


- Utilized borings to evaluate the interior properties of the dam, foundation beneath the dam and the right rim



# Dye Testing Program

- Confirmation of connection of sinkhole to the tailrace.
- Confirmation of connection from crest to sinkhole and crest to headwater

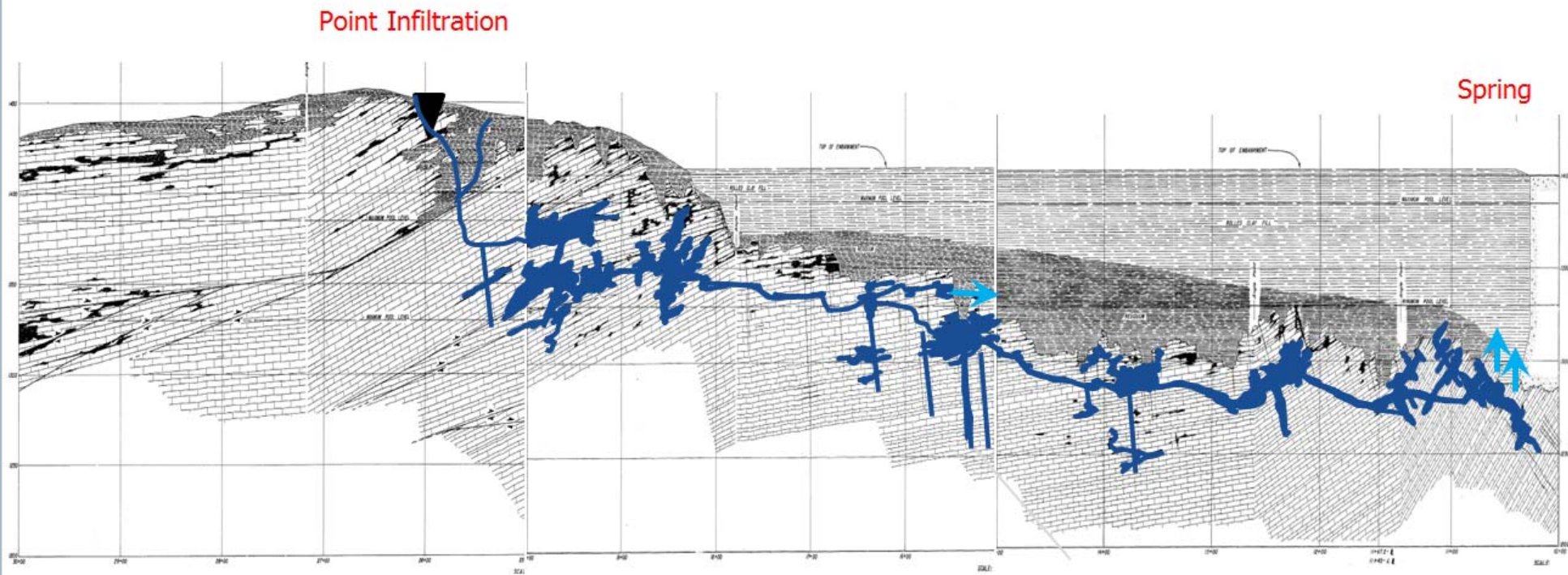




# Right Rim

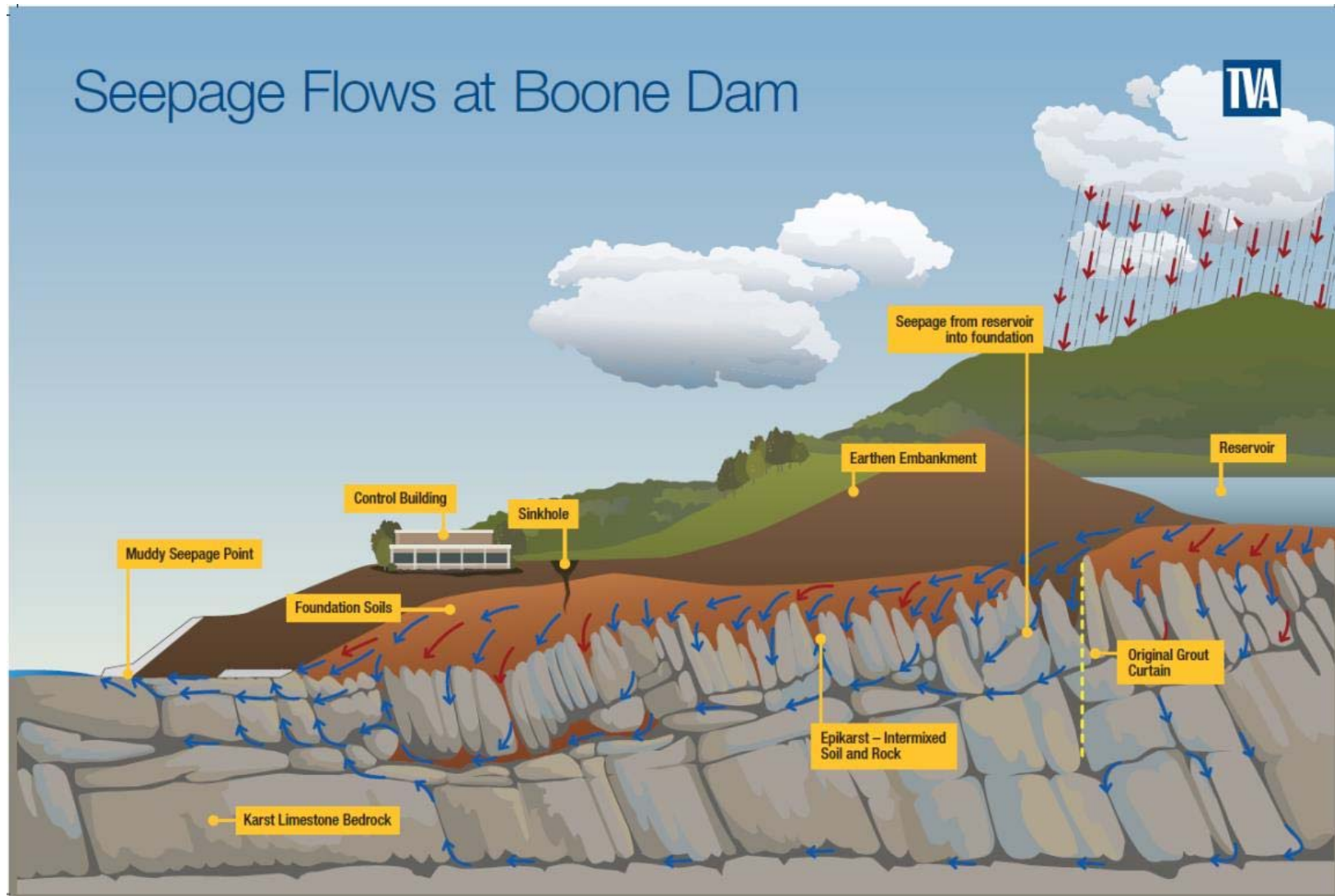


# Right Rim Influence





# Seepage Flows at Boone Dam



# Potential Impacts Downstream



Fort Patrick Henry Dam



Kingsport and other communities



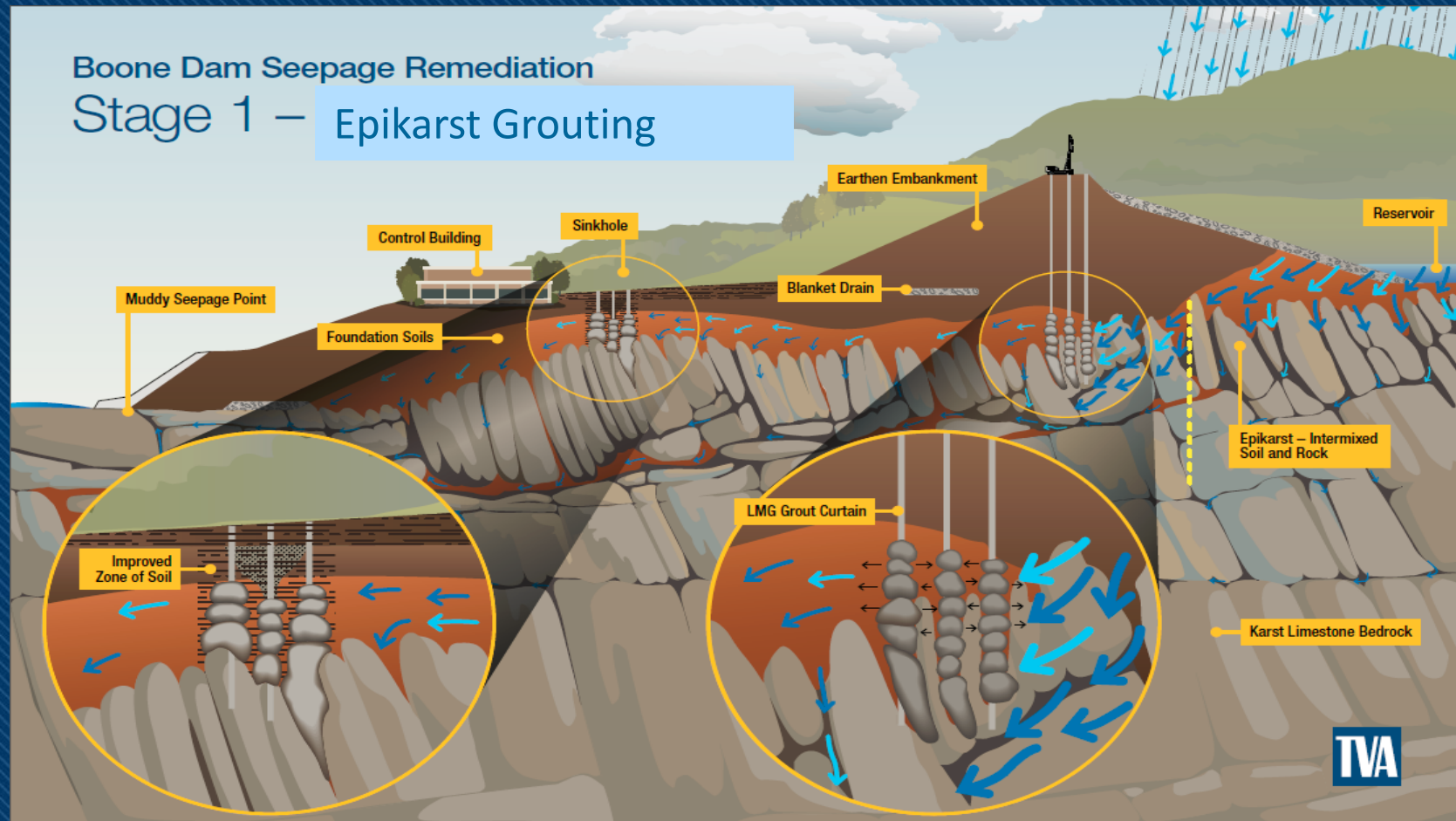
Major Industries



# Boone Lake – Impacts Upstream

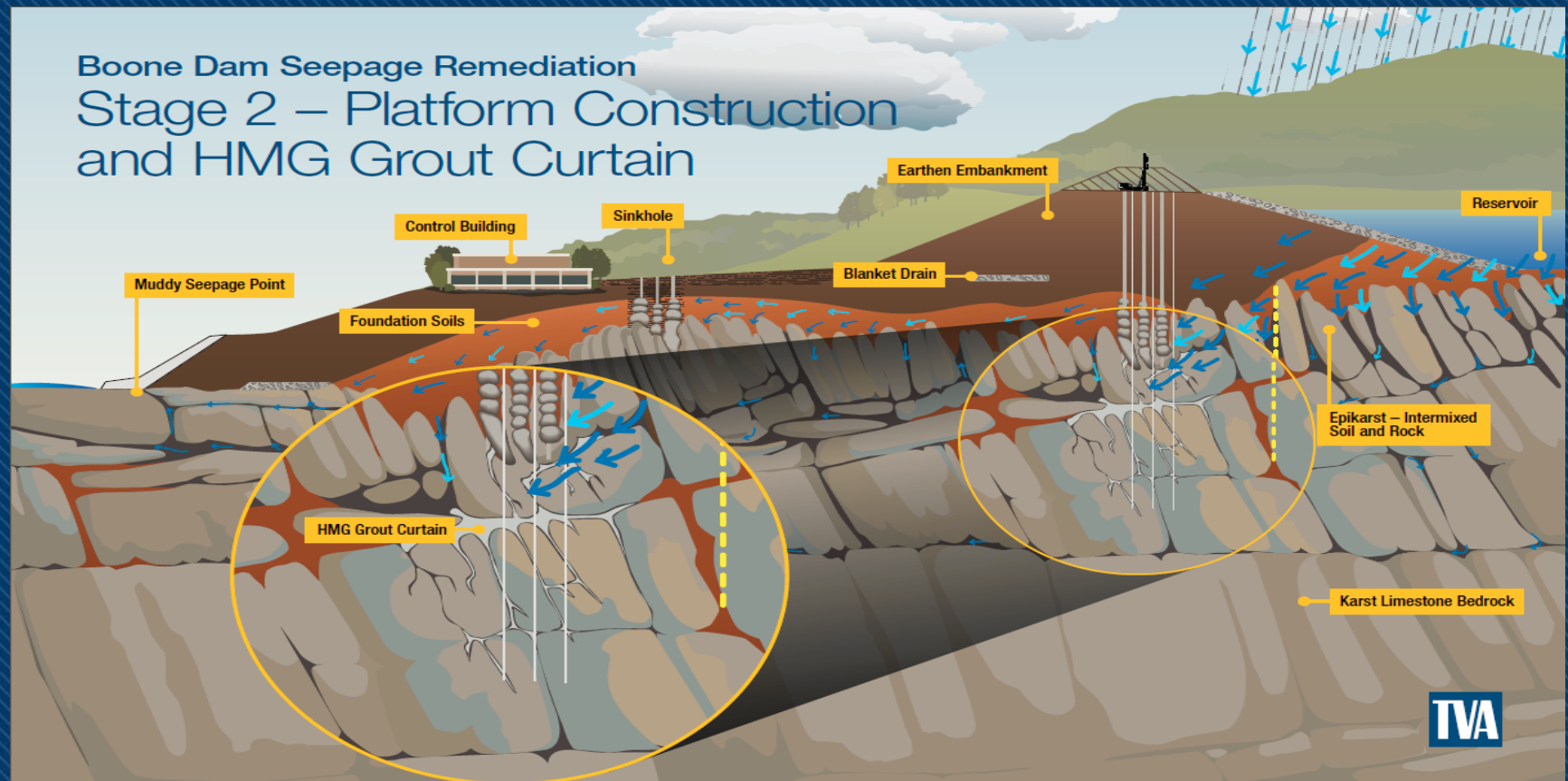


# Composite Diaphragm Wall

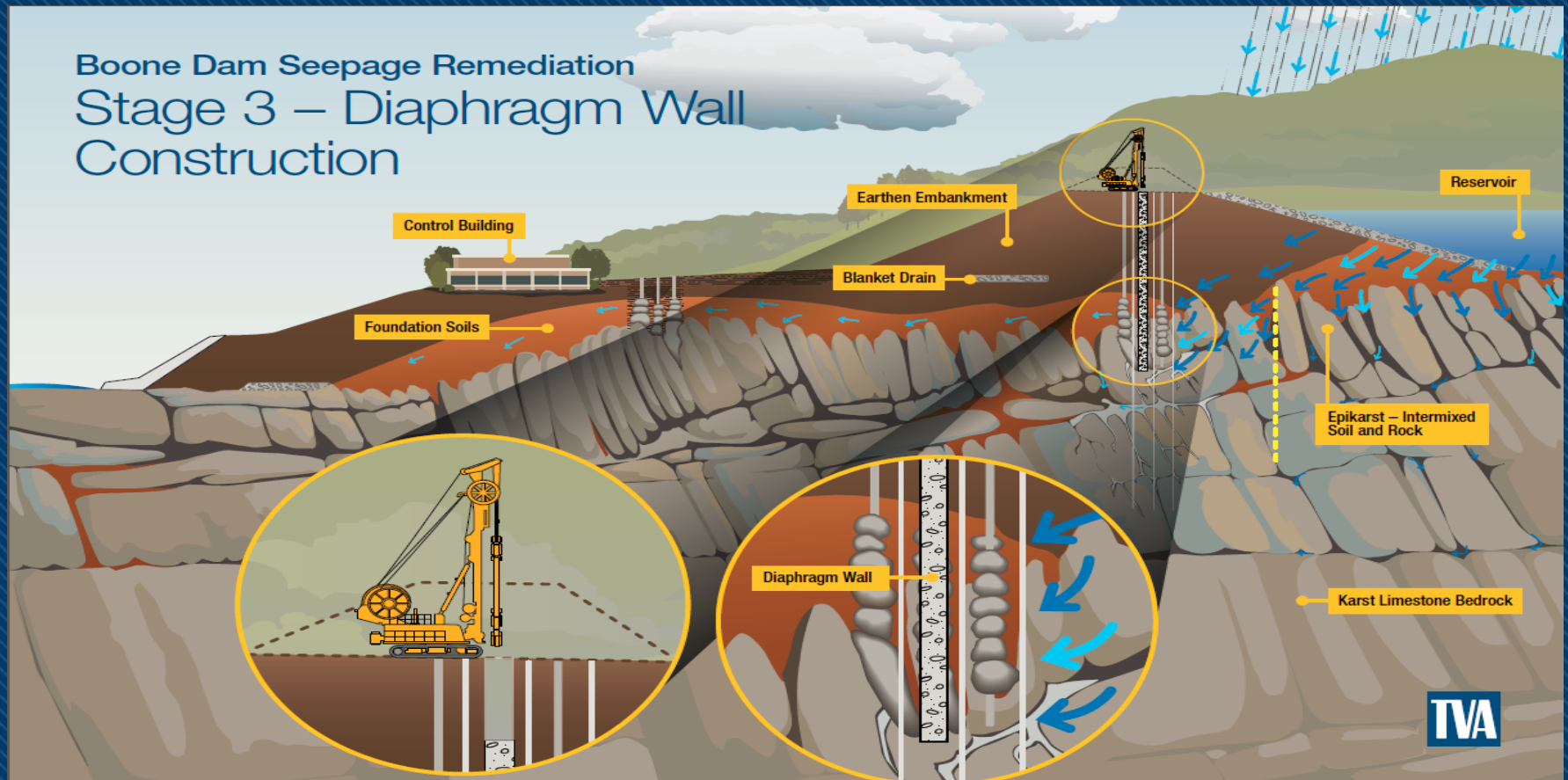




# Composite Diaphragm Wall



# Composite Diaphragm Wall





# Boone Dam Summary

- Investigations have been conducted and confirmed a complex network of seepage paths under the dam both from the reservoir to the tailwater and from the right rim.
- Internal erosion of the earthen dam due to underground seepage has been confirmed.
- Near-term plans include conducting test grouting and performing downstream improvements.
- Long term plans are in development for construction of a composite seepage barrier within the earthen dam followed by a return to normal operations.
- Long term pool restrictions are anticipated until a seepage barrier is constructed



Boone Review Team





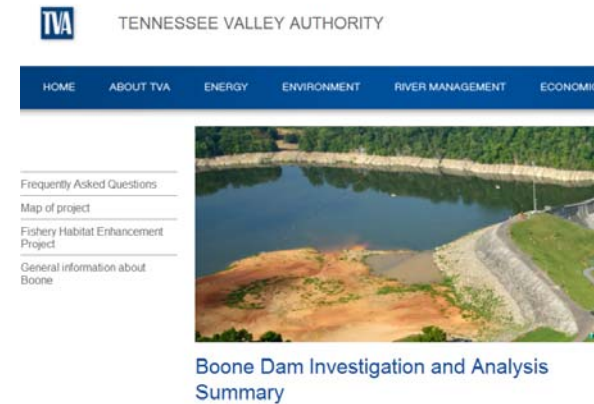
# Boone Reservoir Drawdown Mitigation Strategies

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# Boone Reservoir Drawdown - Public Awareness

- Dedicated Boone Dam Project Website
- On going Media Briefings and Updates
- Public Meetings
- Focus Group
- Twitter and Facebook Updates
- *Boone Weekly Update* electronic newsletter
- F/T Public Relations position and local office established (office opens early October)



# Boone Reservoir Drawdown – Mitigation

## Residential Shoreline - Fees

- Waive Section 26a application fees for eligible property owners on Boone Reservoir until normal reservoir operations are resumed.



- Approved variance to consider requests for temporary docks/ramps to be placed along the shoreline that may exceed the maximum allowable footprint permissible under TVA's Section 26a Regulations to allow for reasonable access.



# Boone Reservoir Drawdown – Mitigation

## Residential Shoreline - Boats

- TVA conducted an informal boat assessment on Boone for those boats stranded in dock lifts. It is estimated that approximately 200 boats remain.



- TVA is currently reviewing options for boat extraction assistance. There are several private contractors that are offering boat extraction services at this time and many boats have already been removed.



# Boone Reservoir Drawdown – Mitigation

## Residential Shoreline – Vegetation Management

- TVA is also considering several options to manage the successional vegetation in the exposed lakebed. TVA has communicated that vegetation removal or management on private property needs no approval from TVA.





# Boone Reservoir Drawdown – Mitigation

## Fisheries Habitat Enhancement

- Partnership with Tennessee Wildlife Resources Agency and private landowners
- Native vegetation to be planted in drawdown area
  - Provides wildlife habitat, erosion control, and aesthetics
  - Enhances fish habitat
- Identification of priority sites - Fall 2015
- Planting - February 2016



# Boone Reservoir Drawdown – Mitigation

## Archaeological Site Protection

- Monthly ARPA Patrols
- Volunteer Site Monitoring Program
- Surveys to identify new sites
- Monitoring of previously recorded sites
- Support for ETSU archaeological research
- Hydro-seeding

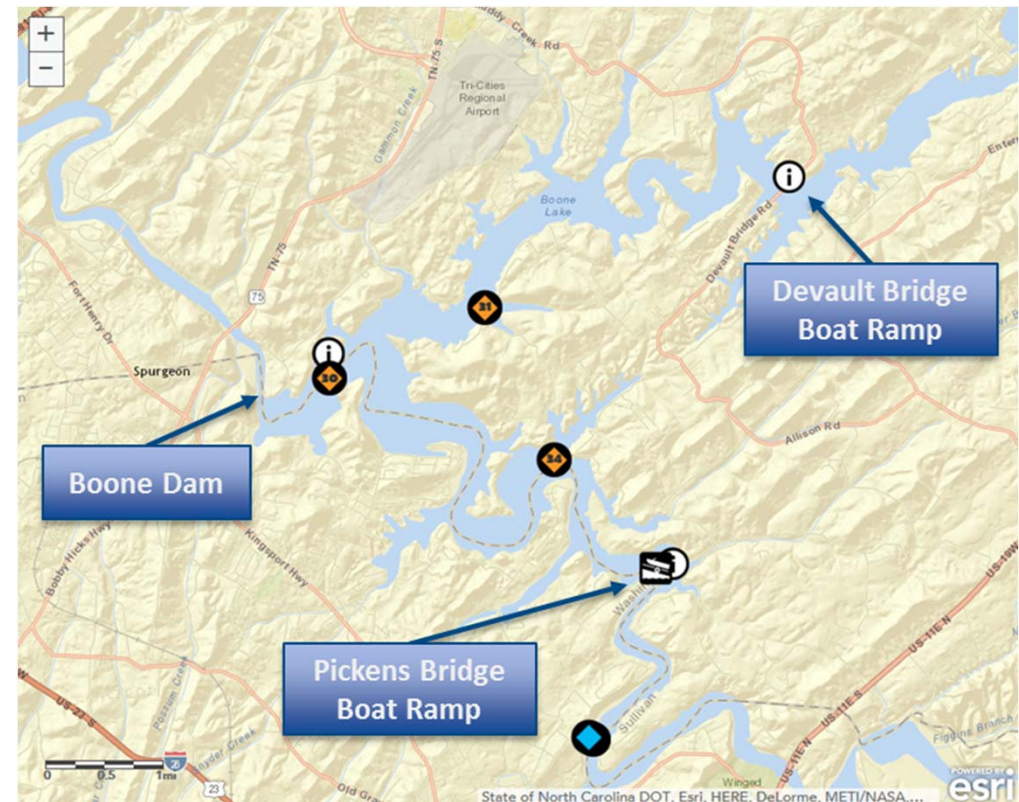




# Boone Reservoir Drawdown – Mitigation

## Public Access

- Improves and enhances the only usable public boat launching ramp at Pickens Bridge.
- Adds additional boat launching ramps on S. Fork Holston River and at Boone Dam.
- Addresses local EMS concerns.
- Includes temporary replacement of beach near Boone Dam.
- Leverages partnerships with TWRA at Pickens and Devault.
- Status of mitigation:
  - NEPA review is 95% complete.
  - TDEC permits are approved.
  - USACE permits expected soon.
  - Expected start 10/1/15



# Boone Reservoir Drawdown – Mitigation

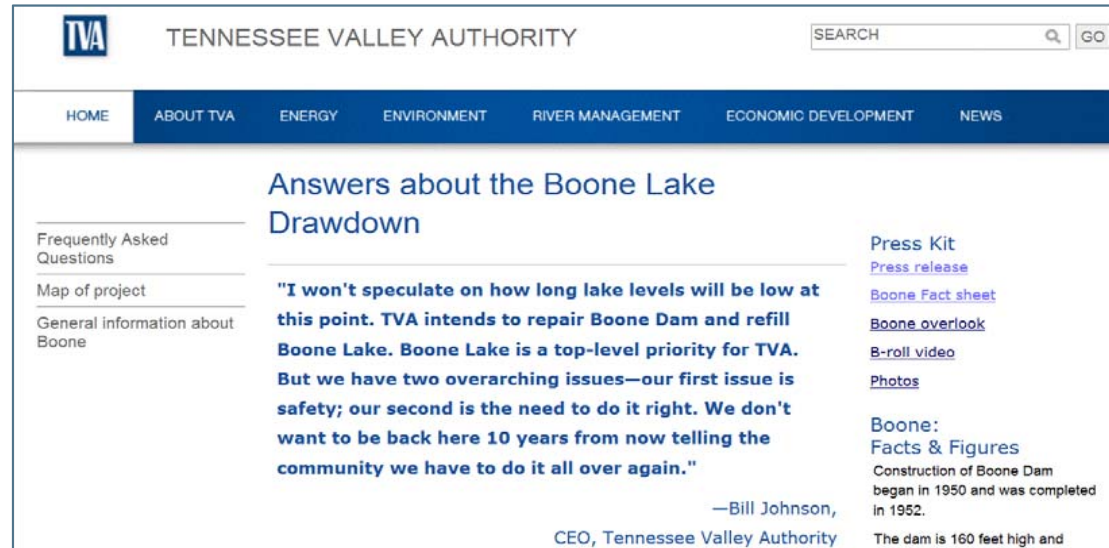
## Commercial Marinas

- Loans to help marinas stay in business
  - 0% now
  - 5.25% later
  - 6 of 7 participating
- Waiver of permit fees for new requests (i.e. ramps, seawalls)
- Waiver of rent





# More Information



<http://www.tva.gov/boonedrawdown/>



follow @BooneRepair



Questions?

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# Overview of TVA Curation Partnerships

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Erin Pritchard  
Specialist, Archaeologist

# TVA Has a Rich Legacy in Archaeological Stewardship

**The stewardship of archaeological sites on TVA began in 1933 when the TVA Board recognized the significance of archaeological sites to be lost by TVA dam construction projects.**

- Local university archaeologists met with A.E. Morgan to discuss the loss of significant sites
- Morgan agreed to support the effort to sample these sites prior to inundation
- William S. Webb was hired by TVA to oversee the archaeological work across the Valley
- Excavations were conducted by corresponding state universities



Excavations on  
Kentucky  
Reservoir



# TVA Has a Rich Legacy in Archaeological Stewardship



## Early Archaeological Excavations

Labor provided by the New Deal program labor (Works Progress Administration, Federal Emergency Relief Administration, Works Progress Administration)

Excavations were conducted on Norris, Wheeler, Pickwick, Guntersville, Hiwassee, Chickamauga, Watts Bar, Kentucky (was then called Gilbertsville), Fort Loudoun and Douglas between 1933-1942

Most excavations were published in Alabama; however, few reports were published on Tennessee Projects – many remain unpublished today

Excavation efforts eventually ceased as TVA (and the entire country) shifted focus on the World War II effort.

# University of Alabama Collections

## Office of Archaeological Research

### Prior Conditions





# University of Alabama Collections

## Office of Archaeological Research



### Project Benefits

Artifact storage now meet archival requirements

New inventory for easier access to materials

Renewed interest in the complex archaeological record in the Tennessee Valley

Improved relationships and increased collaboration on research and public outreach

106,118 artifacts were documented  
in the 2015 fiscal year project

# University of Tennessee Collections

## McClung Museum of Natural History & Culture

### Prior Conditions





# University of Tennessee Collections

## McClung Museum of Natural History & Culture



### Project Benefits

Significant archival records now digitized

Documents contained in archival quality containers

Consistent inventory of material

Improved relationships and increased collaboration on research and public outreach

Consolidation of materials from multiple repositories

90% of records have now been digitized

# Long-term Benefits and Plan

- Consolidation of collections into fewer repositories
  - Reduces efforts for management and reporting requirements for agency
- Improved collaboration, research and public outreach
  - Renewed interest in collections by graduate researchers
  - Increase in cultural resource partnerships with universities









Break for Lunch

Meeting will reconvene at 12:45PM





# Regional Resource Stewardship Council

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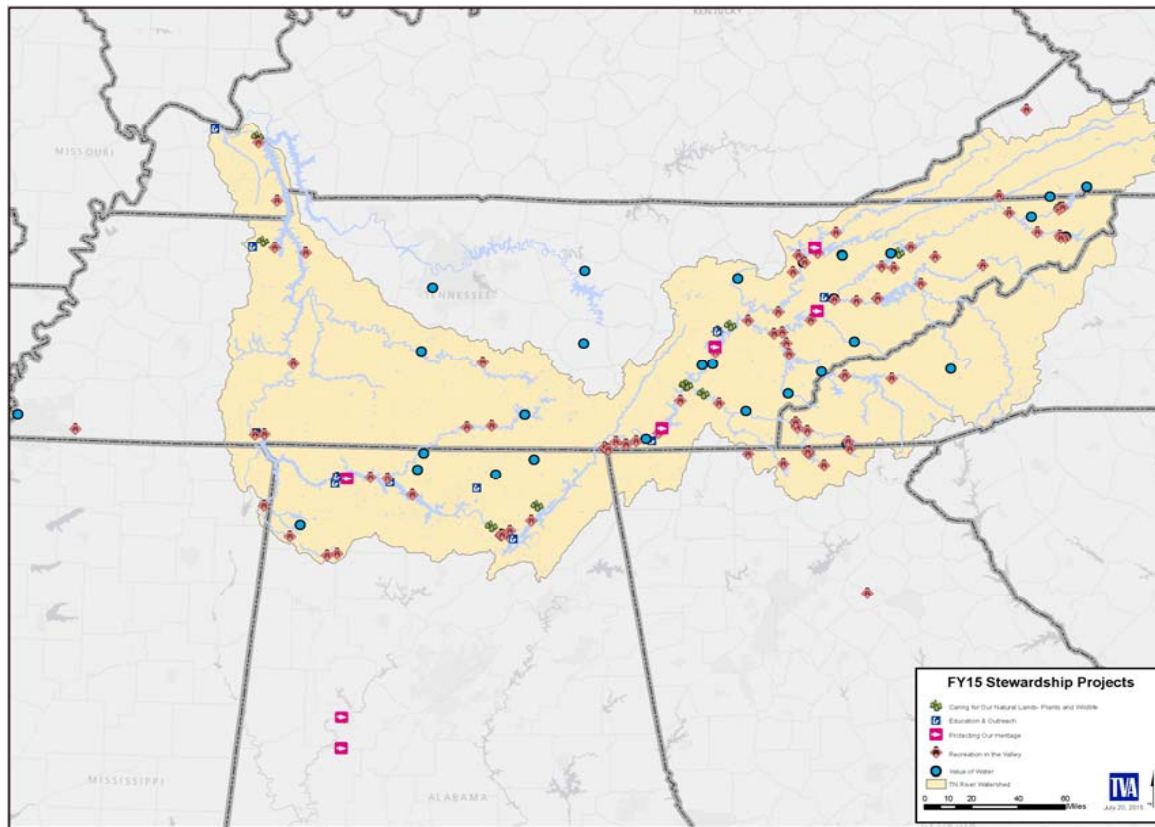
# Stewardship Update - Introduction

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Rebecca C. Tolene  
Deputy General Counsel and Natural Resources



# TVA Natural Resource Stewardship FY15 Highlights



Completed  
238 Projects  
in 7 States

# TVA Natural Resource Stewardship Outreach and Partnerships



Natural Resource Stewardship Update | 58



# Natural Resource Stewardship Work

## FY15 Projects – TVA Dam Reservations

Maintain & Expand Trail System



Expand Accessibility

Improve Public Experience



# Tennessee River Aquatic Biodiversity Network Meeting and Celebration

TVA hosted over 130 participants for the Tennessee River Aquatic Biodiversity Network Meeting and Celebration at the Tennessee Aquarium in Chattanooga, TN.





# Tennessee River Cleanup

## Living Lands & Waters Tour

TVA partnered with communities across the Valley to host the Living Lands and Waters Barge and Classroom Tour along the Tennessee River.



# Natural Resource Stewardship Work

## FY16 Projects

Build Interest in Science & Engineering



Engage Stakeholder Groups



Support Sustainable Tourism  
in Valley Communities







# Floating Houses Draft EIS Update

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Matthew Higdon  
NEPA Specialist III

# Floating Houses

## Beginning of NEPA Review

- A Notice of Intent was published in the Federal Register April 30, 2014, to conduct an environmental review in accordance with the National Environmental Policy Act (NEPA). A 90-day public comment period ended July 29, 2014.
- The NEPA review is programmatic in nature and applies to all TVA reservoirs.
- A full range of possible management alternatives would be analyzed.
- Five public scoping meetings were conducted in May and June 2014 and a Scoping Report was prepared which summarizes the comments and issues submitted by the public and other agencies.



# Floating Houses

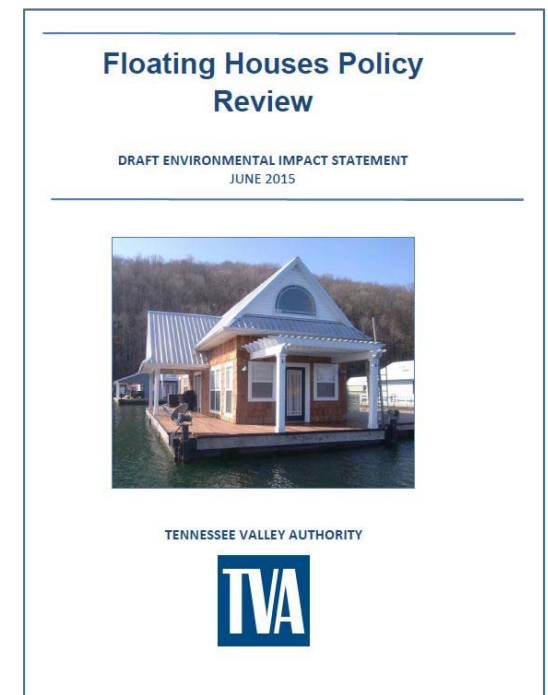
## Scoping Report (February 3, 2015)

- Safety of electrical, mooring, and anchoring systems
- Water quality: proper management of black and grey water
- Need stronger regulation, policing, enforcement
- Need minimum safety and environmental standards with regular inspection
- Economic, financial, and personal loss if prohibit/remove floating houses
- Grandfather floating houses and continue to allow nonnavigable houseboats
- Consider an annual fee to fund future management and oversight

# Floating Houses

## Draft Environmental Impact Statement

- Released on June 18, 2015
- Draft EIS evaluates six policy alternatives for managing floating houses and nonnavigable houseboats
- Federal Register notice, press release, website, emails, and notice to intergovernmental partners
- Available for review at project webpage
- Comments submitted via email, website, meetings
- Public comment period ended August 25, 2015





# Floating Houses

## EIS Management Alternatives

- No Action Alternative – Current Management
- Alternative A – Allow Existing and New Floating Houses
- Alternative B1 – Grandfather Existing and Prohibit New
- Alternative B2 – Grandfather but Sunset Existing and Prohibit New
- Alternative C – Prohibit New and Remove Unpermitted
- Alternative D – Enforce Current Regulations and Manage through Marinas and Permits

# Floating Houses

## EIS Management Alternatives

In the Draft EIS, TVA identified Alternatives B1 or B2 as its preference.

*“TVA’s preference is to continue to allow pre-1978 nonnavigable houseboats in compliance with a current permit, and to permit (i.e. grandfather) existing unapproved floating houses, but only if the structures comply with new standards and requirements being considered by TVA.”*



# Floating Houses

## Public Meetings – Draft EIS Review Period

Five public meetings: “open house” format and presentation with Q&As

Location	Date	Attendance
Bryson City, NC	July 9	75
Lafollette, TN	July 21	110
Parsons, TN	July 28	45
<i>Webinar Session</i>	August 12	30
Johnson City, TN	August 18	58

Generally, most meeting attendees were NN/FH owners and expressed support of allowing FH/NNs and concern over new standards/rules.

# Floating Houses

## Draft EIS - Press



### TVA poised to change boathouse standards, enforcement

Sue Guinn Legg • Updated Aug 18, 2015 at 10:13 PM  
slegg@johnsoncitypress.com 423-722-0538

While floating homes were the intended topic of Tuesday's Tennessee Valley Authority hearing in Johnson City, it didn't take long longer-floating houses to rise to the surface.

TVA presented options and gathered input on potential new policies and standards for non-navigable boathouses and floating





# Floating Houses

## Public Comments Received

137 separate submittals from agencies, organizations, and individuals

- Three federal agencies (EPA, DOI, FS)
- Six state agencies (TN DEC/TWRA, VA DEQ, KY DEP/SHPO, NC WRC)
- Seven organizations (Sierra Club, Southern Environmental Law Center, TN Wildlife Federation, two landowners' associations, marinas, Tennessee Citizens for Wilderness)
- One Change.org petition (with five signatures)
- Six court reporter statements from public meetings
- ~100 emails, letters, or web submittals from individuals

Generally, in contrast to feedback received during meetings, most written commenters expressed negative feedback or opposition to FH/NNs.

# Floating Houses

## Summary of Comments

- “TVA should not have allowed this to happen.”
- Private use of public resource
- Majority stated support for grandfathering NN/FHs. However, NN/FH owners were generally supportive of B1 while opponents were supportive of B2 because it led to removal after sunset period
- General support for new rules and standards by FH/NN owners, but many expressed concern over expense and/or grey water requirements



# Floating Houses

## Summary of Comments

### **Current NN Owners:**

- Support grandfathering but oppose sunset (Alternative B2)
- Don't punish the compliant NN owners
- Mixed support of new standards (expensive vs needed)
- TVA should not have allowed this issue to grow

### **Current FH Owners:**

- Support grandfathering and permit process
- Did not know of permitting when purchasing FH
- Little opposition to new standards

# Floating Houses

## Summary of Comments

### Opposition:

- Private use of public reservoirs
- Concern over water quality, navigation, crime, and trash
- Shoreline landowners opposed to unsightly FH/NNs
- Most supported Alt B2 with shorter sunset (20 years), some support of Alt C

### Agencies:

- Agencies expressed concern for impacts, especially to water quality
- Most agencies did not state a preference but DOI, EPA, TWRA and NC DWR express support of Alt B2.
- Notably, TDEC: All FHs/NNs should have a permit if they discharge.



# Floating Houses

## Next Steps – NEPA and Rulemaking

### Currently:

- TVA reviewing and responding to substantive comments and revising EIS as needed
- Draft Proposed Rule (new standards and rules)

### Late 2015:

- Issue Final EIS in late 2015 (identify preferred alternative)
- Publish Notice of Proposed Rule Making in Federal Register for public comment

### 2016:

- Respond to public comments on Proposed Rule
- Issue final decision based on EIS and Final Rule

BREAK TIME





# RRSC Advice Questions

1. Does the Council have additional ideas or guidance on how to prevent encroachments on TVA property, particularly on narrow strips of shoreline land along the lengthy river system?
2. For permanent structures (i.e., portions of homes), should TVA develop more flexible resolution options in addition to removal or sufferance agreement (some examples include public land exchange or receiving public value)? If so, should these options only be available for individuals with “clean hands”, and how would you define “clean hands”?
3. For temporary structures (i.e., fences) or unauthorized activities (i.e., vegetation removal), TVA has primarily four current options: (1) request removal or cessation of unauthorized activity, (2) TVA removal or access prevention (i.e., fence or bolder placement), (3) withhold a TVA approval (i.e., Section 26a permit) where applicable, or (4) court action. Are there other enforcement options that you would advise TVA to pursue?



# Overview of US/TVA Property and Encroachment Resolution

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Rebecca C. Tolene

Deputy General Counsel and Natural Resources



# Purpose

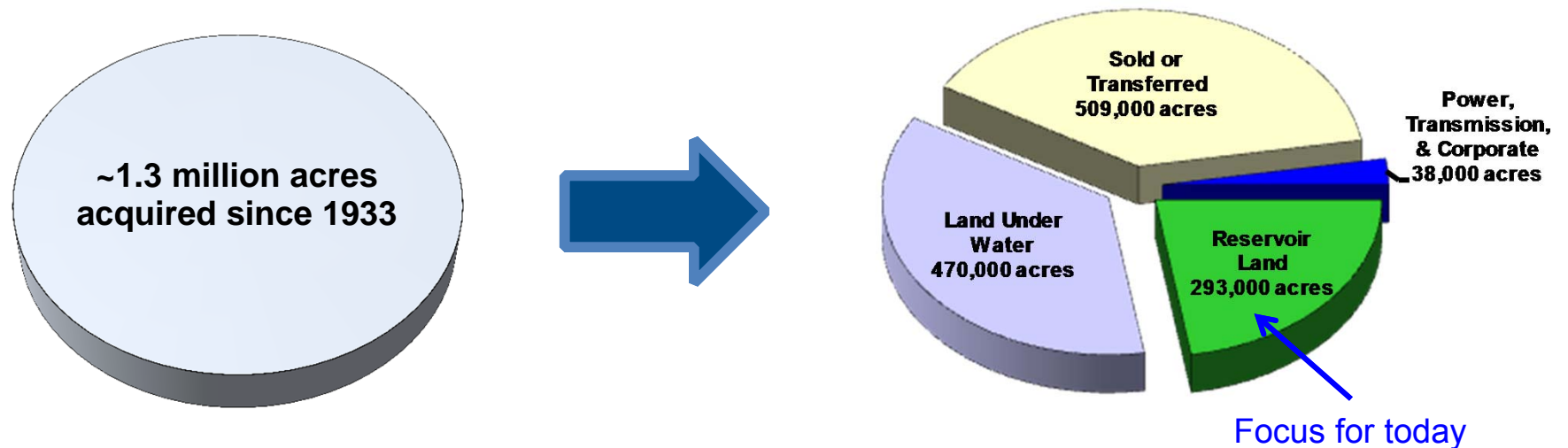
- Describe different types of properties
- Overview of reservoir land planning process
- Receive committee advice on resolution of encroachments on TVA reservoir property



*Portion of a  
Porch on TVA  
Property on  
Chatuge  
Reservoir*



# TVA Property Acquisition and Utilization

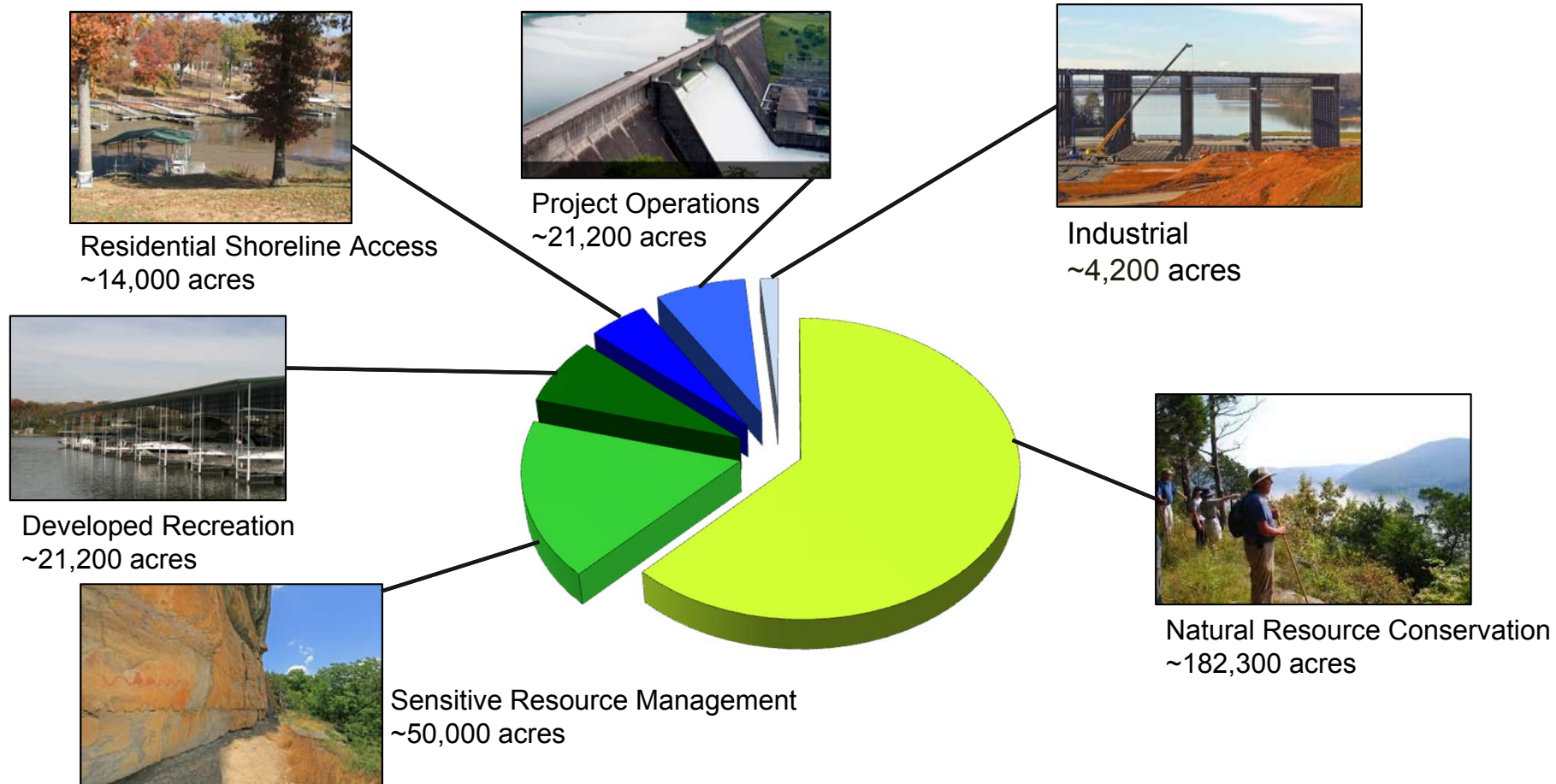




# TVA's Reservoir Land Planning Process

- Reservoir land management plans guide TVA's management decisions on natural resources and property administration and provide a clear statement of how TVA intends to manage its public land
- Public input is sought during the planning process and completed plans are adopted as agency policy
- Demands on public lands will only increase into the future, and the planning process has demonstrated that it is a good tool to develop a balance between competing uses
- Staff is currently working on the comprehensive reservoir land management plan and public meetings will begin next fiscal year; plan will be presented to the TVA Board of Directors for approval

# Land Planning Zones

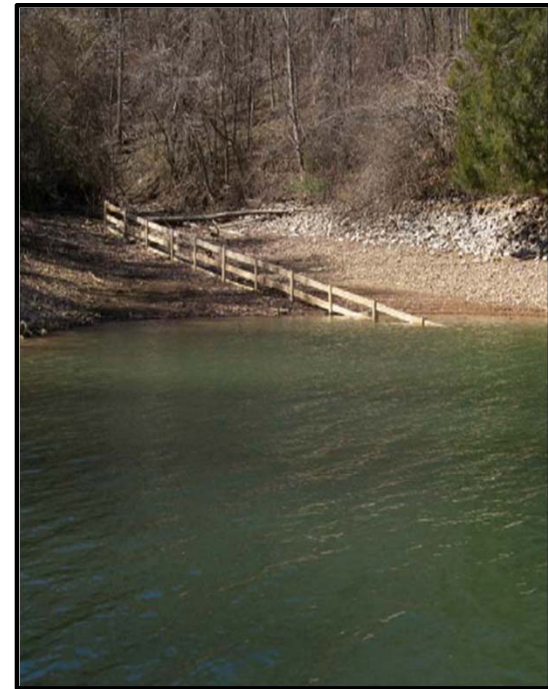




# Property Encroachments

What is an encroachment?

- The placement, construction, or continued existence of a permanent or temporary structure or other privately owned property on, under, in, or over land or land rights owned by another party without permission
- Encroachments can occur on TVA property or private property where TVA has property rights

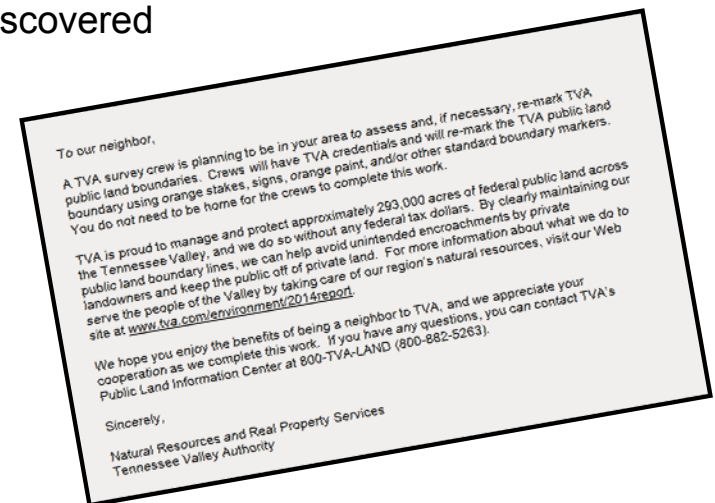


*Unauthorized Fence in  
Tims Ford Reservoir*

# Encroachment Prevention

TVA utilizes various tools in an effort to prevent encroachments

- Boundary marking and signage
- Shoreline inspections
- Targeted mailers where there is a high potential for encroachments
  - Areas where new development is occurring
  - Areas where minor encroachments have been discovered
- Education and outreach
  - Realtor workshops (new)
  - Website
  - Traditional and social media
  - Onsite discussions with property owners





# Property Encroachments



*Unauthorized Dock on  
Guntersville Reservoir*

*Partial House on  
Watts Bar Reservoir*



- Despite prevention measures, TVA discovers private encroachments on public lands (examples include houses, fences, sheds, make-shift homesteads, unauthorized vegetation removal)
- Many of these are corrected through voluntary actions (i.e., responsible party removes encroachment or receives approval via a Section 26a permit)

# Type of Encroachments

## Top five types of infractions

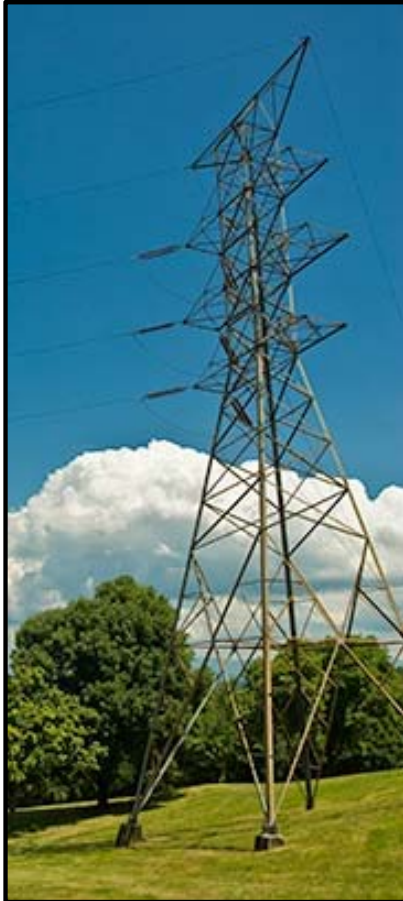
- Water-use facilities (includes docks, piers, boathouses, ramps, etc. that are constructed without approval or not in compliance with approval)
- Land-based structures (includes fences, decks, patios, steps, etc. that are constructed without approval or not in compliance with approval, and houses)
- Vegetation removal (includes mowing and tree cutting)
- Trash and litter
- Shoreline stabilization (includes rip rap and retaining walls placed without approval or not in compliance with approval)



# Type of Encroachments

- Some encroachments are temporary and are easily removable
  - Fences
  - Storage buildings
  - Decks and patios
- Some are more permanent in nature and are more costly and difficult to remove or remediate
  - Houses
  - Driveways
  - Tree cutting (takes a long time to regenerate)
- Some also cause secondary issues such as damage to cultural sites or natural resources

# Encroachments on TVA Power Property



- TVA owns approximately 4,200 acres of property for power substations
- TVA holds approximately 237,000 acres of transmission right-of-way (primarily easements across private property for transmission lines)
- Tools to resolve encroachments on this fee land or easement rights



# Encroachment Resolution

- Current tools for resolution of reservoir property encroachments
  - Removal or modification of the encroachment (either by the responsible party or TVA)
  - Restoration of vegetation (when the encroachment involves tree cutting)
  - Approval via Section 26a permit, sufferance agreement, or other contract (if consistent with TVA policies)
  - Deed modification/abandonment to remove building restrictions (mostly used on flowage easement encroachments)
  - Litigation
- Tools of other Federal agencies

# Encroachment Resolution Issues

## When the encroachment is a permanent structure

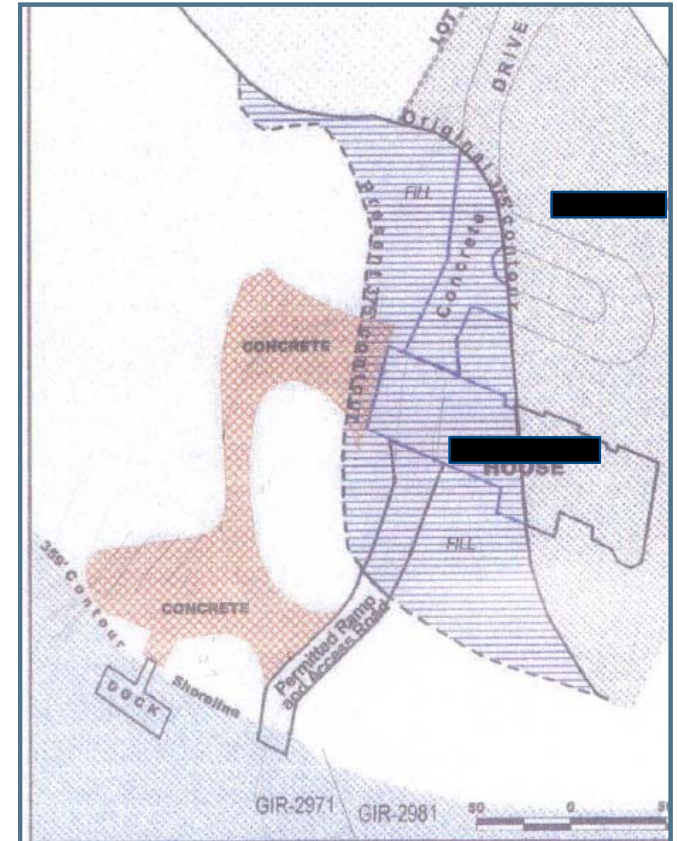
- Cost to resolve the encroachment can cause a financial burden for the responsible party and/or TVA
- Resolution of the encroachment can be very time consuming and require a large amount of TVA staff resources
- Some options, like a sufferance agreement, do not meet private property owner's desire for clear title
- Issues can resurface when the private property is sold



# Encroachment Examples

## Kentucky Reservoir

- House under construction and partially on TVA property discovered in 1999
  - Structures on TVA property include partial house, garage, underground boathouse, driveway, and fill
  - Concrete driveway and patios were also constructed on TVA property but private property owner (owner) was required to remove certain unnecessary portions
  - Owner admitted to not having a property survey conducted prior to construction
- Owner was approved for a sufferance agreement in 2004
  - Agreement acknowledges encroachment and allows it to continue with no modifications with an annual fee to TVA of \$3,375
  - TVA reserves the right to require removal of the encroachments but has not exercised this right
- Owner continues to explore the possibility of obtaining clear title without removing the encroachments



# Encroachment Examples



## Pickwick Reservoir

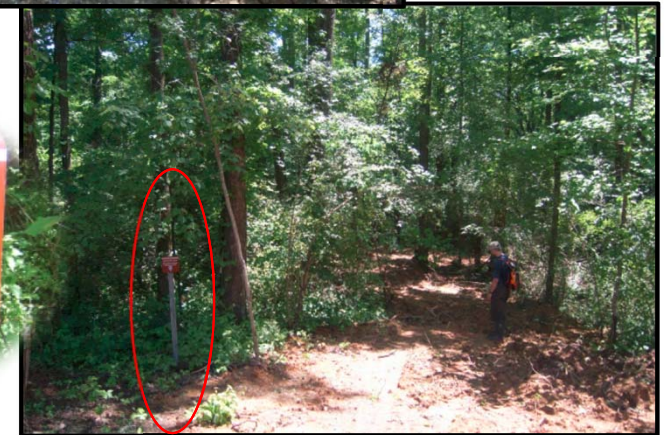
- Owner applied for a dock permit in 2012
  - Site inspection revealed encroachments of portions of a house, garage, and porch that were previously existing when the property was purchased
  - Owner's survey mapped existing (rather than original) contour property boundary
  - TVA worked with owner to begin resolution
- Owner passed away in 2014 and ownership passed to the heirs
- TVA is still consulting with the heirs on the best path forward
- Heirs' preference would be clear title without removing encroachments but are still exploring options



# Encroachment Examples

## Chickamauga Reservoir

- Owner's contractor cleared vegetation, trenched, and installed geothermal lines on TVA property zoned for a Habitat Protection Area
  - Property boundary was well marked and no vegetation removal signs and sensitive area signs were in the immediate area where trees and other vegetation were cut
- Contractor was required to disconnect system and remove some of the lines; owner replanted vegetation and paid for a 5-year contract to control invasive species to mitigate any loss of habitat for a federally listed plant



# RRSC Advice Questions

1. Does the Council have additional ideas or guidance on how to prevent encroachments on TVA property, particularly on narrow strips of shoreline land along the lengthy river system?
2. For permanent structures (i.e., portions of homes), should TVA develop more flexible resolution options in addition to removal or sufferance agreement (some examples include public land exchange or receiving public value)? If so, should these options only be available for individuals with “clean hands”, and how would you define “clean hands”?
3. For temporary structures (i.e., fences) or unauthorized activities (i.e., vegetation removal), TVA has primarily four current options: (1) request removal or cessation of unauthorized activity, (2) TVA removal or access prevention (i.e., fence or bolder placement), (3) withhold a TVA approval (i.e., Section 26a permit) where applicable, or (4) court action. Are there other enforcement options that you would advise TVA to pursue?









Adjourn for Field Trip





# Regional Resource Stewardship Council

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September 28 and 29, 2015  
Knoxville, Tennessee

# Agenda – September 29, 2015

8:00	Welcome and Recap	Hoagland / Matthews
8:15	Discussion and Initial Advice	Matthews / Council
9:00	Public Comment Period	Matthews
10:00	Break	
10:15	Council Discussion and Advice	Matthews / Council
11:30	Wrap Up and Adjourn	Kennedy/Hoagland
12:00	Lunch	





# Recap from Day 1

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Joe Hoagland  
Designated Federal Officer

# Type of Encroachments

## Top five types of infractions

- Water-use facilities (includes docks, piers, boathouses, ramps, etc. that are constructed without approval or not in compliance with approval)
- Land-based structures (includes fences, decks, patios, steps, etc. that are constructed without approval or not in compliance with approval, and houses)
- Vegetation removal (includes mowing and tree cutting)
- Trash and litter
- Shoreline stabilization (includes rip rap and retaining walls placed without approval or not in compliance with approval)



# Type of Encroachments

- Some encroachments are temporary and are easily removable
  - Fences
  - Storage buildings
  - Decks and patios
- Some are more permanent in nature and are more costly and difficult to remove or remediate
  - Houses
  - Driveways
  - Tree cutting (takes a long time to regenerate)
- Some also cause secondary issues such as damage to cultural sites or natural resources



# Council Discussion and Initial Advice

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# RRSC Advice Questions

1. Does the Council have additional ideas or guidance on how to prevent encroachments on TVA property, particularly on narrow strips of shoreline land along the lengthy river system?
2. For permanent structures (i.e., portions of homes), should TVA develop more flexible resolution options in addition to removal or sufferance agreement (some examples include public land exchange or receiving public value)? If so, should these options only be available for individuals with “clean hands”, and how would you define “clean hands”?
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# Public Comment Period

- **Public participation is appreciated**
- **This is a listening session; responses are typically not provided**





BREAK TIME







# Council Discussion and Advice

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# Questions for RRSC

1. Does the Council have additional ideas or guidance on how to prevent encroachments on TVA property, particularly on narrow strips of shoreline land along the lengthy river system?
2. For permanent structures (i.e., portions of homes), should TVA develop more flexible resolution options rather than only removal or sufferance agreement (some examples include public land exchange or receiving public value)? If so, should these options only be available for individuals with “clean hands”, and how would you define “clean hands”?
3. For temporary structures (i.e., fences) or unauthorized activities (i.e., vegetation removal), TVA has primarily four current options: (1) request removal or cessation of unauthorized activity, (2) TVA removal or access prevention (i.e., fence or bolder placement), (3) withhold a TVA approval (i.e., Section 26a permit) where applicable, or (4) court action. Are there other enforcement options that you would advise TVA to pursue?



Wrap Up and Adjourn

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*Thank you and please travel safely!*