

Appendix G
Applicant's Rebuttal

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CITY OF KNOXVILLE

BILL HASLAM, MAYOR

Department of South Waterfront Development

David M. Hill, Senior Director

December 3, 2008

J. Ruben Hernandez
US Army Corps of Engineers
3701 Bell Road
Nashville, TN, 37214-2660

Re: Knoxville South Waterfront - Section 26A/404 Permit Application; Application No: 200800886 – Supplementary Information

Dear Mr. Hernandez,

Thank you for issuing Public Notice 08-51 and for sending advisory comments. This letter provides input and responses to the issues raised in your November 10 letter.

a. The City of Knoxville understands that DA permits do not grant any property rights or exclusive privileges, or authorize any injury to the property or rights of others. Prior to the closing of PN 08-51, the City of Knoxville had not yet made an offer or purchased any portion of Mr. Ron Conley's property. We have since made an offer and are currently in negotiations with Ron Conley, as well as adjacent land owners. We hope to complete property purchases in the coming month, which will make the City of Knoxville owner of the property fronting the requested water use facilities in this location.

b. The City of Knoxville met with Janet Duffy and Mike Dobrogosz November 14 to address archaeological and flood plain questions. Sue Bailey has since provided to you, Janet, and Mike a number of drawings as supplementary information to the existing permit application:

- *S26A/404_SI_DWGs 2-4 – Revised key plans with dimensions corrected to match detailed plans of permit areas.*
- *S26A/404_SI_DWGs 5-14 – Cross Sections with additional/revised dimensions.*
- *S26A/404_SI_DWG 15 – Detailed plan of floating dock at Baker Creek Landing, showing location of dock from shore and TVA Navigation line.*

Sue is working directly with Roger Milstead (TVA) to provide additional cut and fill quantities and hydrological modeling within the project area. Sue Bailey and Gavin McMillen are also in contact Eric Howard (TVA) to discuss additional archaeological survey requirements in more detail. Sue will copy you, Janet and Mike on any additional information that is provided at the request of TVA.

c. If the location of the courtesy dock shown in areas 12-14 is not seen favorably, the City will revise the location based on your suggestions. We were under the impression that the dock was to be within 50' of the shoreline based on the navigation

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channel regulations. When we raised this question to TVA at our November 14th meeting, Janet said that was a correct assumption and they would look into it further. Please let us know if you require a different location so we can revise our plans accordingly. Please also note that the marina location was provided within our permit at the request of TVA for their information and is not a part of our application request. It may be applied for at a later date by a private developer, but the City will not be a part of that application.

Please do not hesitate to contact me if you have questions, requests for modifications, or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hill".

Dave Hill
Sr. Director, South Waterfront Development

cc: file
Susanna Bass –South Waterfront Development
Sue Bailey – Hargreaves Associates
Janet Duffey – TVA
Mike Dobrogosz - TVA