

# **REEVALUATION OF FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

## **LONE MOUNTAIN SHORES**

### **NORRIS RESERVOIR CLAIBORNE COUNTY, TENNESSEE**

On March 7, 2000, TVA issued a FONSI on a request from Tennessee Lone Mountain Shores Corporation for a community dock and boat ramp at Clinch River Mile 131.6, right bank, Norris Reservoir. TVA also approved a shoreline management plan (SMP) for tracts of TVA land fronting the subdivision. The TVA FONSI was contingent upon successful implementation of 8 commitments, including mitigation for the loss of 0.06 acre of wetland from community dock construction. The previously prepared EA and FONSI concluded that the impacts of adopting the SMP and approving the community dock and boat ramp would be minor and insignificant.

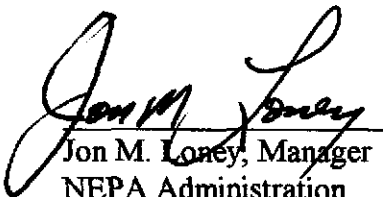
On March 8, the applicant proposed to include the addition of a drainage culvert and associated aggregate limestone fill within the wetland to divert water flow from the community structures. This would result in 0.04 acre of wetland impact. In addition, the area of fill within the wetland due to boat ramp construction would increase by 0.01 acre, making the total wetland fill from the community dock and boat ramp construction 0.11 acres. Other modifications from the original plan include dredging of 83 cubic yards (35 feet by 15 feet) of material to allow a shorter boat ramp, and additional disturbance to TVA land above the normal summer pool of 0.0033 acre due to culvert construction. The dredged material would be placed on private land above the 1044-foot contour and used in other construction at Lone Mountain Shores.

On March 15, 2000, the U.S. Army Corps of Engineers issued a FONSI on the proposed community dock and boat ramp, with associated fill, concrete pad for floating walkway, and culvert. This approval included an enhancement of wetlands #1 and #8 to create 0.44 acres of mitigated wetland. The previously approved wetland mitigation plan required the planting of 400 trees and placement of 10 wood duck boxes in and around Wetland 8. The plantings would include 100 willow oak, 100 black willow, 100 button bush, and 100 common persimmon. In order to mitigate for the additional wetland impacts, 300 bald cypress and 100 silky dogwood would be added to the required plantings, which would also take place in Wetland #1 as well as Wetland #8.

The additional wetland impacts occur adjacent to the originally proposed boat ramp. Additional disturbance to TVA land would be due to culvert construction. These

changes would not affect any of the previous impact determinations in the EA, other than those related to wetlands. TVA has reviewed the proposed additions to its previously approved mitigation plan and determined that the additional environmental impacts would be minimal.

Based on the enhanced mitigation plan, TVA concludes that the impacts of adopting the Lone Mountain Shores SMP and approving the community dock and boat ramp would not have a significant impact on the quality of the environment, as long as the original commitments and the revised wetland commitment are implemented. These findings further confirm the FONSI issued by TVA on March 7, 2000. Accordingly, an environmental impact statement is not required.



Jon M. Loney, Manager  
NEPA Administration  
Environmental Policy and Planning  
Tennessee Valley Authority

March 21, 2000  
Date

**LONE MOUNTAIN SHORES  
NORRIS RESERVOIR  
CLAIBORNE COUNTY, TENNESSEE**

**Commitment List**

1. Private Water Use Facility Restrictions. No individual ramps will be allowed adjacent to waterfront lots. The total number of private water use facilities in Area 4 will be limited to 3. Where permitted by TVA, shoreline stabilization will be accomplished by riprap and/or shoreline vegetation plantings with native vegetation (willows, button bush, etc). No retaining walls would be allowed. For all other facilities, a Section 26a permit must be obtained by the purchaser of waterfront lots for any and all improvements made to their property below the 1044-foot contour line. Improvements shall include, but are not limited to, docks, boathouses, shoreline maintenance, walkways, etc. No additional disturbance to wetland areas 2-7 (including construction of pathways or private use facilities) will be permitted.
2. Use of SMI Vegetation Management Standards. Any cutting, trimming, or other alteration or removal of vegetation below the 1044-foot contour line cannot be undertaken without approval from TVA under Section 26a of the TVA Act. All such vegetation management practices shall be in accordance with the provisions of Section 2.8.3 of the SMI FEIS. Pathways will be permitted across the TVA public lands only in accordance with approved vegetation management plans to access TVA-approved private or communal dock facilities.
3. Community Docks. At community docks, fuel sales, boat/motor repair or sales, materials or provisions sales and other amenities typically provided by commercial marinas will be prohibited.
4. Wetland Mitigation. The loss of a 0.11-acre portion of Wetland 1, located in the Community Dock I area, will be mitigated by LMS as required by Special Conditions of Department of the Army Permit No. 980018280. The mitigation plan will include a combination of plantings of 800 trees and placement of 10 wood duck boxes in and around Wetlands #1 and #8, specifically in the Protected Shoreline and Managed Residential shoreline of these coves. The plantings would include six species: 100 willow oak, 100 black willow, 100 button bush, 100 common persimmon, 300 bald cypress, and 100 silky dogwood. Plantings will be placed on no less than 5-6 foot centers. Plantings will take place prior to April 15, 2000. Plantings will be monitored annually for survival for two years. Any dead seedlings will be replanted each year for 2 years, until 75 percent survival has occurred. If 75 percent survival has not occurred after two years, a coordination meeting will be scheduled with TVA and the USACE to consider modifications to this plan. At least two wood duck boxes would be placed in the cove opposite Clinch River Mile 132.3R.
5. Endangered Species Protection. Live or dead hardwood trees greater than 6 inches in diameter at breast height (dbh) shall be removed from TVA lands only after receipt of TVA approval of a vegetation management plan and between October 15 and March 31.

6. Stream Obstructions. No roads, bridges, or culverts or any obstruction will be constructed over tributary streams of the Clinch River or below the 1044-foot contour elevation without prior review and Section 26a approval by TVA.
7. Cemeteries. LMS will provide for easements to the 1044-foot contour to allow for public access to Lewis Cemeteries #41 and #42 (40CE96-97). LMS will construct appropriate fencing for protection of these cemeteries.
8. Archaeological Sites. Shoreline above archaeological sites potentially eligible for listing on the National Register of Historic Places (NRHP) will be categorized within Residential Mitigation shoreline. LMS will identify the areal extent to lot purchasers and educate them on the importance of avoiding effects to these areas. In reviewing the lot owner's Section 26a application for activities to be conducted below the 1044-foot contour line, if impacts to the archaeological sites cannot be avoided, TVA will conduct a Phase II survey of the sites that would be impacted. The cost of the Phase II survey would be borne by the lot owner.

FINAL ENVIRONMENTAL ASSESSMENT  
STATEMENT OF FINDINGS  
AND  
FINDINGS OF NO SIGNIFICANT IMPACT

(File No. 980016280)

Tennessee Lone Mountain Shores, Inc.  
Proposed Community Dock and Boat Launching Ramp  
at Clinch River Mile 131.6, Right Bank  
in Claiborne County, TN

Prepared By:

U.S. ARMY CORPS OF ENGINEERS  
Nashville District

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March 15, 2000

Date

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## **1.0 Proposed Activity**

**1.1 Purpose and Need.** Red Creek Ranch, d/b/a Tennessee Lone Mountain Shores, Inc., submitted an application for a Department of the Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to construct a community dock and boat launching ramp for Phase I of Lone Mountain Shores Subdivision Development at Clinch River Mile 131.6, Right Bank in Claiborne County, Tennessee. The proposed work is requested to provide recreational water access for the present and future residential homeowners of the development. See Appendix A for Public Notice (PN) 99-62 containing the location map and plans.

**1.2 Background.** In 1998, Tennessee Lone Mountain Shores Corporation (LMS) acquired 1200 acres of private, undeveloped land on the Norris Reservoir in Claiborne County, Tennessee, for the purpose of developing a residential/retirement community. This property is known as Phase I and is identified by Areas 1, 2 and 5, east of Lick Branch. The property is adjacent to Tennessee Valley Authority (TVA) Tract No. XNR-837 and lies between Clinch River Miles 130.2R and 133.0R.

LMS has a purchase agreement with the current property owner to acquire an additional 1200 acres, known as Phase II, and identified as Areas 3, 4 and 5, west of Lick Branch. This section is adjacent to TVA Tract XNR-836 and lies between Clinch River Miles 127.5R and 130.2R. Any request for facilities in these areas, would be reviewed by separate application, consistent with TVA's Section 26a permitting, the Shoreline Management Initiative (SMI) and an approved Shoreline Management Plan (SMP). This review would also be subject to Corps' Section 10 and/or Section 404 regulations.

The total project area comprises 12.4 miles of TVA shoreline. The proposed facilities will impact 0.06 acres of a 0.933 acre shoreline fringe wetland. There are other fringe wetlands within the total project area, however, there are no proposed facilities which would impact those wetlands. The applicant has prepared an Environmental Assessment (EA) for TVA, the lead agency, and will be used as a reference throughout this EA. (See Appendix B for the TVA EA). Although the TVA EA addresses the total project request and mitigation, this EA addresses only the proposed water-dependent facilities and mitigation for the wetland impact in the currently owned portion of the total project area.

**1.3 Decision Required.** Section 10 of the Rivers and Harbors Act of 1899 prohibits the alteration or obstruction of any navigable waters of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. The Clinch River is a navigable water of the United States as defined by 33 CFR 329. Section 301 of the Clean Water Act prohibits the discharge of dredged or fill material into waters of the U.S. unless authorized by the Department of the Army (DA) pursuant to Section 404 of the same Act. The Clinch River is a water of the U.S. as defined by 33 CFR Part 328. Therefore, a Section 10 and Section 404 permit would be required for the work. In this regard, the Corps of Engineers must decide on one of the following:

- a. issue a permit for the proposal
- b. issue a permit with modifications or conditions
- c. deny permit

**1.4 Other Approvals Required.** Other federal, state and local approvals are required for the proposed work. Specifically, the State of Tennessee requires water quality certification in accordance with Section 401(a)(1) of the Clean Water Act. On November 19, 1999, the Tennessee Department of Environment and Conservation Division of Water Pollution Control (TDEC) issued a 401 Water Quality Certification General Permit for Launching Ramps. TVA has issued a Section 26a Permit.

## **2.0 Alternatives**

**2.1 Introduction.** This section discusses alternatives as required by 33 CFR 320.4(a)(2) and 40 CFR 230.10. The applicant submitted four alternatives as it pertains to the total project shoreline use. Reference the TVA EA for these alternatives. This supporting EA addresses the no action alternative and the applicant's proposed alternative (#4) as it pertains to the currently owned portion of the total project, and the Area 1 community facilities. The no action and the proposed alternative were accepted by TVA, as the two alternatives given detailed consideration. The applicant's final proposed alternative complies with TVA's Blended Alternative of the SMI Record of Decision and the associated Shoreline Management Policy.

The location of the proposed alternative was accepted as the applicant-preferred choice, due to it's proximity to the existing developed land and lots for sale. There is no other practicable alternative to centrally locate the community facilities, without applicant cost to purchase additional lands and/or develop an access. If the additional lands are purchased, there would be other available locations for future community facilities to serve that portion of development, without impact to any sensitive resources. The applicant-prepared EA specifically points out the details of their financial commitment and expectations for future development. They chose the proposed alternative in light of the financial investment and full economic benefit which could be derived from the overall development.

The proposal for the community facilities is water dependent and a relatively minor impact in comparison to the financial resources already committed to the existing development.

## **2.2 Description of Alternatives.**

a. **No Action.** This alternative consists of denying the applicant's request to provide recreational water access for the entire residential community.

b. **The Applicant's Proposed Action.** The applicants' proposal consists of constructing a floating community dock and boat launching ramp within a small cove of Norris Lake. The structures are part of the Phase I work for the planned residential community designated as Lone Mountain Shores Subdivision comprising 1200 acres. The area is identified as Area 1 on the attached map. The floating dock would be 26' wide and 700' long, providing 56 slips for use in the summer months only. The dock would be hinged to allow reconfiguration (collapsing) during the winter. Access to the dock would be provided by a 6' wide by 250' long floating walkway.



The boat ramp would be 12' wide by 384' long and be constructed of a 3.5" thick concrete slab and extend from Elevation 1034 to Elevation 980. Approximately 50 cubic yards of concrete would be utilized for the ramp fill material. There would be some minor grading to achieve the desired 13.9% slope. The boat ramp would be constructed in a jurisdictional fringe wetland with a resulting loss of 0.06 acres.

The applicant would also construct an upland gravel access road, turnaround and parking lot above the normal summer pool (nsp) Elevation 1020 to facilitate access to the currently proposed facilities.

As mitigation, the applicant prepared a shoreline management plan designed to meet TVA's SMI by categorizing the shoreline to avoid and minimize impacts to sensitive resources from Elevation 1020 to Elevation 1044. The three categories identified are: 1) Shoreline Protection, 15%, 2) Residential Mitigation, 11%, and 3) Managed Residential, 74% of the total project area. In Phase I, the currently owned property, most of the shoreline is categorized as Managed Residential. The Shoreline Protection zone is concentrated within Area 1, with a few sites of Residential Mitigation in both Areas 1 and 2. Overall, the Shoreline Protection also includes Wetlands #2-7. The Shoreline Protection areas would prohibit any construction or uses, with the exception of Area 1 Wetland #1, which would also include a portion of Residential Mitigation for vegetation management in accordance with TVA's SMI. The Residential Mitigation areas would have limited use on a case by case basis, subject to further archeological survey, prior to any approvals and would include avoidance and/or specific mitigation measures. The applicant has proposed to notify potential buyers of this requirement. They have also proposed to construct fencing around the existing cemeteries as noted within the TVA EA. The Managed Residential areas would be managed in accordance with the SMI, with allowance for individual dock requests. The applicant has proposed that the cleared corridors access to facilities not exceed 20' in width. No individual boat ramp requests were included in this proposal.

**2.3 Appropriate Mitigation Not Included in Proposed Action.** TVA is requiring the applicant to develop a vegetation management plan for the entire project area, in accordance with the SMI. The community facilities area would be managed in accordance with the SMI, with only the proposed construction allowed. The disturbed shoreline would be stabilized with native vegetation, including some fringe wetland species, where appropriate, to provide the maximum erosion and drainage controls within the impacted area.

Mitigation for the wetland impact in Area 1 would include a combination of wood duck box placement and woody species plantings in Area 1, Wetlands #1 and #8, specifically in the Shoreline Protection section and the Managed Residential Shoreline of this cove. This is an enhancement of the existing wetlands #1 and #8, on a 4:1 ratio, resulting in 0.44 acres of mitigated wetland. This plan consists of additional mitigation, as a result of additional wetland impacts within Area 1 Wetland #1. The plantings would now include six woody species: 100 Willow Oak (*Quercus phellos*) (FACW-), 100 Black Willow (*Salix nigra*)(OBL), 100 Button Bush (*Cephalanthus occidentalis*) (OBL), 100 Common Persimmon (*Diospyros virginiana*)(FAC), including the addition of 300 Bald Cypress (*Taxodium distichum*)(OBL) and 100 Silky Dogwood (*Cornus amomum*) (FACW+) to the original mitigation plan. All plantings would be placed on no less than 5-6' centers, and if in rows, the rows to be no closer than 5-6'. Two-year old bare root seedlings would be planted in sufficient soils

between Elevations 1018 and 1020 for success. The recommended placement of these species would be dictated by the wetland indicator status (i.e. water tolerance) as noted above. Allowance would be made for willow whip cuttings, rather than bare root, to be planted for better survival opportunity. The seedlings would be planted prior to April 15, 2000. Wetland plantings would be monitored annually for survival for 2 years. Any dead seedlings would be replanted each year for 2 years, until 75% survival has occurred.

Construction of the wood duck boxes would be to specific plans for such and would require at least 100' spacing in between each placement. At least two wood duck boxes would be required to be placed in the cove of the Residential Mitigation Shoreline section near Clinch River Mile 132.3R.

By telephone conversation, TDEC supported the mitigation plan and recommended the 4:1 enhancement ratio for the wetland impact.

**2.4 Final Additions and Mitigation to the Applicant's Proposed Action.** On March 8, 2000 the applicant proposed to include the addition of drainage culverts within the project area to divert water flow from the community structures. The applicant proposed 2 culverts (noted as Exhibit A and B on the additional plans) within the wetland boundaries and two outside the wetland boundaries (noted as Exhibit C and D), all within the established channels. Culverts C and D are above the nsp and are therefore, out of our regulatory review. After some discussion, culvert B was eliminated from the proposal. There would be no excavation, however, there would be some additional fill of aggregate rock associated with the placement of the remaining culvert. Culvert A would measure 5' in width x 72' in length and be placed at angle under the floating walkway. There would be an associated aggregate fill of 2' on each side of the floating walkway, 1.5' deep, for 160' along the walkway to also provide a pad for the walkway to rest on during the winter drawdown. (This is noted as Exhibit G). This proposal would increase the wetland fill impact an additional 0.04 acres.

The applicant also wanted to add an additional 500 cubic yards of aggregate rock to the boat ramp construction for base and side slope material. (This is noted as Exhibit F on the additional plans). This was not submitted at time of public notice. After some discussion, they reduced the ramp length from 384' to 250', with 200' of the ramp within the wetland, beginning at Elevation 1032 and extending to Elevation 1003. This also reduced the amount of fill material to approximately 218 cubic yards below the nsp and modified the slope to 12.9%. The side slopes would be on a 2:1 ratio and the base would be an average 1.5' with a maximum of 36" of aggregate. This proposal would increase the wetland fill impact an additional 0.07 acres.

The applicant agreed to mitigate for the additional impacts at the same mitigation ratio of 4:1, resulting in 0.44 acres of total mitigated wetlands, an increase from the original plan of 0.24 acres. The increased acreage would require the additional woody plants incorporated in the original plan as stipulated above in Section 2.3.

The associated work of additional dredging was requested for better boat access, since they shortened the length of the ramp. This would involve approximately 83 cubic yards which would be removed and used in construction activities above the nsp. Since deposition is above the nsp, it would not require any further regulatory review. The dredging would be an integral part of the ramp construction and usage. (This is noted as Exhibit E).

The additional modifications would be considered a minimal increase to the existing wetland, and not warrant an additional public review. The additional impacts would be offset by also proportionately modifying the mitigation plan. The modified plans would also be reviewed by TVA and a determination made by separate amendment to the Section 26a Permit. See Appendix A for the additions, which have been incorporated into the original plans.

## **2.5 Comparison of Alternatives.**

a. No Action. This alternative consists of denying the applicant's request to perform the proposed work. This alternative would also deny the applicant's stated need and purpose to provide community facilities to all residents, particularly the interior lot owners, who would have no convenient means of accessing the water. This alternative could also prompt additional individual requests for private docks and boat ramps by the lakefront owners. The impact to the 0.11 acre wetland and subsequent enhancement of 0.44 acres of wetland would not occur.

b. The Applicant's Proposal. This alternative would allow the applicant to provide community facilities to serve all of the residential development. The benefits of this proposal would be recognized over the long-term for the associated local economy growth and increased property values associated with developed lakefront access opportunities. Community facilities would aid in the reduction of individual requests for docks and other shoreline uses. However, this alternative would result in some minor temporary and permanent impacts to the environment. The temporary impacts include some possible turbidity and erosion associated with construction activities of undeveloped land. The permanent impacts would be upon the 0.11 acre wetland, through which the community boat ramp and culverts would be constructed. There would be secondary impacts on the total 0.933 acre fringe wetland associated with the general uses within the cove. There would also be minor permanent impacts upon the visual quality and terrestrial wildlife associated with the community development. Through protection, mitigation and compliance with TVA's SMI and SMP, there would be a long-term benefit to other shoreline reaches within the project area.

## **3.0 Environmental and Public Interest Factors Considered.**

**3.1 Introduction.** 33 CFR 320.4(a) states the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. All factors that may be relevant to the proposal must be considered. Public Notice 99-62 listed factors that may be relevant to the proposal. The following sections show which factors are relevant in this proposal and provides a concise description of the impacts.

## **3.2 Physical/Chemical Characteristics and Anticipated Changes.**

(a) Substrate. The substrate of the lakebed within the cove consists primarily of clay, sediments, layered sandstone and shale rock formations on a gentle slope. The deposition of fill material would result in immediate decimation of the existing benthic community within the boat ramp footprint.

However, the benthic community would recolonize on the new substrate. The floating dock would have no affect on the substrate.

(b) Suspended particulates, turbidity. If boat ramp construction activities take place during normal summer pool, turbidity levels in the immediate vicinity would temporarily increase. However, this rise in turbidity would quickly dissipate after completion of construction activities. If the activity is performed during winter drawdown, there would little to no turbidity.

(c) Water quality. Disturbance of undeveloped land usually results in some erosion, reducing water clarity and purity. Erosion controls would be in place during the life of the project. If the work is performed during the winter drawdown, there would be little to no impact upon the water quality. There would be some minor degradation due to the human consumption of natural resources associated with general recreation of boating.

(d) Storm, wave, erosion buffers and drainage patterns. All of the wetland areas are located in coves, which are the drain ways of the upland steep, wooded hills. Therefore, they provide a catch basin, reducing the sediment load upon the water quality. They also stabilize the shoreline and disperse the energy of waves and currents, thus reducing erosion and suspension of sediments. Construction of the boat ramp would alter the buffers and drainage patterns to some degree, however, implementing the special conditions of bank stabilization and plantings would aid in reestablishing these controls. The culverts would not alter the drainage patterns, but would aid in controlling the flow upon the community facilities. The applicant has designed and proposes to construct the parking lot, turnaround and access roads with respect to these natural controls.

### **3.3 Biological Characteristics and Anticipated Changes.**

(a) Special aquatic sites (wetlands, mudflats, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45). The TVA EA recognizes 8 wetlands within the total project area, as illustrated in the EA on Figure 2. These areas were marked by TVA, per Executive Order 11990 and further verified by the U.S Army Corps of Engineers 1987 Wetland Delineation Manual, pertaining to man-induced wetlands resulting from impoundments. These wetlands are all located within the Shoreline Protection categories as proposed by the applicant. However, as noted below, Wetland #1 is the exception since it is the location of the proposed community facilities.

All of the wetlands are considered shoreline fringe within the fluctuating zone of the seasonal rise and fall of the reservoir pool. Overall, these wetlands are predominately an emergent scrub-shrub variety including black willow, buttonbush and soft rush, most exclusively below the nsp. Within each identified wetland area, the dominant woody wetland fringe species are sycamore and sweetgum. The soils exhibit some reducing characteristics, with matrix colors at 10YR 4/2, 10YR 4/3, 10YR 5/2 and 10YR 6/8 with mottles. The soil colors range from medium brown to light gray and are typical of shoreline fringe wetlands along man-induced impoundments that are subject to seasonal fluctuations. See Appendix C for the supporting Routine Wetland Determination Data Forms. Inundation is most prevalent between Elevations 1018-1020 during the months of April through mid-July.

The proposed project would impact only Area 1 Wetland #1 for the community facilities. Although Wetland #1 is in the Shoreline Protection zone, it is also in the only available cove within Phase I, of the currently owned areas, to feasibly construct the community facilities. This wetland would be directly impacted by the boat ramp construction. The footprint of the ramp and culvert would impact 0.11 acre of the total 0.933 acre wetland. There would be some secondary impacts to the wetland overall, due to the heavy usage of the community facilities, including roadways, vegetation management, parking lot runoff, trash deposition etc.

The consulting wetland delineation report was submitted by the agent Barge, Waggoner, Sumner & Cannon, Inc. and prepared by Gerald R. Dinkins of Dinkins Biological Consulting. This report identified 3 wetland boundaries, totaling .111 acre within the project area, however, the facilities proposed were not identified within those boundaries. This report recognized the establishment of fringe wetland plant communities consisting of the above scrub-shrub and woody communities, including common cattail, woolgrass, silky dogwood, and river alder below the nsp. It also recognized the establishment of hydrology typical of the seasonal fluctuation. However, the soils were not considered hydric per the report in accordance with the Natural Resources Conservation Service (NRCS) list. The resulting report did not recognize the cove shoreline as fringe wetland in total, but rather, specifically in boundaries within the fluctuating zone. (Reference the TVA EA and the consulting wetland delineation report). See Appendix D for the Report on the Delineation of Wetlands Adjacent to Lone Mountain Shores Areas 1, 2, and 5.

The only other wetland in the currently owned Phase I is Wetland #8, where most of the mitigation is proposed for the impact to Wetland #1, as described in Section 2.3 of this EA. There would be some enhancement of the community area as part of the mitigation plan, as described in Section 2.4.

(b) Habitat for fish and other aquatic organisms. The location of the floating dock would be against the bluff of the cove, so therefore, there would be no serious impact to the habitat of aquatic organisms, yet in fact will, provide shelter and attachment surfaces for them. The boat ramp would diminish the normal habitat and disrupt movement of the residential aquatic life, however, it would reestablished itself in time. Although, the project would be a direct impact upon the aquatic environment, it would be in a small area, and therefore, would be considered minor overall.

(c) Wildlife habitat and plant community. The total project area consists mostly of semi-mature mixed hardwoods and pine. There has been recent logging of the mature trees for market. The TVA EA identifies many small games species and neo-tropical migrant bird species utilizing the woodlands. Wetlands are also home to many varieties of waterfowl, birds, mammals, reptiles and amphibians. Several tracks and sightings of small animals and resident birds were noted in the area of proposed construction. The resident population would be dispersed to other sections of the project area, which is considered to be a minor secondary impact upon the total available habitat. The mitigated wetlands would provide a protected habitat for resident and migratory animals, with increased opportunities for success.

(d) Endangered or threatened species. Informal consultation with the U.S. Fish and Wildlife Service (USFWS) by letter dated October 29, 1999, indicated that no federally listed or proposed endangered or threatened species occur within the impact area of the project. Reference the TVA EA, which addresses state-listed species and/or habitat potentially occurring in the total project area.

(e) Biological availability of possible contaminants in dredged or fill material. There is no indication that the sediment nor fill material contains any contaminants. The fill material would be from a clean source of rock and concrete.

### **3.4 Human Use Characteristics and Anticipated Impacts.**

(a) Water related recreation. The proposed facilities would provide water access for the residential property owners within the development. Although, the dock would primarily serve the interior lot owners, the community facilities would be used by all residents on a first come basis. Although the proposal would possibly limit or reduce shoreline use by other segments of the recreating public, it is considered only a minor impact overall.

(b) Traffic/transportation patterns. The applicant proposes to construct an upland parking lot and access road to the community facilities. The access road would serve two-way traffic and have a gravel turnaround just above the ramp. There is no anticipation of traffic flow impact.

(c) Navigation. The cove in which the facilities are proposed is very narrow. However, the shoreline within the cove is categorized as Shoreline Protection, excluding any further construction. The applicant would have only vegetative management in this area. Near the mouth of the cove on the left descending bank, the shoreline is categorized as Managed Residential, allowing individual requests for docks on Lots 59 and 60. These requests would be subject to TVA and Corps approval for specific locations within the lot boundaries. It is not anticipated that the work proposed, nor the future requests, would impede the safe navigation of recreational vessels within this cove. The floating dock would be constructed to collapse during winter months, and therefore, would not be used during that time. Likewise, the ramp would most likely have very little use during the winter.

(d) Aesthetics. There would be some minor permanent impacts upon the aesthetic environment with the new development, but this would most likely occur regardless of the existence of community facilities. The facilities would have a localized impact upon the visual quality of the shoreline, however, the structures alone would be minor overall. As per the TVA EA, the associated proposal includes protected areas of no disturbance, managed and mitigated areas of limited use, based upon approved activities. With this in mind, the impacts would be minor to the overall existing environment.

(e) Historic properties and cultural values. By letter dated October 20, 1999, The Tennessee Historical Commission (THC) determined that several archaeological resources exist in the total proposed project area that are potentially eligible for listing in the National Register of Historic Places. As

a result, the applicant has proposed to categorize these areas as Shoreline Protection, for resources that have been identified, and Residential Mitigation, with limited use per Corps/TVA approval, in accordance with the THC regulatory policies. Further coordination between TVA and the THC resulted in a determination, by letter dated December 28, 1999, that these resources would be addressed as phases of the single undertaking of the total project development. Any individual proposals for construction in the Residential Mitigation areas would be reviewed accordingly and subject to further analysis, either by additional archeological surveys, and/or specific mitigation measures necessary to avoid such resources.

**3.5 Cumulative and Secondary Impacts.** Although the associated existing upland development in the area has already disturbed the terrestrial section of the lake, the community facilities proposal is not considered to have a substantial cumulative effect upon the overall lake environment. The development of private property is not dependent upon the approval of the community facilities. Continued development of private lands adjacent to the shoreline would most likely continue. Any secondary impacts would be minimal with implementation of the proposed mitigation plan and the TVA SMI.

#### **4.0 Public Involvement Process.**

**Consideration of Public Comments.** On October 12, 1999, Public Notice 99-62 was issued to advertise the proposed work, and to determine the overall public interest of the proposal and the need for a public hearing. All responses have been received, considered and addressed in the EA and are included in Appendix E. There were no requests for a public hearing. The Tennessee Wildlife Resources Agency and the U.S. Fish and Wildlife Service responded to the PN and the TVA draft EA as discussed below. There was also a request by the Tennessee Commission of Indian Affairs for a copy of the initial archeological survey of the project area. The responses are addressed below.

1) In response to the PN by letters dated November 30, 1999 and December 1, 1999 to TVA and the Corps, respectively, the Tennessee Wildlife Resources Agency addressed their concern for the cumulative effect of this proposal upon the overall lake environment. They state that, while not opposed to community facilities, they do not support the proposal that includes the opportunity for individual dock requests, which contribute to the proliferation of shoreline development. They state that they do not concur with the TVA Blended Alternative of the SMI.

2) By letter dated November 10, 1999, TVA responded to the Commission of Indian Affairs with a requested copy of the Phase I archeological survey.

3) The USFWS responded by letter dated November 17, 1999, to the draft EA circulated by TVA. They recommended the applicant Alternative 2 as the least adverse impact to fish and wildlife resources. The USFWS did not make this recommendation directly to the Corps.

TVA is preparing a response to the agency comments, of their position in accepting the applicant's proposal in accordance with the SMI Blended Alternative and agreements as discussed in this EA and their EA.

Since the agencies concern was for the TVA SMI overall, the Corps considered their concerns, but determined the community dock and boat ramp proposal to have only a minor impact upon the overall lake environment. The Corps permit decision was solely based upon the impacts of the current water-dependent proposal itself.

## **5.0 Findings**

### **5.1 Section 404 (b)(1) Analysis.**

General: The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical and physical, and biological integrity of the waters of the U.S. through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. Since the proposed boat ramp requires fill of the lakebed, the fill must be evaluated under Section 404 (b)(1) Guidelines. Appendix C includes a Section 404(b)(1) Guidelines compliance evaluation.

Restrictions on the Discharge: Section 230.10 requires that the discharge meet certain restrictions in order to be authorized. The project is to be evaluated and comply with the following restrictions: (a) there would be no other practicable alternatives to the proposal that would have less adverse impacts on the aquatic environment, (b) that the discharge would not adversely impact water quality, violate State water quality standards, toxic effluent standards, or jeopardize the continued existence of a threatened or endangered species as identified under the Endangered Species Act, (c) the discharge would not cause or contribute to the significant degradation of waters of the U. S., and (d) the project would be designed in such a manner as to minimize to the extent possible the adverse impacts on the aquatic environment.

Factual Determination. In accordance with 33 CFR Part 325, Appendix B Policy and Procedures for Implementing the National Environmental Policy Act (NEPA), an EA has been prepared. The EA indicates no significant adverse environmental impacts as a result of the proposed work. The work is not expected to affect any federally-listed endangered or threatened species, nor any cultural or archeological resources. The alternatives considered were (1) issue the permit (2) issue the permit with modifications or conditions or (3) deny the permit. The impacts of the proposed action and alternatives to the proposal were evaluated. The EA did not reveal any practicable alternatives that would have less adverse impacts on the aquatic environment. Since there would be no other practicable alternatives to the proposal, the adverse impacts have been minimized to the extent possible.

An evaluation of the fill material was conducted in accordance with the 404(b)(1) Guidelines promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 404 of the Clean Water Act. Based on the probable impacts addressed above, compliance with the restrictions, and all other information concerning the fill materials to be used, the proposed work complies with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.



**5.2 Clean Air Act Determination.** The proposed project has been analyzed for conformity applicability, pursuant to Section 176c of the Clean Air Act. It has been determined that the proposed activities would not exceed de minimus levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR part 93.153. Any later indirect emissions caused by the proposed activity are generally not within the DA continuing program responsibility, and cannot be practically controlled by the DA. Therefore, a conformity determination is not required for a permit.

**5.3 Findings of No Significant Impact.** Based on a full consideration of the EA, information obtained from cooperating federal and state agencies, and comments received from the interested public, I have concluded that issuance or denial of the requested permit would not constitute a major federal action that would significantly affect the quality of the human environment. This constitutes a Findings of No Significant Impact (FONSI); therefore, the preparation of an Environmental Impact Statement is not required. This FONSI was prepared in accordance with paragraph 7a of Appendix B, 33 CFR 325 dated 3 February 1988 (effective 4 March 1988).

**5.4 Public Interest Determination.** I have reviewed the application, responses to the PN and the EA. No requests for a public hearing was received concerning the proposal. The proposed action would result in only minor impacts to the environment while providing benefit to the residential public in the form of water accessibility for the residential community and local economic growth. The work would be conducted with special conditions to minimize impacts to the aquatic and terrestrial habitat. The environment would benefit by enhancing existing shoreline wetlands at a 4:1 ratio and creating additional waterfowl habitat. This mitigation would improve the overall wetlands and shoreline vicinity for all terrestrial and aquatic life forms, amidst the existing development not in the regulatory review of the Corps. Having weighed these potential benefits that may be accrued against the reasonably foreseeable detrimental effects, I conclude that permit issuance would not be contrary to the public interest.

3/15/2000

Date

Marty G. Tyree

Marty G. Tyree, Project Manager  
Construction-Operations Division

## **APPENDIX A**

PROJECT LIMITS

POWDER SPRINGS, TN  
QUAD.

LOCATION OF PHASE I FACILITIES

AREA 1

PHASE II AREAS 2-5

PROJECT LIMITS

DUTCH VALLEY, TN  
QUAD

FILE NO. 980016280

APPLICANT: LONE MTN. SHORES

PN # 99-62

ED SHORELINE

ITAL MITIGATION SHORELINE

RESIDENTIAL SHORELINE

DEVELOPMENT SCHEDULE

TOTAL ACRES:	2,400 AC.
TOTAL SHORELINE	65,518 L.F.
LAKEFRONT LOTS:	175
INTERIOR LOTS:	400
TOTAL LOTS:	575

AVERAGE ACREAGE PER LOT:

4.2 AC.

AVERAGE LAKEFRONT LOT

374 L.F.

SHORELINE FRONTAGE

LAKEFRONT LOTS

AREA 1	40 LOTS
AREA 2	80 LOTS
AREA 3	45 LOTS
AREA 4	10 LOTS
TOTAL	175 LOTS

FILE NO. 980016280  
APPLICANT: LONE MTN. SHORES  
PN # 99-62

OVERALL RESIDENTIAL DEVELOPMENT PLAN

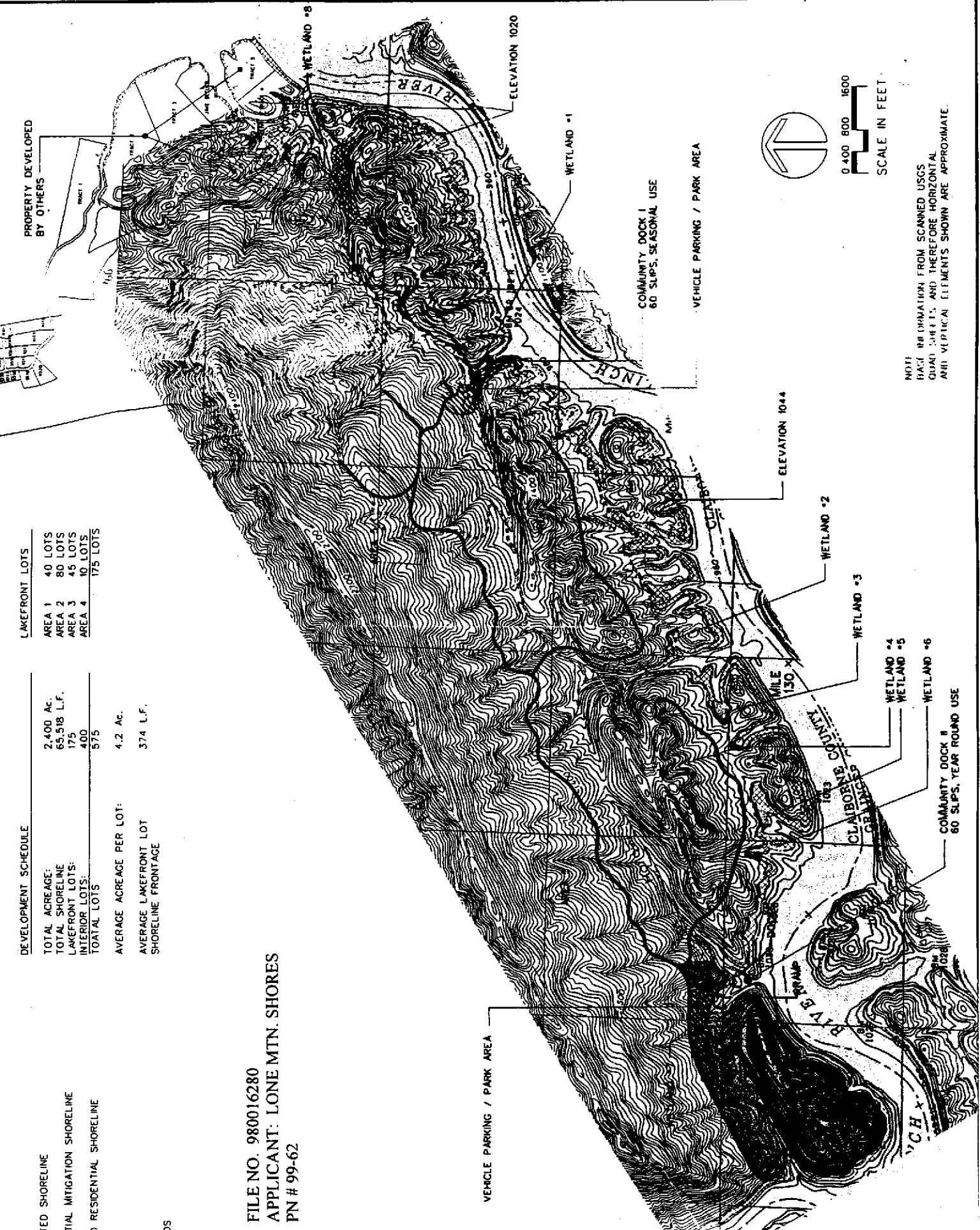
PRELIMINARY  
NOT FOR  
CONSTRUCTION

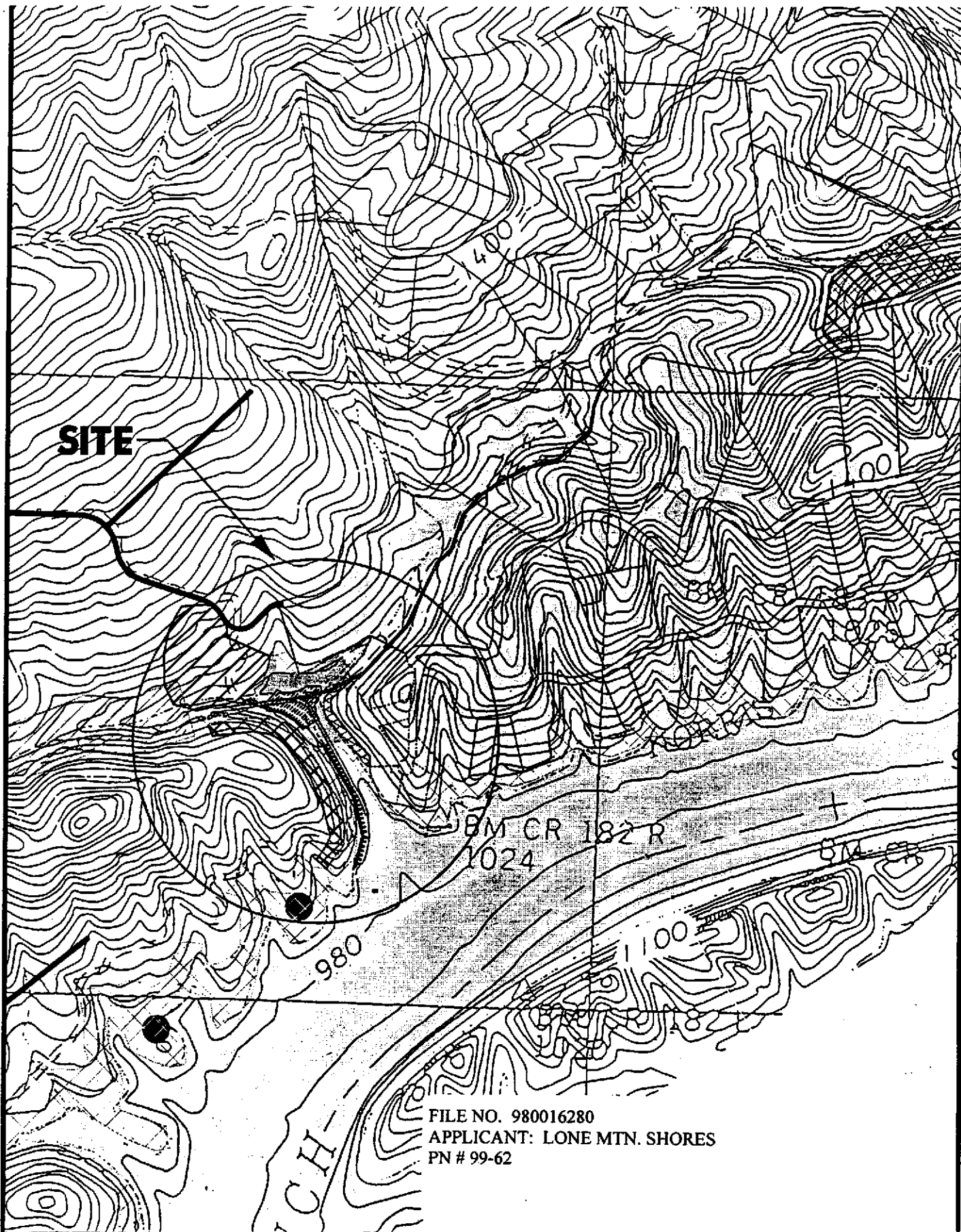
LONE MOUNTAIN SHORES

NO.	DATE	DESCRIPTION

FIG.

FILE NO. 25128





FILE NO. 980016280  
APPLICANT: LONE MTN. SHORES  
PN # 99-62

**BWSC**

**BARGE  
WAGGONER  
SUMNER &  
CANNON, INC.**

ENGINEERS ARCHITECTS PLANNERS  
LANDSCAPE ARCHITECTS AND SURVEYORS

First Tennessee Plaza Suite 2400, Memphis, Tennessee 38101  
Phone (901) 527-7000 Fax (901) 527-9994

**SITE LOCATION MAP**

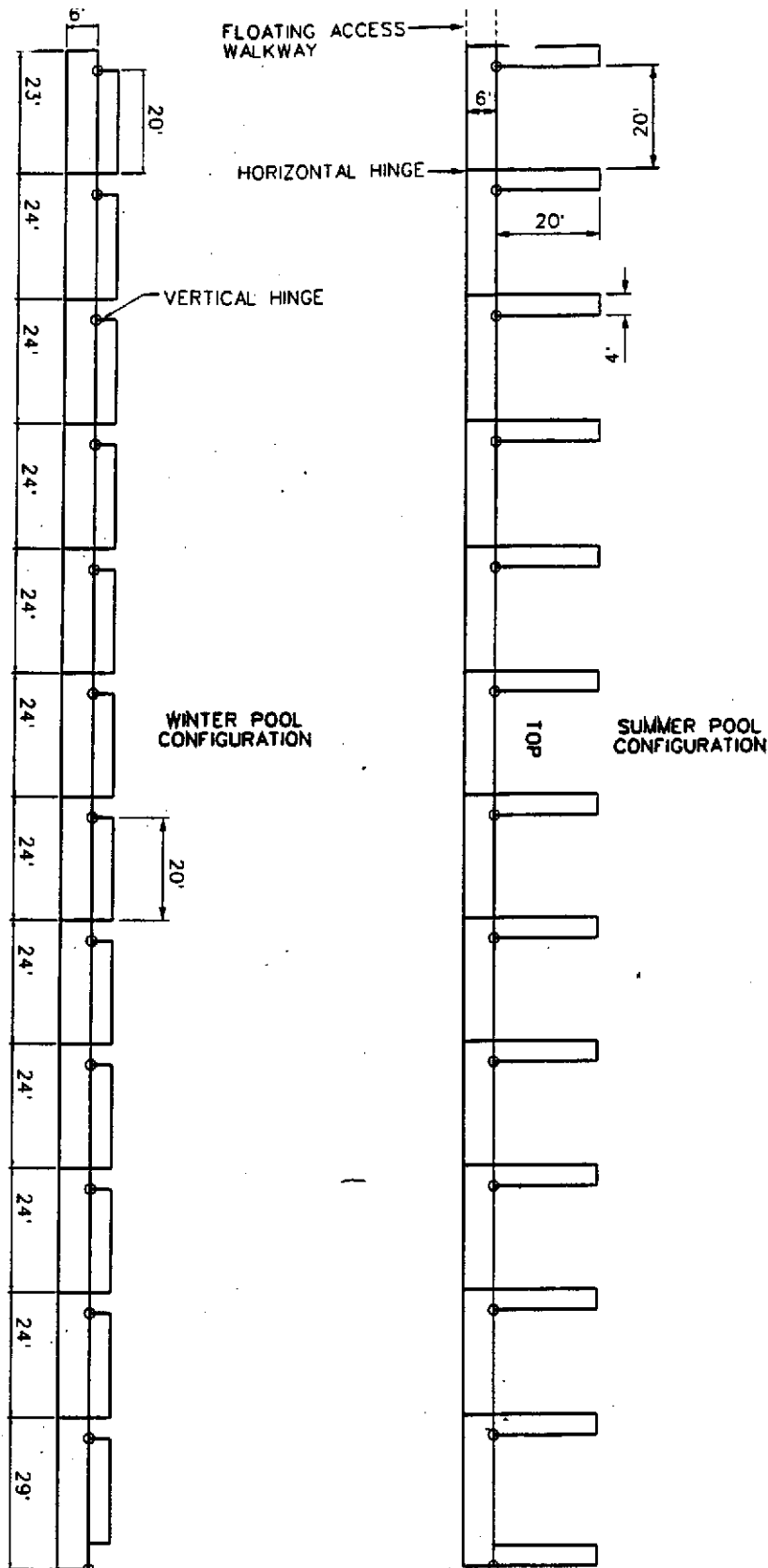
**LONE MOUNTAIN SHORES**  
UPPER EAST TENNESSEE

DRAWN BY: KCB  
CHECKED BY: SAF

DRAWING NO.:

PROJECT NO.: 25128-00  
DATE: 3-25-99

1. TOTAL SLIP LENGTH 700'
2. FLOTATION TO BE ENCASED  
FOAM FOR WALKWAY AND SLIPS.
3. TOTAL ACCESS WALKWAY  
LENGTH 250'±



FILE NO. 980016280  
APPLICANT: LONE MTN. SHORES  
PN # 99-62



First Tennessee Plaza Suite 2400 Knoxville, Tennessee 37929  
Phone (423) 537-7200 Fax (423) 573-0060

**BARGE  
WAGGONER  
SUMNER &  
CANNON, INC.**

## TYPICAL BOAT SLIPS PLAN

**LONE MOUNTAIN SHORES**  
UPPER EAST TENNESSEE

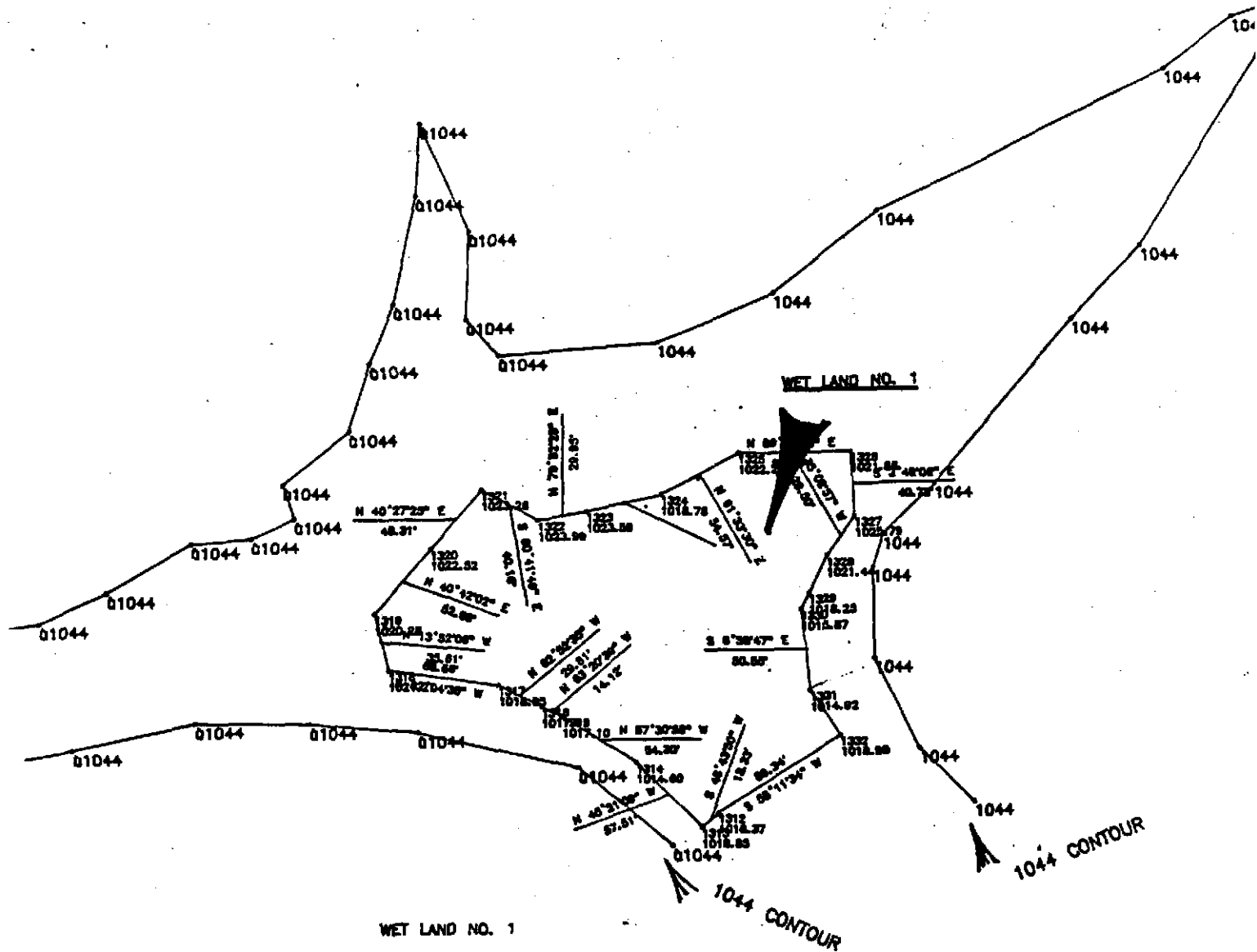
KCB

SAF

**C2**

25128-00

3-25-99



	NORTH	EAST	ELVE.	
1312	7405.2724	12588.0622	1016.3735	TVA
1313	7396.4830	12578.0466	1018.8548	TVA
1314	7436.8968	12537.1323	1014.6040	TVA
1315	7466.0569	12491.3316	1017.0991	TVA
1316	7472.3922	12478.7111	1017.9144	TVA
1317	7485.9831	12452.1790	1018.8468	TVA
1318	7495.4472	12384.1739	1021.2146	TVA
1319	7530.0199	12375.6383	1020.2831	TVA
1320	7569.9557	12409.9893	1022.5201	TVA
1321	7606.7111	12441.3336	1023.2570	TVA
1322	7587.0539	12476.3581	1023.9904	TVA
1323	7592.3196	12505.8435	1023.5844	TVA
1324	7602.3899	12552.2967	1018.7823	TVA
1325	7628.3817	12600.2840	1022.2325	TVA
1326	7628.5136	12669.6731	1021.8555	TVA
1327	7587.8271	12672.3767	1025.7938	TVA
1328	7563.7059	12655.3930	1021.4416	TVA
1329	7541.3240	12644.4130	1018.2455	TVA
1330	7531.4721	12639.5507	1015.8739	TVA
1331	7481.2663	12645.4009	1014.9248	TVA
1332	7452.3588	12683.9837	1018.9833	TVA

FILE NO. 980016280  
 APPLICANT: LONE MTN. SHORES  
 PN # 99-62





Swiger and Sun  
2041 Hwy. 25 E South Tazewell, Tn. 37870  
423-626-3777 office - 423-626-8189 fax

U.S. Army Corp of Engineers  
Attn: Debbie Tuck

RE: Lone Mountain Shores attachment to Marina #1 permitting

\*A - 4' x 30' long galvanized metal culvert used to let water drain beneath of exhibit G ( access carwalk) We are not changing the path of the water flow. We will disturb less than 1 cubic yard of soil. It will be filled with clean limestone aggregate. It will slope from the 1007.8 elevation to the 1004.6 elevation. The center of the culvert will be approximately 125' from the top of exhibit G.

**ELIMINATED** B - 2' x 48' galvanized metal culvert used to let water drain beneath exhibit F ( 12' x 250' concrete launch ramp. ) We are not changing the path of the water flow and will disturb less than 1 cubic yard of soil. It will be filled with clean limestone aggregate. It will slope from the 1007.5 elevation to the 1005.6 elevation. The center will be approximately 120' from where the launch ramp crosses the 1020 elevation.

\*C = 5' x 40' galvanized metal culvert which will channel water under the 12' x 250' launch ramp. We are not changing the path of the water flow and will disturb less than 1 cubic yard of soil. This area is located outside of the wetland boundary. It will slope from the 1008.0 elevation to the 1003.0 elevation. The center will be approximately 145' from where the launch ramp crosses the 1020 elevation.

\*D = 3' x 48' galvanized metal culvert which will channel under the 20' ramp access drive. This area is located outside of the wetland area. It will require the removal of approximately 6 yards of soil, which will be hauled to other properties in Lone Mountain Shores above the 1044 elevation. It will slope from the 1024.0 elevation to the 1023.0.

E - This requires the removal of approximately 83 yards of soil in an area approximately 340' below where the launch ramp crosses the 1020 elevation. The 35' x 15' area slopes from the highest elevation of 1000 to the lowest elevation of 995. We propose to remove approximately a 3' layer of soil in this area to change the elevation of this slope to 997 and 992. The removal of this soil will enable navigation to the concrete launch ramp without causing damage to boats.

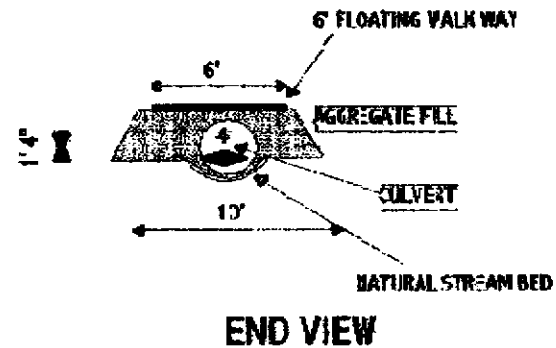
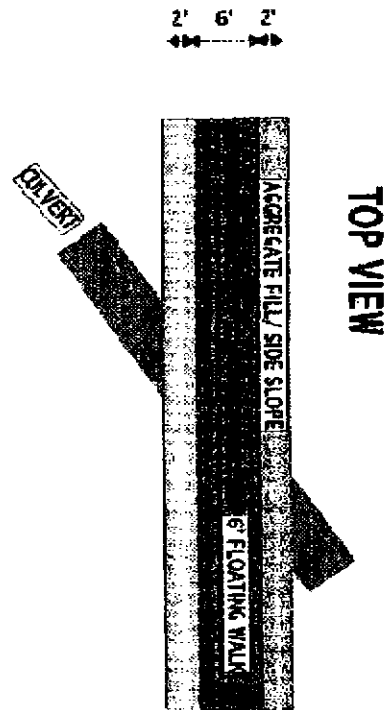
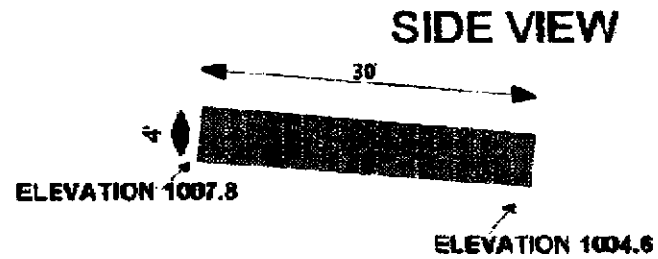
\*F = 250' x 12' concrete launch ramp with approximately 33 yards of concrete and approximately 272 yards of clean limestone aggregate fill. (218 yards of fill will be below the 1020 elevation, 54.5 yards will be above the 1020 elevation.) The depth of fill will average 18" with maximum 36" and minimum 6". To enable the proper slope of fill, the width could average 18'. This will require minimal excavation.

G = Access carwalk limestone aggregate fill covers an area 160' x 10' x average 1 1/2', with maximum depth of 36" and a minimum of 6". Total cubic yards of fill below the 1020 elevation = 160.

Thank you for your cooperation. If you have any questions please feel free to call me at 423-805-2402.

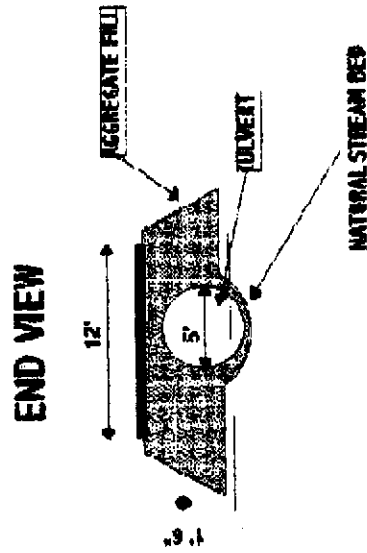
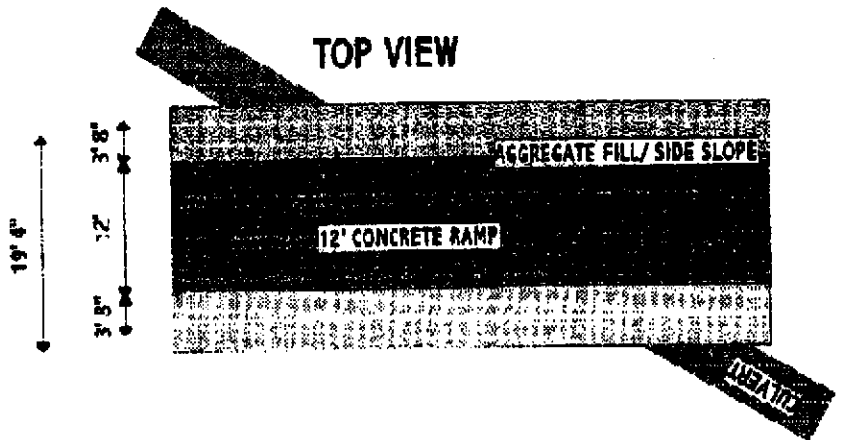
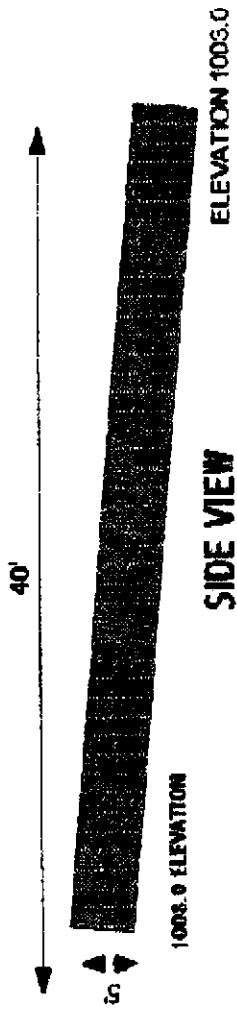
\* Notes that these have been changed

LONE MOUNTAIN SHORES MARINA #1  
 EXHIBIT A = 4' X 30" GALVANIZED METAL CULVERT



6' CONCRETE ACCESS CATWALK  
 FILL BELOW 1020 EL.  
 COVERS AREA OF 160'  
 X 10' X 1 1/2'. TOTAL  
 CUBIC YARDS ADDED  
 BELOW 1020 E. = 89

LONE MOUNTAIN SHORES MARINA #1  
 EXHIBIT C - 8' X 76' GALVANIZED METAL CULVERT



**LONE MOUNTAIN SHORES MARINA #1**  
**EXHIBIT D = 3' X 48' GALVANIZED METAL CULVERT**

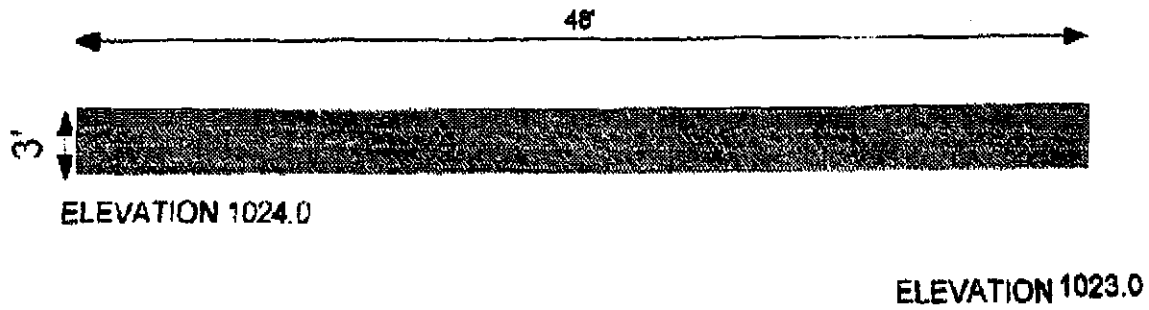
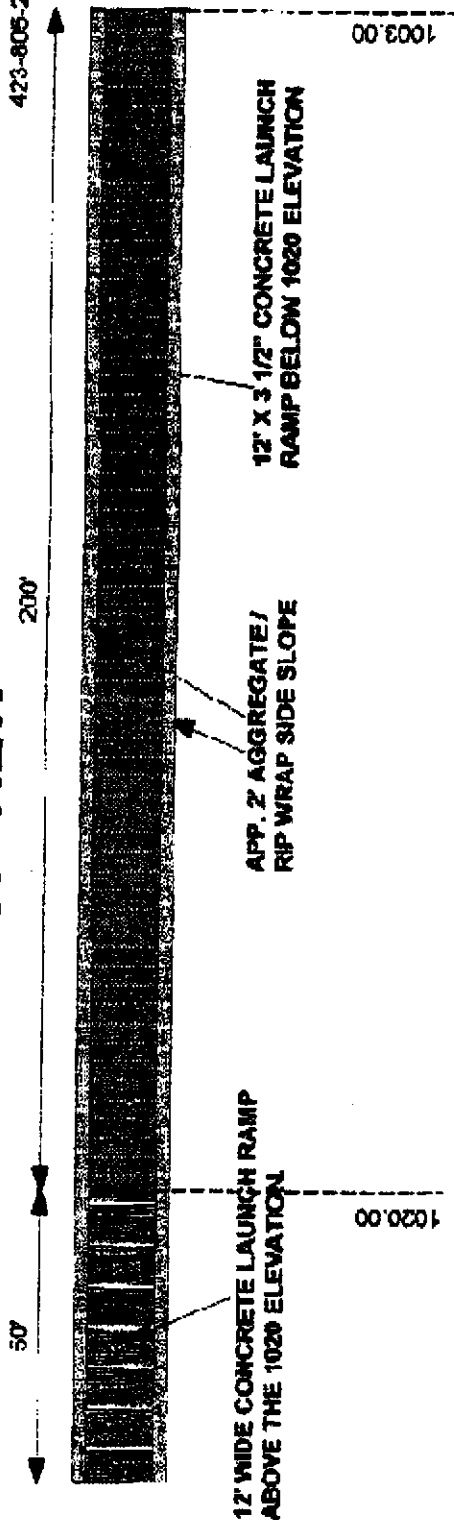


Exhibit F

MODIFIED BY  
RAY SWIGER  
423-626-3777 office  
423-805-2402 cell

# TOP VIEW



EL. 1032 +

# SIDE VIEW

APP. 12.9% GRADE



AVERAGE AGGREGATE / LIMESTONE  
RIP WRAP FILL 16" - 36" MAXIMUM  
5" MINIMUM, APP. 218 CUBIC YARDS  
REQUIRED TO ACHIEVE PROPER SLOPE  
BELOW THE 1020 EL.

NOTE: 34.5 YARDS OF CLEAN FILL WILL  
BE REQUIRED ABOVE THE 1020 EL.  
(MINOR EXCAVATING REQUIRED)

FILE #: 980016250  
APPLICANT: LONE MTN. SHORES  
PN - 99-62  
DRAWING # LMSCOR1

## **APPENDIX C**

DATA FORM  
ROUTINE WETLAND DETERMINATION  
(1987 CCE Wetlands Delineation Manual)

Project Site: <u>Lone Mtn Shores Wetland # 1</u> Applicant Owner: <u>RED CREEK RANCH</u> Investigator: <u>DEBORAH T. TUCK</u>	Date: <u>18 Aug 1999</u> County: <u>Claiborne</u> State: <u>TN</u>
Do Normal Circumstances exist on the site? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> Is the site significantly disturbed (Atypical Situation)? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> Is the area a potential Problem Area? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> (If needed, explain on reverse.)	Community ID: _____ Transect ID: _____ Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Black willow</u>	<u>U</u>	<u>Obl</u>	9. _____	_____	_____
2. <u>Buttonbush</u>	<u>U</u>	<u>Obl</u>	10. _____	_____	_____
3. <u>Juncus</u>	<u>U</u>	<u>FacW</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: \_\_\_\_\_

HYDROLOGY

<p> <input type="checkbox"/> Recorded Data (Describe in Remarks):              <input checked="" type="checkbox"/> Stream, <u>Lake</u>, or Tide Gauge              <input type="checkbox"/> Aerial Photographs              <input type="checkbox"/> Other  <input type="checkbox"/> No Recorded Data Available       </p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: _____ (in.)</p> <p>Depth to Free Water in Pit: _____ (in.)</p> <p>Depth to Saturated Soil: _____ (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Inundated</li> <li><input type="checkbox"/> Saturated in Upper 12 Inches</li> <li><input type="checkbox"/> Water Marks</li> <li><input checked="" type="checkbox"/> Drift Lines</li> <li><input type="checkbox"/> Sediment Deposits</li> <li><input checked="" type="checkbox"/> Drainage Patterns in Wetlands</li> </ul> <p>Secondary Indicators (2 or more required):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</li> <li><input type="checkbox"/> Water-Stamped Leaves</li> <li><input type="checkbox"/> Local Soil Survey Data</li> <li><input type="checkbox"/> FAC-Neutral Test</li> <li><input type="checkbox"/> Other (Explain in Remarks)</li> </ul>
<p>Remarks: _____</p>	

Map Unit Name (Series and Phase): _____		Drainage Class: _____	
Taxonomy Subgroup: _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:		Matrix Color	Mottles Color	Mottles	Texture, Concretions, Structures, etc.
Depth (meters)	Horizon	Munsell Moist	Munsell Moist	Abundance/Contrast	
8'		4/2, 4/3	10 YR	no mottles	

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input checked="" type="checkbox"/> Aquic Moisture Regime <input checked="" type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:
----------

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes No (Circle)	Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes No
Wetland Hydrology Present? <input checked="" type="radio"/> Yes No	
Hydric Soils Present? * <input checked="" type="radio"/> Yes No	
Remarks: * Considered under changing conditions such as that of seasonal fluctuation of the lake pool	



DATA FORM  
ROUTINE WETLAND DETERMINATION  
(1987 COE Wetlands Delineation Manual)

Project Site: <u>Lone Mtn Shores Wetland # 6</u> Applicant Owner: <u>RED CREEK RANCH</u> Investigator: <u>DEBORAH T. TULL</u>	Date: <u>18 Aug 1999</u> County: <u>Clatsop</u> State: <u>IN</u>
Do Normal Circumstances exist on the site? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> Is the site significantly disturbed (Atypical Situation)? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> Is the area a potential Problem Area? <span style="float: right;">Yes <input checked="" type="radio"/> No</span> (If needed, explain on reverse.)	Community ID: _____ Transect ID: _____ Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Burton bush</u>	<u>U</u>	<u>Obl</u>	9. _____	_____	_____
2. <u>Sweetgum</u>	<u>O</u>	<u>FAC+</u>	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: \_\_\_\_\_

HYDROLOGY

<p><input checked="" type="checkbox"/> Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Stream <u>Gage</u> or Tide Gauge</p> <p style="margin-left: 20px;"><input type="checkbox"/> Aerial Photographs</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: _____ (in.)</p> <p>Depth to Free Water in Pit: _____ (in.)</p> <p>Depth to Saturated Soil: _____ (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Inundated</li> <li><input checked="" type="checkbox"/> Saturated in Upper 12 Inches</li> <li><input checked="" type="checkbox"/> Water Marks</li> <li><input checked="" type="checkbox"/> Drift Lines</li> <li><input checked="" type="checkbox"/> Sediment Deposits</li> <li><input checked="" type="checkbox"/> Drainage Patterns in Wetlands</li> </ul> <p>Secondary Indicators (2 or more required):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</li> <li><input type="checkbox"/> Water-Stained Leaves</li> <li><input type="checkbox"/> Local Soil Survey Dr.</li> <li><input type="checkbox"/> FAC-Neutral Test</li> <li><input type="checkbox"/> Other (Explain in Remarks)</li> </ul>
<p>Remarks: _____</p>	

# SOILS

Map Unit Name (Series and Phase): _____		Drainage Class: _____	
Taxonomy Subgroup: _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:		Matrix Color	Mottle Colors	Mottle	Texture, Concretions, Structure, etc.
Depth (inches)	Horizon	Munsell Moist	Munsell Moist	Abundance/Contrast	
8-12"	.	4/3, 6/8 (mottles)			

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input checked="" type="checkbox"/> Aquic Moisture Regime <input checked="" type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:

## WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	(Circle) Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No
---	--

Remarks: \* Considered to be so if continued under seasonal fluctuating conditions of lake pool.

Approved by HQUSACE 3/92

DATA FORM  
ROUTINE WETLAND DETERMINATION  
(1987 COE Wetlands Delineation Manual)

Project Site: <u>Longhorn Shores Wetland #7</u> Applicant Owner: <u>RED CREEK RANCH</u> Investigator: <u>DEBORAH T. TUCK</u>	Date: <u>18 Aug 1999</u> County: <u>Clatsop</u> State: <u>OR</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the site significantly disturbed (Atypical Situation)? <input checked="" type="radio"/> Yes <input type="radio"/> No Is the area a potential Problem Area? <input checked="" type="radio"/> Yes <input type="radio"/> No (If needed, explain on reverse.)	Community ID: _____ Transect ID: _____ Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Butterbush</u>	<u>1</u>	<u>Obl</u>	9. _____	_____	_____
2. _____	_____	_____	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): 100%

Remarks: \_\_\_\_\_

HYDROLOGY

<p><input checked="" type="checkbox"/> Recorded Data (Describe in Remarks):</p> <p style="margin-left: 20px;"> <input checked="" type="checkbox"/> Stream, <del>Lake</del>, or Tide Gauge  <input type="checkbox"/> Aerial Photographs  <input type="checkbox"/> Other         </p> <p><input type="checkbox"/> No Recorded Data Available</p> <hr/> <p>Field Observations:</p> <p>Depth of Surface Water: _____ (in.)</p> <p>Depth to Free Water in Pit: _____ (in.)</p> <p>Depth to Saturated Soil: _____ (in.)</p>	<p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Inundated</li> <li><input checked="" type="checkbox"/> Saturated in Upper 12 Inches</li> <li><input checked="" type="checkbox"/> Water Marks</li> <li><input checked="" type="checkbox"/> Drift Lines</li> <li><input checked="" type="checkbox"/> Sediment Deposits</li> <li><input checked="" type="checkbox"/> Drainage Patterns in Wetlands</li> </ul> <p>Secondary Indicators (2 or more required):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</li> <li><input type="checkbox"/> Water-Stained Leaves</li> <li><input type="checkbox"/> Local Soil Survey Dr.</li> <li><input type="checkbox"/> FAC-Neutral Test</li> <li><input type="checkbox"/> Other (Explain in Remarks)</li> </ul>
<p>Remarks: _____</p>	

# SOILS

Map Unit Name (Series and Phase): _____		Drainage Class: _____	
Taxonomy Subgroup: _____		Field Observations Confirm Mapped Type? Yes No	

Profile Description:		Matrix Color	Mottle Colors	Mottle	Texture, Concretions, Structure, etc.
Depth (meters)	Horizon	Munsell Moist	Munsell Moist	Abundance/Contrast	
8-12"		4/2; 5/2	10 YR		

Hydric Soil Indicators:	
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input checked="" type="checkbox"/> Aquic Moisture Regime <input checked="" type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chrome Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)

Remarks:

## WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="radio"/> Yes <input type="radio"/> No (Circle) Wetland Hydrology Present? <input checked="" type="radio"/> Yes <input type="radio"/> No Hydric Soils Present? <input checked="" type="radio"/> Yes <input type="radio"/> No	(Circle) Is this Sampling Point Within a Wetland? <input checked="" type="radio"/> Yes <input type="radio"/> No
---	--

Remarks: + Considered to be so under changing conditions relating to lake pool fluctuations.

## **APPENDIX E**

TOTAL P.04



**TENNESSEE HISTORICAL COMMISSION**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

December 28, 1999

Mr. J. Bennett Graham  
Tennessee Valley Authority  
Cultural Resources  
NRB 2C  
17 Ridgeway Road, Box 920  
Morris, Tennessee 37828-0920

RE: TVA, LONE MOUNTAIN SHORES DEVELOPMENT, UNINCORPORATED, CLAIBORNE COUNTY

Dear Mr. Graham:

The additional information regarding the above-referenced undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 108 of the Act are codified at 36 CFR 800 (64 FR 27044, May 18, 1999).

We acknowledge the error in regard to the eligibility determination for site 40CE128. We concur with your office's recommendation that site 40CE128 does not contain cultural resources eligible for inclusion in the National Register of Historic Places.

We further concur with your agencies proposed strategy of phased compliance for the Lone Mountain Shores Development. Additional compliance requirements, including Phase II testing or avoidance of the eleven previously identified sites (40CE84, 40CE91, 40CE120, 40CE121, 40CE122, 40CE125, 40CE127, 40CE133, 40CE96, 40CE97, and 40CE124), may be addressed on a permit by permit basis for individual lots.

Please submit each permit application for this development to this office for review and comment. Each permit application will be reviewed for both its primary and secondary effect on cultural resources. While the permits will be reviewed individually, all will be considered in relation to the encompassing Lone Mountain Shores Development and thereby will be addressed as phases of a single undertaking.

Please inform this office if this project is canceled or not permitted by the federal agency. Questions and comments may be directed to Jennifer M. Bartlett (615) 741-1588, ext. 17.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper  
Executive Director and  
Deputy State Historic  
Preservation Officer

TOTAL P.04

December 22, 1999

Jennifer Bartlett  
Tennessee Division of Archaeology  
5103 Edmondson Pike  
Nashville, TN 37211

RE: TVA, LN MOUNTAIN SHORES DEVELOPMENT, UNINCORPORATED,  
CLAIBORNE COUNTY

Dear Ms. Bartlett:

This follows your letter of April 26, 1999 regarding section 106 consultation for the referenced project. At the outset, TVA would like to bring to your attention an error regarding the eligibility recommendation for Site 40CE128. We were recently informed of this error by Ms. Lynn Pietak of TRC Garrow Associates (TRC). In December, 1999, TRC recorded and documented this site in the report titled *Phase I Archaeological Survey of the Tennessee Lone Mountain Shores Development, Claiborne County, Tennessee*. Although the text of the report identified Site 40CE128 as being ineligible for listing in the National Register of Historic Places (NRHP), the site was erroneously placed in the table (i.e. Table 17) of the report that compiled the potentially eligible sites. Ms. Pietak stated that the table is incorrect, and Site 40CE128 is not being recommended as eligible for listing in the NRHP. After reviewing this additional information, TVA concurs with the recommendation of ineligibility for this site. Please make a note of this in your records.

With regard to our section 106 obligation under the National Historic Preservation Act (NHPA), we agree with the view expressed in your April 26, 1999 letter that the 8 archaeological sites potentially eligible for listing in the NRHP (40CE84, 40CE91, 40CE120, 40CE121, 40CE122, 40CE125, 40CE127, 40CE133) and the 3 cemeteries (40CE96, 40CE97, and 40CE124) should either be avoided or subjected to additional Phase II testing if these sites would be affected by the undertaking. In view of the large land area involved for this project (2400 acre development) and the long shoreline corridor associated with the development (175 lakefront lots with an average of 374 linear feet of lake frontage per lot), it is difficult to predict at the present time whether the archaeological and cemetery sites can be completely avoided. We are therefore proposing

that the decision whether to avoid the sites or conduct Phase II evaluations be deferred until a future time when section 26a permit applications are submitted by individual lot owners for constructing water-use facilities. At that time, based on the specific plans submitted by individual lot owners for constructing water-use facilities, we would be able to determine whether the archaeological and cemetery sites can be completely avoided. If avoidance is not feasible, a Phase II survey would be required to be conducted as part of the data to be submitted with the section 26a permit application.

Based on the above, we would like to proceed with the current undertaking to approve the overall shoreline management plan for the Lone Mountain Shores Development project. In future, as section 26a permit applications are received from individual lot owners, we will coordinate our review of these applications with your office to determine whether the archaeological and cemetery sites can be avoided, and, if not, to have Phase II surveys conducted to identify and evaluate the historic properties. Section 800.4(b)(2) of the regulations of the Advisory Council for the protection of historic properties allows phased identification and evaluation of historic properties for projects of this kind involving corridors or large land areas. See 36 CFR 800.4(b)(2). We understand that under this phased approach, TVA can proceed with the current undertaking to approve the overall shoreline management plan deferring the decision to conduct Phase II surveys to a future time when section 26a permit applications are received from individual lot owners.

Eric Howard or Richard Yarnell will call you during the beginning of next year to discuss with you this issue of phased evaluation. In the meantime, if you have any questions or need additional information, please contact A. Eric Howard at (423) 632-1403 or fax at (423) 632-1795.

Sincerely,

J. Bennett Graham  
Senior Archaeologist  
TVA Cultural Resources





## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
P.O. BOX 40747  
NASHVILLE, TENNESSEE 37204

December 1, 1999

Ms. Deborah Tuck  
U.S. Army Corps of Engineers  
P.O. Box 1070  
Nashville, TN 37202-1070

re: 99-62 - Red Creek Ranch d/b/a Tennessee Lone Mountain Shores, Inc.  
Proposed community dock and boat ramp, Mile 131.6R, Clinch River, Norris  
Lake, Claiborne County, TN

Dear Ms. Tuck:

The Tennessee Wildlife Resources Agency generally supports community dock and launching facilities as an alternative to numerous privately owned docks and ramps. The Tennessee Valley Authority is currently circulating an Environmental Assessment (EA) for Lone Mountain Shores Corporation with a preferred alternative which would allow *both* private and community facilities. In the enclosed copy of TWRA's comment letter to TVA, we request that community facilities only be permitted for this large development. It is our position that both private facilities and large community facilities result in unnecessary and excessive shoreline development.

This agency has no direct input on the processing of the General Permits required for the private docks. We must therefore request here that this permit for community facilities not be issued unless TVA determines in its EA process not to allow private facilities, and/or, the Corps similarly does not issue General Permits for private docks.

The proliferation of shoreline development on our public reservoirs is a serious problem. We urge the Corps to assist through the Section 10/404 regulatory program in limiting development to what is absolutely required in order that these public shorelines not be unnecessarily privatized.

Sincerely,

Dan Sherry  
Fish & Wildlife Environmentalist

DS/bjs  
Enclosure

DEC 06 1999

cc: Mark Fagg  
Bob Ripley  
Bob Bay - USFWS  
Tim Merritt - USFWS  
EPA, WPC



## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
P.O. BOX 40747  
NASHVILLE, TENNESSEE 37204

---

November 30, 1999

Mr. Jon M. Loney, Manager  
NEPA Administration  
Environmental Policy & Planning  
Tennessee Valley Authority  
400 W. Summit Hill Drive  
Knoxville, TN 37902-1499

re: Draft Environmental Assessment (EA) - Request for approval of Shoreline Management Plan and Private Water Use Facilities, Tennessee Lone Mountain Shores Corporation, Norris Reservoir, Claiborne County, TN

Dear Mr. Loney:

The Shoreline Management Plan for Lone Mountain Shores relates directly to the TVA Shoreline Management Initiative (SMI). The Tennessee Wildlife Resources Agency is on record as not concurring with the Blended Alternative for SMI, calling instead for stronger environmental standards than those found in the Blended Alternative.

In the subject Environmental Assessment (EA) for Lone Mountain Shores, Alternative 4 (TVA preferred) would "consider a combination of private water use facilities and two community areas, each having a boat landing ramp and community slips". Some of the shoreline segments "may" be categorized for additional mitigation measures (Residential Mitigation). It is inferred that these additional measures would afford more protection to the shoreline than with other alternatives.

Only 11 percent of the shoreline would qualify for this additional mitigation. Even within this 11 percent, specifics of what the mitigation would entail are not presented and would be developed by Lone Mountain Shores Corporation with TVA approval. In fact, the SMI already applies to all of this shoreline. Wetland protection which is presented as a benefit of Alternative 4 is already addressed in both SMI and existing regulations.

On the other hand, we are very concerned with the combination of both private and community water use facilities being permitted, a feature of preferred Alternative 4. SMI allows for this. However, this agency, in the already approved Norris Crest Partnership development, has objected to the Corps permitting of community docks in addition to the private docks allowed for by the EA for that development. This objection

is consistent with our view that SMI should be strengthened environmentally. In a permit review process for Lone~~star~~ Mountain Shores, we would similarly be compelled to object to this much development.

TWRA supports planning which allows for community dock and launching facilities as a sole source for these facilities. We see no need for both community and private facilities at the expense of a public resource (Norris Lake) except for the effect of these amenities on increased private property values. We therefore strongly urge the adoption of Alternative 2 as preferred alternative for Lone Mountain Shores.

Thank you for considering our position on this important matter.

Sincerely,



Dan Sherry  
Fish & Wildlife Environmentalist

DS/bjs

Enclosure

cc: Bob Ripley



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Water Pollution Control  
6th Floor, L & C Building  
401 Church Street  
Nashville, TN 37243-1534

November 19, 1999

Certified Mail Receipt # Z 397 239 707

Red Creek Ranch  
c/o Tennessee Lone Mountain Shores, Inc.  
204 Court Street  
Tazewell, Tennessee 37879

RE: **General Permit for Launching Ramps; NRS #99.354**  
**401 Water Quality Certification**  
Norris Lake  
Claiborne County

Dear Sir or Madam,

We have reviewed your application for the referenced launching ramp construction activity. This activity is regulated by the *Tennessee Water Quality Control Act of 1977*, T.C.A. § 69-3-101 et seq., and the *General Permit for Launching Ramps*. The work is hereby approved for construction. The work must be accomplished in conformance with approved plans, specifications, data, and other information submitted in support of the referenced application and the limitations, requirements, and conditions set forth in the *General Permit for Launching Ramps* (enclosed).

Please note that unnecessary vegetation removal is prohibited. In addition, adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction. Please make the necessary provisions for these circumstances.

The work may also require authorization from the U. S. Army Corps of Engineers. They may be reached at 615-736-2759. **This permit is only valid for up to two years after the date of this authorization letter.** If you need additional information or clarification, please contact Joey Woodard at 615-532-0700.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel C. Eagar", is written over a horizontal line.

Daniel Eagar, Manager  
Natural Resources Section

DEC 6 1999

cc: Deborah Tuck, USCOE, Nashville District  
Dan Sherry, TWRA, Nashville  
Natalie Harris, TDEC, WPC, EAC-N  
file copy



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

November 17, 1999

Mr. Jon M. Loney  
Manager, NEPA Administration  
Environmental Policy & Planning  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1499

Dear Mr. Loney:

Thank you for your correspondence of October 27, 1999, regarding the Tennessee Valley Authority's (TVA) Draft Environmental Assessment (EA)-Request for Approval of Shoreline Management Plan and Private Water Use Facilities, Tennessee Lone Mountain Shores Corporation (LMS), Norris Reservoir, Claiborne County, Tennessee. The Fish and Wildlife Service (Service) has reviewed the document and offers the following comments.

The EA adequately describes the resources within the project impact area and the proposed actions' impact on these resources. The Service recommends that Alternative 2 be selected as the action alternative, and believes it will have the least adverse impacts to fish and wildlife resources while maintaining development and recreational opportunities in the area.

Thank you for the opportunity to comment on this action. If you have any questions regarding the information which we have provided, please contact Wally Brines of my staff at 931/528-6481, extension 222.

Sincerely,

Lee A. Barclay, Ph.D.  
Field Supervisor

<b>RECEIVED</b>	
NOV 23 1999	
Doc. No. <u>6258530</u>	
<u>FJML</u>	<u>MLI</u>
<u>Files</u>	<u>AHL</u>
	<u>MDM</u>
	<u>2DV</u>
Environmental Management	

<b>RECEIVED</b>	
DEC 7 1999	
BY: _____	

November 10, 1999

Mr. Toye Heape  
Executive Director  
Tennessee Commission of Indian Affairs  
401 Church Street  
Nashville, Tennessee 37243-0469

Dear Mr. Heape:

Enclosed is the requested copy of *Phase I Archaeological Survey of the Tennessee Lone Mountain Shores Development, Claiborne County, Tennessee*. Archaeological site location information is exempt from disclosure under 16 U.S.C. § 470hh of the Archaeological Resources Protection Act of 1979. Any location information contained in the enclosed survey report should not be disclosed without prior written permission by the Tennessee Valley Authority (TVA). In addition, the Tennessee State Historic Preservation Office's comments on the proposed project are enclosed.

If you have any questions or need additional information, please contact A. Eric Howard at (423) 632-1403 or fax at (423) 632-1795.

Sincerely,

J. Bennett Graham  
Senior Archaeologist

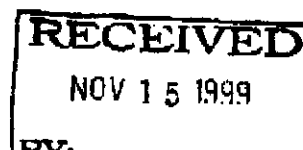
AEH:BB

Enclosures

cc: Stan Davis, WPB 1A-MOI

Linda Fowler, MU 1A-N

Files, RS, NRB 2A-N





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

October 29, 1999

Lt. Colonel Peter F. Taylor, Jr.  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 1070  
Nashville, Tennessee 37202-1070

Attention: Deborah T. Tuck, Regulatory Branch

Dear Colonel Taylor:

The Fish and Wildlife Service (Service) has reviewed the public notice listed below. The following constitute the comments of the U.S. Department of the Interior provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

<u>Public Notice #</u>	<u>Date</u>	<u>Applicant</u>	<u>Due Date</u>
99-62	10-12-99	Red Creek Ranch d/b/a Tennessee Lone Mountain Shores, Inc.	11-12-99


Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

NOV 6 1999



No significant adverse impacts to fish and wildlife, their habitats, and human uses thereof are expected to result from the proposal. Therefore, the Service has no objection to the issuance of the permit to conduct the work described in the subject public notice.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee A. Barclay', with a long horizontal flourish extending to the right.

*For* Lee A. Barclay, Ph.D.  
Field Supervisor

xc: Linda Fowler, TVA, Norris, TN

TBM:sjs



**TENNESSEE HISTORICAL COMMISSION**  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

October 20, 1999

Ms. Deborah Tuck  
United States Army Corps of Engineers  
Regulatory Branch  
Post Office Box 1070  
Nashville, Tennessee 37202-1070

RE: COE-N, PN# 99-62/LONE MOUNTAIN SHORES, UNINCORPORATED, CLAIBORNE COUNTY,

Dear Ms. Tuck:

At your request, our office has reviewed the above-referenced project in accordance with regulations codified at 36 CFR 800 (64 FR 27044, May 18, 1999). Based on the information provided by the Tennessee Valley Authority, we concur that the project area contains archaeological resources potentially eligible for listing in the National Register of Historic Places. Sites 40CE84, 40CE91, 40CE96, 40CE97, 40CE120, 40CE121, 40CE122, 40CE124, 40CE125, 40CE127, 40CE128, and 40CE133 must either be avoided by project activities, or subjected to Phase II archaeological testing.

Upon receipt of the Phase II testing report, we will complete our review of this undertaking as expeditiously as possible. Please submit a minimum of two copies of each final report and complete and Tennessee Site Survey Forms to this office in accordance with the Tennessee Historical Commission Review and Compliance Section Reporting Standards and Guidelines. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Bartlett (615) 741-1588, ext. 17.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper  
Executive Director and  
Deputy State Historic  
Preservation Officer

HLH/jmb

OCT 25 1999

**TENNESSEE COMMISSION OF INDIAN AFFAIRS**

Fifth Floor, L & C Annex, 401 Church Street  
Nashville, Tennessee 37243-0488  
(615) 532-0745

Cubert Bell, Sr.

Carolyn Hughes

Eddie Nickens

Clayton W. Prest

October 19, 1999

Linda Fowler  
TVA Clinch-Powell Watershed Team  
17 Ridgeway Road  
Norris, TN 37828

Dear Ms. Fowler:

I recently received US Army Corps of Engineers Public Notice No. 99-62 regarding Application 980016280, a permit request by Tennessee Lone Mountain Shores, Inc. to construct a floating dock and boat ramp on Norris Lake.

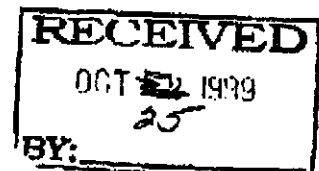
This Public Notice states that TVA identified properties that may be listed in or eligible for listing in the National Register of Historic Places and that TVA required the applicant to conduct an archaeological survey of the project area. I would like to request a copy of this survey report.

Thank you for your time. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Toye Heape".

Toye Heape  
Executive Director



## Appendix F

### 404(B)(1) GUIDELINES COMPLIANCE EVALUATION (RESTRICTIONS ON DISCHARGE, 40 CFR 230.10)

#### Alternatives test.

Are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the U. S." or at other locations within these waters? [Yes(\*)\_ No x]

If the project is in a special aquatic site and is not water-dependent, has applicant clearly demonstrated that there are no practicable alternative sites available? **N/A – project is water dependent** [Yes\_ No(\*)\_] ]

#### Special restrictions. Will the discharge:

violate state water quality standards? [Yes(\*)\_ No x]

violate toxic effluent standards (under Section 307 of the Act)? [Yes(\*)\_ No x]

jeopardize endangered or threatened species or their critical habitat? [Yes(\*)\_ No x]

violate standards set by the Department of Commerce to protect marine sanctuaries? [Yes(\*)\_ No x]

Evaluation of the physical/chemical and biological characteristics and anticipated changes indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s).

[Yes x No\_] ]

(x ) based on available information, the material is not a carrier of contaminants

( ) the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas

( ) acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

**Other restrictions.** Will the discharge contribute to significant degradation of "waters of the U. S." through adverse impacts to:

human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife, and special aquatic sites? [Yes(\*)\_ No x]

life stages of aquatic life and other wildlife? [Yes(\*)\_ No x]

diversity, productivity, and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water, or reduce wave energy? [Yes(\*)\_ No x]

recreational, aesthetic and economic values? [Yes(\*)\_ No x]

**Actions to minimize potential adverse impacts (mitigation).** Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? [Yes x No(\*)\_]

The mitigation measures included in the proposed action together with the standard erosion and sedimentation controls included in the DA permit conditions would adequately minimize pollution or adverse effects to the affected ecosystem.

\*A check in a block denoted by an asterisk indicates that the proposal does not comply with the 404(b)(1) guidelines.

**DEPARTMENT OF THE ARMY PERMIT**

**PERMITTEE:** Red Creek Ranch d/b/a Tennessee Lone Mountain Shores, Inc.  
**PERMIT NUMBER:** 980018280

**ISSUING OFFICE:** Nashville District Corps of Engineers

**NOTE:** The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**PROJECT DESCRIPTION:** Construction of a floating community dock and boat launching ramp in Phase I of a planned residential community. The floating dock would be 26' wide and 700' long, providing 58 slips for use in the summer months only. The dock would have a 6' wide main walkway with a series of 4' wide by 20' long finger piers. The finger piers would be hinged to allow reconfiguration (collapsing) during the winter. Access to the dock would be provided by a 6' wide by 250' long floating walkway, partially located within a jurisdictional wetland. The dock and walkway would consist of encased foam flotation. There would be an associated culvert with an aggregate fill of 2' on each side of the floating walkway, 1.5' deep, for 160' along the walkway to also provide a pad for the walkway to rest on during the winter drawdown. This will result in a wetland fill impact of 0.04 acres.

The boat ramp would be 12' wide by 250' long and be constructed of a 3.5" thick concrete slab and extend from Elevation 1032 to Elevation 1003. Approximately 218 cubic yards of concrete would be utilized for the ramp fill material below the normal summer pool Elevation 1020. There would be some minor grading to achieve the desired 12.8% slope. The boat ramp would be constructed in a jurisdictional fringe wetland with a resulting loss of 0.07 acres.

The applicant will perform on-site enhancement mitigation on a 4:1 ratio for the total wetland loss of 0.11 acres.

These facilities are in association with construction of an upland gravel access road, turnaround and parking lot to facilitate access to the community facilities.

**PROJECT LOCATION:** Mile 131.6 R, Clinch River, Norris Lake, Claiborne County, Tennessee.  
lat:36-21-25 lon:83-38-38, Powder Springs, TN Quadrangle

**PERMIT CONDITIONS:****GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## (33 CFR 325 (Appendix A))

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: (SEE CONTINUATION SHEET 1, SPECIAL CONDITIONS)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( X ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( X ) Section 404 of the Clean Water Act (33 U.S.C. 1344)

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 326.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Peter F. Taylor, Jr., P.E., LTC Corps of Engineers

\_\_\_\_\_  
(DISTRICT COMMANDER)

\_\_\_\_\_  
(DATE)

By: \_\_\_\_\_  
Marty G. Tyree  
Project Manager  
Construction-Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



**SPECIAL CONDITIONS  
FILE NO. 980016280**

1. The work must be in accordance with the plans and information submitted as attached in support of the proposed work.
2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
3. You must have a copy of this permit available on the site and ensure all contractors are aware of its conditions and abide by them.
4. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities (boat dock). The USCG may be reached at the following address and telephone number:

Commander  
Cdr. Eighth Coast Guard District (oan)  
Hale Boggs Federal Building  
501 Magazine Street  
New Orleans, LA 70130-3396

5. You hereby recognize the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve you from taking all proper steps to ensure the integrity of the structure and the safety of boats moored thereto from damage by wave wash and you shall not hold the United States liable for any such damage.
6. All excavated material shall be removed upland above Elevation 1020 and properly contained and stabilized to prevent re-entry into the waterway.
7. The disturbance to riparian vegetation shall be kept to a minimum during construction.
8. The proposed excavation for ramp construction shall be performed during the periods of winter drawdown of the lake to minimize adverse effects on aquatic life and water quality.
9. The discharge of fill material for ramp construction shall be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the CWA as published in 40 CFR 230.
10. The discharge shall consist of suitable material free from toxic pollutants in toxic amounts.
11. Riprap material (size range from 6" - 18" diameter) shall be placed along the sides of the launching ramp to prevent undercutting or washout.
12. You must institute and maintain a strict erosion and sediment control program for the life of the project using Best Management Practices to effectively ensure that all disturbed areas are properly stabilized as soon as practicable to prevent erosion. These methods may also include a combination of native plantings, seeding and riprap at and above Elevation 1020 to accomplish proper erosion control and further protect the integrity of the naturally occurring wetland within the cove.

13. Implement and monitor the on-site enhancement mitigation plan, as stipulated in the corresponding Environmental Assessment (EA) and as follows, in Area 1 Wetlands #1 and #8. To insure success, this plan should be designed and implemented, in accordance with the criteria, by someone familiar with wetland plants and habitat, noting particular attention to the required water elevations.

On-site mitigation for the wetland impacts in Area 1 would include a combination of wood duck box placement and woody species plantings in Area 1, Wetlands #1 and #8, specifically in the Protected Shoreline and the Managed Residential Shorelines of these coves. This plan consists of additional mitigation, as a result of additional wetland impacts within Area 1 Wetland #1. This plan is an enhancement of the existing Wetlands #1 and #8 on a 4:1 ratio, resulting in 0.44 acres of mitigated wetland. The plantings would include six woody species: 100 Willow Oak (*Quercus phellos*) (FACW-), 100 Black Willow (*Salix nigra*) (OBL), 100 Button Bush (*Cephalanthus occidentalis*) (OBL), 100 Common Persimmon (*Diospyros virginiana*) (FAC), including the addition of 300 Bald Cypress (*Taxodium distichum*) (OBL) and 100 Silky Dogwood (*Cornus amomum*) (FACW+) to the original mitigation plan. All plantings are to be placed on no less than 5-6' centers, and if in rows, the rows to be no closer than 5-6'. Two-year old bare root seedlings would be planted in sufficient soils between Elevations 1018 and 1020 for success. The recommended placement of these species would be dictated by the wetland indicator status (i.e. water tolerance) as noted above. Allowance would be made for willow whip cuttings, rather than bare root, to be planted for better survival opportunity. The seedlings would be planted prior to April 15, 2000. Wetland plantings would be monitored annually for survival for 2 years. Any dead seedlings would be replanted each year for 2 years, until 75% survival has occurred.

Construction of the wood duck boxes would be to specific plans for such and would require at least 100' spacing in between each placement. At least two wood duck boxes would be required to be placed in the cove of the Residential Mitigation Shoreline section near Clinch River Mile 132.3R.

14. This permit is for the proposed project as submitted for community facilities in Area 1. Any subsequent requests would be reviewed separately for a determination.

15. This permit information must be included in the Vital Information Sheet for informing any present or future residents of the Lone Mountain Shores Development of the Department of the Army regulatory requirements for facilities below the normal summer pool Elevation 1020.